

CHAPTER 52: SEWER USE REGULATIONS

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GENERAL PROVISIONS

§ 52.01 PURPOSE AND OBJECTIVES.

(A) This chapter sets forth uniform requirements for direct and indirect residential and other nonsignificant contributors into the wastewater collection and treatment system for the City and enables the City to comply with all applicable state and federal laws required by the Clean Water Act, as amended, 33 USC 1251, et seq. All contributors classified as “significant industrial users,” as defined in § 52.03 will fall under the rules and regulations of the wastewater pretreatment regulations set forth in Chapter 53.

(B) The objectives of this chapter are:

- (1) To require use of the publicly owned treatment works (POTW);

(2) To provide for the equitable distribution of the cost of the municipal wastewater system;

(3) To control or prevent the introduction of pollutants into the municipal wastewater system which may interfere with the normal operation of the system or contaminate the resulting municipal sludge;

(4) To control or prevent the introduction of pollutants into the municipal wastewater system which do not receive adequate treatment, and which may pass through the POTW into receiving waters or the atmosphere or otherwise be incompatible with the system;

(5) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;

(6) To control or prevent discharges or potential discharges to systems or areas under the jurisdiction of this municipality that may impair the environment;

(7) To control or prevent the introduction of pollutants into the POTW which may cause the treatment plant to violate its NPDES Discharge Permit;

(8) To control or prevent the introduction of pollutants into the POTW which may pose a health threat to POTW workers. (Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02)

§ 52.02 APPLICATION.

This chapter shall apply to all users of the POTW whether inside or outside the City. Except as otherwise provided herein, the City Engineer/Utilities Director or the Director of Public Works, or their designate, shall administer, implement and enforce the provisions of this chapter. (Ord. 311-3-92, passed 3-16-92 ; Am. Ord. 492-05-02, passed 5-20-02)

§ 52.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT or **"THE ACT"**. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.

APPROVAL AUTHORITY. The Michigan Department of Environmental Quality (MDEQ) or the U.S. Environmental Protection Agency (EPA).

BIOSOLIDS. The accumulated solids separated from liquids, such as water or wastewater, during processing.

BOD or **BIOCHEMICAL OXYGEN DEMAND**. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in terms of weight and concentration (milligrams per liter — mg/l).

BUILDING DRAIN. That part of the lowest horizontal piping of a sanitary drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the POTW.

CITY. The City of Big Rapids, Michigan, or its Control Authority.

CITY COMMISSION. The City Commission of the City.

COD or **CHEMICAL OXYGEN DEMAND**. The oxygen consuming capacity of inorganic and organic matter present in wastewater.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

COMMERCIAL USER. Any user whose premises are used to offer services and/or products including but not limited to such things as gasoline stations, restaurants, hotels, motels, warehouses, private clubs, theaters, retail and wholesale stores.

CONTROL AUTHORITY. The term shall refer to the "Approval Authority" defined hereinabove; or the City Engineer/Utilities Director if the City has an approved Pretreatment Program under the provisions of 40 CFR 403.11.

CONVENTIONAL POLLUTANTS. Those pollutants that are compatible with the existing treatment works, including but not limited to BOD, total suspended solids, phosphorus, and pH.

DEBT SERVICE ALLOCATION. The charge levied to all users for the purpose of paying back any bonds or loans used to finance construction of facilities associated with the system.

DEPARTMENT. The Office of the City Engineer/Utilities Director, and/or the Office of the City of Big Rapids Department of Public Works, or their designate.

DIRECTOR. The City Engineer/Utilities Director, or the City of Big Rapids Public Works Director or their designate.

U.S. ENVIRONMENTAL PROTECTION AGENCY or USEPA. The U.S. Environmental Protection Agency, or the Administrator or other duly authorized official of said agency.

GARBAGE. Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

GOVERNMENTAL USER. Any Federal, State and local government user of the City system.

GRAB SAMPLE. A random sewage sample.

HOLDING TANK WASTE. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

INDIRECT DISCHARGE or DISCHARGE. The introduction of pollutants into a POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.

INDUSTRIAL USER. Any person who introduces pollutants into a POTW from any nondomestic source regulated under the Act, state law or local ordinance.

INDUSTRIAL WASTES. The liquid wastes from an industrial process or processes as distinct from sanitary sewage.

INSTITUTIONAL USER. A school, hospital, church, nursing home, or like user.

