

VILLAGE OF CLIFFORD

SEWER ORDINANCE

ORDINANCE NO. 31

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS; PRIVATE SEWAGE DISPOSAL; THE INSTALLATION AND CONNECTION OF BUILDING SEWERS; INDUSTRIAL WASTE PRETREATMENT FACILITIES; DISCHARGE OF WATERS AND WASTE INTO THE PUBLIC SEWER SYSTEM OF THE VILLAGE; AND PROVIDING PENALTIES FOR VIOLATIONS.

THE VILLAGE OF CLIFFORD ORDAINS:

Section 1. SCOPE. No sewage or wastewater shall be discharged from or onto any premises within the Village except in compliance with this Ordinance.

Section 2. DEFINITIONS. The meaning of terms used in this ordinance shall be as follows:

BIOCHEMICAL OXYGEN DEMAND (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C., expressed in milligrams per liter.

BUILDING DRAIN shall mean that part of a drainage system which receives discharge from drainage pipes inside the walls of the building and conveys it to the building sewer. The building drain shall be deemed to extend five (5) feet outside the building wall.

BUILDING SEWER shall mean the extension from the building drain to the public sewer or other place of disposal.

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

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

COMBINED SEWER shall mean a sewer receiving both surface runoff and sewage.

COMBINED WASTESTREAM. The wastestream at industrial facilities where regulated process effluent is mixed with other wastewaters (either regulated or unregulated) prior to treatment.

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

FOOTING DRAIN shall mean a pipe or conduit which is placed around the perimeter of a building foundation and which intentionally admits ground water.

GARBAGE shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce. Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

INDUSTRIAL WASTES shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

INFILTRATION shall mean that portion of ground water which is unintentionally admitted to a sewer.

MAJOR CONTRIBUTING INDUSTRY means any industrial user of the publicly owned treatment works that:

1. has a flow of 50,000 gallons or more per average work day;
2. has a flow greater than five (5%) percent of the flow carried by the municipal system receiving the wastes;

3. has in its waste, a toxic pollutant in toxic amounts as defined in the standards issued under Section 307 (a) of the Federal Water Pollution Control Act of 1972; or

4. is found by the permit issuance authority in connection with the issuance of an NPDES Permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works. All major contributing industries shall be monitored.

NATIONAL CATEGORICAL PRETREATMENT STANDARD. Any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of Industrial Users.

NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD. Any regulation developed under the authority of 307 (b) of the Federal Water Pollution Control Act and 40 CFR, Section 403.5.

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

NEW SOURCE. Any source, the construction of which is commenced after the adoption of this ordinance.

NORMAL DOMESTIC SEWAGE. Sewage with a concentration of 300 mg/l biochemical oxygen demand or 350 mg/l of suspended solids.

NPDES PERMIT means a permit issued pursuant to the National Pollutant Discharge Elimination System prescribed in U.S. Public Law 92-500.

POLLUTANT. Any of various chemicals, substances, and refuse materials such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, and industrial, municipal and agricultural wastes which impair the purity of the water and soil.

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

PRETREATMENT OR TREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of 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 the sewage works. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6(d).

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement for treating of a waste prior to inclusion in the sewage works.

PRETREATMENT STANDARDS. National Categorical Pretreatment Standards, Alternative Discharge Limits, or other Federal, State or Local standards, whichever are applicable.

PUBLIC SEWER shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by the Village.

SANITARY SEWER shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE OR WASTEWATER shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground waters as may be present.

SEWAGE TREATMENT PLANT or WASTEWATER TREATMENT PLANT shall mean any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

SEWER shall mean a pipe or conduit for carrying sewage.

STORM SEWER or STORM DRAIN shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

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

SUPERINTENDENT shall mean the Superintendent of the Wastewater Treatment Plant.

SUSPENDED SOLIDS shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids; and which are removable by laboratory filtering.

TOXIC POLLUTANT. Any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment.

USER. Any person who contributes, causes or permits the contribution of wastewater into the sewage works.

USER CLASS means the kind of user connected to sanitary sewers including, but not limited to residential, industrial, commercial, institutional and governmental.

1. COMMERCIAL USER shall mean an establishment listed in the Office of Management and Budget's "Standard Industrial Classification Manual" (SICM) involved in a commercial enterprise, business or service which, based on a determination by the Village, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential user or an industrial user.

2. INDUSTRIAL USER shall mean any user that discharges an industrial waste as defined in this ordinance.

3. 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 Village, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

4. GOVERNMENTAL USER shall mean any Federal, State, or Local government user of the wastewater treatment works.

5. RESIDENTIAL USER shall mean a user of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments, or permanent multi-family dwellings (transit lodging is not included, it is considered commercial).

VILLAGE shall mean the Village of Clifford.

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

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

Section 3. USE OF PUBLIC SEWERS REQUIRED.

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Village, any human or animal excrement, garbage or other prohibited waste.

B. It shall be unlawful, when sewer and/or treatment facilities are available, to discharge to any natural outlet within the Village any sanitary sewage, industrial wastes, or other polluted waters.

C. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, unless specifically permitted by the Lapeer County Health Department or as hereinafter provided.

D. The owner of any house, building, or property used for human occupancy, employment, or other purpose for which a public sanitary or combined sewer of the Village is available, is hereby required at his expense to install suitable sewage facilities therein and to connect such facilities directly with the proper public sewer within 90 days of the date the Village gives notice to do so.

Section 4. PRIVATE SEWAGE DISPOSAL.

A. Where a public sanitary sewer is not available, the building sewer shall be connected to an approved private sewage disposal system.

B. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be pumped, filled with sand and abandoned for sanitary use.

C. The owner shall install, operate and maintain any private sewage disposal facilities in a sanitary manner at all times in accordance with the rules and regulations of the Lapeer County Health Department.

Section 5. BUILDING SEWERS AND CONNECTIONS.

A. No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village.

B. All costs and expense incident to the installation, connection and maintenance of the building sewer to the public sewer connection shall be borne by the owner.

C. A separate and independent building sewer shall be provided for every building; except where the building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building.

D. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Village to meet all requirements of this ordinance.

E. A building sewer shall be constructed of material approved by the Village which will be water tight to prohibit infiltration. The Village reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in concrete cradle if foundation and construction are such as to warrant such protection in the opinion of the Village.

F. The size and slope of the building sewer shall be subject to the approval of the Village, but in no event shall the diameter be less than four (4) inches. The slope of a building sewer pipe shall be not less than one-quarter (1/4) inch per foot.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three (3) feet of any bearing wall, which might thereby be weakened.

The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction of greater than 45 degrees shall be provided with clean-outs accessible for cleaning.

H. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by artificial means approved by the Village and discharged to the building sewer.

I. All joints and connections shall be made gas tight and water tight. All joints shall be approved by the Village.

J. No building sewer shall be located closer than ten (10) feet to any water well or well pit.

K. No sewer connection will be permitted unless there is capacity available in all downstream sewer lift stations, force mains and the wastewater treatment plant, including capacity for treatment of BOD and suspended solids.

L. All extensions and alterations of the system of sewer mains shall be under the supervision of the Village. Each petition for the extension of sewer mains shall be addressed to the Village Council for a determination.

M. Any owner of property proposing to install a sewer main and dedicate the main to the Village shall, at his own expense, submit plans and specifications for such work to the Village for its approval. After such plans and specifications have been approved by the Village as consistent with the general sewage disposal system and engineering plans and specifications for the sewage disposal system of the Village, the work shall be done under the supervision of the Village. No sewage shall be admitted into such mains until the Village accepts the installation. The provisions of this subsection shall also apply to any installation of sewer mains outside of the Village, where permission has been granted by the Village to connect such mains to the Village sewage disposal system.

N. Before any connection is made to a Village sewer main, application shall be made in writing to the Village by the owner of the premises to be served.

O. After the permit for service connection has been granted, and before the connection is made, the owner shall pay a permit fee for tapping the main and installation of the sewer main from the main to the premises. The permit fee shall be determined and paid according to a schedule of fees established by the Village Council.

#### Section 6. USE OF THE PUBLIC SEWERS.



A. No person shall discharge or cause to be discharged, any storm water, surface water, ground water or roof water to any sanitary sewer.

B. Storm water, ground water and all unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers. Discharge of cooling water or unpolluted process water to a natural outlet shall be approved only by the State Health Department.

C. Except as hereinafter provided, no person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewer:

1. Any liquid or vapor having a temperature higher than 150 degrees fahrenheit.
2. Any water or waste which may contain more than 50 parts per million by weight of fat, oil, or grease.
3. Any gasoline, benzene, naptha, fuel oil or other flammable or explosive liquid, solid, or gas.
4. Any garbage that has not been properly shredded.
5. Solid or viscous substances capable of causing obstruction to flow in sewers or other interference with the proper operation of the sewage works, such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, woods, paunch manure; or any other solid or viscous substance.
6. Any waters or wastes having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works. The pH of wastes discharged into the sewer system must be within 6 to 9.5 limits.
7. Any waters or wastes containing a toxic or poisonous substance or of high chlorine demand in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters or storm water overflows or the effluent of the wastewater treatment plant. Materials such as copper, zinc, and chromium shall be limited to concentrations established by the State of Michigan regulatory agencies in accordance with State and/or Federal pretreatment standards.

8. Any waters or wastes containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant.

9. Any noxious malodorous gas or substance capable of creating a public nuisance.

10. Any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the State Health Department in compliance with applicable State and Federal regulations.

11. Any waters having a chlorine demand in excess of 15 parts per million by weight.

12. Any water containing phenals in excess of 0.02 parts per million by weight.

13. Any industrial waste that may cause a deviation from the NPDES Permit requirements, pretreatment standards or any other State and Federal regulations.

D. Grease, oil and sand interceptors shall be provided when in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Building Inspector and shall be located as to be readily accessible for cleaning and inspection. Grease and oil 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 in place shall be gastight and watertight.

