

**ORDINANCE NO. 43A**

**Tyrone Township**

**SEWER USE and RATE ORDINANCE**

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# ORDINANCE 43A

## SEWER USE AND RATE ORDINANCE

IS HEREBY AMENDED TO READ AS FOLLOWS:

### **Sec. 1 Policy and Purpose**

An ordinance enacted pursuant to the authority of Act 246 of the Public Acts of 1945, as amended, and Act 191 of the Public Acts of 1939, as amended, to regulate private and Public Sewers, sewer connections, industrial waste pretreatment facilities and discharge of industrial waste into the publicly operated treatment works and to provide for pollutant limitations, data collection, monitoring and sampling, and to preserve, promote and protect the health, safety and general welfare of the person and property within Tyrone Township; and to provide for enforcement hereof; and to provide for penalties and remedies for the violation thereof, in the Township of Tyrone, County of Livingston, State of Michigan.

This Ordinance defines the requirements for all single and non-single family residences. Non-single family residences include attached condominiums, apartments, stores, offices, restaurants, and industries, all of which must meet the industrial pretreatment requirements of the Genesee County Water and Waste Services Industrial Pretreatment Program.

The Township of Tyrone, Livingston County, Michigan Ordains:

The objectives of this Ordinance are:

1. To prevent the introduction of pollutants into the System which will interfere with the normal operation of the System or contaminate the resulting municipal sludge;
2. To prevent the introduction of pollutants into the System which do not receive adequate treatment in the System, potentially causing a violation in the conditions of the National Pollutant Discharge Elimination System (NPDES) Permit, and which will pass through the System into receiving waters or the atmosphere or otherwise be incompatible with the System;
3. To improve the opportunity to recycle and reclaim wastewater and sludge from the System;
4. To provide for equitable distribution of the cost of the System;
5. To provide for the appropriate administration of the System;
6. To provide for the orderly growth of the community as necessary in accordance with applicable law and ordinances.

### **Sec. 2 Definitions**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated. The definitions contained herein may, but do not necessarily, coincide with the Township's Zoning Ordinance. If an incompatibility exists, the definitions contained herein shall apply to this Ordinance and the corresponding definition in the Zoning Ordinance shall prevail with respect to the Zoning Ordinance.

**Act or "the Act"**. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

**Authorized Representative of a User**. A User shall designate in writing to the Township its authorized representative. The Property Owner is presumed to be the User unless otherwise designated.

**Available Public Sanitary Sewer System.** All houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Township 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 of the Township. For any such parcel required to connect that is divided or split to create a new parcel or parcels, all parcels created from divisions of the parent parcel shall also connect to the sewer system.

**Biochemical Oxygen Demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter).

**Building Drain.** That part of the lowest horizontal piping of a drainage system which receives discharge from drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

**Building Sewer.** The sewer pipe extending from the building discharge location to the Public Sewer or other place of disposal. The Building Sewer includes the sewer “lead” that connects to the Public Sewer.

**Bypass.** The intentional diversion of waste streams from any portion of a User's pretreatment facility.

**Capacity.** The ability to handle and treat sewage flows. Capacity shall be based on the sanitary sewer basis of design, the requirements in the current edition of the Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers Recommended Standards for Wastewater Facilities (commonly referred to as the 'Ten States Standards') and any specific requirements from regulatory agencies having jurisdiction over the sanitary sewer system.

**Categorical Standards or Categorical Pretreatment Standards.** National Categorical Pretreatment Standards or Pretreatment Standard. See Pretreatment Standards.

**Chemical Oxygen Demand (COD).** A measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater.

**Combined Sewer.** A sewer receiving both surface stormwater runoff and sewage.

**Commercial Waste.** A liquid or water-carried waste material from a commercial business engaged in buying, selling, exchanging goods or engaging in said goods or services.

**Commercial User.** See definition under User Class below.

**Compatible Pollutant.** A substance amenable to treatment in the System such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the system is designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, fats, oils and greases of animal or vegetable origin.

**Composite Sample.** A series of samples taken over a specific time period whose volume is proportional to the flow in the waste stream, which are combined into one sample.

**Cooling Water.** The water discharged from any use such as air conditioning, cooling or refrigeration to which the only pollutant added is heat.

**Day.** When referenced in this Ordinance, a “day” is considered a calendar day unless otherwise indicated.

**Debt Service Charge.** The charges levied to a User and/or potential User who has purchased an REU, to pay principal, interest and administrative costs of retiring the debt incurred for construction of the System. The Debt Service Charge shall be in addition to the User Charge, Sewer Connection Fee and Sewer Tap Fee.

**Direct Discharge.** The discharge of treated or untreated wastewater directly to the waters located in and flowing through the Township.

**Engineer.** The Engineer designated by the Township.

**Engineering Standards.** An Engineering standard duly adopted by the Township Board or as mandated by law.

**Environmental Protection Agency, or EPA.** The U.S. Environmental Protection Agency, Administrator or other duly authorized official.

**Forcemain.** A sewer pipe that transports sewage under a pressure exerted by a sewage pump.

**Garbage.** The solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**Grab Sample.** A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

**Gravity Sewer.** A sewer pipe which conveys sewage down gradient under atmospheric pressure due to a slope in the sewer pipe.

**Grinder Pump.** The sewage pump unit at each property to which the Building Sewer connects and which grinds and pumps sewage to the Public Sewer for transportation to the System. Includes the publicly owned grinder pumps, controls and pressure discharge pipe, including all control boards, controls, floats, pumps, storage tanks and appurtenances thereto which provides the connection between the privately owned building and the Public Sewer System.

**Groundwater.** The water beneath the surface of the ground, consisting largely of Surface Water that has seeped down, also the source of water in springs and wells.

**Health Department.** The Livingston County Department of Public Health, unless otherwise directed by The Township of Tyrone, Livingston County, and Genesee County, or the State of Michigan.

**Holding Tank Waste.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

**IJA Sewer Use Ordinance.** See *InterJurisdiction Agreement (IJA)*.

**Incompatible Pollutants.** Any pollutant which is not a compatible pollutant.

**Industrial Wastes.** Any liquid, solid or gaseous waste or form of energy or combination thereof resulting from any process of industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.

**Industrial User.** See definition under User Class below.

**Infiltration.** Any water entering the system from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

**Infiltration/Inflow.** The total quantity of water from both infiltration and inflow.

**Inflow.** Any water entering the System through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas and *storm* drain cross connections.

**Interfere.** The inhibition or disruption of the system treatment processes or operations which contributes to a violation of any requirement of the Township's NPDES Permit or reduces the efficiency of the System. The term also includes prevention of sewage sludge use or disposal by the System.

***InterJurisdiction Agreement (IJA).*** An ordinance of the County of Livingston to adopt new regulations applicable to the disposal of wastewater discharged from Livingston County through the Livingston County Interceptor to the Genesee County Sewage Disposal System No. 3 for treatment at the Genesee County Linden Wastewater Treatment Plant; to provide for administration and enforcement within Livingston County with respect to those discharges by the Genesee County Agency. (Reference Appendix D)

***Laboratory Determination.*** The measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurement, test, or analysis of "Standard Methods for Examination of Water and Waste Water," a joint publication of the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation or in accordance with any other method prescribed by the rules, regulations, policies or procedures promulgated pursuant to this division.

