

ORDINANCE NO. 92-1

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS. THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM AND PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

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WHEREAS, the Federal Government has enacted and amended the Federal Water Pollutions Control Act, now known as the Federal Clean Water Act (33 U.S.C. 1150 et. seq.), and

WHEREAS, the Township of Grant has been issued a NPDES Permit No. MIO047015, and

WHEREAS, the Township of Grant desires to remain in compliance with all State and Federal regulations,

THEREFORE, the Township of Grant, Keweenaw County, Michigan hereby ORDAINS:

SECTION 200 - DEFINITIONS

For the purpose of this ordinance the following words, phrases and abbreviations shall have the meanings set out below unless the context specifically indicates otherwise. Throughout the ordinance the verb "shall" indicates mandatory action, "may" indicates permissible action, and "will" is simple future.

SUBDIV. 2001 APPROVING AUTHORITY shall mean the Township of Grant Township Board or its duly authorized agent or representative.

SUBDIV. 2002 BOD (abbreviation for Biochemical Oxygen Demand) shall mean the quantity of oxygen used in the oxidation of organic matter under standard laboratory procedures in 5 days at 20° C., expressed in milligrams per liter as determined according to the most recent edition of Standard Methods for the Examination of Water and Wastewater.

SUBDIV. 2003 BUILDING DRAIN shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning 5 feet (1.52 meters) outside the inner face of the building wall.

SUBDIV. 2004 BUILDING SEWER shall mean the extension from the building drain to the public sewer or other place of disposal. (Also called HOUSE CONNECTION or SERVICE CONNECTION.)

SUBDIV. 2005 COMBINED SEWER shall mean a sewer intended to receive both wastewater and storm or surface water.

SUBDIV. 2006 EASEMENT shall mean an acquired legal right for the specific use of land owned by others.

SUBDIV. 2007 ENFORCEMENT OFFICER, or his authorized designee, is a person appointed by the Approving Authority whose responsibility shall be to administer the provisions of this Ordinance.

SUBDIV. 2008 FLOATABLE OIL shall mean oil, grease or fat in a physical state in which it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free from floatable oil if it is properly pretreated, and the wastewater does not interfere with the collection system.

SUBDIV. 2009 GARBAGE shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

SUBDIV. 2010 GROUND GARBAGE shall mean garbage which has been shredded to the degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than 1/2-inch (12.7 mm.) in any dimension.

SUBDIV. 2011 INDUSTRIAL WASTES shall mean the wastewater from industrial processes or trade, as distinct from sanitary sewage.

SUBDIV. 2012 NATIONAL CATEGORICAL PRETREATMENT STANDARD OR PRETREATMENT STANDARD. Any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of industrial users.

SUBDIV. 2013 NATURAL OUTLET shall mean any outlet (including storm sewers and combined sewer overflows) into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

SUBDIV. 2014 NORMAL DOMESTIC STRENGTH WASTE shall mean a liquid waste that is generated by a typical residence with the assumed concentrations of 315 mg/l BOD, 370 mg/l suspended solids, and 12 mg/l phosphorous.

SUBDIV. 2015 NPDES PERMIT (National Pollutant Discharge Elimination System Permit) shall mean the licensing method used to maintain effluent quality standards by the Department of Natural Resources when authorizing the discharge of liquid pollutant into a surface water of the State, and includes monitoring requirements and maximum contaminant levels for the discharge.

SUBDIV. 2016 PARTS PER MILLION (also MILLIGRAMS PER LITER) is a weight-to-volume ration. (To calculate pounds per million gallons multiply parts per million by 8.345.)

SUBDIV. 2017 PERSON shall mean any individual, partnership, firm, group, company, association, corporation, or society.

SUBDIV. 2018 pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

SUBDIV. 2019 PRETREATMENT OR TREATMENT is the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned wastewater facility. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 CFR Section 403.6(d).

SUBDIV. 2020 PUBLIC SEWER shall mean a common sewer controlled by a governmental agency or a public utility.

