

## **CHAPTER 38 USE OF SYSTEM**

**Section 38.1 Discharge of Sewage.** No Person shall discharge to any Natural Outlet, Storm Sewer or Storm Drain within the Township any Sewage or other polluted waters except where suitable treatment has been provided in accordance with standards established by the MDEQ, U.S. EPA and this Ordinance.

**Section 38.2 Sewage Disposal Facilities.** Except as provided in this Ordinance, no Person shall construct or maintain in the Service District any Sewage Disposal Facilities.

**Section 38.3 Mandatory Connection of Properties in Service District.** All owners of Structures in which Sanitary Sewage Originates, now situated or hereafter constructed within the Service District, are hereby required at their expense to install suitable plumbing fixtures and connect such facilities directly with the Available Public Sanitary Sewer System (as defined by this Ordinance) in accordance with the provisions of this Ordinance. The Township may require any such owners, pursuant to the authority conferred upon it by law or ordinance, to make such installations or connections which must have the approval (during and after construction) of the Inspector.

**Section 38.4 Voluntary Connection of Properties in Service District.** The owner of any Structure in which Sanitary Sewage Originates, now situated or constructed adjacent to the System within the Service District, but for which connection is not required by this Ordinance, shall be permitted to connect to the Public Sewer System at their sole expense upon payment of all applicable sewer rates and charges, availability of treatment and transmission capacity, and compliance with all specifications for such connection. Once so connected, the property shall not thereafter be disconnected from the public sewer system.

**Section 38.5 Connection Deadline.** As a matter of public health, all connections to the Public Sewer System required hereunder, shall be completed no later than twelve (12) months after the last to occur of the date of official notice by the Township to make said connections or the modification of a structure so as to become a Structure in which Sanitary Sewage Originates. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Persons who fail to complete a required connection to the Public Sewer System within such twelve (12) month period shall be liable for a civil penalty equal in amount to the User Charges and Debt Service Charges that would have accrued and been payable had the connection been made as required.

**Section 38.6 Enforcement in the Event of a Failure to Connect.** In the event a required connection to the Public Sewer System is not made within the time provided by Section 38.5, the Township shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the Available Public Sanitary Sewer System and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Township ordinance and state law. In the event the required connection is not made within 90 days after the date of mailing or posting of the written notice, the Township may bring an action in the manner provided by law in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to

immediately connect the affected property to the Available Public Sanitary Sewer System; and recover its costs of such proceedings, including reasonable attorney fees.

**Section 38.7 Extensions of Public Sewer System to Service New Developments.**

- A. The owner of premises located within the Service District but not served by an Available Public Sanitary Sewer System may elect to extend the Public Sewer System and connect his premises thereto, subject to the conditions for sewer extensions set forth in this ordinance.
- B. The owner (or developer) of lands in the Township proposed for development (whether by site condominium, subdivision, land division or otherwise) for which land use approval is received after the effective date of this Ordinance, shall be required to extend the Public Sewer System and connect the premises so developed to the Public Sewer System subject to the conditions for sewer extensions set forth in Section 38.8 if the distance measured in feet from the nearest edge of the proposed development to the nearest point of the Public Sewer System is equal to or less than the total length of the sewer mains to be installed within the development itself. This subsection shall not apply to lands improved by one single family residence located adjacent to the then existing terminus of the Public Sewer System.

**Section 38.8 Connection of Premises Located Outside the Service District.** Premises located outside the Service District shall be permitted to connect to the Public Sewer System only upon the consent of the Township Board. The consent of the Township Board shall be granted or denied by the Township Board in the exercise of its discretion and shall be based upon the continued availability of capacity in the Public Sewer System for premises located within the Service District and may be based upon such other considerations deemed appropriate by the Township Board and consistent with this Ordinance, including, but not limited to, land use planning. To the extent an extension of the Public Sewer System is required, the conditions set forth in Section 38.9 shall apply. In its discretion, the Township Board may require the person requesting the connection of premises located outside the Service District to provide, at the sole expense of said person, an engineering report by a consulting engineer acceptable to the Township addressing the cost and feasibility of the proposed sewer service (and any sewer extension necessitated thereby) in the context of the foregoing considerations.