INTERFERENCE. A discharge which, alone or in conjunction with a discharge or discharges from

other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes (use or disposal).

NATIONAL CATEGORICAL

PRETREATMENT STANDARD. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

NPDES PERMIT or NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT. According to the Federal Water Pollution Control Act, as amended by Public Law 92-500, it prohibits any person from discharging pollutants into a waterway from a point source unless the discharge is authorized by a permit issued either by the U.S. Environmental Protection Agency or by an approved state agency.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

OPERATION AND MAINTENANCE or O&M. All costs, direct and indirect, not including debt service, but inclusive of expenditures attributable to administration, equipment replacement and treatment and collection of wastewater necessary to insure adequate treatment and collection on a continuing basis in conformance with all applicable regulations.

O,M&R COSTS. The charge levied to all users for operation, maintenance, and replacement and customer related administrative costs associated with the system.

PASS THROUGH. A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes or may cause a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON. Any individual, partnership, firm, company, corporation, association, joint stock

company, trust, estate, governmental entity or any legal entity, or their legal representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

POINT OF DISCHARGE. Any discernible, confined and discrete conveyance or vessel from which pollutants are or may be discharged into a public waterway or public sewer system.

PRETREATMENT STANDARD or STANDARD. Any local, state or federal regulation containing pollutant discharge limits. This term includes local limits, prohibitive discharge limits including those promulgated under 40 CFR 403.5, and categorical pretreatment standards.

PRIORITY POLLUTANT. The EPA has determined that there are 127 toxic compounds that can reasonably be expected in the discharges from the 34 categorical industries. These are labeled priority pollutants. Each industrial category by nature of their common processes can be expected to discharge certain compounds from the list of 127.

PROHIBITED DISCHARGES. Prohibited discharges include all discharges which may interfere with or pass through the treatment plant operations. They include, but are not limited to the priority pollutants, hazardous materials, and certain characteristics of the water which may interfere with system. They are defined as follows:

- (1) Chemical compounds which may interfere with or pass through the treatment process.
- (2) Materials which may create a fire or explosion hazard in the sewers or treatment works, or which may release poisonous gasses.
- (3) Materials which may obstruct the flow in the sewage or treatment system.
- (4) Materials which may change the pH to highly acidic or alkaline.
- (5) Water which may increase the treatment influent to above 104° F. (40° C.).

PROPERLY SHREDDED GARBAGE. 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 one-half inch in any dimension.

PUBLICLY OWNED TREATMENT WORKS or POTW. A treatment works as defined by Section 212 of the Act, (33 USC 1292) which is owned in this instance by the City. This includes any sewer that conveys wastewater to the POTW treatment plant. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the City who are users of the POTW.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

REPLACEMENT COSTS. Expenditures during the service life of the system to replace equipment, appurtenances and accessories necessary to maintain the intended performance of the system.

RESIDENTIAL USER. A user whose waste normally emanates from residential living units and results from the day-to-day activities usually considered to be carried on in a domicile.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

SEWAGE. A combination of water-carried wastes from residences, businesses and/or commercial buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

SHALL. Mandatory. **MAY** is permissive.

SIGNIFICANT INDUSTRIAL USER.

(1) Except as provided in division (2) of this definition, the term "Significant industrial user" means:

(a) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

(b) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown

wastewater); contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the POTW on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(2) Upon a finding that an industrial user meeting the criteria in division (1)(b) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the POTW may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

SIGNIFICANT NONCOMPLIANCE.

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

(2) ***TECHNICAL REVIEW CRITERIA*** or ***TRC VIOLATIONS***, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH).

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, or may cause, alone or in combination with other discharges, interference or pass through the POTW and has the potential to endanger the health of POTW personnel or the general public.

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under § 53.108 to halt or prevent such a discharge.

(5) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules.

(7) Failure to accurately report noncompliance.

(8) Any other violation or group of violations which the Control Authority determines may adversely affect the operation or implementation of the local pretreatment program.

SLUG. Any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

STANDARD INDUSTRIAL CLASSIFICATION. A classification pursuant to the most recent version of the "Standard Industrial Classification Manual" issued by the Executive Office of the President, Office of Management and Budget.

STATE. The State of Michigan.