SUBDIV. 2021 SANITARY SEWAGE (Also NORMAL DOMESTIC STRENGTH WASTE) shall mean any combination of liquid and water-carried wastes discharged from sanitary plumbing facilities. Sanitary sewage shall be assumed to have the following waste concentrations:

BOD - 315 milligrams per liter

Suspended Solids - 370 milligrams per liter

Phosphorous - 12 milligrams per liter

Other - no substances prohibited or limited by this ordinance

- SUBDIV. 2022 SANITARY SEWER shall mean a sewer that carries liquid and water-borne wastes from residences, industrial plants, commercial buildings, and institutions together with minor quantities of groundwater, storm water and surface waters that are not admitted intentionally.
- SUBDIV. 2023 SEWAGE shall mean the spent water of a community. (The term WASTEWATER is preferable.)
- SUBDIV. 2024 SEWER shall mean a pipe or conduit that carries wastewater or drainage water.
- SUBDIV. 2025 SLUG shall mean any discharge of water or wastewater which, for any length of time greater than 15 minutes, exceeds five times the average twenty-four hour concentration of any particular constituent or the average rate of flow during normal operation, and which will adversely affect the collection system or performance of the wastewater treatment works.
- SUBDIV. 2026 STANDARD METHODS shall mean the methods used in the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Associations.
- SUBDIV. 2027 STORM DRAIN (also STORM SEWER) shall mean a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.
- SUBDIV. 2028 STORM WATER RUNOFF shall mean that portion of rainwater that is drained into the sewers.
- SUBDIV. 2029 SUSPENDED SOLIDS shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater. It is referred to as non-filterable residue.
- SUBDIV. 2030 UNPOLLUTED WATER shall mean water of a quality equal to or better than the effluent criteria in effect, or water that would not cause violation of water quality standards and which would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- SUBDIV. 2031 USER shall mean any individual, partnership, firm, group, company, association, corporation, or society served by the wastewater system.
- SUBDIV. 2032 WASTEWATER shall mean the spent water of a community. With reference to source, it may be a combination of the liquid and water-borne wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and storm water that may be present.

SUBDIV. 2033 WASTEWATER FACILITIES shall mean the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastewater and to dispose of the effluent.

SUBDIV. 2034 WASTEWATER SERVICE AREA shall mean the area within the plat of Copper Harbor and those areas outside the plat depicted on the map at Enclosure A.

SUBDIV. 2035 WASTEWATER TREATMENT WORKS shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge.

SECTION 210 - REQUIRED USE OF PUBLIC SEWERS

This ordinance pertains to all wastewater generators within the wastewater service area of the Township of Grant.

SUBDIV. 2101 - WASTE DISCHARGES PROHIBITED. It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner on public or private property within the service area of the Township of Grant wastewater system any animal or human excrement, garbage or objectionable waste.

SUBDIV. 2102 - WASTEWATER DISCHARGES PROHIBITED. It shall be unlawful to discharge into any natural outlet within the wastewater system area any wastewater or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this ordinance.

SUBDIV. 2103 - UNAPPROVED ON-SITE. Except as hereinafter provided. It shall be unlawful to construct or maintain within the wastewater system area any non-Health Department approved, on-site treatment and disposal system, such as a privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

SUBDIV. 2104 - PUBLIC SEWER CONNECTION. The owner or owners of all buildings which require sanitary wastewater facilities and are located within the wastewater system area is required at the expense of the owner or those owners to connect those facilities directly with the proper public sewer in accordance with the provisions of this ordinance within ninety days after the date of an official notice to do so, provided there is a public sewer in an adjacent public right-of-way within two hundred feet (61 meters) of the building.

SUBDIV. 2105 - ALLOWABLE ON-SITE SYSTEMS. On-site disposal shall be allowed for all wastewater generators who do not have a public sewer in an adjacent public right-of-way within two hundred feet (61 meters) of the property line and who have a construction permit from the Michigan Department of Public Health.

