

TOWNSHIP OF NEW BUFFALO

SEWER USE ORDINANCE

Ordinance No. 201003156

Adopted: 3-15, 2010

An ordinance regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system known as the Galien River Sanitary District in this Township; and providing penalties for violations thereof, in the Township of New Buffalo, County of Berrien, State of Michigan.

THE TOWNSHIP OF NEW BUFFALO ORDAINS:

ARTICLE I

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

1. **B.O.D.** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter.
2. **Building Drain** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.
3. **Building Sewer** shall mean the extension from the building drain to the public drain to the public sanitary sewer main, or other place of disposal, whether on public or private property.
4. **Combined Sewer** shall mean a sewer receiving both surface runoff and sewage.
5. **Garbage** shall mean solid wastes from the domestic and commercial preparation cooking and dispensing of food, and from the handling, storage, and sale of produce.
6. **Industrial Wastes** shall mean the liquid wastes from industrial, manufacturing processes, trade or business as distinct from sanitary sewage.

7. **Natural Outlet** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
8. **Person** shall mean any individual, firm, company, association, society, corporation or group.
9. **ph** shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.
10. **Properly Shredded Garbage** shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all parties will be carried freely under the flow conditions normally prevailing in public sewer, with no particle greater than ½ inch in any dimension.
11. **Public Sewer** shall mean a sewer main in which all owners of abutting properties have equal rights and is controlled by public authority and includes all sewers in the GRSD, but shall not include a building sewer or any connection thereto which serves only one building or owner.
12. **Sanitary Sewer** shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
13. **Sewage** shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
14. **Sewage Treatment Plant** shall mean any arrangement of devices and structures used for treating sewage.
15. **Sewage Works** shall mean all facilities for collecting, pumping, treating, and disposing of sewage and includes all facilities of System No. 7.
16. **Sewer** shall mean a pipe or conduit for carrying sewage.
17. **Shall** is mandatory; **May** is permissive.
18. **Slug** shall mean any discharge of water, sewage or industrial waste which is concentration of any given constituent or in quantity of flow exceed or any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration of flows during normal operation.

19. **Storm Drain** (sometimes termed **storm sewer** shall mean a sewer which carried storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
20. **Superintendent** shall mean the Joint Board of the District or its authorized deputy, agent, or representative.
21. **Suspended Solids** shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
22. **Watercourse** shall mean a channel in which a flow of water occurs, either continuously or intermittently.
23. **Galien River Sanitary District** or **District** or **GRSD** shall mean that unit as established through contracts by and between Chikaming Township, New Buffalo Township, the City of New Buffalo, Lake Township and the City of Bridgman.
24. **Local Units** shall mean one or more of the following governmental units: Chikaming Township, New Buffalo Township, City of New Buffalo, Lake Township, City of Bridgman.
25. **Available public sanitary sewer system** shall mean any portion of the New Buffalo Township Waste Water Collection System which is located in a street, road, highway, right-of-way, easement, or public or private way which crosses, adjoins, abuts or is contiguous to the real estate or land affected and which in the case of real estate or land on which a single-family dwelling unit is located in a street, road, highway, right-of-way, easement or public or private way crossing, adjoining abutting or contiguous to any real estate or land within the special assessment district as defined herein on which is located a structure in which sewage originates.

ARTICLE II

A. Use of Public Sewers Required.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Township or in any area under the jurisdiction of the Township any human or animal excrement, garbage, or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet or drain within the Township or in any area under the jurisdiction of the Township any sewage or other polluted waters except where suitable treatment has

been provided in accordance with subsequent provisions of this ordinance or the requirements of law.

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage in the District.
4. Structures in which sewage originates shall be connected to an available sanitary sewer in accordance with the provisions of New Buffalo Township ordinances which are incorporated herein by reference.
5. Each property owner owning property on which is located a structure in which sanitary sewage originates shall at his own expense install suitable sewage facilities in said structure and shall cause such facilities to be connected to an available public sanitary sewer system.