STORM SEWER or ***STORM DRAIN.*** A sewer that carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

SUPERINTENDENT. The Superintendent shall be appointed by the City Engineer/Utilities Director, subject to the approval of the City Manager, and shall meet the minimum requirements established by the Michigan Department of Environmental Quality.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by the wastewater treatment process.

SURCHARGE. An extra charge to cover the cost of treating conventional pollutants in excess of domestic background concentrations.

TOXIC POLLUTANT. Any pollutant or combination of pollutants which is or may be harmful to public health or environment including those

listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the CWA 307(a) or other Acts, or included in the Critical Materials Register promulgated by the Michigan Department of Environmental Quality or other Acts.

TREATMENT PLANT. That portion of the POTW designed to provide treatment to wastewater.

UNITS OF MEASURE. Concentration of pollutants used to report the results of water or wastewater analysis, and expressed as:
Milligram per liter, mg/l
Microgram per liter, ug/l
Nanogram per liter, ng/l

USER. Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

USER CHARGE. The charge levied on users of the system for the cost of operation and maintenance of such work pursuant to Section 204b of P.L. 92-500, which charge shall also include cost of replacement.

WASTEWATER. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WATERS OF THE STATE. Waters of the State include:

(1) Both surfaces and underground waters within the boundaries of this State subject to its jurisdiction, including all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within this State, other than those designed and used to collect, convey, or dispose of sanitary sewage; and

(2) The flood plain free-flowing waters determined by the Department of Natural Resources on the basis of 100-year flood frequency.

(3) Any other waters specified by State Law.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02)

§ 52.04 ABBREVIATIONS.

For the purpose of this chapter, the following abbreviations shall apply:

ASTM	American Society for Testing Materials
BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
CWA	Clean Water Act
DSS	Domestic Sewage Study
U.S. EPA	United States Environmental Protection Agency
IPP	Industrial Pretreatment Program
MDEQ	Michigan Department of Environmental Quality
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operations & Maintenance
O, M& R	Operation, Maintenance and Replacement
PIRT	Pretreatment Implementation Review Taskforce
PIPP	Pollution Incidence Prevention Program
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 USC 6901, et. seq.
TSS	Total Suspended Solids (sometimes shortened to Suspended Solids - SS)
USC	United States Code
WEA	Water Environment Association

(Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02)

§ 52.05 USER CLASSIFICATION.

(A) The recipients of wastewater treatment services will be assigned to one of the following classes:

(1) *Residential.* Any user whose waste normally emanates from residential living units and results from the day-to-day activities usually considered to be carried on in a domicile.

(2) *Commercial.* Any user whose premises are used to offer services and/or products such as gasoline stations, restaurants, hotels, motels, warehouses, private clubs, theaters, retail and wholesale stores, or like user.

(3) *Institutional.* Any school, hospital, church, nursing home or like user.

(4) *Industrial.* Any user who introduces pollutants into a POTW from any nondomestic source regulated under the Act, State law or local ordinance.

(5) *Governmental.* Any Federal, State and local government user of the City system.

(B) The user may appeal his or her assigned classification by submitting a written appeal to the City 30 days in advance of a regularly scheduled City meeting at which time the appeal will be heard.

(Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02)

USE OF PUBLIC SEWERS

§ 52.15 PROTECTION FROM DAMAGE OR UNLAWFUL INTERFERENCE.

(A) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the municipal sewage works. Such conduct shall be considered disorderly conduct and a violation of the provisions of this section subjecting such person to the enforcement actions and penalties as provided in the Wastewater Pretreatment Ordinance (Chapter 53).

(Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02) Penalty, see § 52.99

§ 52.16 UNLAWFUL DISCHARGES.

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

(B) It shall be unlawful to discharge or cause to be discharged into any storm sewer, natural water course, or artificial water course, any sewage or

other polluted waters as heretofore defined; or to increase an approved use except upon special agreement or arrangement with the City and in accordance with the rules and procedures or appropriate agencies of the State of Michigan.

(C) No person shall discharge or cause to be discharged any waters or sewage into the POTW that may cause violation of the City's NPDES Permit.

(D) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(E) Any discharge, including storm water, industrial cooling water and all other unpolluted drainage, into the surface waters of the state is prohibited unless the discharger has first applied for and received a valid National Pollutant Discharge Elimination System (NPDES) permit from the Michigan Department of Environmental Quality as authorized by the Clean Water Act, as amended and defined by 40 CFR, Parts 122, 123 and 124.