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

F. The admission into the public sewers of any waters or wastes containing (a) 5 day BOD greater than 300 parts per million by weight or (b) containing more than 350 parts per million weight of suspended solids, or (c) containing any quantity of substances having the characteristics described in subsection C of this Section or (d) having an average daily flow greater than 2 percent of the average daily flow of the Village, shall be subject to review and approval of the superintendent. Where necessary in the opinion of the Village, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the 5 day BOD to 300 parts per million by weight; or reduce objectionable characteristics or constituents to within the maximum

limits provided for in subsection C of this Section, or control the quantities and rates of discharge of such waters or wastes. Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities, shall be prepared and submitted by a qualified engineer for the approval of the superintendent, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

G. Where the strength of sewage from an industrial, commercial, or institutional establishment exceeds (a) 300 parts per million of BOD by weight or (b) 350 parts per million of suspended solids by weight, or a chlorine demand greater than 15 parts per million by weight and where such wastes are permitted to be discharged to the sewer system by the superintendent, an added charge, as noted below, will be made against such establishment according to the strength of such wastes. The strength of such wastes shall be determined by composite examples taken over a sufficient period of time to insure a representative sample. The cost of taking and making the first of these samples shall be borne by the Village. The cost of any subsequent sampling and testing shall be borne by the industry or establishment, whether owner or lessee. Added sewer treatment charges shall be determined by the Village. These charges shall be based on the cost of operation, maintenances, administration, depreciation, amortization plus sufficient coverage for the sewage works.

H. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

I. Whenever the Superintendent cannot reasonably observe, sample and measure the industrial wastes of any business or industry, and he has reasonable cause to believe that said wastes are in violation of the standards imposed by subsection C of this Section, he may require the owner of the premises from which said wastes are discharged to construct and install a suitable control manhole in the building sewer to permit the observation, sampling and measurement of said wastes. Such manhole when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

J. Where required by the Superintendent, 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 own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent before construction of the facility. All required users shall complete such a program within 90 days of notification by the superintendent. In the case of an

accidental discharge, it is the responsibility of the user to immediately notify the sewage works of the incident. The notification shall include location of discharge, type of waste, and concentration and volume.

K. To determine the sewage flow from any establishment, the Village may use one of the following methods:

1. The amount of water supplied to the premises by the Village as shown upon the water meter or, if the premises are not metered, as estimated by the Village, or
2. If the premises are supplied with water from private wells or any other source, the amount of water supplied from such sources as estimated by the Village, or
3. If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises is not entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the Village, or
4. A figure determined by the Village by any combination of the foregoing or by any other equitable method.

#### Section 7. PROTECTION FROM TRESPASS AND DAMAGE.

A. No unauthorized person shall enter any building or structure, or enter or climb upon any equipment which is a part of the Wastewater Treatment Plant.

B. No person shall willfully damage, destroy, deface, uncover, or tamper with any building, structure, appurtenance, or equipment which is part of the Wastewater Treatment Plant or Sewer System.

C. No person shall plug or attempt to plug any sewer line or appurtenance.

Section 8. AUTHORITY TO INSPECT. The superintendent and other duly authorized employees of the Village acting as his duly authorized agent, bearing proper credentials and identification, shall be permitted to enter upon such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing in accordance with provisions of this Ordinance.

#### Section 9. SUSPENSION OF WASTEWATER TREATMENT.

A. The superintendent may suspend wastewater treatment service when such suspension is necessary, in the opinion of the superintendent, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, causes interference to the sewage works or causes the superintendent to violate any condition of its NPDES Permit.

B. Any person notified of a suspension of the wastewater treatment service shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Village shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the sewage works system or endangerment to any individuals. The Village shall reinstate the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the superintendent within 15 days of the date of occurrence.

Section 10. SEVERABILITY. The provisions of this Ordinance are severable, and if any of the provisions, words, phrases, clauses or terms, or the application thereof to any person, firm or corporation, or to any circumstances, shall be held invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision or findings shall not in any way affect the validity, legality or constitutionality of any other provision, work phrase, clause or term, and shall continue in full force and effect.

Section 11. PENALTIES.

A. Violation of this ordinance shall constitute a misdemeanor, conviction of which shall subject the violator to a maximum penalty of 90 days in jail and/or \$500.00 fine, in the discretion of the Court, for each violation. Each day in which any violation continues shall be deemed a separate offense.

B. In addition to any other remedies contained herein, any person violating any of the provisions of this Ordinance shall be liable to the Village for any expense, loss, or damage suffered by the Village by reason of such violation.

Section 12. EFFECTIVE DATE. This ordinance became effective on the 8th day of April, 1985.

The undersigned President and Clerk of the Village of Clifford hereby certify that this ordinance was adopted by the Clifford Village Council on the 19th day of March, 1985 and was published in the Marlette Leader on the \_\_\_\_\_ day of March, 1985.

  
George DeGroot, President

  
Suzanne Martinez, Clerk