

**WASTEWATER COLLECTION AND TREATMENT
SYSTEM ORDINANCE
TOWNSHIP OF HOWELL
Ord. No. 21 eff. June 30, 1989
Amended by Ordinance No. 169, Effective January 1, 2004**

An Ordinance to provide for the operation and maintenance of a sanitary sewage disposal system by the Township of Howell, Livingston County, Michigan; to provide for the ownership, operation of, and mandatory connection to, said system; to regulate the discharge of water and waste into said system; to prohibit private sewage disposal systems and exceptions thereto; to provide rates and charges to be levied upon users of the system and for connection thereto; for capacity utilization and inspection; to establish administrative and financial procedures for the operation of the system and the discharge of obligations incurred in connection therewith; to define terms, establish funds and provide remedies and penalties for the violation of this Ordinance, and to provide for an effective date hereof.

THE TOWNSHIP OF HOWELL, LIVINGSTON COUNTY, MICHIGAN ORDAINS:

Section 1 TITLE.

This Ordinance shall be known as the Township of Howell Wastewater Collection and Treatment System Ordinance. (Ord. No. 21 eff. June 30, 1989)

Section 2 DEFINITIONS.

As set forth herein the following terms shall have the meanings described in this Section unless the context specifically indicates different meaning.

1. **Act or The Act** shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
2. **Applicable County Health Department** is the Livingston County Health Department.
3. **Attorney** shall mean the Attorney of the Township of Howell, Livingston County, Michigan.
4. **Available Public Sanitary Sewer System** means a public sanitary sewer system located in a right-of-way, easement, highway, or public way which crosses, adjoins, abuts, or is contiguous to the realty involved and passes not more than two hundred (200') feet at the nearest point from a structure for which construction was commenced before January 1, 2013, and in which sanitary sewage originates; or passes not more than four hundred (400') feet at the nearest point from a structure for which construction was commenced on or after January 1, 2013, and in which sanitary sewage originates; or in the case of all other real estate or land, is located in a street, road, highway, right-of-way, easement or public or private way crossing, adjoining, abutting or contiguous to any land within a Special Assessment District heretofore or hereafter created, on which is located a structure in which sanitary sewage originates. (Ord. No. 21 eff. June 30, 1989; amend. by Ord. No. 253 eff. February 3, 2013)
5. **B.O.D.** shall mean the biochemical oxygen demand which is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees Centigrade, expressed as milligrams per liter.

6. **Building Sewer** shall mean the sewer that connects the building or structure in which wastewater originates to the public sewer and conveys the sewage from the building or structure to the public sewer.
7. **Connection Fee.** In addition to any other assessments, fees, or charges under this Ordinance, a Connection Fee shall be charged for wastewater treatment capacity, utilization and/or reservation for all residential dwellings, and for each Residential Equivalent in excess of one Residential Equivalent for multiple dwellings, commercial buildings and industrial facilities. The amount of the Connection Fee shall be determined as provided in this Ordinance. Premises other than single family residences shall pay a Connection Fee in an amount equal to the Connection Fee for one Residential Equivalent multiplied by the factor developed in the formula established by the Table of Unit Factors referred to in Section 7 of this Ordinance and attached to this Ordinance as Attachment A. An additional Connection Fee may be charged when an existing multiple residential, commercial or industrial facility already connected to the wastewater collection and treatment system expands or alters the industrial or commercial use of its premises.
8. **Commercial Users** shall mean any establishment being involved in a commercial enterprise, business or service which, based upon a determination by the Township Board, discharges primarily segregated domestic wastes or wastes from sanitary conveniences, and which is not a residential or industrial user.
9. **Compatible Pollutant** shall mean a substance amenable to treatment in a publicly owned wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit of the Publicly Owned Treatment Works (POTW) designed to treat such pollutants and which does in fact remove such pollutants to a substantial degree. Such additional pollutants may include but not be limited to: chemical oxygen demand, total organic carbon, phosphorous and phosphorous compounds, nitrogen and nitrogen compounds, fats, oils, and greases of animal or vegetable origin.
10. **County** shall mean the County of Livingston, State of Michigan.
11. **Debt Service Charge** shall mean the charge paid by those connected to or required to connect to the system which is used to pay principal, interest, and administrative costs of retiring the debt incurred for the construction of the local portion of the system.
12. **Direct Connection** shall mean the connection of a premise wherein sanitary sewage originates directly to sewer lines constructed by or dedicated to the Township.
13. **Garbage** shall mean solid waste from the preparation, cooking, and dispensing of food and from the handling, storage and sale of produce.
14. **Governmental User** shall mean a facility connected to a sanitary sewer system and which is occupied by governmental offices or any other facility that provides governmental services at public expense.
15. **Incompatible Pollutant** shall mean any pollutant which is not a compatible pollutant.
16. **Indirect Connection** shall mean the connection of any premises to any sewer lines not originally comprising the sewer system constructed by the Township but connecting thereto, e.g., premises served by subdivision and mobile home park sanitary sewers which in turn

connect to public sewers.

17. **Industrial User** shall mean any manufacturing or processing facility discharging wastewater to a public sanitary sewer system or any trade or process which discharges wastewater to a public sanitary sewer system and which may contain toxic or poisonous substances or may contain any substance which may inhibit or disrupt any sanitary sewer system, wastewater treatment system or disposal system for solid wastes which are generated in a public owned treatment works.
18. **Industrial Wastes** shall mean the wastewater discharges from industrial, manufacturing, trade or business process as distinct from their employees domestic waste or wastes from sanitary conveniences.
19. **Institutional User** shall mean any establishment listed in the SICM involved in a social, charitable, religious, or educational function which, based on a determination by the Township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
20. **Multiple Residential Dwelling** shall mean a dwelling in which more than one family resides.
21. **MG/L** shall mean milligrams per liter.
22. **Major Contributing Industry** shall mean an industrial user of the publicly owned sewage works that meets one or more of the following:
 - A. A user subject to categorical pretreatment standards; or
 - B. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the municipal system receiving the waste; or
 - C. A user that discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the municipal system receiving the waste (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or,
 - D. Is designated as such by the Township on the basis that it has a reasonable potential for adversely affecting the Sewage Treatment Plant operation or for violating any pretreatment standard or requirement, or if found by the permit issuance authority in connection with the issuance of an NPDES Permit to the publicly owned sewage works receiving the waste, to have significant impact either singly or in combination with other contributing industries on the treatment works or upon the quality of effluent emanating from said treatment works.
 - E. Any Industrial User containing pollutant in their discharge defined in discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
23. **Natural Outlet** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
24. **Normal Domestic Strength Wastewater** shall mean a sewage or other wastewater

effluent which shall be a compatible pollutant as defined in Item 9 of this Section with B.O.D. of 300 milligrams per liter or less, suspended solids of 350 milligrams per liter or less, and total phosphorous of 12 milligrams per liter or less.

25. **NPDES Permit** shall mean a permit issued pursuant to the National Pollution Discharge Elimination System.
26. **O & M Charge** shall mean the charge assessed to users of the system for the cost of operation and maintenance (including the cost of replacement) of the system.
27. **Operation and Maintenance (O & M)** shall mean all work, materials, equipment, utilities and other effort required to operate and maintain the system, including the cost of replacement, wastewater collection, transportation, and treatment of effluent consistent with adequate treatment of wastewater to produce an effluent in compliance with the NPDES Permit and other county, state and federal regulations, if any.
28. **Person** shall mean the individual, firm, company, partnership, association, society, group or corporation.
29. **pH** shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
30. **Plumbing Inspector** or **Inspector** shall mean the appointed inspector of the Township.
31. **Private Sewage Disposal Systems** shall mean any septic tank, lagoon, cesspool, or other facilities intended or used for the disposal of sanitary sewage other than via the public sanitary sewer.
32. **Properly Shredded Garbage** shall mean the waste from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewers with no particles greater than one-half (1/2") inch in any dimension.
33. **Property Owner** shall mean the person or persons having legal title to the premises according to the Township tax records and shall include in the case of land contract sale, the land contract vendee or vendees, provided that the Township has been furnished with a copy of said land contract or assignment thereof.
34. **Replacement** shall mean the obtaining and installing of any equipment, accessories, and appurtenances which are necessary during the service life of the system to maintain the capacity and performance to which such system was designed and constructed and to preserve its financial integrity.
35. **Residential Equivalent** or **Equivalent Unit** shall mean the factor representing a ratio of the estimated sewage generated by each user class to that generated by the normal single family residential user. The designation RE shall mean Residential Equivalent.
36. **Residential User** shall mean the user of the system whose premises or building is used primarily as a residence for one or more persons including dwelling units such as detached, semidetached, row houses, mobile homes, apartments, or permanent multi-family dwellings. For purposes of this Ordinance transient lodgings shall be considered to be commercial use.