(F) No discharger shall contribute or cause to be contributed, directly or indirectly any pollutant(s) which may pass through or cause interference with the operation or performance of the POTW. In addition to the above general discharge prohibition, compliance with specific prohibitions is required by City of Big Rapids Wastewater Pretreatment Ordinance (Chapter 53). (Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02) Penalty, see § 52.99

§ 52.17 DUTIES OF SUPERINTENDENT.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in the Wastewater Pretreatment Ordinance (Chapter 53) and which in the judgement of the Superintendent, may have a deleterious effect in any way upon the sewage works, processes, equipment, or receiving waters, or which otherwise create or may create a hazard to life or constitute a public nuisance, the Superintendent may:

(A) Reject the waste.

(B) Require pretreatment to an acceptable condition for discharge to the public sewers.

(C) Require control over the quantities and rates of discharge.

(D) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of this section.

(Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02)

§ 52.18 PRETREATMENT.

(A) If pretreatment is required by the Superintendent, the owner shall provide, at his or her expense, such treatment facilities to meet all state, local, and federal regulations including those set forth in this chapter. The pretreatment provisions included in this section are to assure that the user will consistently provide for the reduction in the amount of a pollutant in the effluent to a less toxic or harmless state.

(B) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and the requirements of all applicable codes, ordinances and laws.

(Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02) Penalty, see § 52.99

§ 52.19 GREASE, OIL AND SAND INTERCEPTORS.

(A) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes which may contain grease in excessive amounts, or any flammable wastes, sand or 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 Superintendent, and shall be located as to be readily and easily accessible for cleaning by the owner and inspection by the City.

(B) 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.

(C) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his

or her expense, in continuously efficient operation. (Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02) Penalty, see § 52.99

§ 52.20 SIGNIFICANT INDUSTRIAL AND COMMERCIAL USERS.

Significant industrial users and all industrial/commercial users with the potential to discharge toxic substances or prohibited pollutants shall provide protection from accidental discharge of prohibited materials or other substances regulated by prevention programs as directed by §§ 53.024 and 53.025.

(Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02) Penalty, see § 52.99

§ 52.21 MONITORING FACILITIES.

(A) Where preliminary treatment or flow equalization facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the owner's expense.

(B) When required by the City, the owner of any property serviced by a building sewer shall install a suitable monitoring facility for the purposes of inspection, sampling and flow measurement as called for in §§ 53.085 through 53.088.

(C) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the procedures found in 40 CFR Part 136 at the control manhole provided for, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(D) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analysis involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether grab sample or samples should be taken. Normally, but not always, BOD and TSS analysis are obtained from 24-hour composites of all outfalls whereas pH's are

determined from periodic grab samples.
(Ord. 311-3-92, passed 3-16-92; Am. Ord.
492-05-02, passed 5-20-02) Penalty, see § 52.99

§ 52.22 SPECIAL AGREEMENTS WITH CITY.

There shall be no agreement between the City and an industrial concern that would allow any waiver of Federal prohibited discharge standards or categorical pretreatment standards except under the mechanisms specified in the General Pretreatment Standards Regulations. Special agreement or arrangements between the City and industrial concern falling within the mechanisms specified in the General Pretreatment Standards Regulations may be made whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment of a surcharge. The strength of such waste shall be determined by composite sampling at the owner's expense over a period of time sufficient to generate a representative sample. Surcharges will be assessed based on a prorated share of the annual costs of operation and maintenance associated with the treatment and handling of a substance, multiplied by the ratio of weight of excess substance over the normal weight of the substance treated annually.
(Ord. 311-3-92, passed 3-16-92; Am. Ord.
492-05-02, passed 5-20-02)

§ 52.23 AGREEMENTS OR CONTRACTS WITH OTHER GOVERNMENTAL UNITS.

The provisions of this chapter shall be applicable to all sewers and drains which are connected to or become a part of the City's sewage works through agreements or contracts with areas or governmental units beyond the City limits. Such areas or governmental units shall provide for the administration of the permits and inspections required by the City.
(Ord. 311-3-92, passed 3-16-92; Am. Ord.
492-05-02, passed 5-20-02)

§ 52.24 PRIVIES, CESSPOOLS AND THE LIKE RESTRICTED.

Except as hereinafter provided, it shall be unlawful to construct or maintain within the City of Big Rapids any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
(Ord. 311-3-92, passed 3-16-92; Am. Ord.
492-05-02, passed 5-20-02) Penalty, see § 52.99

§ 52.25 TOILET FACILITIES AND CONNECTIONS REQUIRED.

