

COURTLAND TOWNSHIP SEWER ORDINANCE

CHAPTER 37 GENERAL; DEFINITIONS

Section 37.1 Short Title. Chapters 37 through 40 of this Ordinance shall be known as the “Courtland Township Sewer Ordinance” and may be cited as such. References to this “Ordinance” in Chapters 37 through 40 refer to all of these chapters, unless specifically provided to the contrary.

Section 37.2 Objectives; State and Federal Law Requirements. This Ordinance sets forth uniform requirements for Users of the Public Sewer System and enables the Township to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*). In addition, the objectives of this Ordinance include the following:

- A. To prevent the introduction of pollutants into the Public Sewer System which will interfere with the operation of the System or contaminate the resulting sludge;
- B. To prevent the introduction of pollutants into the Public Sewer System which will pass through the System, inadequately treated, into the receiving stream or the atmosphere or otherwise be incompatible with the Public Sewer System;
- C. To improve the opportunity to recycle and reclaim wastewaters and sludges from the Public Sewer System;
- D. To provide for equitable distribution of the cost of the Public Sewer System; and
- E. To protect the physical integrity of the Public Sewer System and the Sewage Treatment Facility and to provide for the safety of the public and workers on and in the Public Sewer System and the Sewage Treatment Facility.

Section 37.3 Findings: Public Health, Safety and Welfare. The Township hereby determines that the Public Sewer System is immediately necessary to protect and preserve the public health, safety and welfare of the Township. This determination is based upon the express determination of the State Legislature set forth in Section 12752 of the Michigan Public Health Code and which reads as follows:

“Sec. 12752. Public sanitary sewer systems are essential to the health, safety, and welfare of the people of the state. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety, and welfare; presents a potential for ill health, transmission of disease, mortality, and economic blight; and constitutes a threat to the quality of surface and subsurface waters of this state. The connection to available public sanitary sewer systems at the earliest, reasonable date is a matter for the protection of the public health, safety, and welfare and necessary in the public interest which is declared as a matter of legislative determination.”

DEFINITIONS

Section 37.4 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. **Act 222** means the Public Acts of Michigan of 2001, as amended.
- B. **Availability Fee** means the amount charged, at the time and in the amount hereinafter provided, to defray the cost of extending the system directly to the premises.
- C. **Available Public Sanitary Sewer System** means a public sanitary sewer system (tapped or untapped) located in a right-of-way, easement, highway, street or public way which crosses, adjoins, or abuts, upon the premises and passes not more than 200 feet at the nearest point from a Structure in which Sanitary Sewage Originates. The distance from the sanitary sewer system shall be measured from the sewer main to the nearest point of a structure in which Sanitary Sewage Originates.
- D. **B.O.D.5 or Biochemical Oxygen Demand** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20° C., expressed in PPM by weight.
- E. **Building Drain** means that part of the lowest horizontal piping of a drainage system which receives the discharge of Sewage inside of the walls of the building and conveys said discharge to the Building Sewer.
- F. **Building Sewer** means the extension from the Building Drain which conveys the discharge of Sewage to the Public Sewer System at the Sewer Lateral. If the Grinder Pump was installed by the User, or, if the User hereafter agrees to accept ownership and responsibility for the Grinder Pump, the Building Sewer includes the Grinder Pump, pit and appurtenances, if so equipped.
- G. **C.O.D. or Chemical Oxygen Demand** means the oxygen consuming capacity of inorganic and organic matter present in Sewage.
- H. **Commercial User** means an establishment listed in the Office of the Management and Budget's "Standard Industrial Classification Manual" (SICM) (or a successor publication), involved in a commercial enterprise, business or service which, based on a determination by the Township discharges primarily segregated Domestic Sewage and which is not a Residential User or an Industrial User.
- I. **Compatible Pollutant** means the pollutants which can be treated and removed to a substantial degree by the Sewage Treatment Facility. These pollutants include but are not limited to defined maximum concentrations of B.O.D.5, S.S., pH and additional pollutants identified in the Discharge Permit if the Sewage Treatment Facility was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree.