37. **Sanitary Sewage** shall mean the liquid or water-carried waste discharge from sanitary convenience of dwellings, (including apartment houses, motels and hotels), office buildings, factories, or institutions.
38. **Sanitary Sewer** shall mean the conveyance which carries sanitary sewage and into which storm water, surface and ground waters are not intentionally admitted.
39. **Sewage** shall mean any combination of sanitary sewage, storm water, industrial waste, and uncontaminated industrial waste, or any of them.
40. **Sewer Treatment Plant** shall mean any arrangement of devices or structures used for the treating of sewage.
41. **Sewer** shall mean a pipe or conduit and appurtenances for transmitting or carrying sanitary sewage including any devices necessary for pumping, lifting, or collecting such sewage.
42. **Sewer Service Charge** shall mean the charge to users of the Sewage Collection and Transmission System, which shall include the O & M Charge and may include a Debt Service Charge. Users that are not connected to the system but are required to be connected to the system are required to pay the Debt Service Charge portion of the Sewer Service Charge.
43. **Shall** and **May** shall have the following meanings: Shall is mandatory; May is permissive.
44. **Special Assessment District** shall mean any special assessment district for the Township wastewater collection system which was established by a Resolution of the Township Board for the purpose of defraying, in whole or in part, the cost of the system.
45. **Standard Industrial Classification (SIC).** A Classification pursuant to the Standard Industrial Classification Manual (SICM) issued by the Executive Office of the President, Office of Management and Budget, 1972.
46. **Storm Sewer** shall mean a sewer intentionally designed for receiving and conveying storm, surface and groundwater and into which sanitary sewage shall not be admitted.
47. **Structure in which Sanitary Sewage Originates** shall mean a building in which a toilet, kitchen, laundry, bathing or other facilities which generate water-carried sanitary sewage are used or are available for use for household, commercial, industrial, or other purposes.
48. **Surcharge** shall mean the additional charge which user discharging wastewater having strength in excess of the limits set by the Township for transmission and treatment within the sanitary sewage system will be required to pay to meet the cost of treating such excessively strong wastewater.
49. **Suspended Solids** shall mean solids that either float on the surface of, or are in suspension in the water, sewage or other liquids and which are removable by laboratory filter.
50. **System** shall mean the complete Township Wastewater Collection and Treatment System.
51. **Superintendent** shall mean the superintendent of the Township Wastewater Collection and Treatment System, including all sewers, pumps, lift stations, treatment facilities or other facilities and appurtenances used or useful in the collection, transportation, treatment and

disposal of domestic, commercial or industrial wastes, and all easements, rights and land for same and including all extension and improvements thereto which may hereafter be acquired or constructed.

- 52. **Table of Unit Factors** shall mean that Table of Unit Factors adopted under Section 7C of this Ordinance, and attached to this Ordinance as Attachment A, which shall be utilized to identify the various classifications of sewer usage and establishing as Residential Equivalents (or RE) the ratio of such use of the System to that of a single family residence.
- 53. **Township** shall mean the Township of Howell, Michigan.
- 53a. **User** shall mean the property owner and/or tenant of the premises that are connected to or required to connect to the system.
- 54. **User Charge** shall mean the charge levied on users of the system for the cost of operation and maintenance of such work which charge shall also include cost of replacement.
- 55. **User Class** shall mean the kind of user connected or required to be connected to the sanitary sewers including but not limited to Commercial, Governmental, Industrial, Institutional, and Residential Users as defined under Items 8, 14, 17, 19 and 36 respectively, of this Section 2, Definitions.
- 56. **Wastewater** shall mean water which contains, or previous to treatment has contained, pollutants, such as sewage and/or industrial wastes.
- 57. **Water Course** shall mean an open channel, either natural or artificial in which flow of water occurs, either continuously or intermittently.

(Ord. No. 21 eff. June 30, 1989; amend. by Ord. No. 84 eff. July 19, 1999; amend. by Ord. No. 169 eff. January 1, 2004)

Section 3 OPERATION AND MAINTENANCE AND CONTROL.

The operation and maintenance of the system shall be under the supervision and control of the Township and/or any County/Drainage District contract which shall be agreed upon between the Township and the County. Pursuant to the terms of this Ordinance and such contracts the Township has retained the exclusive right to establish, maintain, and collect rates and charges for sewage collection, treatment, transmission and debt service, and in such capacity the Township may employ such person or persons in such capacity or capacities as it deems advisable, and may make such rules or regulations as it deems advisable and necessary to assure the efficient establishment, operation and maintenance of the system, to discharge its financial obligations, and collection of rates and charges as herein provided.

(Ord. No. 21 eff. June 30, 1989)

Section 4 USE OF PUBLIC SEWERS REQUIRED; PRIVATE SEWAGE DISPOSAL.

- A. **MANDATORY CONNECTION REQUIREMENT.** Each and every owner of property on which is located a structure in which sanitary sewage originates, shall, at his own expense, install suitable toilet facilities in said structure, and shall cause such facilities to be connected to the available public sanitary sewer system, upon resolution of the Township Board.

B. CONNECTION PROCEDURES.

- 1) Such connection shall be completed promptly but in no case later than ninety (90) days from the date of the occurrence of the last of the following events.
 - a) Publication of a notice by the Township of the availability of the public sanitary sewer system in a newspaper of general circulation within the Township and the mailing of written notice indicating the availability of the public sanitary sewer to the owner or any one of the owners in case of co-ownership of the property in question.
 - b) Modification of a structure so as to become a structure where sanitary sewage originates.
- 2) If the property owner on which is located a structure in which sanitary sewage originates does not complete connection to an available sanitary sewer within the (90) day period described in Paragraph 1 above, the Township shall notify said person by written notice that connection to the system is required forthwith. The giving of said notice shall be made by first class or certified mail to the property owner on which the structure is located or by posting such notice on the property. Notice shall provide the owner with the approximate location of the public sanitary sewer system which is available for connection of the structure involved and shall advise the owner of the requirements and the enforcement provisions of this Ordinance and Sec. 12751 through 12758 of Act 368 of Public Acts of Michigan 1978 as amended.
- 3) **Adverse Weather Exception for Late Connection.** In the event the property owner is unable to connect to the system within the time prescribed by this Ordinance due to or on account of inclement or adverse weather conditions, said property owner may appeal to the Township to allow said person additional time in which to connect without penalty and without civil and criminal proceedings being initiated against him. The foregoing notwithstanding this appeal shall be made in writing within ten (10) days of notice of sanitary sewer availability as hereinbefore set forth.

C. ENFORCEMENT OF MANDATORY CONNECTION REQUIREMENTS.

- 1) **Penalties for Late Connection.** Failure or refusal to connect to the system within the time prescribed herein shall result in the property being charged a penalty of Three Hundred Dollars (\$300.00) for each single family residential unit multiplied by the number of units and/or multiplying factors as established by the Table of Residential Equivalents.
- 2) **Civil Penalties for Late Connection.** Where any structure wherein sanitary sewage originates in not connected to the system ninety (90) days after the date of mailing or otherwise serving notice to connect hereinbefore set forth, the Township may bring an action for mandatory injunction or injunctive order in any court of competent jurisdiction in the County of Livingston to compel the owner of the property on which said property is located to connect to the system. The Township may charge in such action or actions any number of owners of such properties to compel said person or persons to connect to the system.