(A) The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer or storm sewer of the City, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper publicly owned sanitary sewer, and also to make such connections to storm sewers as are necessary in accordance with the provisions of The Stormwater Control and Management Ordinance (Chapter 55). The City may require any such owner, pursuant to the authority conferred upon it by law or ordinance, to make such installation or connections.

(B) For purposes of this section, a publicly owned sanitary sewer shall be deemed to be available if it is located within 200 feet of the property line closest to the sewer. For parcels that are more than 200 feet in width, the publicly owned sanitary sewer shall be deemed to be available if the distance between the closest point of the publicly owned sanitary sewer and the building is 200 feet, or less.
(Ord. 311-3-92, passed 3-16-92; Am. Ord.
492-05-02, passed 5-20-02) Penalty, see § 52.99

§ 52.26 INFORMATION AND SPECIAL RESTRICTIONS FOR CERTAIN USERS.

The Superintendent or Director may require each person who applies for or receives any sewer service, and through the nature of the enterprise may create a potential problem, to file the material listed below:

(A) A written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged, with its present or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of wastes.

(B) A plan map of the building, works, or complex, with each outfall to the surface waters, the sanitary sewer, storm sewer, natural water course, or underground waters noted, described, and the waste stream identified.

(C) A sample test, and report with the Superintendent and appropriate State agencies on the appropriate characteristics of wastes on a schedule, at locations, and according to method approved by the Superintendent.

(D) A plan to place waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.

(E) A report on raw materials entering the process or support systems, intermediate materials, final products, and waste byproducts as those factors may affect waste control.

(F) Maintained records and reports on the final disposal of specific liquid, solid, sludges, oils, radioactive materials, solvents, or other wastes.

(G) Any report on alteration of or intent to alter an industrial process so as to include or negate a process waste or potential waste, provided, however, said alteration shall be noticed in writing to the Superintendent, who shall approve or deny such changes in writing before said alterations begin.

(H) All industrial users as described herein are required to complete and file with the City a Wastewater Contribution Permit Application as prescribed by the City of Big Rapids Wastewater Pretreatment Ordinance (Chapter 55). The City will only issue Wastewater Contribution Permits to those users that are deemed to be significant industrial users, also as defined herein. (Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02)

PRIVATE SEWAGE DISPOSAL

§ 52.35 PRIVATE SEWAGE DISPOSAL CONNECTIONS.

(A) Where a public sanitary sewer is not available under the provisions of §§ 52.24 through 52.26, the building sewer shall be connected to a private sewage disposal system constructed in compliance with applicable Federal, State, county and local laws.

(B) Where private sewage disposal systems are constructed, they must be located at least 50 feet from any surface water, natural or artificial drain, or open joint, sub-surface groundwater or tile drain unless otherwise approved by the Superintendent. All installations shall comply with all applicable laws and regulations.

(C) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

(D) No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the City or other regulatory agencies with respect to private sewage disposal.

(E) If the owner or occupant of the property, upon which the same is located, shall fail to abandon and correct upon reasonable notice a private sewage disposal system then and in such case the City may do so, and charge the cost thereof to the property owner and to the occupant of the property, and such charges shall become a lien on the premises to which furnished, and is hereby recognized to constitute such lien, and the City shall, annually, on May 1, certify all unpaid charges for such services furnished to any premises which, on April 30 preceding, have remained unpaid for a period of six months, to the City Assessor, who shall place the same on the next tax roll of the City. Such charges so assessed shall be collected in the same manner as general City taxes. Collection of such moneys shall be in accordance with Section 54.09 of the City Code of Ordinances. (Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02) Penalty, see § 52.99

§ 52.36 PERMIT REQUIRED.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit issued by an authorized representative of the Environmental Health Department of Mecosta County. The applicant shall supplement the application with any plans, specifications and other information as are deemed necessary by the Superintendent, or an authorized representative of the Environmental Health Department of Mecosta County. (Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02)

§ 52.37 INSPECTION.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent and health officer. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent and health officer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent and health officer. (Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02)

§ 52.38 PUBLIC SEWER CONNECTION REQUIRED WHEN AVAILABLE.

(A) At such time as public sewer becomes available to a property served by a private disposal system, as provided in §§ 52.15 through 52.18, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. All filling and demolition shall be subject to approval of the Superintendent.