- J. **Connection Fee** means the charges imposed by the Township and NKSA to regulate the connection of a Building Sewer, either directly or indirectly, to the Public Sewer System. This fee represents (a) the proportional cost attributable to each Structure in which Sanitary Sewage Originates to regulate access to the Public Sewer System and ensures that sufficient capacity exists to accommodate the additional use without overburdening the Public Sewer System or adversely affecting the Township's ability to provide service to the Public Sewer System's existing customers and (b) the benefit to the owner of a Structure in which Sanitary Sewage Originates derived from the connection to the Public Sewer System including, but not limited to, eliminating or reducing the risk of failure of private Sewage Disposal Facilities and the contamination of ground water. See also Direct Connection and Indirect Connection. The Connection Fee includes the Trunkage Charge, Availability Fee, NKSA Joint System Connection Fee, Service Connection Fee and Inspection and Administration Fee.
- K. **Cost of Operation and Maintenance** means all costs, direct and indirect, inclusive of all expenditures attributable to administration, Cost of Replacement, treatment and collection of Sewage, necessary to insure adequate collection and treatment of Sewage on a continuing basis in conformance with the Discharge Permit, and other applicable local, state and federal regulations.
- L. **Cost of Replacement** means expenditures and costs for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the System to maintain the capacity and performance for which the System was designed and constructed.
- M. **County** means the County of Kent, Michigan.
- N. **Debt Service Charge** means a component of the User Charge that represents the amount charged to Users of the Public Sewer System to pay all or a portion of the principal, interest and administrative costs of retiring the debt incurred for construction of or improvements to the Public Sewer System. The User Charge may, or may not, include a Debt Service Charge, depending on current financing arrangements.
- O. **Direct Connection** means a connection of the Building Sewer directly to the Public Sewer System, which is not an Indirect Connection, as defined below.
- P. **Domestic Sewage** means the liquid wastes from all habitable buildings and residences and shall include human excreta and wastes from sinks, lavatories, bathtubs, showers, laundries and all other water-carried wastes of organic nature either singly or in combination thereof.
- Q. **Garbage** means solid wastes from the preparation, cooking and dispensing of food, and the handling, sale and storage of produce and, in addition, shall include all paper, plastic and other household items, including containers, whether or not disposable or biodegradable in nature.

- R. **Governmental User** means any federal, state or local government User of the System.
- S. **Grinder Pump** means, for properties which are so equipped, a device, including pits, control panels, wiring and all other appurtenances, located outside of the wall of the building, which grinds and pumps Sewage to the Public Sewer System at the Sewer Lead.
- T. **Grinder Pump Fee** means, for properties which are so equipped, a fee which may be charged by the Township from time to time for routine maintenance and repairs, major repair replacement, or damage to the Grinder Pump. The fee may be levied on properties equipped with Grinder Pumps in recognition that a Grinder Pump serves one property, that a substantial number of properties in the District are not served by Grinder Pumps, and that it is fair that the costs of operation, repair and maintenance of the Grinder Pumps be charged to those premises which are so equipped. A Grinder Pump Fee shall not be charged to a User if that User has installed, or has agreed to accept ownership and responsibility for the Grinder Pump serving the premises.
- U. **Health Department** means the Kent County Health Department.
- V. **Indirect Connection** means the connection of a Building Sewer to a sewage collection system which is installed and paid for by special assessment or private funds, and which is, after construction, turned over to the Township and becomes part of the Public Sewer System (e.g. if a developer constructs sanitary sewers in a plat and connects the sewer line to the Public Sewer System, the connection of each lot in the plat would be an Indirect Connection).
- W. **Industrial Users** means a User of the System which discharges Industrial Wastes as distinct from its employees Domestic Sewage.
- X. **Industrial Wastes** means the liquid wastes, solids or semisolids from industrial, manufacturing, trade or business processes as distinct from Domestic Sewage.
- Y. **Inspection and Administration Fee** means the amount charged, to each applicant by the Township at the time an application is made to the Township for connection to the Public Sewer System, to cover the routine cost of inspecting and approving the physical connection of a Building Sewer and Service Connection to the Public Sewer System, the issuance of a connection permit and related administrative expenses.
- Z. **Inspector** means the persons responsible for inspecting connections of Building Sewers and Service Connection to the Public Sewer System as designated by the Township.
- AA. **Institutional User** means any establishment listed in the SICM involved in a social, charitable, religious or educational function which based on the determination by the Township discharges primarily segregated Domestic Sewage.