***Livingston County Department of Public Health.*** The Livingston County Department of Public Health, which is sometimes referred to in this Ordinance as the "Health Department".

***Manager.*** The Manager of the Township or his/her designee, Else that person assigned by the Township Board to act as the Manager as set forth in this Ordinance.

***National Categorical Pretreatment Standard or Pretreatment Standard.*** Any federal regulation containing pollutant discharge limits promulgated by the EPA or other authorities having jurisdiction which applies to a specific category of Industrial Users.

***National Pollution Discharge Elimination System or NPDES Permit.*** A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

***Natural Outlet.*** Any outlet into a watercourse, pond, ditch, lake or other body of surface or Groundwater.

***New Source.*** Any source, the construction of which is commenced after the publication of proposed National Categorical Pretreatment Standards which will be applicable to such source, provided that:

Construction is at a site where no other source is located; or

Process or production equipment causing discharge is totally replaced due to construction; or

Production or wastewater generating processes of the facility are substantially independent of an existing source at the same site.

For purposes of this Ordinance, construction is considered to have commenced when installation or assembly of facilities/equipment has begun, significant site preparation has begun for installation or assembly, or the owner/operator has entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. (Construction on a site at which an existing source is located results in a modification, rather than a New Source, if the construction does not create a new building, structure, facility or installation meeting the criteria of items (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.)

***Normal Domestic Sewage (NDS).*** Wastewater which, when analyzed, shows a daily average concentration of not more than 260 mg/l of BOD; nor more than 300 mg/l of suspended solids; nor more than 6 mg/l of phosphorus; no more than 100 mg/l of fats, oils and grease; no more than 35 mg/l of total ammonia nitrogen.

***North American Industry Classification System (NAICS).*** The North American Industry Classification System (NAICS) has replaced the U.S. Standard Industrial Classification (SIC) system. NAICS is a creation of the United States Census Bureau. Any references herein to either system shall use the NAICS as their basis.

**Obstruction.** Any object of whatever nature which substantially impedes the flow of sewage from the point of origination to the Public Sewer. This shall include, but not be limited to objects, sewage, tree roots, rocks and debris of any type.

**Operation and Maintenance.** All work, materials, equipment, utilities and other effort required to operate and maintain the System, consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES Permit and other applicable state and federal regulations, and includes the cost of replacement.

**Owner or owners of record.** The person, persons, corporation, company, association, LLC or other party listed as the tax responsible party on the current tax bill for the lot, parcel, or unit.

**O&M Fee.** A fee charged to each user connected to the System to recover Operation & Maintenance costs associated with connections to the System.

**Person.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents or assigns.

**pH.** A figure expressing the acidity or alkalinity of a solution on a logarithmic scale on which 7 is neutral, lower values are more acid, and higher values more alkaline. The pH is equal to the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

**Pollutant.** Any of various chemicals, substances, and refuse materials, including but not limited to, such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, and industrial, municipal and agricultural wastes which impair the purity of the water and soil.

**Premises.** The particular property connected or to be connected to the System. "Premises" is sometimes referred to as "Property".

**Pretreatment or Treatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the System. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

**Pretreatment Requirements.** Any substantive or procedural requirement for treating of a waste prior to inclusion in the System, including National Categorical Pretreatment Standards.

**Private Sewer.** Means a sewer that is owned, operated and maintained by or on behalf of one or more individuals, for the benefit of the owners, and not owned by the Township or Livingston County.

**Private Sewer Lines.** For Users served by a gravity sewer system, all service lines and equipment for the disposal of sewage installed or located on the Premises, from the sanitary sewer main to and including any structure or facility which exists on the Premises. For Users served by a grinder pump/low pressure sewer system, all service lines and equipment for the disposal of sewage from the grinder pump to any structure or facility which exists on the Premises. The grinder pump and the electrical service for the grinder pump are not part of the private sewer line but are part of the Public Sewer. See Appendix B.

**Property Owner.** See definition of "Owner".

**Publicly Owned Treatment Works (POTW).** Means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the Township. This definition includes any sewers that convey wastewater to the Treatment Plant. For the purposes of this Ordinance, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the Township who are, by contract or agreement with the Township, users of the POTW. The POTW is sometimes referred to as the "System".

**Public Sewer.** A sewer that is controlled by a public authority. The public portion of the system includes the wastewater treatment facility and sanitary sewer facilities necessary to collect sewage from the Users and convey the sewage to the wastewater treatment facility. One of the following items is included at each User's property as part of the public portion of the System.

- a. **Gravity Sewer System.** For Users served by a gravity sanitary sewer system, the private sewer line portion of the sewer system shall include the installation, operation and maintenance of a sewer lead from the Public Sewer to the Premises or easement line. (See Appendix B)
- b. **Grinder Pump/Low Pressure Sewer System.** For Users served by a low pressure sewer system, a grinder pump shall be located on the Premises within a public utility easement. The public portion of the Premises shall include the sewer service lead from the Public Sewer to the grinder pump, the grinder pump, and the electrical lines from the exterior electrical provider electrical meter to the grinder pump (including a control/alarm panel and the electrical connection to the existing electrical provider meter). (See Appendix C)

**Replacement.** The replacement in whole or in part of any equipment, appurtenances and accessories in the wastewater transportation or treatment systems to insure continuous treatment of wastewater in accordance with the NPDES Permit and other applicable state and federal regulations.

**Residential Equivalent Unit, or REU.** That measure of potential wastewater discharge equal to the quantity normally generated by occupants of a residence by a single family of average size. All single family homes are assigned one (1) REU. All structures other than single family homes will be assigned REUs based on the Unit Factor Table ("REU Schedule") attached to this Ordinance as Appendix A.

**Sanitary Sewage.** A liquid or water-carried waste discharged from the sanitary conveyances of structures, including but not limited to residential homes, apartment houses and hotels, office buildings, commercial businesses or industrial plants.

**Sanitary Sewer.** Means a public or private sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

**Sewage.** A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater as may be present.

**Sewer.** A pipe or conduit, manhole and appurtenances necessary for carrying sewage.

**Sewer Connection Fee.** The charge levied to a User who has purchased one or more REUs, to physically connect the Property to the System.

**Sewer Service Lead or Sewer Lead.** A pipe tapped into a Public Sewer and extending to the property or easement line in the case of a gravity sewer, and from the Public Sewer to the grinder pump when a grinder pump is used.

**Sewer Tap Fee.** The cost to purchase the right to tap into the System and is measured in whole REUs. The Sewer Tap Fee and the administrative policies adopted by the Township for new Users connecting to the existing System, and existing Users expanding the number of REUs for their Property, shall be determined by action of the Township Board. In addition to the Sewer Tap Fee, the Sewer Connection Fee is the charge to physically connect the Property to the System.

**Shall** is mandatory. **May** is permissive.

**Significant Industrial User.** Any Industrial User of the Township's System who (a) is subject to National Categorical Pretreatment Standards; (b) has a discharge flow of 25,000 gallons or more per average work day; or (c) has a flow greater than 5% of the flow in the Township's System; or (d) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act. State Statutes and rules; or (e) is found by the Township, Michigan Department of Environmental

Quality, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the System, the quality of sludge, the system's effluent quality, or air emissions generated by the System.