(B) Upon application of the owner of such property, the City may grant a delay of not more than two years, in making connection to public sewer. Such delay to be granted only if private facilities are satisfactory and create no nuisance or health hazard. The Superintendent may obtain the concurrence of the Mecosta County health officer before granting such delay. (Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02) Penalty, see § 52.99

§ 52.39 SEPTIC TANK SEWAGE.

(A) Septic tank sewage may be delivered to the sewage treatment plant for disposition only if the septic tank sewage has its origin in the City.

(B) The charges for the treatment of said septic tank sewage will be such amounts that the City may from time to time determine and establish by separate resolution. The OM&R portion of this fee shall be based on the actual cost to treat such sewage taking into consideration the concentration of said sewage.

(C) The City may regulate the amount of septic tank sewage that may from time to time be delivered to the sewage treatment plant, it being the policy of the City to allow treatment only of wastes originating in the City.

(D) The receipt of septic tank sewage for treatment at the sewage treatment plant shall be carried on only to the extent deemed practicable by the City taking into consideration the capacity of the system. (Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02)

BUILDING SEWERS AND CONNECTIONS**§ 52.45 PERMIT REQUIRED.**

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

(B) All connections with any sewer of the City shall be made by permit issued by the Director of Public Works or the City Engineer/Utilities Director or their designated representative. Payment of connection costs and/or fees shall be established from time to time by the City.

(C) All applicants for sewer connection permits shall, when required, submit plans and specifications of all plumbing construction within such building or premises. Such plans and specifications shall meet the requirements of the Plumbing Code of the state, and all orders, rules and regulations of the Department of Environmental Quality. The approval of the connection permit shall also be contingent upon the availability of capacity in all downstream sewers, lift stations, force mains, and the waste-water treatment plant including BOD and suspended solids capacity. When such plans and specifications have been approved by the Director of Public Works or the City Engineer/Utilities Director or their designate, a permit shall be issued, subject to final inspection and approval when construction is completed. (Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02) Penalty, see § 52.99

§ 52.46 FINAL APPROVAL.

(A) Final approval will be subject to compliance with the applicable Code of the State of Michigan, and all orders, rules and regulations of local and state regulatory agencies.

(B) Upon final approval of any sewer connection, all sewer supports, testing of sewer, backfilling of sewer, including materials and other elements contingent on completion of installation, shall comply with all applicable State and local Codes.

(Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02)

§ 52.47 COSTS TO BE BORNE BY PROPERTY OWNER.

(A) All costs and expense incidental to the installation and connection of and to any sewer shall be borne by the property owner of said property. The owner shall indemnify the City for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(B) The cost of all repairs, maintenance and replacements of existing building sewers and their connection to public sewers shall be borne by the property owner. Such owner shall make application for permit to perform such work to the Director of Public Works or the City Engineer/Utilities Director or their designate.

(Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02) Penalty, see § 52.99

§ 52.48 CITY TO MAKE CONNECTIONS TO PUBLIC SYSTEM.

All connections to existing or new sewers will be made by employees of the City or their approved representatives. The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such a branch is available at a suitable location.

(Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02) Penalty, see § 52.99

§ 52.49 PERMITTEE TO NOTIFY CITY WHEN CONNECTION IS READY FOR INSPECTION.

The applicant for the building sewer permit shall notify the City when the building sewer is ready

for inspection and connection to the public sewer. (Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02) Penalty, see § 52.99

§ 52.50 EXCAVATIONS.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02) Penalty, see § 52.99

RATES, CHARGES AND REVENUES

Editor's note: A schedule of rates and charges for sewer service is set forth in Chapter 54.

§ 52.60 USER RATES AND CHARGES FOR WASTEWATER DISPOSAL SERVICE.

(A) The sanitary sewer system of the City shall, as far as possible, be operated and maintained on a public utility basis as authorized by law. Each premises within the City connected to and using facilities of the system shall pay user rates and charges as fixed and established from time to time by the City. The City shall annually renew the user rates and charges as required by Public Law 92-500.

(B) Commencing on the effective date of this chapter, the user rates and charges for wastewater treatment shall be fixed by the City by ordinance or resolution. Charges for wastewater treatment furnished to premises outside the corporation limits of the City shall be fixed by the City by ordinance or resolution prior to the rendering of such services.