B. Connection Procedure.

1. Such connection shall be completed promptly but in no case more than 90 days from the date of the occurrence of the last of the following events;
 - a. Publication of a notice by the Township Clerk of the availability of the public sanitary sewer system in a newspaper of general publication in the Township; and mailing written notice of the availability of public sanitary sewer to the owner or any one of the owners in the case of dual ownership.
 - b. Modification of a structure so as to become a structure from which sanitary sewage originates.
2. If the owner of property on which is located a structure from which sanitary sewage originates does not complete connection to an available sewer within the 90-day period prescribed in paragraph B 1 hereof, the Township Clerk shall notify said person by written notice that connection to the system is required forthwith.
3. The giving of the written notice required by B 2 of this section shall be made by personally delivering the same to the property owner or any one of the property owners, or by mailing the same by registered or certified mail, return receipt requested, or by posting the same in a conspicuous place on the premises. Said notice shall give the approximate location of the available public sanitary sewer system which is available for connection of the structure involved and shall advise the property owner of the requirements and of the enforcement provisions of this ordinance.

4. Where the written notices required hereunder are given by mailing, it shall be sufficient to mail a single written notice to the owner or any one of the owners, in the case of co-ownership, at the address of such owner according to the Township's real estate tax records.

C. Late Connection.

In the event the property owner is unable to connect to the system within the time period prescribed by the provisions of Paragraph B of this section, said property owner may appeal to the New Buffalo Township Board to allow said person additional time in which to connect without penalty and without civil proceedings being initiated against him.

D. Required Filings.

1. New Buffalo Township and the District may require each person who applies for or receives sewer service, or through the nature of the enterprise creates a potential environmental problem, to file the materials listed below with the GRSD and New Buffalo Township:
 - a. A written statement setting forth the nature of the enterprise, the enterprise, the source and amount of the water used, the amount of water to be discharged with its present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.
 - b. Provide a plan map of the building, works, or complex with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse, or ground waters noted described and the waste stream identified.
 - c. Sample test and file reports with the District and the appropriate state agencies on appropriate characteristics of wastes on a schedule, at locations and according to methods approved by the Joint Board.
 - d. Place waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
 - e. Provide a report on raw materials entering the process or support system, intermediate materials, final products, and waste byproducts as those factors may affect waste control.

- f. Maintain records and file reports on the final disposal of specific liquid, solid, sludge, oils, radioactive materials, solvents, or other wastes.
- g. If any industrial process is to be altered so as to include or negate a process waste or potential waste written notification shall be given to the District and be subject to approval.

ARTICLE III

Private Sewage Disposal.

1. Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the regulations of the Berrien County Health Department.
2. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article II, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
3. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Township.
4. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Berrien County Health Department.

ARTICLE IV

Permits, Installation, Connections.

1. No unauthorized and unlicensed person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the District.
2. There shall be two (2) classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the District. The permit application shall be supplemented by any plans, specifications, or other

information considered pertinent and an inspection fee of \$76.00 for a residential, commercial or industrial building sewer permit shall be paid to the Township Treasurer at the time the application is filed.

3. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
4. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
6. The size, slope, alignment, materials of construction of a building sewer; and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or applicable rules and regulations of the Township. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Township, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and

watertight. Any deviation from the prescribed procedures and materials must be approved by the District before installation.

10. The applicant for the building sewer permit shall notify the District when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent.

ARTICLE V

Use of the Public Sewers and Rates and Liens

1. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the appropriate state and county agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state or county agency to a storm sewer or natural outlet.
3. Except as hereinafter provided by specific limits, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 - a. BOD in excess of 300 mg/l
 - b. COD in excess of 450 mg/l
 - c. Chlorine demand in excess of 15 mg/l
 - d. Color, as from but not limited to dyes, inks, vegetable tanning solutions, shall be controlled to prevent light absorbency which would interfere with treatment plant processes or that prevent analytical determinations.