SECTION 220 - BUILDING AND CONNECTIONS

SUBDIV. 2201 - SEWER PERMIT REQUIREMENTS. No person or persons shall uncover, make any connections with, or opening into, use, alter or disturb any public sewer or appurtenance to a sewer without first obtaining a written permit from the Approving Authority. No connection to the wastewater system shall be made unless it is officially determined that the system capacity is available.

SUBDIV. 2202 - CONNECTION COSTS.

- a. Existing users during construction of the wastewater system. All costs and expenses incidental to the installation and connection of the building sewer to the grinder pump shall be borne by the owner or owners. The owner or owners shall indemnify the Approving Authority for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- b. Users connecting after operation of the wastewater system is initiated will bear all costs and expenses of connecting to the sewer main, including the building sewer, grinder pump(s), and lateral sewer to the sewer main. The materials and construction shall conform to requirements of the building and plumbing codes and other applicable requirements of the Approving Authority.

SUBDIV. 2203 - BUILDING SEWER REQUIREMENT. A separate and independent building sewer shall be provided for every building discharging wastewater.

SUBDIV. 2204 - USE OF OLD BUILDING SEWER. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Approving Authority, to meet all requirements of this ordinance.

SUBDIV. 2205 - BUILDING SEWER CONSTRUCTION. The size, slope, alignment, materials and construction of a new or reconstructed building sewer and the methods to be used in excavating, placing of pipe, jointing, testing and backfilling shall all conform to the requirements of the building and plumbing codes and to other applicable requirements of the Approving Authority. Wastewater facilities shall also conform to the provisions of the Water Pollution Control Federation Manual of Practice No. 9 Design and Construction of Sanitary and Storm Sewers and "10-States Standards".

SUBDIV. 2206 - SEWER ELEVATION. Whenever possible, the building sewer shall be brought to a building at a level below the level of the basement floor. In a building in which any building drain is too low to permit gravity flow into the public sewer, the wastewater carried by that low building drain shall be lifted by a pump or other approved means and discharged into the building sewer.

SUBDIV. 2207 - CLEARWATER SOURCES NOT ALLOWED. No person(s) shall connect downspouts, foundation drains, area-way drains, sump pumps or other surface runoff or groundwater to a building sewer or to a building drain which in turn is connected directly or indirectly to a public sewer, unless the connection is approved by the Approving Authority for the purpose of disposal of polluted surface drainage.

SUBDIV. 2208 - BUILDING SEWER CONNECTION. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable requirements of the Approving Authority. All connections shall be made gas-tight and watertight and shall be verified by proper testing. Any deviation from the prescribed procedures or materials must be approved by the Approving Authority before installation.

Any installation not maintaining a direct route and constant slope from the building to the grinder pump connection and/or containing one or more angle connections shall be equipped with a cleanout.

SUBDIV. 2209 - CONNECTION APPROVAL. An applicant for a building sewer installation shall notify the Approving Authority when the building sewer is ready for inspection and connection with the public sewer. The connection and testing shall be made under the supervision of the Enforcement Officer.

SUBDIV. 2210 - CONSTRUCTION SAFETY. All excavation for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Sidewalks, streets, parkways and other public property disturbed in the course of the work of installing a building sewer shall be restored in a manner satisfactory to the Enforcement Officer.

SUBDIV. 2211 - CONNECTION CHARGE. The Approving Authority may levy a connection charge upon the application for connection of a building sewer to the public sewer. The amount of this charge shall be determined by a resolution adopted by the Approving Authority. The amount shall be paid by the owner or owners of the building served by the building sewer.

SUBDIV. 2212 - WATER METERS. All wastewater system users, except Fort Wilkins State Park, shall have a water supply that is metered. Water meters, for wastewater system users that obtain water from non-public water sources, will be furnished and installed by the Township at the user's expense. Meters not readily accessible from outside the building will be equipped with remote reading heads. The Township will be responsible for maintaining the meters, except that users will be charged for the cost of repairing physical damage.

SUBDIV. 2213 - AUXILIARY POWER. The connection of any auxiliary power source to the grinder pumps must be in accordance with applicable codes and approved by the Approving Authority. Any damage to the grinder pump as a result of misuse by the user will be repaired by the Township at the expense of the user.