**Significant Noncompliance** shall mean one or more of the following:

- a. Chronic violation of wastewater discharge limit, defined here as when sixty-six (66) percent or more of all the measurements for a pollutant parameter taken during a three-month period exceed the corresponding daily maximum limit or the corresponding average limit;
- b. Technical Review Criteria (TRC) violation of wastewater discharge limit, defined here as when thirty-three (33) percent or more of all of the measurements for a pollutant parameter taken during a three-month period equal or exceed the product of the corresponding daily maximum limit multiplied by the applicable TRC factor, or the product of the corresponding average limit multiplied by the applicable TRC Factor (TRC Factor = 1.4 for BOD, fats, oil and grease, and 1.2 for all other pollutants except pH).
- c. Any other violation or violations of a daily maximum limit or an average limit that the Genesee County Director or Livingston County Drain Commissioner determines has alone or in combination with other discharges caused interference or pass through, including endangering the health of the System personnel or the general public;
- d. Any discharge of a pollutant that has caused imminent endangerment to human health, public welfare, or the environment, or has resulted in the System exercising its emergency authority to halt or prevent such a discharge;
- e. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a Township issued discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, and/or reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance;
- h. Any other violation, or group of violations, which the Township determines as adversely affecting operation or implementation of the Township's pretreatment program.

**Special Assessment District (SAD).** Any special assessment district established by the Township Board in accordance with the provisions of Chapter 20 of the Drain Code (Act 40 of 1956) as amended and/or Public Act 188 of 1954 as amended.

**State.** State of Michigan.

**Storm Sewer or Storm Drain.** A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

**Stormwater.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**Surcharge.** In addition to the sewer user charge, any User discharging wastewater having strength in excess of limits set forth by the Township *or Genesee County* shall be required to pay an additional charge to cover the cost of treatment of such excess strength wastewater.

**Surface Water.** Water naturally open to the atmosphere such as that collecting on the ground, including but not limited to water from estuaries, lakes, ponds, reservoirs, rivers, seas, etc.



**Suspended Solids.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

**Township.** The Township of Tyrone, a Michigan common law Township located in Livingston County, Michigan. When the term Township refers to an individual or group it shall mean its agents, elected officials, or employees.

**Township Board.** The Township of Tyrone Board of Trustees as determined by the electors of the Township of Tyrone.

**Toxic Pollutant.** Any pollutant or combination of pollutants which is or can potentially 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 provisions of Section 307(a) of the Act, or other Acts intended to protect the public health.

**Treatment Plant.** That portion of the System designed to provide treatment to wastewater.

**Tyrone Township.** The Township of Tyrone is sometimes referred to as Tyrone Township or the Township. When either is used herein they shall refer to the Township of Tyrone, Livingston County, Michigan.

**Township-County Contract.** The contract between the Township of Tyrone and the County of Livingston and all subsequent contracts.

**Uncontaminated Industrial Waste.** Wastewater which has not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.

**Upset.** An exceptional incident in which there is unintentional and temporary noncompliance with National Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

**User.** Any person who contributes, causes or permits the contribution of wastewater into the System,

**User Charge.** A charge levied on Users of the System for the cost of operation and maintenance of the System (sometimes referred to as "O&M Charge"), and includes the cost of repair and replacement of the equipment.

**User Class.** The kind of User connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental.

**Residential User.** 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 included, it is considered commercial).

**Industrial User.** Any User who discharges "industrial wastes" as defined in this ordinance. See also Significant Industrial User.

**Commercial User.** An establishment listed in North American Industry Classification System (NAICS) involved in a commercial enterprise, business or service which, based on a determination by the Township, discharges primarily segregated domestic wastes, wastes from sanitary conveniences and which is not a residential user or an Industrial User. Any User that discharges commercial wastes into the System.

**Institutional User.** Any establishment listed in the North American Industry Classification System (NAICS) involved in a social, charitable, religious, or educational function which, based on a determination by the Township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

**Governmental User.** Any federal, state or local government User of the System.

**Wastewater.** The liquid and water-carried industrial, commercial 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 System.

**Watercourse.** A channel in which a flow of water occurs, either continuously or intermittently.

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

### **Sec. 3        Abbreviations**

The following abbreviations shall have the designated meanings:

BOD-Biochemical Oxygen Demand

CFR-Code of Federal Regulations

COD - Chemical Oxygen Demand

CWA - Clean Water Act

EPA - Environmental Protection Agency

l = Liter

MDEQ - Michigan Department of Environmental Quality

mg - milligrams

mg/l - milligrams per liter

NDS- Normal Domestic Sewage

NPDES - National Pollutant Discharge Elimination System

P-Phosphorus

POTW - Publicly Owned Treatment Works

REU - Residential Equivalent Unit

SIC - Standard Industrial Classification See North American Industry Classification System (NAICS)

SICM - Standard Industrial Classification Manual

SS - Suspended Solids

SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.

O&M - Operation and Maintenance

### **Sec. 4        Operation, Maintenance, and Control**

1. The operation and maintenance of the system shall be under the supervision and control of the Township and Livingston County subject to terms of the County-Township contract. Pursuant to the terms of such contracts, the Township has retained the exclusive right to establish, maintain, and collect rates and charges for sewage collection, transmission, and debt service; the Township Board may employ such person in such capacity as it deems advisable, and may make such rules or regulations as it deems advisable and necessary to assure the efficient establishment, safe and effective operation and maintenance of the system, to discharge its financial obligations, and to collect rates and charges herein provided.
2. Users of the Sanitary Sewer shall comply with the terms of this Ordinance and the Livingston County IJA Sewer Use Ordinance. Provisions of the Township-County contract are incorporated by reference.

3. Genesee County is responsible for administering the Industrial Pretreatment Program, and establishing and collecting fees related to the program, including permit, surcharge, and inspection fees. The Genesee County Industrial Pretreatment Program and enforcement provisions contained in the Genesee County Sewer Use Ordinance shall apply to Users of the Tyrone Township sanitary sewer system. Provisions of the Livingston County-Genesee County Contract are incorporated by reference.

## **Sec. 5      Unsanitary Deposits, Discharge to Natural Outlets Prohibited**

1. 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 Township, or in any area under the jurisdiction of the Township, any human or animal excrement, garbage or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the Township, or in any area under the jurisdiction of the Township, any sanitary sewage, industrial wastes, or other polluted waters, unless specifically permitted by the applicable governmental agency having jurisdiction of the issue.
3. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, outhouse, porta potty, or other facility intended or used for the disposal of sewage, unless specifically permitted by the Livingston County Health Department, or as hereinafter provided.
4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Township 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 of the Township, is hereby required at his/her expense to install suitable sewage facilities therein, and to connect such facilities directly with the proper Public Sewer in accordance with the provisions of this article, within one hundred eighty (180) days after date of official notice to do so.
5. For those properties that do not receive letters from the Township requiring connection to an available Public Sewer, a direct connection to the Public Sewer shall be made within one hundred eighty (180) days if one of the following conditions apply:
  - a. The private sanitary sewer system fails; or
  - b. The property is sold after January 1, 2005; or
  - c. The Public Sewer line has been available for 15 years.

At the time of connection, any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned for sanitary use and filled with a suitable material.