- 3) **By Criminal Proceedings.** Any violation of this Ordinance including failure to comply with the mandatory connection requirements of this Ordinance shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or incarceration for a period of not more than ninety (90) days or both such fine and imprisonment in the discretion of the court. Each day that a violation of this Ordinance shall continue shall be construed to constitute a separate offense.
- D. Without prior consent of the Township Board, it shall be unlawful for any person to place, deposit, or permit to be deposited upon any public or private property within the Township (or any area under its jurisdiction) any human excrement, garbage, or other objectionable waste.
- E. It shall be unlawful to discharge to any natural outlet any sanitary sewage, industrial waste, or other polluted water except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- F. Except as hereinafter provided, it shall be unlawful to construct any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage or industrial waste.
- G. Where a public sanitary sewer is not available under the provisions of Section 4 of this Ordinance, the building sewer shall be connected to a private sanitary sewer disposal system which shall be approved by the Livingston County Health Department, or such other Health Department having jurisdiction.
- H. At such time as the public sanitary sewer system becomes available to premises served by a private sewage disposal system, connection to the public system shall be made in compliance with this Ordinance, and any septic tank, cesspools and similar private disposal facilities located thereon shall be abandoned and discontinued for sanitary sewage disposal use.
- I. All private sewage disposal systems maintained in compliance with this Ordinance shall be maintained in a sanitary manner at all times at the sole expense of the owner thereof.
- J. All abandoned private sewage disposal systems shall be completely filled with earth, sand, gravel, concrete or other approved material. Upon the abandonment or discontinuation of use of a septic tank or privy, the sewage and sludge contents thereof shall be completely removed and disposed of by a septic tank cleaner who is duly licensed under provisions of Act No. 181 of the Public Acts of 1986. The tank, or the pit in the instance of a privy, shall be treated with at least 10 pounds of chlorinated lime or other chemical disinfectant acceptable to the Livingston County Health Department. Then the tank or pit shall be completely backfilled with approved material and made safe from the hazard of collapse or entrapment.

(Ord. No. 21 eff. June 30, 1989, further amend Ord. No.122, eff. Feb.18, 2001)

Section 5 BUILDING SEWERS, CONNECTION AND REPAIRS.

A. BUILDING SEWER REGULATIONS.

- 1) A separate and independent building sewer (lead) shall be provided for every building in which sanitary sewage originates.
- 2) All costs and expense incident to the installation of the building sewer and the connection of same to the public sewer shall be borne by the property owner.
- 3) All building sewers (leads) shall meet or exceed all requirements of this Ordinance.
- 4) Building Sewer hereinafter installed shall consist of pipes and fittings of the following types and sizes:
 - a) Pipe must be of sufficient diameter to carry the estimated volume of discharge. Minimum pipe size permitted is six (6") inch ID on private property and six (6") inch ID within the public right-of-way.
 - b) Pipe must be one of the following materials and cannot be mixed in the connection lines to include the fittings.
 - (1) Extra strength vitrified clay pipe with ASTM 425 joints;
 - (2) Cast-iron soil pipe with no-hub type joints;
 - (3) Ductile iron with rubber-type gaskets, slip joint or mechanical joint;
 - (4) Polyvinyl chloride (PVC) pipe type 1, Schedule 40 ASTM D 1785 push-on type joints.
 - (5) Polyvinyl chloride (PVC) ASTM D 3034 (SDR35) with ASTM D 3212 push-on type joints.
 - a) No tees, double tees, or crosses, or double hub pipes shall be permitted; and
 - b) All changes in grades shall be made with appropriate 1/8 bends.
- 5) Cleanouts shall be installed every ninety (90') feet of straight run and at each 90-degree direction change, (two forty-five-degree connections). All cleanouts shall be plugged, and shall be accessible at any time.
- 6) All lines shall be laid at a minimum 1/8 inch per foot grade and a maximum one-half (1/2") inch per foot grade for six (6") inch building sewers.
- 7) The method to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the current Plumbing Code Rules, issued by the Michigan Department of Labor, Construction Code Commission.

- 8) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid within three (3') feet of the outside bearing wall of a building. The depth shall be sufficient to afford protection from frost.
- 9) In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by a pumping system and discharged to the building sewer.
- 10) All excavation for building sewer installation, connection and repair shall be pursuant to appropriate permits and shall be adequately guarded by barricades and lighting so as to protect the public from hazard. Streets, sidewalks, alleys, parkways, and other property disturbed in the course of the installation and construction work shall be restored in a manner satisfactory to the relevant municipality.
- 11) All building sewers servicing a building containing more than two (2) residential units shall, in addition to the other requirements herein, be air tested and approved by the Township.
- 12) The connection of the building sewer to the public sewer shall be made at the wye branch or manhole designed for that property if such outlet is available at a suitable location. Any connection not made at the designated outlet in the main sewer shall be done in accordance with the requirements of the Township engineers.

B. CONNECTION REGULATIONS.

- 1) No person shall uncover, make any connections with or openings into, alter or disturb any public sewer, building sewer, or appurtenance thereto without first obtaining a written connection permit from the Township.
- 2) The fee for the connection permit shall be an amount established by Ordinance or resolution of the Township. In addition, the applicant shall pay any delinquent special assessment installments that are due and owing at the time of applying for a connection permit.
- 3) The owner or contractor applying for a connection permit will receive three (3) copies of the permit, one copy each for the contractor, the property owner, with the third copy to be returned to the Township with a sketch of the installation on the back showing all dimensions, directions, and other important information concerning the installation. The latter copy will remain the property of the Township.
- 4) No connection to the system will be permitted unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant, including capacity for treatment of B.O.D., Total Phosphorus, Ammonia-Nitrogen, and suspended solids.
- 5) All connections and/or repairs to the system will be made by a contractor or licensed plumber registered with the Township provided, however, that a property owner may make his own installation and connection so long as he has secured a connection permit.

- 6) All contractors and plumbers making connections and/or repairs to the system shall file a license and/or a permit bond with the Township in the amount of \$10,000.00 or such amount as the Township shall require, and in addition shall provide the Township with a copy of their plumber= or contractor= license from the State of Michigan and a copy of their liability insurance policy (providing a minimum of \$100,000/\$300,000 personal liability protection and \$500,000 property damage protection) prior to performing any connections or repairs to the system. Said bond shall indemnify the Township by reason of the contractor=s or plumber=s breach of this Ordinance or any rule or regulation relating thereto. The Superintendent may, upon notice of a violation, revoke the connection permit issued by the Township under this Section. Said revocation shall become final unless the permit revocation is reversed by the Township.
- 7) No person shall connect roofs down spouts, foundation drains, area way drains, swimming pool drains, or any sources of surface or groundwater to a building sewer which in turn is connected to the Township Sanitary Sewer System.
- 8) No building sewer shall be covered until after it has been inspected and approved by an authorized inspector of the Township or its designee, for compliance with the terms of this ordinance and any other applicable ordinances and regulations.
- 9) Any construction of a sanitary sewer within the public right-of-way which is required after completion and acceptance of the public system described herein shall be charged to the property owner requesting connection. Said charge shall be the actual cost of such construction plus ten (10%) percent thereof for administrative expense. Payment shall be made as follows:
 - a) Not less than fifty (50%) percent of the estimated cost shall be deposited with the Township prior to commencement of construction; and
 - b) The balance, if any, of said costs and administrative fees shall be paid upon completion of construction.(Ord. No. 21 eff. June 30, 1989; amend. by Ord. No. 169 eff. January 1, 2004).

Section 6 USE OF THE PUBLIC SEWER.

A. STORM, GROUND AND UNPOLLUTED WATER.

- 1) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, or roof water to any sanitary sewer.
- 2) Storm water, groundwater and all other unpolluted drainage (including noncontact industrial cooling water) shall be discharged into storm drains or into a natural outlet suitable for said purpose.

B. GREASE, OIL AND SAND INTERCEPTORS (TRAPS).

- 1) Grease, oil and sand interceptors (traps) shall be provided at the expense of the property owner when liquid wastes may contain grease, oil, and sand in excessive amounts. All interceptors shall be of a type and capacity approved by the Township and shall be located as to be readily and easily accessible for cleaning and inspection. Grease, oil and sand interceptors shall be constructed of impervious materials 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 into place shall be gas tight and watertight.