**Section 38.9 Conditions for Extension of Public Sewer System by Property Owner.** If connection to the Public Sewer System is required by Section 38.7.B of this Ordinance, but there is no Public Sewer System adjacent to the premises, or if a property owner elects to extend the Public Sewer System, such extension shall be in accordance with the following requirements, unless modified by the terms of a written agreement between the Township and the property owner pursuant to Section 38.10:

- A. The sewer main shall be extended to the premises in a public right of way, or in an easement owned by the public to the premises in question. If the sewer is to be extended for the purpose of serving a new development, including but not limited to a site condominium, subdivision, or division of land which involves the

installation of a new public or private road, the sewer main shall be extended throughout such new road so that the sewer abuts all units or lots within the development, within an easement dedicated to the public if not located in a public street right of way.

- B. If a sewer main is extended to a premises, the main shall be installed across the entire frontage of the premises served, to the border of the adjacent premises. For developments for which a new public or private road is constructed, the sewer main shall be extended across the entire frontage of the development on the existing adjacent public or private road, in addition to being extended within the new road to all lots or units within the development. All sewer main extensions shall be located within an easement dedicated to the public, if not located in a public street right of way.
- C. The sewer main shall be constructed in accordance with the “Standard Specifications of the North Kent Sewer Authority,” as adapted and amended from time to time.
- D. The design, planning and construction of the sewer main and related facilities shall comply with all State, Township and NKSA requirements and approval procedures.
- E. Upon completion of the sewer main, verification by the Inspector that it has been properly constructed, and proof that all contractors have been paid for the cost thereof (including lien waivers if requested), the sewer main shall be dedicated to the Township, without cost to the Township. Upon acceptance of dedication, the Township shall thereafter be responsible for maintenance of the sewer main. The Township shall be assigned, or be a third party beneficiary of, all construction contracts and material and equipment warranties.
- F. The person responsible for installing the sewer shall reimburse the Township for the cost to review plans and specifications of the sewer extension including, but not limited to, costs of the Township’s engineer to review said plans and specifications, and the cost of acquisition of right-of-way, if necessary, including attorney fees, appraisal fees, cost of land title research and all other expenses of any condemnation proceedings. The person responsible for installing the sewer shall pay an amount to the Township, in advance, at least equal to the estimated fees for such review and acquisition. Any excess not required to complete the improvements shall be refunded to the responsible party; any shortfall shall be paid before connection of any premises is permitted.
- G. The entire cost of installation of the sewer main, including but not limited to engineering, construction, permits and restoration shall be paid by the owner or owners of the premises to whom sewer is being extended.
- H. In addition to the extension of a sewer main as required, the owner of premises to be connected to the System shall reimburse the Township for the cost of making improvements to downstream facilities, which are necessary as a result of the

additional connections proposed to be made by the owner of the premises or by a development which will be provided with public sewer, including but not limited to increasing the size of downstream sewer mains to provide sufficient capacity, increase in the capacity of lift stations, and increase in treatment capacity of the Wastewater Treatment Plant. In such a situation, the responsible party and the Township shall enter into an agreement whereby the responsible party pays to the Township, in advance, an amount equal to at least the estimated cost of making such improvements. Any excess not required to complete the improvements shall be refunded to the responsible party; any shortfall shall be paid before connection of any premises is permitted.

- I. In its discretion, the Township Board may require the person requesting the extension or required to construct an extension to provide at the sole expense of said person an engineering report by a consulting engineer acceptable to the Township addressing the cost and feasibility of the proposed extension in the context of the foregoing conditions.

**Section 38.10 Sewer Extension Agreements.** The Township shall have the authority to negotiate agreements for sewer extensions with landowners, developers and other municipalities, which agreements may take into consideration issues of demand, benefit, capacity, necessity, timing and funding and may provide for construction advances, prepayment of rates and charges, pay back arrangements of up to 15 years and similar matters.

### **PRIVATE SEWAGE DISPOSAL**

**Section 38.11 Private Sewage Disposal Facilities.** If a Public Sewer System is not available to a parcel of land located in the Service District in accordance with the provisions of this Chapter 38, the Building Sewer shall be connected to private Sewage Disposal Facilities constructed in compliance with requirements of the Health Department and the MDEQ.

**Section 38.12 Operation and Maintenance.** The owner shall operate and maintain the private Sewage Disposal Facilities in a sanitary manner at all times, at no expense to the Township.