SUBDIV. 2214 - SPECIAL BUILDINGS (RESTAURANTS, GARAGES, STORES, ETC.).

1. A grease interceptor conforming to PD1-G101⁽¹⁾ is required for all food service preparation establishments.
2. An oil separation is required for all floor drains from gas stations or repair garages. The separator shall have a minimum capacity of six (6) cubic feet for the first 100 square feet of area to be drained, plus 1 cubic foot for each additional 100 square feet of area to be drained into the separator.⁽²⁾ The separator design and installation must be approved by the Approving Authority.
3. The Approving Authority in consultation with the Engineer and/or Local Health Department, shall decide which Special Buildings, if any, will not need the additional devices.

⁽¹⁾ Testing and Rating Procedures for Grease Interceptors
Plumbing and Drainage Institute, 4352 Boulevard Place, Indianapolis,
Indiana 46208

⁽²⁾ BOCA Plumbing Code (1987) P-1002.0.

SECTION 230 - USE OF THE PUBLIC SEWERS

SUBDIV. 2301 - SANITARY SEWERS. No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, surface drainage or cooling water to any sanitary sewer, except that storm water runoff from limited areas, which may be polluted at times, may be discharged into the public sewer by permission of the Approving Authority.

SUBDIV. 2302 - INSPECTIONS. Authorized persons of the Township may make inspections within the wastewater system area for sump pump connections to public sewers and illegal downspout connections. Violations shall be reported to the Approving Authority.

SUBDIV. 2303 - STORM SEWERS. Storm water other than that exempted under Section 230, Section 1 and all other unpolluted drainage shall be discharged to such sewers specifically designated as storm sewers or to natural outlets approved by the Approving Authority. Unpolluted industrial cooling water or process water may be discharged, on approval of the Approving Authority, to a storm sewer or natural outlet.

SUBDIV. 2304 - PROHIBITIONS AND LIMITATIONS. Discharge of various substances, materials, waters, or wastes to the sewer system shall be limited to concentrations or quantities which in the judgment of the Approving Authority will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the groundwater, will not otherwise endanger life, limb, public property, and will not constitute a nuisance. The Approving Authority may set limitations more restrictive than the limitations established in the regulations below if, in its opinion, such limitation are necessary to meet the above prohibitions. In forming its opinion as to the acceptability of a particular waste being discharged to the sanitary sewer, the Approving Authority will have sole discretion, but will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer, are as follows:

1. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
2. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
3. Gasoline, benzine, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

4. Water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singularly or by interaction with other wastes, to injure or interfere with any waste treatment process, to constitute a hazard to humans or animals, or to create a toxic effect in the receiving waters of the wastewater treatment works or exceed the standard in the National Categorical Pretreatment Standard. This prohibition of toxic pollutant will conform to Section 307(a) of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended.
5. Wastewater from industrial plants containing floatable oil, fat or grease.
6. Solid or vicious substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, sand, mud, straw, shavings, metal, glass, rags, manure, hair and fleshing, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
7. Garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewer from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places.
8. Water or wastes containing objectionable or toxic substances in concentrations that would result in the composite wastewater at the wastewater treatment works exceeding the limits established by the Approving Authority.
9. Water or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority.
10. Water or wastes having a pH lower than 6.0 or having other corrosive properties capable of causing damage or hazard to structures, equipment or personnel of the wastewater facility.
11. Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Approving Authority in compliance with State and Federal regulations.
12. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
13. Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment site effluent cannot meet the requirements of the Approving Authority's NPDES Permit.
14. Water or wastes which, by interaction with other waste or wastes in the public sewer system, release obnoxious gases, which interfere with the collection system or create a condition deleterious to structures and treatment processes.