- 2) Where installed, all grease, oil and sand interceptors (traps) shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

C. **PROHIBITED DISCHARGES-PRELIMINARY TREATMENT.** No user shall introduce or cause to be introduced into the municipal sewer system any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the Township Sewer system, whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

Specific Prohibitions. No user shall introduce or cause to be introduced into the municipal sewer system the following pollutants, substances, or wastewater:

- 1) Containing a five (5) day BOD greater than two hundred seventy-five (275) MG/L or containing more than three hundred (300) MG/L of suspended solids; or
- 2) Having a temperature greater than 150°F (65.5°C) or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C); or
- 3) Containing any quantity of substances having the characteristics described in paragraph B hereof; or
- 4) Having a chlorine demand of more than fifteen (15) milligrams per liter; or
- 5) That contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the municipal system receiving the waste; or
- 6) With total phosphorous concentrations greater than twelve (12) milligrams per liter as phosphorous, and total ammonia concentrations greater than 35 mg/L shall be subject to review and approval for acceptance by the Township; or
- 7) Containing more than 100 milligrams per liter, by weight, of fat, oil or grease; or
- 8) Containing pollutants which create a fire or explosive hazard in the municipal sewer, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C). Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive, liquid, solid, or using the test methods specified in 40 CFR 261.21, or
- 9) Containing any garbage that has not been properly shredded; or
- 10) Containing any ashes, cinders, sand, mud, straw, shaving metal, glass, rags, feather, tar, plastics, woods, paunch manure or any other solid or viscous substances capable of causing obstruction to flow in sewers or other interference with the proper operation of the sewage works; or
- 11) Containing any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, or to

constitute a hazard to humans or animals, or create any hazard in the receiving waters of the treatment facility; or

- 12) With any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair; or
- 13) With any industrial waste that may cause a deviation from the NPDES permit requirements, pretreatment standard, and all other State and Federal regulations; or
- 14) Containing any waters or wastes having a pH lower than 5.50 or higher than 9.0 or having any other corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

Preliminary treatment shall be provided, at no expense to the Township, as may be necessary to reduce any item listed in Section 6 C 1 through C14 or to reduce objectionable characteristics of said effluent to within the maximum limits, or to control the quantity and rates of discharges of such waters or wastes. On direction of the Township, a person may be required to remove, exclude, or require pretreatment of any industrial waste in whole or in part for any reasons deemed to be the Township's interest.

Where preliminary treatment facilities are provided for any water or wastes, they shall be maintained in satisfactory and effective operation at no expense to the Township. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval to the Township and no construction of such facility shall be commenced until said approvals are obtained in writing. The Township may elect to treat industrial wastes, discharged in excess of normal domestic concentrations on a basis prescribed by written agreement and for an established charge to cover the added cost. All such preliminary treatment or pretreatment shall be in accordance with Federal and State laws and regulations.

D. INDUSTRIAL WASTES.

- 1) The owner of any property served by a building sewer carrying industrial wastes shall be required by the Township to install a suitable control manhole or other structure in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, or structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Township. The manhole or structure shall be maintained by him so as to be safe and accessible at all times.
- 2) All measurements, tests and analysis of the characteristics of waters and wastes to which references are made in paragraph C hereof shall be determined in accordance with the most recent edition of Standard Methods for Examination of Water and Wastewater.
- 3) **Accidental Discharges.** Where required, a user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's cost. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Township Engineer for review and shall be approved by the Township before

construction of the facility. All required users shall complete such a plan within ninety (90) days after the effective date of this Ordinance. In the alternative, non-domestic users that currently have state required Pollution Incident Prevent Plans (PIPP) may submit the PIPP plan in satisfaction of this requirement. If required by the Township, a user who commences contributions to the system after the effective date of this Ordinance shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Township. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the Superintendent of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and correction action.

- 4) **Written Notice.** Within five (5) days following an accidental discharge, the user shall submit to the Superintendent of the system a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such 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 System, fish kills or any other damage to person or property; of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.
- 5) **Verbal Notice.** That any industrial user hereunder in the event of an accidental or other unauthorized discharge of prohibited materials to the system, shall immediately notify the Township of the fact of such discharge and shall:
 - a) Describe with particularity the approximate time of the discharge.
 - b) Describe the nature, chemical and biological make-up and characteristics of the discharge, if known; and,
 - c) Indicate the approximate quantity of the discharge.

In addition, said industrial user shall, at its own expense, take all steps directed by the Township to terminate such discharge and prevent its recurrence. Failure to cooperate fully with the Township in the prevention of additional prohibited discharge, including such treatment as required, may result in termination of service and revocation of the permits required herein.

- 6) **Notice to Employees.** A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of whom to call in the event of a dangerous discharge. Employers shall insure that all employees who could cause or suffer from such a dangerous discharge are advised of the emergency notification procedure. (Ord. No. 21 eff. June 30, 1989; amend. by Ord. No. 169, eff. January 1, 2004).

Section 7 SYSTEM CHARGES AND RATES.

- A. Upon adoption of this Ordinance by the Township Board of Howell Township, charges for sanitary sewer transmission, treatment and disposal and debt service to those connected or required to be connected to the System shall be established by Ordinance or resolution of the Township Board, which resolution or Ordinance is hereby expressly confirmed as

applicable to sanitary sewer transmission and treatment, disposal and debt service charged to those connected or required to be connected to the System. All bills for service under this Ordinance shall be rendered to the property owners or land contract vendee(s) of the property using or having access to said sanitary sewer service.

- B. **Single Family Homes.** Each single family residential premises shall be presumed to generate a flow to the Township Sanitary Sewer System of 240 gallons per day of average flow, or 21,600 gallons per quarter of flow.

- C. **Table of Unit Factors.** For all other uses of the System and except as otherwise provided herein, the Township Board hereby adopts a Table of Unit Factors attached to this Ordinance as Attachment A and incorporated by reference and made part of this Ordinance as if fully set forth herein. Said Table of Unit Factors shall set forth and identify the use class and all applicable factors to be multiplied by the quarterly charge established for single family residential premises, which is hereby designated as a Residential Equivalent (RE). Said Table of Unit Factors may be modified or amended from time to time by resolution of the Township Board.

- D. **Metered and Unmetered Users.** Commercial or other Users that are served by a municipal water system and have a municipal water meter for measurement of actual water used may be billed for wastewater service under this Ordinance based upon the water meter readings, provided that such readings are reasonably available to the Township. In the alternative, a user at its request may install meters for measuring wastewater discharge directly. Any wastewater meters shall be installed in a Control Manhole approved by the Township. Meters shall be read monthly, or at such other period as may be determined by the Township. The installation of such wastewater meters shall require the user to execute a Sanitary Sewer Metering Agreement, and shall be subject to compliance with the Sanitary Sewer Metering Procedures. The user shall be responsible for the cost of the meter, its installation and maintenance. As an alternative to a wastewater meter, users that are served by municipal water and have a municipal water meter on their premises may, at their request, install a separate water meter for measuring lawn sprinkling. All costs for this separate meter, including required piping revisions, shall be the responsibility of the User. The User Charge for Metered Users shall be initially \$5.00 per 1,000 gallons of water use. Such User Charge shall be increased to \$5.25 per 1,000 gallons of water use effective January 1, 2004, and shall be increased by an additional 5% per year on each successive January 1, unless otherwise determined by the Howell Township Board. This charge shall be modified from time to time in accordance with User Charge modifications. In order to assure the Township's readiness to serve capability, no quarterly User charge shall be less than \$45.00, which shall be the Minimum User Charge. This Minimum User Charge may be modified from time to time by the Township Board in accordance with User Charge modifications. For users that do not have a municipal water meter for measurement of actual water use, the User Charge shall initially be \$110.00 per RE per quarter, and may be modified from time to time by the Township Board in accordance with User Charge modifications.

- E. **Rules for Interpreting Table of Unit of Unit Factors.**
 - 1) The minimum equivalent factor for all users shall be one (1.0) RE.
 - 2) Equivalent units for a user not originally contained in the Table of Unit Factors may be added to the Table from time to time by resolution of the Township Board.