**Section 38.13 Governmental Requirements.** No statement contained in this ordinance shall be construed to interfere with any additional requirements that may be imposed by the Township, the Health Department, the MDEQ or any other governmental agency with jurisdiction over the Service District.

**Section 38.14 Connection to Public Sewer System; Abandonment.** At such time as the Public Sewer System becomes available to a parcel served by private Sewage Disposal Facilities, the Building Sewer shall be connected to the Public Sewer System in compliance with this Ordinance and the private Sewage Disposal Facilities shall be abandoned for sanitary use in the manner required by the Health Department.

## **BUILDING SEWERS AND CONNECTIONS**

**Section 38.15 Permit Requirement.** No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any portion of the Public Sewer System without first obtaining a written permit from the Township in accordance with Section 38.16.

**Section 38.16 Permit Application.** A connection to the Public Sewer System shall be made only by the Township, or with the approval of the Township. Prior to said connection, the property owner or his agent shall submit a permit application to the Township. This permit application shall be on a form furnished by the Township and shall be accompanied by payment of the applicable Connection Fee, any civil penalty which has accrued, and the Inspection and Administration Fee, the plans and specifications of all plumbing construction within the premises (when requested), and all other information required by the Township.

**Section 38.17 Approval of Application.** The approval of an application for a permit to connect to the Public Sewer System shall be subject to:

- A. compliance with all terms of this Ordinance, including, without limitation, Section 502, above, and the rules and regulations of the Health Department and the MDEQ,
- B. the availability of capacity in the System, including Compatible Pollutant capacity,
- C. compliance of the plans and specifications for connection with the following standards for construction:
  1. The design, installation and connection of the Building Sewer and Sewer Lateral shall meet the specifications approved from time to time by the Township and on file for public inspection at the Township offices.
  2. The size of the Building Sewer shall not be less than four (4) inches in diameter and is subject to inspection by the Inspector at the time of connection to the Sewer Lateral. In the event such inspection reveals a deficiency or non-conformity in the Building Sewer, the connection of the Building Sewer to the Sewer Lateral shall not be completed or approved until the owner has corrected the said deficiency or non-conformity to the satisfaction of the Inspector.
  3. 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. Where this minimum depth cannot be obtained, the Building Sewer shall be laid at a minimum grade of one-quarter (1/4) inch per foot, sloping towards the Service Connection.
  4. In all buildings in which any Building Drain is too low to permit gravity flow to the Sewer Lateral, the Sewage carried by the Building Drain shall be lifted by a grinder pump or other means acceptable to the Township and

discharged to the Sewer Lateral. Operation and maintenance of all interior lift pumps and injectors shall be the responsibility of the property owner.

5. A separate and independent Building Sewer shall be provided for every building; except where (a) one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer, or (b) a separate building, such as a garage, contains a bathroom (consisting of a toilet and sink only) without regard to the location of such separate building. Other exceptions will be allowed only by special permission granted by the Township.
6. Connection of the Building Sewer to the Public Sewer System shall conform to requirements of the building and plumbing code or other applicable rules and regulations of the Township and/or County. Any deviation from the prescribed procedures and materials must be approved by the Inspector.

**Section 38.18 Inspection.** All Connections shall be inspected by the Inspector. If the Inspector determines that the Building Sewer and Sewer Lateral have been constructed and installed in accordance with the requirements of this Ordinance, the Building Sewer shall then be connected with the Sewer Lateral under the observation of the Inspector. The inspection shall include the installation of all required components to make the appropriate connection, including without limitation, wiring, conduit, sealants, riser, discharge lines and related necessary appurtenances. The inspection required by this Section shall include the abandonment of the private Sewage Disposal Facilities in the manner required by the Health Department.

**Section 38.19 Township's Responsibility for Repairs, Operation and Maintenance.** The cost of all repairs, operation, maintenance and replacement of the Public Sewer System up to and including the Sewer Lateral shall be borne by the Township as part of the Township's budgeted annual expense of the System. However, the Township may impose a Miscellaneous User Fee in accordance with Section 39.6, or Grinder Pump Fee in accordance with Section 39.5 below, for repair or maintenance of the Public Sewer System (refer to Section 37.4 for definition of "Public Sewer System" and "Sewer Lateral").