6. When the premises are not connected to an available Public Sewer within the time specified in this section, the Township shall require the connection to be made immediately after notice, which may be by first class or certified mail to the owner of the property or by posting on the property.
  - a. The notice shall give the approximate location of the Public Sewer which is available for connection and shall advise the owner of the requirements and enforcement provisions of State law and any applicable ordinance and regulation.
  - b. Where premises are not connected to an Available Public Sanitary Sewer System within ninety (90) days after the date of mailing or posting of the written notice, the Township may bring an action for a mandatory injunction or order in the Livingston County Circuit Court to compel the owner to connect to the Available Public Sanitary Sewer System immediately.
  - c. Those premises not connected to an available Public Sewer within the time specified in this section and who's owners have been notified by letter by the Township shall thereafter be charged sewer use (O&M) fees.

7. Unless the premises exists when this Ordinance is passed, the Township shall not issue a land use permit for construction of such structure until and unless the property on which such structure is located is being specially assessed by the Township for the sanitary system or:
  - a. The Township Board approves the connection to the system;
  - b. The property owner complies with all requirements of this Ordinance;
  - c. There is sufficient excess capacity in the system to permit the connection; and
  - d. The property owner pays in advance the connection charges approved by the Township.

## **Sec. 6 Non Residential Process Wastewater**

1. Wastewater Contribution Information.

Any industry, business, institution, person or structure discharging sanitary sewage to the System, other than normal residential sewage, shall file the information listed below with the Manager. Any industry which does not normally discharge to the System, but has the potential to do so from accidental spills or similar circumstances, shall also file the information listed below. Additional information may be required as set forth in the *IJA Sewer Use Ordinance*.

- a. Name, address, phone number, electronic mail address, and location (if different from the address)
- b. North American Industry Classification System (NAICS) number as defined by the United States Bureau of the Census as amended.
- c. Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this Ordinance as determined by a reliable analytical laboratory approved by the Township; sampling and analysis shall be performed in accordance with the procedures and methods detailed in:

"Standard Methods for the Examination of Water and Wastewater," American Public Health Association, current edition.

"Methods for Chemical Analysis of Water and Wastes," United States Environmental Protection Agency, current edition.
- d. Time and duration of contribution.
- e. Average daily wastewater flow rates, including daily, monthly and seasonal variations, if any.
- f. Industries identified as Significant Industrial Users must submit site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.
- g. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged.
- h. Where known, the nature and concentration of any pollutants in the discharge which are limited by any Township, State, or Federal Pretreatment Requirements, and a statement regarding whether or not the Pretreatment Requirements are being met on a consistent basis and if not, whether additional Operation and Maintenance and/or additional pretreatment is required by the Industrial User to meet applicable Pretreatment Requirements.

- i. If additional pretreatment and/or O&M charges will be required to meet the Pretreatment Requirements, the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:

The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Requirements.

No increment referred to in paragraph (1) shall exceed 6 months.

Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Manager, Livingston County, and Genesee County including, as a minimum, documentation as to whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 6 months elapse between such progress reports to the Manager.

- j. Each product produced by type, amount, process or processes and rate of production.
  - k. Type and amount of raw materials processed, average and maximum per day.
  - l. Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system.
  - m. Any other information as may be deemed by the Township, Livingston County, or Genesee County to be necessary to evaluate the impact of the discharge on the System.
  - n. The disclosure form shall be signed by an authorized representative of the User and a qualified Engineer.
  - o. The Township, Livingston County, and Genesee County will evaluate the complete disclosure form and data furnished and may require additional information. Within 90 days after full evaluation and acceptance of the data furnished, the Township, Livingston County, and Genesee County shall notify the User of the acceptance thereof.
2. Discharge Modifications.

Within three (3) months after the effective date of the promulgation or revision of a National Categorical Pretreatment Standard, all affected existing Industrial Users shall submit to the Township the information required by paragraphs 1.a and 1.n of Section 5.

3. Discharge Conditions.

Wastewater discharges shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, User Charges, and fees established by the Township, Livingston County, and Genesee County. The Township, Livingston County, and Genesee County may:

- a. By action of the Township Board set unit charges or a schedule of User Charges and fees for the wastewater to be discharged to the System;
- b. Limit the average and maximum wastewater constituents and characteristics;

- c. Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization;
  - d. Require the installation and maintenance of inspection and sampling facilities;
  - e. Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
  - f. Establish compliance schedules;
  - g. Require submission of technical reports or discharge reports;
  - h. Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge as specified by the Township, and affording Township, Livingston County, and Genesee County access thereto, and copying thereof;
  - i. Require prompt notification of the Township, Livingston County, and Genesee County in advance of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the system;
  - j. Require immediate notification of all discharges that could cause problems to the system, including slug discharges;
  - k. Require other conditions as deemed appropriate by the Township, Livingston County, and Genesee County to ensure compliance with this ordinance.
  - l. Require waste treatment facilities, process facilities, waste streams, or other potential waste problems to be placed under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
  - m. Require records and file reports to be maintained on the final disposal of specific liquids, solids, sludge's, oils, radioactive materials, solvents, or other wastes.
  - n. Convert concentration-based National Categorical Pretreatment Standards to equivalent mass-based or production-based Pretreatment Requirements.
  - o. Control through permit, order, or similar means, the contribution to the system by each User to ensure compliance with applicable National Categorical Pretreatment Standards or Pretreatment Requirements. The control mechanism may limit duration to a maximum of five years, require non-transferability without appropriate prior notification, set effluent limits, establish monitoring and reporting requirements, and contain a statement of applicable penalties for violations.
  - p. Adjust National Categorical Pretreatment Standards to reflect the presence of pollutants in a User's intake water.
4. **Baseline Reports.**
- a. Within 180 days after promulgation or revision of a National Categorical Pretreatment Standard, all existing affected Industrial Users must submit to the Township, Livingston County, and Genesee County the information specified by 40 CFR, Section 403.12(b), paragraphs (1)-(7).
  - b. At least 90 days prior to commencement of discharge, New Sources and sources that become affected Industrial Users subsequent to the promulgation of an applicable National Categorical Pretreatment Standard, shall submit to the Township, Livingston County, and Genesee County the information specified by 40 CFR, Section 403.12(b). New Sources shall also include in this report information on the method of pretreatment they intend to use to meet the applicable pretreatment standard and shall

give estimates of the required information regarding flow and pollutant discharge.

5. Compliance Date Report.

Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the System, any User subject to Pretreatment Standards and Requirements shall submit to the Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. For Users subject to equivalent mass requirements, the report shall contain a reasonable measure of the long-term production rate. For Users subject to Categorical Pretreatment Standards expressed per unit of production, the report shall include the actual production during the sampling period. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement will be signed by an Authorized Representative of the Industrial User, and certified to by a qualified representative.

6. Periodic Compliance Reports.

Any User or New Source discharging into the System, shall submit to the Manager, Livingston County, and Genesee County during the months of June and December, unless required more frequently in Pretreatment Standard or by the Manager, Livingston County, and Genesee County a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards or this Ordinance. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph 3.c. of this section. At the discretion of the Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Manager may agree in writing to alter the months during which the above reports are to be submitted.

The Manager, Livingston County, and Genesee County may also impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases in which the imposition of mass limitations is appropriate. In such cases, the report required by subparagraph a. of this paragraph shall also indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User.