- 3) Where multiple metered businesses exist at one location, the multiple businesses shall be combined for determining the Sewer Service Charge.
- F. **Revision or Modification of Equivalent Units.** The Equivalent Units of users having an Equivalent Unit Factor of more than one (1.0) RE may be reviewed, revised or modified by the Township Board at any time by resolution, and such revision or modification shall take effect on the first day of the billing quarter after such revision or modification is adopted.
- G. **Appeal.** A property owner having an Equivalent Unit Factor of more than one (1.0) may appeal its Equivalent Unit Factor to the Howell Township Board by filing written appeal within thirty (30) days after its Equivalent Unit Factor is established, revised or modified.
- H. **Effective Dates for Application of Equivalent Unit Factors.** Where Equivalent Unit factors are used to determine the Connection Fee, Sewer Service charge, or other user charges, the Equivalent Unit Factor used in the calculation of such fees or charges shall be the Equivalent Unit Factor assigned to said user as of the following dates:
- 1) For calculating an initial Connection Fee: the date the property owner applies for the permit or the last day of the period during which he is required by this Ordinance to connect to the System, whichever comes first.
 - 2) For calculating additional Connection Fees: the date the user expands or alters the use of his premises beyond the use considered in the establishment of the initial Connection Fee.
 - 3) For calculating the operation, maintenance and replacement service charges: the date the user's available sanitary sewer becomes operational and thereafter on the first day of the billing quarter following the Township Board's revision or modification of the user's Equivalent Unit Factor.
- I. **Howell Township.** For the reasonable value of sewage disposal services rendered to the Township and its various departments by the System, the Township shall pay according to the amounts set forth in the table of Unit Factors.
- J. **Operation and Maintenance Surcharge.** The rates and charges set forth in this Ordinance notwithstanding, if the character of the sewage of any user imposes an unreasonable or additional burden upon the Sewage Disposal and/or Transmission System of the Township, an additional charge shall be made over and above the rates otherwise established by this Ordinance. Wasterwater in excess of the maximum limitations imposed by this Ordinance shall be deemed prima facie subject to surcharge. If necessary to protect the system or any part thereof, the Township shall deny the right of any user to discharge such sewage into the System. Initially, the surcharge applicable to industrial users shall be set forth in SECTION 8 OPERATION AND MAINTENANCE SURCHARGE.
- K. **Inspection Fees.** The cost of connecting private premises to the Township Sanitary Sewer System shall not be paid from the proceeds of any bond issue or from the revenues of the System, but shall be paid by the property owners receiving the service. In addition, each premises connecting to the facilities of the System shall pay a charge for the inspection of such connection, as may be established from time to time by Livingston County.

L. Connection Fee.

- 1) There shall be paid for each single family residential premises or single family Residential Equivalent (RE) connecting to any sanitary sewer lines, in cash, at the time of application for the connection permit for the privilege of indirectly using the wastewater treatment facilities of such System, a Connection Fee the amount of Four Thousand Two Hundred (\$4,200.00) Dollars as of January 1, 2004, and such amount shall increase by 5% on each succeeding January 1, unless otherwise determined by the Howell Township Board. The Connection Fee shall be in addition to such other charges or fees as may be required under this Ordinance or by resolution of the Township Board. All premises other than single family residences connected either directly or indirectly to the Sanitary Sewer System shall pay such Connection Fee, in cash, for sewage treatment capacity for each Residential Equivalent (RE) as computed in the Table of Unit Factors. Whenever a user other than a single family residential user increases its demand for wastewater treatment services due to facility expansion, change in facility usage, or other reason, the Township Board shall review that user's Residential Equivalent Factor and may assign a new Residential Equivalent Factor. If a new Residential Equivalent Factor is established for an existing user, said user shall be required to pay, in cash, an additional Connection Fee equal to the then-established Connection Fee for one RE multiplied by the increase established in the user's Residential Equivalent factor. The amount of the Connection Fee may be modified from time to time by the Township Board as may be required to recover the Township's capacity costs in the system.
- 2) Voluntary connections for owners or premises outside any sewer district may be allowed subject to the capacity of the district collection and treatment system to support and treat such additional wastewater.
 - a) The owner shall pay the actual cost of all pipe, risers, stubs, wyes or other apparatus and the cost of all labor necessary to accomplish said connection, in addition to any inspection fee charged by Livingston County, and any Connection Fee, Benefit Fee, or other fees or charges established by this Ordinance, and such acreage fee as determined by the Township Board to be consistent with previous districts.
 - b) The connection to, and use of, the system by such premises shall be by gravity flow, except by prior approval of the Township Board.
 - c) The surface of any disturbed right-of-way shall be returned to the condition at least equal to that existing before any excavation was undertaken.
 - d) The owner shall obtain prior approval from the Township Board of all plans and specifications and materials to be utilized to accomplish said connection. The Township may charge the owner the actual cost incurred by the Township for the review and approval of plans and specifications, and for inspection costs incurred by the Township during construction.

- e) All wyes, stubs, pipes, risers or other apparatus not owned by the district shall, after installation and inspection, become for purposes of operation and maintenance, the responsibility of the owner. The responsibility of Howell Township for operation and maintenance shall be limited to sewer mains, manholes, lift stations, and the wastewater treatment plant located within the Drainage District.
 - f) Upon voluntary connection as hereinbefore set forth, said owner and premises shall be subject to all ordinances, resolutions, rules, fees and charges relating to the use of the System then in effect and thereafter amended.
- 3) **Denial of Voluntary Connection.** The Township Board may deny the application of any person for sanitary sewer use hereunder. Criteria for denial shall include, but not be limited to:
- a) Noncompliance with relevant Township and land use ordinances, regulations and plans.
 - b) The effect of such proposed use upon the Township Sewer System as a whole.
 - c) Then current sewer transmission and treatment capacity.
 - d) Prior commitments for sewer availability.
 - e) Litigation or other contingency requirements which may result in additional sewer use.
 - f) Immediate or emergency health considerations.
- 4) **Contractual Rates.** The foregoing provisions relating to rates shall not be construed as prohibiting any special agreement or arrangement between the Township and any users or class of users whereby the sanitary waste of unusual strength or character of such user or class of users may be accepted into the System, subject to payment therefore by said user or class of users.
- 5) **Revision of Rates and Charges.** The rates, charges and fees established by this Ordinance shall be reviewed at least annually and are estimated to be sufficient to provide revenue for the payment of the operation and maintenance, costs, debt service charges and such other charges and expenditures of the System. Such rates, charges and fees shall be reviewed from time to time as required to maintain the fiscal integrity of the System and the same may be revised and fixed by resolution of the Township Board as may be necessary to produce the amounts required to pay such charges and expenditures and provide the funds necessary for the maintenance of the financial integrity of the System.
- 6) **Deferring Charges.** No free services shall be furnished to any user of the system, and there shall be no waiver or forgiveness of charges levied pursuant to the terms of this Ordinance. The foregoing notwithstanding, any resident eligible for deferment of payment of any fees pursuant to the laws of the State of Michigan shall be afforded ample opportunity to request such deferment or partial payment accordance therewith.

- 7) The foregoing notwithstanding, nothing contained in this Ordinance shall be construed as limiting, modifying or amending any Special Assessments levied against properties within the Township in connection with the construction of sanitary sewers and such Special Assessments shall be due and payable according to the terms of the resolutions and actions of the Township Board establishing such assessments.