**Section 38.20 Property Owner's Responsibility for Repairs, Operation and Maintenance of Building Sewer.** The cost of all repairs, operation, maintenance and replacement of the Building Sewer located on the property served, including the Grinder Pump if the property owner installed or has accepted ownership and responsibility for the Grinder Pump, shall be borne by the property owner (refer to Section 37.4 for definitions of "Building Sewer" and "Grinder Pump").

## **USE OF THE PUBLIC SEWER SYSTEM**

**Section 38.21 Prohibited Discharge of Storm Water.** No Person shall discharge or cause to be discharged any storm water, surface water, ground water, water from footing drains, roof runoff, subsurface drainage, unpolluted cooling water or unpolluted industrial process waters to the Public

Sewer System. Any premise connected to a Storm Sewer shall comply with county, state and federal requirements as well as those of the Township.

**Section 38.22 Permissible Discharge of Storm Water.** Unpolluted water, storm water and all other unpolluted drain water shall be discharged to the ground surface, to a Natural Outlet or to a Storm Sewer or Storm Drain in accordance with applicable state and federal regulations.

**Section 38.23 Prohibited Discharges to Public Sewer System.**

- A. No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the System or the Sewage Treatment Facility. These general prohibitions apply to all such Users whether or not the User is subject to the NKSA Rules and Regulations, as adopted and amended from time to time, National Categorical Pretreatment Standards of any other national, state or local Pretreatment Standards or requirements. A User may not contribute the following substances to the System or the Sewage Treatment Facility:
1. Sewage or materials for which a discharge permit under Chapter 4 of the NKSA Rules and Regulations is required if such permit is not obtained or valid.
  2. Materials which can, along or by interaction with other substances, cause fires or can be explosive including, but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and Stoddard solvents and/or any waste stream with a closed-up flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius (using test methods specified in 40 CFR 261.21 or its successors).
  3. Any Sewage or materials with a pH of less than 6.5 or greater than 10.0.
  4. Solid or viscous substances which will obstruct the flow in Sewers or otherwise interfere with the proper operation of the System including, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, woods or paunch manure, or any material which can be disposed of as trash.
  5. Any Sewage or materials containing substances released at a flow rate and/or pollutant concentration which:
    - a. causes the WWTP discharge to exceed the allowable concentrations of substances established by the NKSA's discharge permit or by the General Rules of the Water Resources Commission under Michigan Act 245, P.A. of 1929, as amended;

- b. causes the WWTP sludges to exceed the allowable levels of substances as established by the U.S. EPA which causes restriction on use of these sludges;
- c. interfere(s) with the operation of the WWTP;
- d. causes a release(s) to the atmosphere, in quantities which violate the Rules under Michigan Act 348, P.A. of 1965, as amended; or
- e. which may cause Interference as determined by the NKSA or other governmental entity with jurisdiction.

When specific substances are present in concentrations which cause the NKSA to establish limits for such substances, the NKSA shall publish such limits or notice of the limits and shall maintain and distribute upon request a list of the limits. These limits shall also be subject to the provisions of the NKSA Rules and Regulations, entitled Special Discharge Permits.

New Users or existing Users which propose to implement new discharges of Sewage or waste which will contain measurable amounts of any substances detected in U.S. EPA 600 series or 8000 series analytical methods, shall submit to the NKSA an estimate of the concentrations and quantities of these substances prior to implementing the discharge. The NKSA shall determine the need to establish limits for the substances based on these estimates.

- 6. Any Sewage having a temperature exceeding 140 degrees Fahrenheit or which causes the influent to the WWTP to exceed a temperature of 104 degrees Fahrenheit.
- 7. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through, as defined by the NKSA Rules and Regulations.
- 8. Any noxious gas, malodorous gas, or any gas fumes, or a Pollutant which results in the presence of such gas or fumes which would injuriously effect the safety or health of the public or the employees or contractors of the Township or NKSA, or work substantial annoyance, inconvenience or injury to the public.
- 9. Any trucked or hauled pollutants, excepted as and where specifically designated in writing by the NKSA Director. Trucked or hauled Industrial Waste is prohibited.
- 10. Garbage which is not shredded to such a degree that (i) all particles can be carried freely under the flow conditions normally prevailing in public sewers and (ii) no particle is greater than one-half (1/2) inch in any dimension.