- e. Explosive liquid, solid, or gas, gasoline, benzene, naphtha, fuel oil, or other flammables.
 - f. Garbage not properly shredded (no particle size greater than ½").
 - g. Grease, oils, wax, fat, whether emulsified or not, in excess of 50 mg/l, or other substance which may solidify or become viscous at temperatures between 32° and 150°.
 - h. Industrial wastes in concentration above limitations set forth by appropriate state agencies to comply with Federal Guidelines for protection of treatment plants and receiving water course. shall not be allowed to enter sanitary sewers in sufficient quantity to impair the operation of the sewage treatment processes.
 - i. Inert suspended solids (such as but not limited to Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate) in unusual concentrations.
 - j. Insoluble, solid, or viscous substances such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, fleshings, etc.
 - k. Noxious or malodorous gas such as but not limited to Hydrogen Sulfide, Sulphur Dioxide, or Oxides of Nitrogen, and other substances capable of producing a public nuisance.
 - l. Ph less than 5.5 and greater than 9.5.
 - m. Radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by applicable state and federal regulations.
 - n. Suspended solids in excess of 350 md/l.
 - o. Temperatures of wastes less than 32° and greater than 150°.
 - p. Waters or wastes containing substances which are not amendable to treatment only, to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
4. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the

characteristics enumerated in Section 3 of this Article, and which in the judgment of the District may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the District may:

- a. Reject the wastes.
 - b. Require pre-treatment to an acceptable condition for discharge to the public sewers.
 - c. Require control over the quantities and rates of discharge.
 - d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes and sewer charges under the provisions of Section 9 of this Article.
5. If the District permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

Grease, oil and sand interceptors shall be provided when, in the judgment of the District, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the District and accessible for cleaning and inspection.

6. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
7. When required by the District, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
8. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined

in accordance with the most recent edition of "Standard Methods of the Examination of Water and Sewage", and shall be determined at the control manhole. In the event that no special manhole in the public sewer is connected, sampling shall be carried out by customarily accepted methods to reflect the effect of constituent upon the sewage works and to determine the existence of hazards to life limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether grab sample or samples should be taken.

9. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefor by the industrial concern.
10. The Township is a party to a Sanitary Sewage Disposal System Agreement with the Galien River Sanitary District. The Agreement and Amendments create the District and place the System under the control and management of the District. Exhibit "A" sets forth the rates, fees and charges to be imposed upon and collected from the users of the System and provides for review and changes of said rates, fees and charges from time to time. Said rates, fees and charges, from time to time in effect as provided in said Agreement and Amendments, are hereby approved and adopted and all users of the System in the District in the Township shall pay said rates, fees and charges for use of and connection to any public sewer available to a user as provided in this ordinance. No free service shall be furnished by the System in the Township or to any person, firm or corporation, public or private, or to any public agency or instrumentality. Rates, fees and charges for services furnished by the Galien River Sanitary District shall be billed and collected monthly for commercial and industrial users and bi-monthly for residential users. The schedule of rates and charges shall be revised or amended by ordinance or resolution from time to time by the Township Board.
11. If any rates, fees and charges are not paid on or before the due date, a penalty of 10% shall be added. In the event that the rates, fees and charges for any such services furnished to any premises shall not be paid within 15 days after the due date thereof, then all services furnished by the System may be discontinued. Service so discontinued shall not be restored until all sums then due and owing, including penalties and interest, shall be paid plus a turn-on charge of \$50.00.
12. Rates, fees and charges for services furnished by the System to any premises shall be a lien thereon as of the due date thereof, and on

October 1st of each year the Township Clerk shall certify any such rates, fees and charges which have been delinquent ninety (90) days or more, plus penalties and interest accrued thereon, to the County Board of Commissioners who shall enter the same upon the next tax roll against the premises to which such services shall have been rendered and such delinquent rates, fees and charges, with penalties and interest accrued thereon, shall be collected and said lien shall be enforced in the same manner as provided in respect to the taxes assessed upon such roll.

ARTICLE VI

Protection from Damage.

No unauthorized person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest.

ARTICLE VII

Powers and Authority of Inspectors.

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

ARTICLE VIII

Penalties and Enforcement.