M. Enforcement of Charges.

- 1) Nonpayment of Special Assessments and/or Connection Fees. Nonpayment of Special Assessments or Connection Fees shall subject the property owner to liability for such additional charges and penalties as are provided under this Ordinance for a late or delayed connection.
- 2) **Nonpayment of Service Charge.**
 - a) **Discontinuance of Service.** In the event a service charge established pursuant to Section 7 of this Ordinance, remains delinquent for a period in excess of two (2) months on Commercial and Industrial zoned properties and three (3) months on residential zoned properties the Township shall have the right to shut off and discontinue water and/or sewer service to such user. Such service shall not be reestablished until all delinquent charges, penalties and a charge for the discontinuance of such service shall be paid. Said turn-off charge shall be established by resolution of the Township Board. Notification for shut off will be sent by certified mail allowing fourteen (14) days to pay delinquency in full or make suitable arrangements through the township, if payment has not been received in full or suitable arrangements through the township within the fourteen (14) days the premises will be posted and the service shut off after 24 hours. (Amended by ord. #243, eff. 2/13/2011)
 - b) **Collection by Litigation.** In addition to discontinuing service to said user, the Township shall have the option of collecting all such delinquencies and penalties, including actual Court costs and attorney fees, by legal proceedings in a Court of competent jurisdiction.
 - c) **Collection by Enforcement of Lien.** Service charges for areas within the Township, including penalties due thereon which remain delinquent for a period in excess of two (2) months on commercial and industrial zoned properties and three (3) months on residential zoned properties shall constitute a lien on the premises served thereby. Such a lien shall be perfected by the Township official or officials in charge of the collection of such charges, by certifying annually, not later than March 1 of each year, to the Tax Assessing Officer the fact and the amount of such delinquency. Upon such certification, the amount of the delinquency shall be entered by the Tax Assessing Officer upon the next tax roll as a charge against the premises and shall be collected and the lien therefore enforced in the same manner as general taxes against such premises are collected, and the lien therefore enforced. Provision for collection of service charges, including penalties for delinquent service charges for areas outside the Township limits shall be by agreement between the Township and owners of said premises connected outside the Township. (Amended by Ord. 243, eff. 2/13/2011)

N. Late Charges.

If any late charge for the services of the sewer, which has been billed to a customer of the sewer system, shall not be paid on or before the due date specified on the bill, a delayed payment charge of ten percent (10%) of the amount of the bill shall be added thereto and collected therewith.

(Ord. No 21 eff. June 30, 1989; amend. by Ord. 84 eff. July 19, 1999, further amend by Ord. No. 118 eff. Dec. 19, 2000, further amend by Ord. No. 122, eff. Feb. 18, 2001; further amend. by Ord. No. 169, eff. January 1, 2004).

Section 8 OPERATION AND MAINTENANCE SURCHARGE.

A. Cost Recovery Surcharges for B.O.D., Ammonia-Nitrogen, Total Phosphorous as P, and Suspended Solids are hereby established as follows:

1) For operation and maintenance (including replacement) the cost recovery surcharge for excess pollutants shall be as follows:

Pollutant	Threshold Limit without Surcharge	Surcharge per pound of pollutant in excess of threshold limit
BOD	275 mg/l	\$0.10
Suspended Solids	300 mg/l	\$0.10
Total phosphorous as P	12 mg/l	\$1.00
Ammonia B Nitrogen	35 mg/l	\$1.00

2) The rates stated herein shall be effective on the first day of July, 1989, except as

otherwise provided. A billing covering the use of the system before and after the effective date of a rate change shall require the proration of the bill based on the average use per day and the number of days within such billing period at the rate then in effect.

B. Surcharges shall be collected with the sewer service billings.

C. The rates established herein for Cost Recovery Surcharge may be revised by Resolution of the Howell Township Board and the Township by Resolution shall establish when such rates shall be billed and paid.

D. In addition to requiring the industrial user to install a manhole to monitor the strength of its industrial waste pursuant to the terms of this Ordinance, the industrial user may be required by the Township at its sole discretion, to install at the users expense, an approved meter to register accurately all water flowing to the system for purposes of implementing the foregoing rates and the service charges established under the terms of this Ordinance. (Ord. No. 21 eff. June 30, 1989; amend. by Ord. No. 169, eff. January 1, 2004).

Section 9 BENEFIT CHARGES.

The owner of lands in proximity to a Township sanitary sewer, which lands have not been subjected to a special assessment to pay for the construction of said sewer, or which lands have been through tax foreclosure resulting in the nonpayment of all or part of the special assessments for said sewer, shall not be permitted to make connection to said sewer until the owner first pays a benefit charge for the privilege of connecting to said sewer. Such benefit charge shall be as established from time-to-time by resolution of the Township Board of Howell Township. Such benefit charge shall be paid in cash or in installments, with interest and penalties, all as shall be established and provided from time-to-time by resolution of the Township Board of Howell Township.(amend. by Ord. #231 eff. March 1, 2010)

Section 10 FISCAL YEAR, RECORDS AND FUNDS.

- A. **Fiscal year** of the Sanitary Sewer Collection System shall end June 30th.
- B. **Records and Accounts.** The Township shall keep and maintain proper books and records and accounts, separate from all other records and accounts of the Township in which shall be made full and correct entries of all transactions relating to the Sanitary Sewage Collection and Treatment System. The Township shall cause an annual audit of such books and records and accounts of the preceding operating year to be made by a recognized independent Certified Public Accountant and will supply such audit to authorized public officials upon proper request.
- C. The Township shall review not less often than every two (2) years the waste water contribution of users and user classes, the total costs of operation and maintenance of the treatment works, and its approved user charge system.

The Township shall revise the charges for users or user classes to accomplish the following:

- 1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;
 - 2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and
 - 3) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.
- D. **ESTABLISHMENT OF FUNDS.**
 - 1) **Receiving Funds.** The revenues of the System shall be set aside as collected and deposited in a separate depository account at a bank qualified to do business in the State of Michigan and designated by the resolution of the Township. Said account shall be designated as the Receiving Funds periodically in the manner and at the times hereinafter specified.
 - 2) **Operation and Maintenance Fund (O & M Fund).** Out of the revenues of the Receiving Fund there shall be first set aside periodically into a depository account designated as the Operation and Maintenance Fund a sum sufficient to provide for

the next succeeding period of all current expenses in the administration and operation of the system.

- 3) **Replacement Fund.** Out of the revenues of the system there shall be first set aside annually into a depository account designated as the Replacement Fund the amount of one percent (1%) which shall be used solely for replacement of worn or damaged major items of the Township Wastewater Collection and Treatment System. Upon audit, the replacement sum may be revised as may be required to reflect current and/or anticipated replacement needs for the Howell Township Sanitary Sewer District.
 - 4) **Contract Payment Fund (Principal and Debt Service Fund).** There shall next be established as the Contract Payment Fund, which shall be used solely for the payment of the Township obligation to retire the principal and interest on any bond issues for construction and/or expansion of the Wastewater Collection and Treatment System. Should the revenues of the System prove insufficient for this purpose, such revenues shall be supplemented by other funds of the Township legally available for such purposes.
 - 5) **Improvement Fund.** There may be next established and maintained a depository account designated as the Improvement Fund which shall be used solely for the purpose of making improvements, extensions and enlargements to the system. There may be deposits into said fund, after providing for the requirements of the funds heretofore enumerated, such revenues as the Township Board shall determine.
 - 6) **Surplus Fund.** Monies remaining in the Receiving Fund at the end of any operating year after full satisfaction of the foregoing funds, shall be thereafter used in connection with any other project of the Township directly related to the sanitary sewer system. The Surplus Fund shall be reviewed not less than each two (2) years in accordance with 10.C of this Ordinance.
- E. **BANK ACCOUNTS.** All monies belonging to any of the foregoing funds or accounts may be kept in one bank account in which event the money shall be allocated on the books and records of the Township within the single bank account in the manner set forth above.
- F. **DEFICIENCIES IN FUNDS.** In the event the monies in the Receiving Fund are insufficient to provide the current requirements of the operation and maintenance fund or contract payment fund, any monies and/or securities or other funds of the System, except funds in the Contract Payment Fund derived from tax levies, may be transferred to such fund, to the extent of any deficiency therein. In the event of such deficiency, rates and charges shall be adjusted to eliminate such deficiency and in addition, shall be utilized to repay any funds borrowed for payment of such deficit.
- G. **INVESTMENT OF FUNDS.** Monies in any fund or account established by the provisions of this Ordinance may be invested or deposited in obligations of the United States of America in a manner and subject to any limitations set forth in the laws of the State of Michigan. Income received from such investments shall be credited to the fund from which said investments were made, and pro rata in the case of a single bank account.
- H. **INSURANCE.** The Township may maintain and carry insurance on all physical properties of the System, of a kind and in the amounts normally carried by public utility companies and

municipalities engaged in the operation of sanitary sewage disposal systems. All monies received from losses under any such insurance policy shall be applied solely to the replacement and restoration of the property damaged or destroyed.

(Ord. No. 21 eff. June 30, 1989)

Section 11 MISCELLANEOUS PROVISIONS.