If a User is subject to reporting requirements required to demonstrate continued compliance and monitors any pollutant more frequently than required by the Township, Livingston County, or Genesee County using Standard Laboratory Procedures, the results of this additional monitoring shall also be included in the Periodic Compliance Report.

If sampling performed by a User indicated a violation, the User shall notify the Township, Livingston County, and Genesee County within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and submit the results of re-analysis to the Township, Livingston County, and Genesee County within 30 days after becoming aware of the violation, except when the Township will be performing scheduled surveillance sampling/analysis within this 30-day period.

7. Notification of Hazardous Waste Discharges.

All Users shall notify the Township, Livingston County, and Genesee County the EPA Regional Waste Management Division Director, and the State Hazardous Waste Authority in writing of any discharge into the system of a substance which would be a hazardous waste under 40 CFR 261. Notification details, as well as allowable exemptions, shall be in accordance with 40 CFR 403.12(p). In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must

provide notification of the discharge of such substance within 90 days of the effective date of such regulations. In the case of any notification of hazardous waste discharges, the User shall further certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

8. Monitoring Facilities.

The Township, Livingston County, or Genesee County may require a monitoring facility to be provided and operated at the User's own expense, to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, unless otherwise agreed to by the Township. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the Township and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Township, Livingston County, or Genesee County.

9. Inspection and Sampling.

The Township, Livingston County, or Genesee County shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and the User is complying with all requirements. Persons or occupants of premises where wastewater is created or discharged shall allow the Township or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, records copying or in the performance of any of their duties. The Township, MDEQ and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Township, MDEQ, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

10. Pretreatment.

Industrial Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations and as required by the Township, Livingston County, or Genesee County. Any facilities required to pretreat wastewater to a level acceptable to the Township, Livingston County, or Genesee County shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Township, Livingston County, and Genesee County for review, and shall be approved by the Township, Livingston County, and Genesee County before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Township, Livingston County, and Genesee County under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Township, Livingston County, and Genesee County prior to the User's initiation of the changes.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or MDEQ upon request.



11. Confidential Information.

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction, unless the User specifically requests the information is classified as confidential on the basis of proprietary processes and the material would otherwise be exempt from public disclosure under any state or federal act. When information is classified as confidential, the Township, Livingston County, and Genesee County shall provide proper and adequate facilities and procedures to safeguard the confidentiality of manufacturing processes, except that confidentiality shall not extend to waste products discharged to the waters of the state. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approved authority by request.

12. Signatory Requirements.

All reports required by this Section shall be signed by the Authorized Representative of the Industrial User and include the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

If the Authorized Representative of the Industrial User changes because a different individual has responsibility for the overall operation of the facility or for environmental matters of the company, a new authorization satisfying the requirements of Sec. 2., Authorized Representative of Industrial User, and designating the name and contact information, must be submitted to the Township, Livingston County, and Genesee County prior to or together with any reports to be signed by that representative, and not later than 30 days from the change of responsibility.

## Sec. 7 Private Sewage Disposal

1. No private sewage disposal system is permitted if a Public Sewer is available. Where a Public Sewer is not available under the provisions of this Section, the building sewer shall be connected to an approved private sewage disposal system as set forth in the *IJA Sewer Use Ordinance*.
2. Before commencement of a private sewage disposal system, the Owner shall first apply to the Township for a municipal sewer/water application, for purposes of determining whether a Public Sewer is available to service the property. If a Public Sewer is not available, the Owner shall then apply to the Health Department for a soil evaluation test. The fee shall be determined by the Health Department, and shall be paid to the Health Department. At completion of the above soil evaluation test showing positive results, the property owner shall apply for a Permit for Installation for the proposed sewage system. The Owner shall include plans, specifications and other information as deemed necessary by the Health Department. At the time the application is filed, the fee determined by the Health Department for the permit and inspection shall be paid. If a Public Sewer is available, the Owner shall connect to the System as set forth in this section.
3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Health Department. The Health Department shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Health Department when the work is ready for final inspection, and before any underground portions are covered. The

inspection shall be made within 7 days of the receipt of notice by the Health Department. All persons receiving a permit for a private sewer disposal system shall provide the Township with copies of all final approved inspection reports issued by the Health Department.

4. The type, capacities, location and layout of a private sewage disposal system shall comply with all requirements of the Health Department. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.
5. The Owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Township.
6. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by any other agency having legal jurisdiction.

## **Sec. 8 Connection to Public Sewer System**

1. At such time as a Public Sewer becomes “available” as defined in Section 2 to a property served by a private sewage disposal system that has failed, as determined by the Health Department, a direct connection shall be made to the Public Sewer in compliance with this Ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned for sanitary use and filled with a suitable material. Additional requirements may be set forth in the *IJA Sewer Use Ordinance*. The Public Sewer shall be considered “available” when all of the following conditions are met.
  - a. All houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Township 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 of the Township. For any such parcel required to connect that is divided or split to create a new parcel or parcels, all parcels created from divisions of the parent parcel shall also connect to the sewer system.
  - b. The Public Sewer and the System have sufficient capacity to reliably treat the additional sewage flows from the connection.
  - c. The Public Sewer pressure within the low-pressure sanitary sewer or the forcemain will accommodate connection to the System.

The Property Owner of a structure or buildings where sewage originates shall connect to the Public Sewer within 90 days after an application for a permit for a private sewage disposal system is denied by the Health Department. If the Property Owner does not connect to the Public Sewer within the 90 days, the Property Owner will be responsible for paying all User Charges, with the first quarterly sewer use bill being levied to the Property, prorated to the 91st day after the denial of the permit. Additionally, legal action will be implemented for the Property Owner to connect to the Public Sewer.

If vacant property is contiguous to a right of way or easement within which the Public Sewer is located, that vacant property must connect to the Public Sewer upon construction of a structure or building.

Any division or subdivision of property, lots, or parcels abutting, contiguous to, or located within, the public sewer district shall result in the parent parcel and all created parcels being required to connect to the public sewer system, regardless of their distance from the force main.

2. No person, other than the Operator, Manager, Livingston County, or authorized designee shall uncover, make any connections with or opening into, use, alter, or disturb any public Building Sewer, stub, or Public Sewer or appurtenance thereof, without first obtaining a sewer permit from The Township of Tyrone and recorded with both the Livingston County Drain Commissioner and Livingston County Building Department.

Any person who shall uncover, make any connections with or opening into, use, alter, or disturb any Building Sewer, stub, or Public Sewer or appurtenance thereof shall be licensed in compliance with Paragraph 21 of this section. No Building Sewer, stub, or Public Sewer shall be covered until after it has been inspected and approved by the Operator, Livingston County Drain Commissioner, or Livingston County Building Department.