- BB. **May means** “Is permissive.”
- CC. **MDEQ** means the Michigan Department of Environmental Quality.
- DD. **MG/L** means Milligrams per liter.
- EE. **Miscellaneous User Fee** means the amount charged to Users for miscellaneous services and related administrative costs associated with the System as the actual cost incurred by the Township plus administrative/enforcement costs.
- FF. **Natural Outlet** means any outlet into a Watercourse, pond, ditch, lake or other body of surface or ground water.
- GG. **NKSA** means the North Kent Sewer Authority, a public authority pursuant to Act 233 of 1955, comprised of the Townships of Cannon, Courtland, Alpine and Plainfield, and City of Rockford. As appropriate in the context of approval or enforcement, or other context in which the term is used, “NKSA” also means the director of the NKSA or his or her authorized representatives.
- HH. **NKSA Joint System** means the PARCC Side Clean Water Plant, Belmont bypass, West River trunk, Four Mile lift station, and Willow Drive/River Crossing, as defined in the Sewage Collection Treatment Agreement dated for reference purposes September 19, 2005 between the NKSA and the Townships of Alpine, Cannon, Courtland, the Charter Township of Plainfield, and the City of Rockford.
- II. **NKSA Joint System Connection Fee** means the fee imposed by the NKSA and charged at the time and in the amount hereinafter provided, to each premises for connecting or being connected, directly or indirectly, to the NKSA joint system, representing the portion of costs allocable to such premises for the NKSA joint system costs. The NKSA joint system connection fee shall be in addition to the trunkage fee. The NKSA joint system connection fee shall be collected by the Township and forwarded to the NKSA.
- JJ. **NKSA Rules and Regulations** means the North Kent Sewer Authority Rules and Regulations adopted by the NKSA on or about July 2, 2008, and concurred in by the constituent municipalities of the NKSA. The NKSA Rules and Regulations are applicable throughout the Township, contain rules and regulations pertaining to categorical industrial users, significant industrial users, and other facilities which discharge non-domestic waste to the public sewer system.
- KK. **Normal Strength** means the Sewage which when analyzed shows a daily average concentration of not more than 200 mg/l of BOD, nor more than 240 mg/l of Suspended Solids; nor more than 10 mg/l of phosphorous; nor more than 50 mg/l of fats, oils and grease; nor other substances which may solidify or become viscous between 32 degrees F and 150 degrees F; nor more than 40 mg/l of TKN.

- LL. **Nuisance** means, without limitation, any condition where Sewage or the effluent from any Sewage Disposal Facility is exposed to the surface of the ground; or is permitted to drain on or to the surface of the ground or into any Natural Outlet.
- MM. **pH** means the negative logarithm of the concentration of hydrogen ions in solution, in grams per liter. A measure of relative acidity (pH less than 7) or alkalinity (pH greater than 7) of the solution tested. A neutral solution has a pH of 7.
- NN. **Person** means any individual, firm, company, association, society, corporation or group, public or private.
- OO. **PPM** means Parts per million.
- PP. **Properly Shredded Garbage** means the wastes from the preparation, cooking and dispensing of foods that have been shredded or cut to such degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than one-half inch in any dimension.
- QQ. **Public Sewer System or System** means the sanitary sewer collection and transmission system in the Township, which includes all publicly-owned Sewer Laterals, trunk and lateral sanitary sewers, pumping stations, force main(s), odor control facilities, the Sewage Treatment Facilities and all appurtenances thereto.
- RR. **Residential User** means a User of the System 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 including, it is considered a Commercial User).
- SS. **Septic Tank** means a watertight tank or receptacle used to receive Domestic Sewage and is intended to provide for the separation of substantial portions of the Suspended Solids in such Sewage and the partial decomposition by bacterial action on solids so separated.
- TT. **Septic Tank Effluent** means the partially treated liquid portion of Domestic Sewage that has been held in a Septic Tank.
- UU. **Service Charge** means a component of the User Charge that represents a portion of (a) that User's proportionate share of the operation, maintenance and replacement costs of the System, and (b) the benefit to that User derived from the availability of the System.
- VV. **Sewer Lateral** means the portion of the Public Sewer System which extends laterally from the sewer main to the parcel of land served by the sewer, and includes the Sewer Lead, tee/wye valve, check valve, connector pipes. If the property is served by a Grinder Pump located in a public easement on the premises served, the Sewer Lateral also includes the Grinder Pump.