- A. **PROTECTION FROM DAMAGE.** No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with the system or any component thereof.
- B. **INDUSTRIAL USE OF SYSTEM.** Any industry or structure discharging or desiring to discharge industrial waste to the system shall provide the Township with the following information or material:
- 1) A written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged, with its present or expected bacterial, physical, chemical, radioactive, or to the pertinent characteristics of the wastes.
 - 2) 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.
 - 3) Test samples and reports to the Township and to the appropriate State Agencies on characteristics of wastes on a schedule, at locations and according to methods approved by the Township and the State of Michigan.
 - 4) Place waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specified supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
 - 5) Report on raw materials entering the process or support systems, intermediate materials, final products and waste by-products as these factors may pertain to waste control.
 - 6) Maintain records and file reports on the final disposal of specified liquid, solid, sludges, oils, radioactive materials, solvents, or other waste.
 - 7) If any industrial process is to be altered as to include or negate a process waste or potential waste, written notification shall be given to the Township, subject to approval by the Township and by appropriate State of Michigan agencies.
- C. **Connection of Privately Constructed Sanitary Sewer Systems to the Wastewater System.** Before any sanitary sewer system constructed by private, as distinguished from public, funding (hereinafter referred to as (private a sanitary sewer) shall be permitted to connect to the System, the owner of said system (hereinafter referred to as the developer) shall do and provide the Township with the following:
- 1) Provide the Township with the developer's plans and specifications for construction, an estimate of the cost of a construction, and performance guarantee, and deposit with the Township the sum of one (1%) percent of the cost of construction to cover

the cost of hiring a registered professional engineer to review plans and specifications, which money shall be placed by the Township in an escrow account in the name of the developer.

- 2) Obtain approval by the Township Board of the plans and specifications.
- 3) Secure all necessary permits for construction.
- 4) Upon commencement of construction of the private sanitary sewer, deposit with the Township in the escrow account referred to in subparagraph C.1 of this Section, a sum equal to seven (7%) percent of the cost of construction to cover the anticipated cost of inspection of construction.
- 5) Upon completion of construction of the private sanitary sewer, and upon recommendation of the Township Engineer approval by the Township Board, the performance guarantee shall be released and any monies remaining in the developer's escrow account shall be returned to the developer. Any additional expenses incurred by the Township in assuring that the private sanitary sewer is properly operating shall be deducted there from or charged directly to the developer at the option of the Township.

D. MAINTENANCE OF PUBLIC SANITARY SEWERS AND BUILDING SEWERS. The Township shall be responsible to clean and maintain Public Sanitary Sewers, but shall not clean and maintain building sewers. Building sewers shall extend from buildings to public sanitary sewers and shall include wyes or tees for connection to public sanitary sewers.

E. ADMINISTRATION. The Township Board is charged with the responsibility of administering the system and enforcing this Ordinance.

F. POWER AND AUTHORITY OF INSPECTORS.

- 1) Duly authorized employees of the Township bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurements sampling and testing in accordance with the provisions of this Ordinance.
- 2) Duly authorized employees of the Township may enter at all reasonable times in or upon private or public property for the purpose of inspecting and investigating conditions or practices which may be in violation of this Ordinance or detrimental to the system.
- 3) Duly authorized employees of the Township shall inspect the on-site work occurring by reason of any system permit. Such person shall have the right to issue a cease and desist order on the site upon finding a violation of said permit or of this Ordinance. The order shall contain a statement of the specific violation and the appropriate means of correcting the same and the time within which correction shall be made.

(Ord. No. 21 eff. June 30, 1989; amend. by Ordinance No. 84 eff. July 19, 1999)

Section 12 GENERAL PROVISIONS.

A. PENALTIES.

- 1) **What constitutes a violation.** Whenever, by the provisions of this Ordinance, the performance of any act is required, or the performance of any act is prohibited, a failure to comply with such provisions shall constitute a violation of this Ordinance. In addition, the failure, neglect or refusal to comply with a cease and desist order of the enforcing agency shall constitute a violation of this Ordinance.
- 2) **Criminal proceedings to punish violations.** A person violating any of the provisions of this Ordinance shall be punishable by a fine of not to exceed Five Hundred (\$500.00) Dollars and cost of prosecution, by confinement in the County Jail for a period not exceeding ninety (90) days, or both such fine and confinement in the discretion of the Court. Each day that a violation of this Ordinance is continued or is permitted to continue to exist shall constitute a separate offense, provided that no person shall be confined or jailed for a single but continuing violation for a period longer than ninety (90) days.
- 3) **Civil procedures to compel compliance.** The Township may bring a civil proceeding for a mandatory injunction or injunctive order or for such other remedial relief as will correct or remedy the violation, including damages for the costs or expenses thereof. The Township may join in such action or actions any number of property owners.
- 4) **Notification and Appeal.** Users of the Howell Township Sanitary Sewer System may appeal Sewer Use Charges (Operation, Maintenance and Replacement Charges) and Capital Charges (charge for Debt Retirement and other Capital costs). Appeals shall be directed to the Township of Howell in writing and shall state the cause and basis for appeal. The Township shall notify Users whenever rates are adjusted for any reason, including changes in charges for Operation, Maintenance, Replacement, Debt Service Charges and any other Capital Costs or Capital Charges. Users shall be notified of User Charges at least once each year.
- 5) **Falsifying Information.** Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than Five Hundred (\$500.00) Dollars, or by imprisonment for not more than ninety (90) days, or by both.

- B. REPEALER CLAUSE.** All other ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby expressly repealed, subject to the qualifications stated in the Savings Clause of this Section as of the date this Ordinance becomes effective.

- C. **SAVINGS CLAUSE.** This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, resolution, order or parts thereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the Township, County or any other person, either criminal or civil, that may have already occurred, accrued or grown out of any Ordinance, resolution, order or policy, or any part thereof, hereby repealed.

- D. **VALIDITY AND SEVERABILITY.** It is the legislative intent of the Township in adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety, and general welfare of the inhabitants of the Township and other persons affected by this Ordinance, and consequently, should any provision of this Ordinance be held to be unconstitutional, invalid, or of no effect, each holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance it being the intent of the District that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provisions hereof.

- E. **EFFECTIVE DATE.** This Ordinance shall take effect and be in force from and after January 1, 2004.

(Ord. No. 21 eff. June 30, 1989; amend. by Ord. No.169, eff. January 1, 2004).

Equivalent User Table

The following equivalent user factors will be used to assess tap-in fees. For purposes of this table, an equivalent user is defined as that quantity of water consumed or wastewater discharged from an ordinary single family dwelling. In computing charges for commercial, industrial, or multiple residences, the number of units for which charges are made shall be determined from the following equivalent user factors. Where square footage is used in the calculation of equivalent users, it shall mean the entire square footage inside the building. When the use of a building changes the number of equivalent users for the new use, a supplemental tap-in fee will be assessed for the increased use.

USER	UNIT FACTOR
Auto Dealers*	0.20 per 1,000 sq. ft.
Auto Repair/Collision – Body Shops*	0.20 per 1,000 sq. ft.
Auto Tire Service Center/Shops*	0.35 per 1,000 sq. ft.
Banks*	0.12 per employee
Banquet Halls	1.8 per 1,000 sq. ft.
Barber Shops	1.00 per shop plus 0.1 per chair after 2
Bars (including bars within restaurants)	4.00 per 1,000 sq. ft.
Beauty Shops*	0.38 per hair booth, 0.3 per mani/pedi station, and 0.3 per spa room
Bed & Breakfast Establishments	1.0 per building plus 0.2 per guest
Boarding Houses	1.00 per building plus 0.2 per bedroom
Boarding Schools	0.27 per bed
Bowling Alleys (w/o bars or lunch)	0.16 per alley
Bowling Alleys (with bar and/or lunch)	0.60 per alley
Car Wash (production line w/o recycle)*	48.3 per production line
Car Washes (production line with recycle)*	25.2 per production line
Car Washes (self-service)*	2.5 per stall
Car Washes (automatic, no conveyor)*	10.6 per stall
Child Care Centers*	0.45 per 1,000 sq. ft.
Churches*	0.13 per 1,000 sq. ft.
Cleaners (pick-up only)	1.00 per shop
Cleaners (pressing facilities)*	1.4 per press
Urgent Care / Medical Clinics*	0.27 per doctor
Convalescent Homes	1.00 per premise plus 0.5 per bedroom
Convents	1.0 per premise plus 0.25 per bedroom
Country Clubs & Athletic Clubs*	0.55 per 1,000 sq. ft.
Dentists*	1.3 per dentist
Doctor's Offices*	0.6 per 1,000 sq. ft.
Drug Stores*	0.1 per 1,000 sq. ft.