3. The Property Owner or his/her agent shall make application for a sewer permit on a form furnished by the Township. The sewer permit application shall be supplemented by any plans, specifications, or other information required by this Ordinance or considered pertinent in the judgment of the Township. All Sewer Connection Fees and/or Sewer Tap Fees, in amounts established by action of the Township Board, shall be paid to the Township Treasurer at the time the application is filed. The Service Connection Permit and Grinder Pump Installation permit and fees may be amended from time to time by Resolution of the Township Board to reflect changes in the actual cost of performing this service. If a street opening is required to make the lead connection, an additional Livingston County Road Commission (LCRC) permit, as an attachment to the sewer permit, must be obtained.
4. All cost and expense associated with the installation, connection and maintenance of the Building Sewer to the System shall be borne by the Property Owner. The Property Owner shall pay all costs associated with any plumbing modifications, installing the sewer service lead to the Public Sewer as measured from the ROW, pumping out any existing septic tank, and decommissioning any existing septic tank.
5. All liabilities associated with the installation, connection and maintenance of the building sewer shall be borne by Property Owner. The Property Owner shall indemnify and save harmless the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. This liability shall include, but not be limited to, damage or loss due to water intrusion, settlement, lightning or other Acts of God. Consequential damage due to any of the above causes is the responsibility of the Property Owner.
  - a. The Property Owner shall be responsible for the total maintenance, cleaning and repair of the Private Sewer Lines as defined in Section 2 Definitions, Private Sewer Lines.
  - b. The Township, is responsible for all repairs of the Public Sewer only, and has no responsibility of any sort for the private lines. The Township also has no responsibility to clean the sewer service leads.
  - c. In the case of a bona fide dispute as to whether needed maintenance, cleaning or repair of a portion of sewer line is the responsibility of the Property Owner or the Township under the provisions of this Ordinance, it shall be the duty of the Property Owner to establish that the obstruction disrepair or defect has occurred in that portion of the line for which the Township is responsible. If the Property Owner fails to establish the Township responsibility, it shall be the Property Owner's responsibility to perform the necessary maintenance as provided in this Ordinance. If the Township responsibility is established, the Township shall perform the necessary maintenance and shall reimburse the Property Owner for reasonable expenses, excluding attorney fees, incurred in locating the defect in the line or in otherwise establishing the Township responsibility.
  - d. Any Property Owner who shall violate the provisions of this Ordinance shall be liable to the Township for all costs and damages incurred in correcting the defect, including any consultant fees and/or attorney fees. Violation of this ordinance shall also constitute a misdemeanor. If any Property Owner fails to maintain a private sewer line as required by this Ordinance, in addition to the other penalties prescribed herein, the sewer may be declared a public nuisance by the Health Department and the defect may be corrected by the Township. Any costs so incurred, including consultant fees and/or attorney fees, shall be assessed against the Property and become a lien on the Property if not timely paid.

6. When two or more buildings in residential districts occupy the same parcel, each of which is connected to the Public Sewer, the following shall apply. If one or more building(s) is considered an accessory use to the main building it may be connected to the private sewer lines serving the main building. If, on the other hand, the building(s) are used as independent living units, each shall have its own direct connection to the System.

In non-residential districts each building requiring sanitary sewage service shall have its own connection to the System. The Manager may waive this requirement in non-residential districts when the accessory building is such that it may not be split off and sold to another entity.

7. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Township, to meet all requirements of this Ordinance. All costs incurred by the Township in making this determination, including consultant fees and/or attorney fees, shall be borne by the Property Owner requesting same.
8. The grinder pump location on each property will be coordinated by appointment with the Property Owner or his/her designee during the installation. An easement within the property will be required for the installation, operation and maintenance of the grinder pump, sewer lead from the grinder pump to the Public Sewer, control/alarm panel and the electrical line to the grinder pump. The Property Owner shall execute the necessary documents to establish the easement.
9. The Building Sewer or Sewer Service Lead shall be constructed in accordance with the Township's Engineering Standards. The Township reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in concrete cradle if the foundation and construction are such as to warrant such protection in the written opinion of the Manager or Livingston County.
10. The size and slope of the Building Sewer shall be in accordance with the Township's Engineering Standards but in no event shall the diameter be less than six (6) inches. The slope of pipe, the diameter of which is six (6) inches or more, shall be not less than one-eighth (1/8) inch per foot unless otherwise permitted.
11. 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 or within 3 feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The Building Sewer shall be laid at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction greater than 45 degrees shall be provided with cleanouts accessible for cleaning.
12. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by artificial means approved by the current applicable building and plumbing codes, and discharge to the building sewer.
13. All joints and connections shall be made gastight and watertight. All joints shall meet the requirements of the Township Engineering Standards.
14. No sewer connection shall be permitted unless there is capacity available in all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for treatment of BOD and suspended solids.
15. All newly constructed building sewers shall have a properly sized cleanout at the head of said sewer that is accessible at all times. This cleanout shall allow access of sewer cleaning equipment of a size equivalent to the size of the building sewer. The location and number of cleanouts shall be in accordance with applicable building and plumbing code requirements.
16. All sewers shall be designed and constructed in accordance with the latest edition of the Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers' Recommended Standards for Wastewater Facilities (formally

known as the 'Ten State Standards').

17. The applicant for the connection permit shall notify Livingston County and/or the Operator when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Inspector or his representative.
18. All excavating 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 Township and the Livingston County Road Commission.
19. Connection now or hereafter of any premises in the service area of the Sewage Disposal System as now existing or hereafter enlarged, on which are now or hereafter located a structure or structures in which sanitary sewage originates, by or through a Building Sewer, service pipe, valve, and stub shall constitute by and from all persons, firms, or corporations, public or private, having or claiming any interest of record in said premises as owner, tenant, purchaser, seller, mortgagee, lien holder, or other claimant, now owned or hereafter acquired, permission to the Township and Livingston County, and any successor or duly authorized agent thereof, to enter at all reasonable times upon said premises to install, inspect, maintain, operate, repair, replace, or otherwise deal with the Building Sewer, service pipe, valve, or stub on, under, or adjacent to said premises. Such permit shall remain and be in full force and effect so long as sewage disposal services are provided or available to said premises from the sanitary system and shall be binding upon all successors interest in said premises so long as said permit remains in effect.
20. The Operator shall prepare, execute and record in both the offices of the Livingston County Drain Commissioner and Township of Tyrone an Access Permit and Service Agreement. Such Access Permit and Service Agreement may be amended from time to time by Resolution of the Township Board.
21. Any person, other than the Operator, desiring to uncover, make any connection with, or opening into, use, alter, or disturb any Public Sewer, parts thereof or appurtenances thereof, must be trained by the Operator and secure an annual license from the Township. The license shall be issued on a calendar year basis. The person applying for such license shall pay a license fee as adopted by resolution by the Township Board as referenced in the Fee Schedule and execute unto the Township and deposit with the Clerk a bond or bonds in the amount(s) and form acceptable to the Township or Livingston County, along with the necessary proof of insurance, conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules, and regulations established under the authority of the Township or Livingston County pertaining to sewers and plumbing. The bond(s) shall be acceptable to the Township and Livingston County and shall state that the person will indemnify and hold harmless the Township and Livingston County and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of mistakes or negligence on his part in connection with the plumbing, sewer line connection, or excavating for plumbing or sewer line connection as prescribed in this Ordinance. Such bond(s) shall remain in force and must be executed for a period not less than eighteen (18) months from time of license, except that, upon such expiration, it shall remain in force until all penalties, claims, and demands that may have accrued prior to such expiration have been satisfied. The license shall also provide public liability insurance for the protection of the Township or Livingston County, the property owner, and all persons to indemnify them for all damages caused by accidents attributable to the work, with limits of one hundred thousand dollars (\$100,000) for one (1) person, three hundred thousand dollars (\$300,000) for bodily injuries per accident, and one hundred thousand dollars (\$100,000) for property damages. The license fee and limits on the public liability insurance may be amended from time to time by Resolution of the Township Board.