11. Any Sewage or materials having corrosive properties capable of causing damage or hazards to structures, equipment, and/or personnel of the System.
12. Any substance which may cause a public nuisance, cause hazard to life or prevent entry into the sewers for maintenance and repair, as determined by the Township, NKSA, or other governmental entity with jurisdiction.
13. Any Sewage or materials which:
  - a. contains a toxic or poisonous substance or has a high chlorine demand in sufficient quantity to injure or interfere with the wastewater treatment process or the WWTP,
  - b. contains over-strength conventional wastes in sufficient quantity to injure or interfere with the wastewater treatment process or the WWTP,
  - c. constitutes a hazard in the receiving waters or the effluent of the WWTP.
14. Any discharge of nitrates, sugars or other nutrients, or Sewage containing these items, shall be limited as necessary to prevent adverse effects on the wastewater treatment process and the WWTP and to prevent the stimulation of the growth of algae, weeds, and slimes which are or may become injurious to the water supply, the recreational use of water, fish, wildlife, or other aquatic life.
15. Any Sewage containing very light suspended solids (such as potato skins, fats or cottage cheese whey) or any other constituent of such character and quantity that unusual attention or expense is required for the WWTP to effectively treat such Sewage.
16. Any hazardous waste, or any waste which if otherwise disposed of would be hazardous waste under 40 CFR Part 261.
17. Any radioactive waste or isotopes.
18. Any sludge, precipitate, or congealed substance which results from an industrial or commercial process or which results from the pretreatment of wastewater, waste or air pollutants.
19. Any Medical Wastes, except as specifically authorized by the Director of the NKSA.
20. Storm water, surface water, groundwater, artesian well water roof runoff, subsurface drainage from footing drains or otherwise, deionized water, noncontract cooling water, and unpolluted water, unless specifically authorized by the Director of the NKSA.

21. Any water from a dewatering operation, without prior written authorization by the Township Supervisor and Director of NKSA. Such a written authorization shall be on the conditions and subject to such charges as determined by the Supervisor and Director of the NKSA. Nothing contained in this Section or in any written authorization provided hereunder shall excuse compliance by the discharger with any other provision of the NKSA Rules and Regulations or other applicable law. No recipient of such authorization shall be deemed to have any vested right or property interest to discharge substances as specified in such permit but instead only a temporary permissive right to discharge within the limits of such written authorization.
22. Any water discharged from an environmental remediation project, without prior written authorization by the Township Supervisor and director of NKSA. Such written authorization shall be on the conditions and subject to such charges as determined by the Township Supervisor and Director of the NKSA. Nothing contained in this section or in any written authorization provided hereunder shall excuse compliance by the discharger with any other provision of these Rules and Regulations or other applicable law. No recipient of such authorization shall be deemed to have any vested right or property interest to discharge substances as specified in such permit but instead only a temporary permissive right to discharge within the limits of such written authorization.
23. Mercury, in any amount detectable at or above the MDL, as provided in the NKSA Rules and Regulations.

**Section 38.24 Compliance with NKSA Rules and Regulations.** All users shall be subject to and comply with the NKSA Rules and Regulations. The Township shall cooperate with the NKSA in enforcement of its Rules and Regulations within the Township. Violations of those Rules and Regulations, in addition to the penalties provided for in the Rules and Regulations, shall be a violation of this Ordinance, subject to the penalties provided for in the Courtland Township Code.

**Section 38.25 Discharge Permit Limitations.** No Person shall discharge or cause to be discharged into the System any Sewage which would cause effluent from the Sewage Treatment Facility to exceed discharge limits established in the Discharge Permit issued for operation of the System.

**Section 38.26 Grease, Oil and Sand Interceptors.** Grease, oil, and sand interceptors shall be installed, operated, maintained, repaired and replaced by the individual User and at no cost to the other Users of the System when determined by the Township to be necessary for the proper handling of Sewage containing ingredients described in Section 38.23 of this Article. As a general rule, all restaurants and similar facilities shall be required to install a standard grease trap. All interceptors shall be:

- A. of the type and capacity prescribed by the Township,

- B. located so as to be readily and easily accessible for cleaning and inspection,
- C. constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, and
- D. of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. Interceptors shall not be required for private living quarters or dwelling units.