Fire Stations	0.20	per stationed firefighter/24 hours
Fire Stations (volunteer)	1.00	per premise
Florists	1.10	per 1,000 sq. ft.
Fraternal Organizations (Members only)	1.00	per hall
Fraternal Organizations (members/rentals)*	0.3	per 1,000 sq. ft.
Funeral Homes	1.50	per 1,000 sq. ft. plus residence
Garden Centers (nursery)	1.0	per premise plus 0.5 per employee
Government Offices*	0.15	per 1,000 sq. ft.
Grocery Stores & Markets*	0.26	per 1,000 sq. ft.
Hospitals	1.09	per bed
Hotels & Motels (private baths)*	0.38	per bedroom
Industrial Building/Factories (exclusive of wet process and industrial flow)*	0.13	per 1,000 sq. ft.
Laundromats (self service)	0.54	per washer
Lumber Yards	1.00	per each 15 employees
Mobile Homes	1.00	per pad
Multiple Family Residences	1.00	per dwelling unit
Office Buildings*	0.14	per 1,000 sq. ft.
Pet Shops	1.10	per 1,999 sq. ft.
Physical Therapy Centers*	1.5	per premise
Pool Halls	0.10	per table
Post Offices	1.00	per 1,000 sq. ft.
Print Shops*	0.06	per 1,000 sq. ft.
Public Institutions (other than hospitals)	0.75	per 1,000 sq. ft.
Research & Testing Laboratories	0.75	per 1,000 sq. ft.
Restaurants (coffee shop)*	2.6	per premise
Restaurants (fast food, including drive thru & Primary drink service)*	7.5	per premise
Restaurants (w/liquor license)*	4.0	per 1,000 sq. ft.
Restaurants (meals w/service & dishes)*	2.4	per 1,000 sq. ft.
Restaurants (take out)	1.0	per 1,000 sq. ft.
Retail Stores*	0.20	per 1,000 sq. ft.
Rooming Houses (no meals)	0.25	per room
Schools (w/o showers and/or pool)*	0.37	per classroom
Schools (with showers and/or pool)*	0.8	per classroom
Senior Citizen Apartments*	0.31	per apartment
Service Stations – gas service	0.50	per pump
Service Stations – with auto repair	1.00	per premise plus 0.15 per stall
Service Stations – with mini mart*	2.0	per 1,000 sq. ft.
Skating Rinks	0.40	per 1,000 sq. ft.

Snack Bars (drive-in)	2.50	per 1,000 sq. ft.
Swimming Pools	3.00	per 1,000 sq. ft.
Single Family Residences	1.00	per residence
Stores (other than specifically listed)	.25	per 1,000 sq. ft.
Tanning Salons, Nail Salons, Tattoo Parlors*	1.1	per 1,000 sq. ft.
Tennis Clubs	0.08	per member
Tennis or Handball (indoor club)	0.50	per court
Theaters (drive-in)	0.03	per car space
Theaters	0.01	per seat
Tourist Courts (individual bath units)	0.27	per cubicle
Trailer Parks (central bath units)	0.40	per trailer
Veterinary Facilities*	1.00	per veterinarian
Veterinary Facilities with kennel	1.50	per facility plus 0.1 per kennel
Warehouse & Storage	0.05	per 1,000 sq. ft.

* Items marked with an asterisk were either added or updated based on studies of actual usage Statistics performed in 2013.

Where building size and number of employees are both known, the equivalent water factors shall be based on the highest projected flow factor.

Classifications not specifically listed shall be assigned values as determined by the Township, but no facility shall be assigned less than one unit. The methodology used to calculate REU's shall be as set forth in the attached Appendix.

Where multiple businesses exist at one location (shopping centers, hotels with restaurant and or bar facilities, etc.) the various businesses will be combined for equivalents.

In cases of expansion or change of existing water/sewer uses, connection fees shall be levied in accordance with the current connection fee schedule based upon the difference in the current and expanded or changed use.

In cases where an application for water and/or sewer service has been made for property which is contiguous to an existing water and/or sewer special assessment district such water and or sewer service may be granted **only after the following fees have been paid:**

1. All Connection Fees.
2. An up-front lump-sum capital charge equivalent to the pro-rata share of what would have been the property's assessment costs if the property were in the district, for the remaining term of the assessment. The capital charge will be placed in the debt service fund for future debt service payments on the special assessment. The properties in the SAD (Special Assessment District) will have their remaining assessments reduced by their Pro-rata share of the capital share.

APPENDIX

Recommended Methodology for Calculating the REU's For a Commercial User Not Listed

Step 1 – Obtain Water Usage Data from Similar Facilities in Other Municipalities

Obtain actual usage data from similar facilities in other municipalities. A minimum of 3 facilities should be evaluated. Request the following information for each facility:

- The number of gallons used over a time period, for instance xxxgallons used over 90 days. A minimum of 1 years' worth of data should be obtained, split into quarters.
 - Data should be from well-established business to reflect maximum possible Water usage.
 - Meter reads should cover a maximum interval of 90 days (quarterly).
- The size of the building
 - If deemed more relevant, the number of employees or some other common unit factor can be used.

Step 2 – Determine Average Day Usage During the Peak Quarter (Exclusive of Irrigation)

For each facility in which actual data is obtained, determine the highest quarterly total flow in gallons.

Note – Irrigation should be excluded from this number, so if the summer months shows a higher usage do not use this data.

From the peak quarterly data determine the average day usage by dividing the total flow (in gallons) from the highest quarter by the number of days in the billing cycle.

Step 3 – Determine the Building Usage in REU's

Per the August 2013 MHOG study of average residential usage within in the MHOG system assume 1 REU = 218 gallons/day (gpd)

Building Usage in REU's = Average Day Usage (from Step 2)/218

Step 4 – Calculation of Recommended Unit Factor

Typically the REU Factor is calculated per 1,000 square feet (sf) of building area. If this is the case the recommended Unit Factor = Building Usage REU's (from Step 3)/ proposed building square footage/1,000

Use an average of the sites evaluated (minimum of 3) to determine the recommended unit factor for the proposed facility.

Example:

Auto Parts Supplier:

STEP	Similar Facilities		
	Facility 1: Chattanooga, TN	Facility 2: Lawrence, KS	Facility 3: Little Rock, AK
1 Obtain Water Usage Data	Size: 100,000 sf	Size: 200,000 sf	Size: 180,000 sf
	Usage Data	Usage Data	Usage Data
	Q1: 100,000	Q1: 180,000	Q1: 170,000
	Q2: 151,000	Q2: 192,000	Q2: 165,000
	Q2: 142,000	Q2: 197,000	Q2: 177,000
	Q4: 134,000	Q4: 184,000	Q4: 172,000
	Days: 90	Days: 90	Days: 90
2 Determine Avg. Day Usage for Peak Quarter	Daily Usage = 151,000/90 = 1,668 gal.	Daily Usage = 197,000/90 = 2,189 gal.	Daily Usage = 177,000/90 = 1,967 gal.
3 Determine Building Usage In REUs	Building Usage in REUs = Step 2 Result/218 GPD 1,668/218 = 7.65	Building Usage in REUs = Step 2 Result/218 GPD 2,189/218 = 10.04	Building Usage in REUs = Step 2 Result/218 GPD 1,967/218 = 9.02
4 Recommended Unit Factor	Building REUs/Building SF/1,000 = 7.65 ÷ (100,000/1,000) = 0.08 REU / 1,000 sf	Building REUs/Building SF/1,000 = 10.04 ÷ (200,000/1,000) = 0.05 REU / 1,000 sf	Building REUs/Building SF/1,000 = 9.02 ÷ (180,000/1,000) = 0.05 REU / 1,000 sf
Recommended Factor	Average of 0.08, 0.05, and 0.05 = 0.06 REU / 1,000 sf		

Proposed Howell Facility: 250,000 s.f.

REU Assessment = 0.06 REU / 1,000 sf X 250,000 sf = **15 REUs**

Table Adopted 1/13/14