15. Material(s) which exert(s) or cause(s):
 - a. Unusual BOD, SS (suspended solids) or ammonia requirements in such quantities as to constitute a significant load on the wastewater treatment works.
 - b. Unusual flow volumes of concentrated wastes constituting "slugs" as defined herein.
 - c. Unusual concentrations of inert suspended solids (such as fuller's earth, lime slurries and lime residues) or dissolved solids (such as sodium sulfate).
 - d. Excessive discoloration (such as dye wastes and vegetable tanning solutions).
16. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a Categorical Pretreatment Standard. The prohibition of toxic pollutants will conform to Section 307(a) of the Act.

SUBDIV. 2305 - VARIANCES. Variance at its sole discretion may be issued upon application to the Approving Authority by a wastewater system user where-by wastes of unusual strength or character, either before or after pretreatment, may be accepted by the Approving Authority, provided there is not impairment of the functioning of the sewage disposal works or damage to the sewers or treatment facilities or receiving waters by reason of the admission of such wastes, and no extra costs are incurred by the Approving Authority without recompense by the person requesting admission of said waste into the sewage works.

SECTION 240 - CONTROL OF INDUSTRIAL WASTES
DIRECTED TO PUBLIC SEWERS

SUBDIV. 2401 - INDUSTRIAL WASTE DISCHARGE CHARACTERIZATION. Within three (3) months after the passage of this ordinance, each person who discharges industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent information relating to the quantity and characteristics of the wastes to be discharged into the wastewater works.

Similarly, each person desiring to make an new connection to a public sewer for the purpose of discharging industrial waste shall prepare and provide to the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

SUBDIV. 2402 - EXTENSION. When it can be demonstrated that circumstances exist which would create an unreasonable burden on a person to comply with the schedule imposed by Section 2401, a request for an extension of time may be presented for the consideration of the Approving Authority.

SUBDIV. 2403 - ACCEPTANCE OF INDUSTRIAL WASTE. If any waters or wastes are discharged or proposed to be discharged into the public sewers, and those waters or wastes contain substances or possess characteristics listed in Section 2304 and which, in the judgment of the Approving Authority, may have a harmful effect upon the wastewater works, processes, equipment or receiving waters, or which otherwise might create a hazard to life or health, or constitute a public nuisance, the Approving Authority may:

1. Reject the wastes
2. Require pretreatment to an acceptable condition for discharge into the public sewers
3. Require control over the quantities and rates of discharge, or
4. Require payment in addition to existing taxes or sewer charges to cover the added cost of handling and treating the wastes.

SUBDIV. 2404 - CONTROL MANHOLE(S). Each person discharging industrial wastes into a public sewer shall construct and maintain one or more manholes or access points to facilitate observation measurement and sampling of his wastes, including domestic wastewater. Manholes and access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Approving Authority.

Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be a type acceptable to the Approving Authority.

Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority before the beginning of construction.

SUBDIV. 2405 - FLOW METERING. The volume of flow used for computing industrial waste collection and treatment charges shall be the metered water consumption of the wastewater system user as shown in the records of meter readings maintained by the owner except as noted in Section 2406.

SUBDIV. 2406 - RATE RELIEF. In the event that a wastewater system user discharging industrial waste into the public sewers produces evidence satisfactory to the Approving Authority that more than ten percent (10%) of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the Approving Authority and the wastewater system user.

SUBDIV. 2407 - WASTEWATER SAMPLING. Devices for measuring the volume of waste discharged may be required by the Approving Authority if that volume cannot be otherwise determined or estimated. Metering devices shall be installed, owned and maintained by the person discharging the waste. After approval and installation, the metering devices may not be removed or altered without the consent of the Approving Authority.

Samples shall be collected in a manner to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical, electric or electronic equipment acceptable to the Approving Authority.

Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority at all times. Every care shall be exercised in the collection of samples to insure their preservation in a state similar to what it was at the time the sample was taken.

SUBDIV. 2408 - MONITORING CHANGES. The Approving Authority may, at its opinion, install structures and equipment, and perform the measuring and sampling called for above. In that case, all structures and equipment shall be considered part of the wastewater treatment works, and the costs of construction and maintenance shall be included in the service charge to the industrial user.