- WW. **Sewer Lateral Fee** means the amount charged, at the time and in the amount hereinafter provided, to those premises in the Service District for which a Sewer Lateral is provided to make the System available directly to the premises.
- XX. **Service District** means all areas within the Township currently served by the System or capable of being served by the System, as shown on the map(s) adopted by resolution of the Township Board from time to time.
- YY. **Sewage Disposal Facilities** means any Septic Tank, Subsurface Disposal System or other devices used in the disposal of Sewage and which are not part of the System.
- ZZ. **Sewage Disposal System Event** means an overflow or backup of the Public Sewer System onto real property, as defined in Act 222.
- AAA. **Sewage Treatment Facility** means the PARCC Side Clean Water Plan and related appurtenances designated to receive and process the raw, untreated Sewage of the properties located in the Service District and served by the Public Sewer System, which is owned and operated by the NKSA, of which the Township is a constituent member.
- BBB. **Sewage** means any combination of the water-carried waste material from residences, business buildings, institutions and industrial establishments, including Industrial Wastes and Domestic Sewage.
- CCC. **Sewer Rates and Charges** means the Connection Fee, Inspection and Administration Fee, User Charge (including the Service Charge and Debt Service Charge, if any), User Surcharge, Miscellaneous User Fee and the civil penalty imposed pursuant to Section 38.6, and all interest and penalties thereon.
- DDD. **Shall** means “Is mandatory.”
- EEE. **Slug** means any discharge of water, Sewage or Industrial Wastes which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of time longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
- FFF. **Special Assessment District** means any Special Assessment District determined at any time by the Township Board within the Service District for the provision of sanitary sewer service by the Public Sewer System.
- GGG. **Special Assessment Roll** means any Special Assessment District Rolls confirmed at any time for a Special Assessment District by the Township Board.
- HHH. **Storm Sewer or Storm Drain** means a sewer which carries storm or surface waters, or drainage, but excludes Sewage.

- III. **Structure in which Sanitary Sewage Originates** means a building in which toilet, kitchen, laundry, bathing, or other facilities which generate Sewage are used or are available for use for household, commercial, industrial, or other purposes.
- JJJ. **Subsurface Disposal System** means an arrangement for distribution of septic tank effluent beneath the ground surface (also referred to as a “drainfield system,” “tile field” or “dry well” or a “soil absorption system”).
- KKK. **Supervisor** means the Supervisor of the Township or his or her authorized representative.
- LLL. **S.S. or Suspended Solids** means the solids either floating or suspended in Sewage, or other liquids and which are removable by laboratory filtering and biologic processes.
- MMM. **Township** means the Township of Courtland, located in Kent County, Michigan, and/or its duly authorized agent or representative.
- NNN. **Trunkage Charge** means the amount charged on a meter equivalent basis to each premises to be connected to the System to defray and pay for the cost of construction of sewer mains and transmission lines, pumping facilities, and other System facilities and improvements to transmit sewage to the Sewage Treatment Facility. It does not include the NKSA Joint System Connection Fee.
- OOO. **U.S. EPA** means the United States Environmental Protection Agency.
- PPP. **User** means a recipient of services provided by the System including premises which are connected to and discharge Sewage into the System.
- QQQ. **User Charge** means a charge, based on a water meter equivalent basis, to Users of the System. The charge represents (a) that User’s proportionate share of the cost of Cost of the Operation and Maintenance (including Cost of Replacement) of the System; (b) the benefit to that User derived from the availability and use of the System; and (c) includes the Service Charge and Debt Service Charge, if any; and (d) may include a Grinder Pump Fee.
- RRR. **User Class** means the classification of Users connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental.
- SSS. **Watercourse** means a channel in which a flow of water occurs, either continuously or intermittently.
- TTT. **WWTP** has the same meaning as “Sewage Treatment Facility.”