1. Any person found to be violating any provision of this ordinance except Article VI shall be served by the Superintendent with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be responsible for a civil infraction, and upon conviction thereof shall be fined in an amount not

exceeding \$500.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

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

ARTICLE IX

Validity and Citation.

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

ARTICLE X

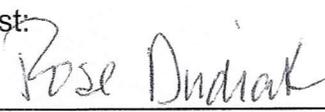
Effective Date.

This ordinance was adopted by the New Buffalo Township Board at a regular meeting held in the Township Hall on the 15 day of March, 2010, and shall take effect the 7th day of May, 2010, the same being more than thirty (30) days after the date of publication.



Paul Oselka, Clerk

Attest:



Rose Dudiak, Supervisor

CERTIFICATION

15
 Oselka . I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the New Buffalo Township Board at a regular meeting held on the day of March, 2010. A motion that said Ordinance be adopted was made by Rogers and supported by Oselka. The names of the Township Board members and their votes are as follows:

NAME	YES	NO	ABSENT
Rose Dudiak, Supervisor	<u>X</u>	_____	_____
Paul Oselka, Clerk	<u>X</u>	_____	_____
Jack Rogers, Treasurer	<u>X</u>	_____	_____
Peter Rahm, Trustee	_____	_____	<u>X</u>
Robert Heit, Trustee	_____	_____	<u>X</u>

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for New Buffalo Township on the _____ day of _____, 2010. and such recording has been authenticated by the signatures of the Supervisor and Township Clerk. I further certify that the foregoing ordinance was published in full or by summary in the New Buffalo Times, a newspaper circulated in the Township of New Buffalo, Berrien County, Michigan, on the 7th day of April, 2010.

Dated: 4-13-10, 2010

Paul Oselka
 Paul Oselka, Clerk

**Amended Sewer Use Ordinance
For New Buffalo Township Residents
Served by the Township Sewer Department**

This Ordinance will be amended as follows:

The following paragraph shall be added to Article V Paragraph 5 of the Sewer Use Ordinance:

Any person that owns or occupies property served by a building sewer that connects the property, including a structure, fixture or improvement on the property, shall be fully responsible for and pay all costs incurred if the sewer lateral that connects the property to the Township sewage system becomes plugged, blocked, or backed up. The owner and/or occupant shall be responsible for paying all costs to correct any overflow, backup or damage to the sewer pipe from the main sewer line to the structure, fixture or improvement on the property. The owner and/or occupant shall hold New Buffalo Township harmless from any costs that result from the sewer main to the structure, fixture or improvement.

A true copy of the ordinance may be inspected or obtained at New Buffalo Township Hall, 17425 Red Arrow Highway, New Buffalo, Michigan during normal business hours of 9:00 a.m. – 4:00 p.m., weekdays.

**Amended Sewer Use Ordinance
For New Buffalo Township Residents
Served by the Township Sewer System**

This Ordinance will be amended as follows:

Article IV, 1.

Add: Only those persons or individuals who have current License Permit Bond in the amount of \$10,000 on record at the New Buffalo Township Building Department, 17651 U.S. Hwy. 12, New Buffalo, Michigan, 49117, are authorized to perform any work on the Township Public Sewer within the Township sewer right of way. Galien River Sanitary District itself is exempt from this requirement.

Article VIII 3. Change To:

Any person who violates any provision of this ordinance, or who discharges or causes a discharge that produces a deposit or obstruction or otherwise damages or impairs the Township Sewer System, which includes but not limited to, manhole, gravity piping, laterals, force mains, and lift stations and its components, or causes or contributes to a violation of any federal, state, or local law governing the system, shall be liable to and shall fully reimburse the Township for all expenses, costs, losses, or damages (direct or indirect) payable and incurred by the Township as a result of such discharge, violation exceedence, or noncompliance.

A true copy of the ordinance may be inspected or obtained at New Buffalo Township Hall, 17425 Red Arrow Highway, New Buffalo, Michigan during normal business hours of 9:00 a.m. – 4:00 p.m., weekdays.