The Township Board reserves the right to revoke the license of any person who, in the Township Board's sole judgment, is not performing work with proper care and skill and in accordance with the laws, rules, and regulations pertaining to the sewer system. As a condition of securing a license, the Township Board may require that the patron

applying for the license attend a training session on the proper procedures and equipment for making connections to the sewer system.

## **Sec. 9 Use of the Public Sewers**

### **1. General Discharge Prohibitions.**

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. These general prohibitions apply to all such Users of the System whether or not the User is subject to the National Categorical Pretreatment Standards or any other national, state or local Pretreatment Standards or requirements. The Township may refuse to accept any waste which will cause the System to violate its NPDES discharge limits. Additional requirements may be set forth in the *IJA Sewer Use Ordinance*. A User may not contribute the following substances to any System:

- a. Any liquids, solids or gases, including but not limited to waste streams with a closed cup flash point of less than 140°F, which by reason of their nature and quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the system or to the operation of the System. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- b. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal intestines or tissues, paunch manure, bones, hair, hides, fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone, marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- c. Any wastewater having a *pH* less than 6.0 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the System.
- d. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the System, or exceed the limitation set forth in a Categorical Pretreatment Standard. This prohibition of toxic pollutants will conform to Section 307(a) of the *Act*.
- e. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair, including pollutants which result in the presence of toxic gases, vapors, or fumes within the System in a quantity that may cause acute worker health and safety problems.
- f. Any substance which may cause the System's effluent or any other product of the System such as residues, sludge's, or scum's, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- g. Any substance which will cause the System to violate its NPDES Permit or the receiving water quality standards.
- h. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- i. Any wastewater having a temperature which will inhibit biological activity in the System resulting in Interference, but in no case wastewater with a temperature at the introduction

into the System which exceeds 40°C (104°F).

- j. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause Interference to the System.
- k. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager in compliance with applicable state or federal regulations.
- l. Any wastewater which causes a hazard to human life or creates a public nuisance.
- m. Any unpolluted water including, but not limited to stormwater, groundwater, roof water, or non-contact cooling water.
- n. Any waters or wastes containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- o. Any waste from individual sewage disposal systems except at the System treatment plant, as provided in Section 9, except that waste from any individual sewage disposal system may be disposed of directly into a sanitary sewer upon entering into an agreement with the Township, which agreement shall specify the site of disposal, sewage disposal charge and such other conditions as may be required to satisfy the sanitation and health requirements of the Township. For the purpose of this subsection, “individual sewage disposal system” is defined to include every means of disposing of industrial, commercial, household, domestic or other water-carried sanitary waste or sewage other than a public sanitary sewer.
- p. Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.
- q. Any trucked or hauled wastewater, except as specifically allowed by the Manager in writing.

2. Specific Pollutant Limitations.

- a. Toxic pollutants and prohibited discharges:

No person shall discharge, or cause to be discharged, any sewage or wastewater which contains the substances or possess the characteristics described in subsection 8.1 of this section, and which are normally considered toxic, and which may prevent the effective operation of the sewage treatment plant, be incompatible with or harm the sewage treatment facilities; or which are prohibited by any federal or state law, rule, regulation, permit requirement or standard which is applicable to sewage treatment facilities; or which the Township shall have concluded will have an adverse effect on the receiving stream, or otherwise endanger the health, safety and welfare of the public or public property, or constitute a nuisance.

- b. Conventional Pollutants. Except as Authorized by the Township, Livingston County, and Genesee County in writing, no person shall discharge wastewater containing in excess of the limits established in the approved basis of design of the System, as those limits may be modified from time to time; the current limits include, but are not limited to the following:
  - 260 mg/l BOD5
  - 300 mg/l total suspended solids
  - 35 mg/l total ammonia nitrogen
  - 6 mg/l total phosphorus
  - 400 mg/l COD
  - 100 mg/l by weight of fat, oil, or grease

- c. Should the above concentrations, either individually or in combination with one another, interfere with the sewage treatment process, or cause difficulties or damage to the receiving waters, the maximum concentrations of these substances will be reduced by written order of the Manager, Livingston County, or Genesee County.

Should any other substances either individually or in combination with other substances interfere with the sewage treatment process or cause damage to the receiving waters or affect the sanitary or storm sewer system, the allowable concentration of these substances shall be reduced by written order of the Manager, Livingston County, or Genesee County. Should the Township, Livingston County, and Genesee County determine that the above limits can be raised without damage to the sewer system or the sewage plant exceeding the state or federal limits, then the Township, Livingston County, and Genesee County may raise the limits, and shall determine the individual concentrations depending on quantity of flow, equipment, capabilities, reliability of testing, etc.

- d. If any waters are discharged or are proposed to be discharged to the Public Sewers, which waters contain the substances or possess the characteristics enumerated above, or other substances, and which in the judgment of the Manager, Livingston County, or Genesee County may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Township may:
  1. Reject the wastes.
  2. Require pretreatment to the level defined as "Normal Domestic Sewage".
  3. Require control over the quantities and rates of discharge.
  4. Require payment to cover the added cost of handling and treating the wastes not covered using taxes or sewer charges.
  5. Require new industrial users or industries with significant changes in strength or flow to submit prior information to the Township concerning the proposed flows.

If the Township, Livingston County, and Genesee County permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Township and shall be subject to the requirements of all applicable codes, ordinances and laws.

3. National Categorical Pretreatment Standards.

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

4. Existing Users subject to new National Categorical Pretreatment Standards shall achieve compliance within 3 years of the date the standard is promulgated, unless a shorter compliance schedule is specified in the standard. New Sources subject to National Categorical Pretreatment Standards shall install, have in operating condition, and have started up all pretreatment equipment required to achieve compliance before beginning to discharge; and shall meet all applicable pretreatment standards within the shortest feasible time, but not to exceed ninety days after beginning to discharge.
5. State Requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.
6. Township's Right of Revision.

The Township reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 1 of this Ordinance.



7. No User shall discharge or cause to be discharged any form of inflow or infiltration (stormwater, surface water, groundwater, water from footing drains, water from non-residential floor drains or roof water) to any sanitary sewer or sewer connection. Any Property connected to a storm sewer shall comply with county, state and federal requirements as well as those of the Township.

Downspouts, non-residential floor drains and roof leaders shall be disconnected from sanitary sewers within six (6) months of the date of this Ordinance. If this is not done, the Township may perform this work and bill the User or Property Owner as the case may be.

Stormwater, groundwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as combined sewers or storm sewers. Discharge of cooling water or unpolluted process water to a natural outlet shall be approved only by the Michigan Department of Environmental Quality.