SUBDIV. 2409 - PRETREATMENT. When, in the opinion of the Approving Authority and in accordance with Title 40, Part 403 of the Code of Federal Regulations and other applicable state and federal regulations pretreatment is required to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment facility, the person so discharging shall provide, at his expense, the pretreatment facilities that the Approving Authority may deem necessary to render his waste acceptable for discharge into the public sewer.

Upon the promulgation of the National Categorical Pretreatment Standards for a particular subcategory, the Pretreatment Standard, if more stringent than limitations imposed under this Ordinance for sources in the subcategory, shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance. The Approving Authority shall notify all affected users of the applicable reporting requirements.

SUBDIV. 2410 - MEASURING AND TESTING. All measurements, tests and analyses of the characteristics of the water and wastes to which reference is made in this ordinance shall be determined in accordance with Title 40, Part 136, of the Code of Federal Regulations and in accordance with the latest edition of Standard Methods for Examination of Water and Wastewater. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

Determination of the character and concentration of the industrial wastes shall be made by the person discharging them. The Approving Authority may also make its own analysis of the wastes, and these determinations shall be binding as a basis for treatment service charges.

SUBDIV. 2411 - PLAN REVIEW. Plans, specification and any other pertinent information relating to proposed flow equalization pretreatment or processing facilities shall be submitted for review by the Approving Authority before the start of construction, if the effluent from those facilities is to be discharged into the public sewers.

SECTION 250 - ENFORCEMENT OFFICER DUTIES AND AUTHORITY

SUBDIV. 2501 - DUTIES. The Enforcement Officer is responsible for administering and implementing the provisions of this ordinance. Such duties shall include:

1. Inspection of each grinder pump at least once each year.
2. Administer the permit provisions of this ordinance.
3. Issue violation notices in case of violation of this ordinance.
4. Submit periodic reports to the Township Board and required report to the Michigan Department of Natural Resources.

SUBDIV. 2502 - RIGHT OF ENTRY. The Enforcement Officer shall be permitted to enter such properties as may be necessary for the purpose of inspecting, observing, measuring, sampling and testing to determine compliance with the provisions of this ordinance.

SUBDIV. 2503 - SAFETY. While performing the necessary work on private premises, investigators, the Enforcement Officer shall observe all the safety rules applicable to the premises established by the user.

SUBDIV. 2504 - RIGHT TO ENTER EASEMENTS. The Enforcement Officer and authorized agents of the Approving Authority, shall be permitted to enter all private properties through which the Approving Authority has duly negotiated easements for the purpose of repair and maintenance of portion of the wastewater works lying within the easement, subject to the terms, if any, in the agreement.

SECTION 260 - DAMAGE OR TAMPERING WITH WASTEWATER FACILITIES

SUBDIV. 2601 - WILLFUL, NEGLIGENT OR MALICIOUS DAMAGE. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facility. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct or malicious destruction of property as the case may be.

SECTION 270 - VIOLATIONS AND PENALTIES

SUBDIV. 2701 - WRITTEN NOTICE OF VIOLATION. Any such notice given shall be in writing and served in person or by registered or certified mail. The notice shall be sent to the last address of the violator known to the Approving Authority, or its authorized designee. Where the address is unknown, service may be made upon the owner of record of the property involved. If satisfactory action is not taken in the time allotted by the notice, the following paragraph shall be implemented.

SUBDIV. 2702 - VIOLATIONS. Any person found to be in violation of this ordinance or any requirement of a permit issued hereunder, may be served with a written notice stating the nature of the violation and providing a reasonable time limit for compliance.

Any person who continues to violate the provisions of this ordinance beyond the time limit stated in the Notice of Violation, may be charged with commission of a misdemeanor or upon conviction thereof, shall be fined not more than Five Hundred Dollars (\$500) for each day the violation continues.

Each day or portion thereof that a violation continues shall constitute a separate offense.

SUBDIV. 2703 - LIABILITY FOR LOSSES. Any person violating any provision of this ordinance shall become liable to the Approving Authority for any expenses, loss or damage occasioned by reason of such violation which the Approving Authority may suffer as a result thereof. The Township Board reserves the right to proceed against a user for any and all civil damages which may result from their use or abuse of the system for the actual cost of restoring the system to its full function and use.