(C) Where sewage disposal service is furnished to users not connected to the water system or in cases where users make use of large quantities of water which may be discharged into storm sewers or approved outlets other than the sanitary sewer system, or for other miscellaneous users of water for which special consideration would be given, special rates may be fixed by the City, and the City may require nonresidential users to install metering equipment to accurately determine the flow. Residential users shall be charged on the bases of average residential metered charges on the system.

(D) Bills shall be payable periodically and simultaneously with payments made for water consumed and/or used and shall be subject to such penalties as may apply to bills for water service.

(E) No free service shall be furnished by the system to the City or to any person, firm, or corporation, public or private, or to any public agency or instrumentality.

(F) At the discretion of the City, all users outside the corporate limits of the City of Big Rapids may be charged for all flows at the point of entry into the City's publicly owned collection system. The decision to charge, based on flows, at the point of entry may be recommended by the Superintendent, or Department, subject to the approval of the City Manager.
(Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02)

§ 52.61 ALLOCATION OF REVENUES.

From and after the effective date of this chapter the revenues and income derived from the collection of rates and charges as authorized by the Wastewater Pretreatment Ordinance (Chapter 53) shall be deposited into the fund set up for such revenues specified as follows:

(A) *Operation and Maintenance Fund.* There shall be established a fund or account to be designated "Operation and Maintenance Fund" from the revenues received from the users for such purpose. Out of these revenues, payment will be for current expenses of operation, maintenance, and administration of the wastewater disposal system of the City.

(B) *Debt Retirement Fund.* There shall be established a fund or account to be designated "Debt Retirement Fund" from the revenues received from the users for such purposes. All of the revenues will remain in the Bond Retirement Fund until sufficient monies have been deposited therein, which will be sufficient to pay the principal and interest of maturing Sewage Disposal Bonds of the City.

(C) *Replacement fund.* There shall be established a fund or account to be designated "Replacement Fund" from the revenues received from the users for such purposes. Expenditures from the "Replacement Fund" shall be for obtaining and installing equipment, accessories, or appurtenances

during the service life of the treatment works necessary to maintain the capacity and performance for which such works were designed and constructed. The Replacement Fund shall be funded, annually and continuously from the date of this chapter and shall be maintained throughout the service life of the Wastewater Treatment Plant.
(Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02)

§ 52.62 FISCAL YEAR.

The fiscal year for purposes of this chapter shall commence on July 1 and end on June 30.
(Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02)

ADMINISTRATION AND ENFORCEMENT

§ 52.70 CONTROL OF POTW.

The operation, repair and management of the POTW shall be under the immediate control of the City or its Control Authority as required by State Law MCL 123.203, MSA 5.2703.
(Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02)

§ 52.71 POWERS AND AUTHORITY OF INSPECTORS.

(A) Representatives of the POTW, the State and EPA, upon showing proper identification shall have the right to enter and inspect the premises of any user who may be subject to the requirements of this chapter. Industrial users shall allow authorized representatives of the POTW, State and EPA access to all premises for the purpose of inspecting, sampling, examining records or copying records in the performance of their duties. Authorized representatives of the POTW, State and EPA shall have the right to place on the user's property such devices as necessary to conduct sampling and monitoring. Where a user has security or safety measures in force which would require clearance, training, or wearing of special protective gear, the user shall make necessary arrangements at its own expense, to enable the authorized representatives of the POTW, State, and EPA to enter and inspect the premises as guaranteed by this division.

(B) While performing the necessary work on private properties referred to above, duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02)

§ 52.72 APPEAL.

Any person who deems himself aggrieved by the provisions, application or enforcement of the terms of this chapter shall have the right to be heard before the City Commission. Such person shall make written request to be heard by filing a written request which shall specify the manner in which or reasons why the person deems himself aggrieved and shall state facts in support thereof. Upon the filing of such a written request the City Clerk shall place the matter on the agenda for the next regular City Commission meeting and give reasonable notice to the person filing the same of the date, time and place of which the matter will be heard by the City Commission. After considering the matter, the City Commission may take whatever action, if any, it determines to be appropriate in regard to the matter.

(Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02)

§ 52.99 PENALTY.

All users, significant and nonsignificant, are subject to the enforcement options and penalties as provided in the Wastewater Pretreatment Ordinance (§ 53.999).

(Ord. 311-3-92, passed 3-16-92; Am. Ord. 492-05-02, passed 5-20-02)