SECTION 280 - ADMINISTRATIVE APPEALS - BOARD OF APPEALS

SUBDIV. 2801 - So provisions of this Ordinance may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of these section, the Township Board shall serve as a Wastewater Board of Appeals. The duty of such Board shall be to consider appeals from the decision of the Grant Township/Copper Harbor Utilities Board and to determine, in particular cases, whether any deviation from strict enforcement will violate the intent of the order or jeopardize the public health or safety.

SUBDIV. 2802 - An informal hearing before the Utilities Board may be requested in writing by any user or contractee deeming itself aggrieved by any citation, order, charge, fee, surcharge, penalty or action within ten days after the date thereof, stating the reasons therefore with supporting documents and data.

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

SUBDIV. 2803 - Appeals from orders of the Utilities Board may be made to the Township Board, acting as a Board of Appeals, within thirty (30) days from the date of any citation, order, charge, fee, surcharge, penalty or other action. Such appeal may be taken by any person aggrieved. The appellant shall file a Notice of Appeal with the Utilities Board and with the Board of Appeals, specifying the ground therefore. Prior to a hearing, the Utilities Board shall transmit to the Board of Appeals a summary report of all previous action taken. The final disposition of the appeal shall be in the form of a resolution, either reversing, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the Board of Appeals must concur.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the Board of Appeals may reverse or affirm, in whole or in part, or may make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end have all the powers of the official from whom said appeal is taken. The decision of said Board of Appeals shall be final.

The Board of Appeals shall meet at such times as it may determine. Meetings shall be open to the public in accordance with applicable laws. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings, showing findings of fact, the action of the Board of Appeals, and the vote of each member upon each questions considered. The presence of three (3) members shall be necessary to constitute a quorum.

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

SUBDIV. 2804 - All charges for service, penalties, fees or surcharges outstanding during any appeal process shall be due and payable to the Township. Upon resolution of any appeal, the Township shall adjust such amounts accordingly; however, such adjustments shall be limited to the previous one year's billing unless otherwise directed by court order.

SUBDIV. 2805 - If an informal or formal hearing is not demanded within the periods specified herein, such administrative action shall be deemed final. In the event either or both such hearings are demanded, the action shall be suspended until a final determination has been made, except to Immediate Cease and Desist Orders issued pursuant to this Section.

SUBDIV. 2806 - Appeals from the determination of the Board of Appeals may be made to the Circuit Court for the County of Keweenaw within twenty (20) days as provided by law. Such appeals shall be governed procedurally by the Administrative Procedures Act of the State of Michigan (1979 P.A. No. 306, MCLA 24.201 et seq). All findings of fact, if supported by the evidence, made by the Board shall be conclusive upon the Court.

SECTION 290 - VALIDITY

SUBDIV. 2901 - REPEAL OF CONFLICTING ORDINANCE. All ordinances or parts of ordinances or regulations in conflict with this ordinance are hereby repealed.

SUBDIV. 2902 - INVALIDATION CLAUSE. Invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other section, clause, sentence, or provision of this ordinance which can be given effect without the invalid part or parts.

SUBDIV. 2903 - AMENDMENTS. Public Notice shall be given in accordance with applicable provisions of the State and Federal law prior to adoption of any amendments to this ordinance.

SECTION 300 - EFFECTIVE DATE

SUBDIV. 3001 - DATE EFFECTIVE. This ordinance shall take effect and be in force from and after this 3rd day of February, 1992.

SUBDIV. 3002 - DATE OF ENACTMENT. Passed and adopted by the Township Board of the Township of Grant in the County of Keweenaw and the State of Michigan on this 13th day of January, 1992.

YES: 5

NO: 0

ABSENT: 0

Tom Beveridge
Grant Township, Supervisor

Richard M. Power
Grant Township, Clerk

Date Published in the Daily Mining Gazette: January 17, 1992

AFFIDAVIT OF PUBLICATION


IN THE MATTER OF Ordinance No. 92-1 Ordinance 92-2

STATE OF MICHIGAN
COUNTY OF HOUGHTON SS

Donald Morin

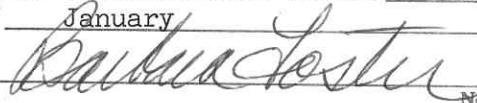
being first duly sworn, says that he is an agent of the Publisher of The Daily Mining Gazette, a newspaper published in the English language for the dissemination of local or transmitted news and intelligence of a general character and legal news, which is a duly qualified newspaper, and that annexed hereto is a copy of a certain order taken from said newspaper in which the order was published

on the following dates January 17, 1992



Agent of the Publisher of the Daily Mining Gazette.

Subscribed and sworn before me this 20th
day of January A.D., 19 92



BARBARA FOSTER
NOTARY PUBLIC - HOUGHTON COUNTY
MY COMMISSION EXPIRES 3-29-

Notary Public, Houghton County, Michigan

Legal Advertisement
January 17, 1992

TOWNSHIP OF GRANT
ORDINANCES 92-1 and 92-2

ORDINANCE NO. 92-1

Township of Grant, Keweenaw County adopted Ordinance establishing the disposition of wastewater, the use of public and large of water and wastewater and providing penalties for

for, among other things, building drains: sewers, sanitary sewage, storm sewers, public sewers, waste treatment works and regulates their use;

it unlawful for any person to deposit or dispose of any sewage, waste, sanitary sewage or wastewater upon any wastewater service area;

of wastewater in the service area except into a public sewer; the owners of all buildings or properties in the Township within 200 feet of a public sewer in an adjacent right-of-way to connect and building sewers to the public sewer;

of down-spouts or sources of surface run-off or storm sewers or a public sanitary sewer, establishes requirements for construction and connection of building sewers to public sewer; Health Department approved septic tanks or cesspools; and from the Township of a sewer hookup permit before sewer and authorizes the levying of connections charges; water system users to have a metered water supply. Meters for the Township on non-public water sources at the owners

ceptors for all food service preparation establishments as stations and repair garages.

of unpolluted waters into public sewers;

personnel to inspect connections and building sewers; into public sewers of gasoline, petroleum or other toxic materials, solid and viscous substances, wastewater temperatures or containing unshredded solids and waters other substances beyond the capacity of the wastewater treatment which would unduly burden the wastewater treatment

of industrial and other waste to public sewers, requires and maintain measuring and observation facilities and testing or preliminary treatment of certain industrial wastes at producer's sole expense;

officials to utilize properly negotiated easements for the maintenance of sewers and to examine sewer discharges; or negligent interference with or damage to public sewer or prohibits connections, facilities or discharges in violation of these penalties in the form of a fine of not more than \$500.00 cost to repair the damage done to the system.

of Appeals to consider appeals of provisions of this

ORDINANCE 92-2

Township of Grant, Keweenaw County, adopted Ordinance establishing charges for users of the Copper Harbor

er things, the various categories of users, including governmental, industrial, municipal and institutional, the of operating the wastewater disposal system, and the types

of determining and imposing sewer use charges upon all Grant wastewater disposal system;

ip Board to establish such charges by resolution at any and requires the mailing of statements and bills by the

r all sewer or user charges and provides that any charges are due after payment is due gives the Township the right to terminate sewer service at the users's expense;

ation of unpaid sewer service charges to the assessor and Township tax roll and collection by sale of the property in subsequent general Township taxes;

p to enter upon property to terminate service and to close property owner's expense;

t shall be made of wastewater disposal system operating of a separate fund for their deposit and disbursement and to establish unit cost categories as a basis for the service charges both for industrial and non-industrial

p to require that property owners install measuring and to measure sewage use and content;

wer charges regardless of use.

ances 92-1 and 92-2 as well as other Township Ordinances be and inspection during all normal business hours at the clerk, in Copper Harbor, at no charge.

TOWNSHIP OF GRANT
RICH M. POWERS
Township Clerk