8. Grease, oil and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients. Interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious material 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.
9. Where installed, all grease, oil and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times.
10. The Township, Livingston County, or Genesee County may prohibit the admission into the Public Sewer System, any waters, wastewater, or wastes as follows:
  - a. Containing any quantity of substances having the characteristics described in Section 8.1.a or 8.1.b, or
  - b. Having an average daily flow greater than two percent (2%) of the average daily sewage flow of the Township, or having a rate of flow (gallons per day) greater than ten percent (10%) of the average daily Township flow for a period of one hour or more, shall be subject to review and approval of the Manager, Livingston County, and Genesee County.
  - c. Where necessary in the opinion of the Township, Livingston County, or Genesee County, the Property Owner or User shall provide at his expense, such preliminary treatment as may be necessary to reduce the five (5) day BOD, suspended solids, phosphorus, and total ammonia nitrogen to concentrations given in 8.2.b; or to reduce objectionable characteristics of constituents to within the maximum limits provided for in Section 8.2.a, or control the quantities and rates of discharge of such waters or wastes.
11. Where the strength of sewage from an industrial, commercial or institutional establishment exceeds (1) 260 parts per million of biochemical oxygen demand or (2) 300 parts per million by weight of suspended solids or (3) 6 parts per million by weight of phosphorus or (4) 35 parts per million by weight of total ammonia nitrogen or (5) 400 parts per million of chemical oxygen demand or (6) 100 parts per million by weight of fat, oil or grease and where such wastes are permitted to be discharged to the sewer system by the Manager, Livingston County, and Genesee County, an added charge, as set by action of the Township Board, will be made against such establishment according to the strength of such wastes. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to insure a representative sample. The cost of taking and making of these samples shall be borne by the applicant. The cost of any subsequent sampling and testing shall be borne by the applicant. Tests shall be made by an independent laboratory approved by the Township, Livingston

County, and Genesee County.

Added charges shall be determined by the Township Board, Livingston County, or Genesee County. These charges shall be based on the cost of operation, maintenance, and equipment replacement for the sewage works.

12. When required by the Township, Livingston County, or Genesee County, the Owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Township, Livingston County, and Genesee County. The manhole shall be installed by the property owner or User at his expense and shall be maintained by him so as to be safe and accessible at all times. Access to said manhole(s) shall be provided by the property owner or User without cost or inconvenience to the Township.
13. All measurements, tests and analyses of the characteristics of water to which reference is made in subsections 1 and 8 of Section 8, shall be determined in accordance with the latest edition at the time of "Standard Methods for Examination of Water and Sewage," and shall be determined at the control manhole provided for in subsection 8, Section 5, 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.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the System and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether grab samples should be taken. The responsibilities of industrial users are further defined below:

- a. An Authorized Representative from each Industrial User shall be delegated the authority to be responsible for industrial wastes admitted to the municipal sewers. Such person would be involved with maintaining the pretreatment facility operations and assuring a continual high level of performance. In case no pretreatment is provided, such person would be involved with the prevention of accidental discharges of process wastes admitted to the sanitary sewer system. Such person must become aware of all potential and routine toxic wastes generated by their industry. Such person must also be informed of all process alterations which could, in any manner, increase or decrease normal daily flow or waste strength discharged to the sanitary sewers.
- b. This Industrial User representative must catalog all chemicals stored, used, or manufactured by their industry. Such a listing should include specific chemical names, not manufacturer's codes. Those wastes admitted to the sanitary sewer are a prime concern; however, all discharges should be cataloged. An estimate of daily average flows and strengths must be made including process, cooling, sanitary, etc. Such a determination should separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Township Manager on an agreed upon basis.
- c. The Industrial User representative shall determine whether or not large process alterations will occur during the next few years; one year, two years, and five years. Management should be consulted to determine if such alterations are scheduled and forthcoming. A report shall be completed annually summarizing whether or not large process alterations will occur and if such alterations are scheduled and forthcoming. The annual report shall be submitted to the Township Manager by an agreed upon deadline each year

- d. A sketch of the plant building(s) must be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment should be indicated and floor drains located near process and storage areas should be noted. Manhole and sewer locations at the industry's point of discharge into the municipal collection system should be included on the plant layout sketch.
- e. There must be separation of spent concentrations from the sanitary sewer to prevent toxic wastes from upsetting the wastewater treatment plant. Supervision and operation of the pretreatment equipment for spent concentrations as well as all toxic wastes and high strength organic wastes to an acceptable level as detailed in this Ordinance is the responsibility of the industrial representative. All sludge's generated by such treatment must be handled in an acceptable manner, such as designated areas of a sanitary landfill or by a licensed waste hauler. Adequate segregation of those waters and wastes to be pretreated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems at the wastewater treatment plant.
- f. Throughout the industry, adequate secondary containment or curbing must be provided to protect all floor drains from accidental spills and discharges to the receiving sewers. Such curbing should be sufficient to hold 150% of the total process area tank volume. All floor drains found within the containment area must be plugged and sealed. Spill trough and sumps within the containment area must be plugged and sealed. Spill trough and sumps within process areas must discharge to appropriate pretreatment tanks. Secondary containment should be provided for storage tanks which may be serviced by commercial haulers and for chemical storage areas.
- g. An adequate sampling vault or manhole must be provided in an accessible place for the wastewater treatment plant personnel to obtain samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the Township determines necessary to protect the treatment plant and receiving stream. Should, the Township, Livingston County, or Genesee County desire continual flow recording and long duration, 24-hour composite sampling, then a more complex manhole would be mandatory - complete with 110 volt AC. Samples collected could be divided between the industry and Township, Livingston County, or Genesee County for analysis if so desired by the industry. The sampling vault should be located so as to give access by Township, Livingston County, or Genesee County personnel without entering the industrial property.
- h. Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests the information is classified as confidential on the basis of proprietary processes and the material would otherwise be exempt from public disclosure under any state or federal act. When information is classified as confidential, the Township, Livingston County, and Genesee County shall provide proper and adequate facilities and procedures to safeguard the confidentiality of manufacturing processes, except that confidentiality shall not extend to waste products discharged to the waters of the state. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approved authority by request.

Industrial cooling water containing such pollutants as insoluble oils or grease or other suspended solids shall be pretreated for removal of the pollutants and then discharged to a MDEQ approved drainage outlet.

Agents of the Township, Health Department, Michigan Department of Environmental Quality and the U.S. Environmental Protection Agency, shall have the right to enter all properties for the purpose of inspecting, measuring, sampling and testing the wastewater discharge and copying applicable pretreatment records.

14. To determine the sewage flow from any establishment, the Township may use one of the following methods:
  - a. For premises supplied with river water or water from private wells, the REU Table may be applied, or
  - b. If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the Township from either water processing measurements, associated electric supply or using the REU Table, or
  - c. The number of gallons of sewage discharged into the sewer system as determined by flow measuring equipment or device approved by the Township, Livingston County, or Genesee County and measurements and samples taken at a metered manhole installed by the Owner of the property served by the sewer system at his own expense in accordance with the terms and conditions of the permit issued by the Township pursuant to Section 7, or
  - d. A figure determined by the Township by any combination of the foregoing or by any other equitable method.

15. Excessive Discharges.

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Township or State.

16. Accidental Discharge.

Where required, a User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. The Township will evaluate, at least once every two years, whether a User without said protection will be subjected to these requirements. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Owner's or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Township for review, and shall be approved by the Township before construction of the facility. All required Users shall complete such a plan within 180 days after the adoption of this Ordinance. If required by the Township, Livingston County, or Genesee County, a User who commences contribution to the System after the effective date of this Ordinance shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Township, Livingston County, and Genesee County. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the Manager, Livingston County, and Genesee County of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- a. **Written Notice.** A User shall submit oral notice of an accidental discharge that exceeds applicable Pretreatment Requirements to the Township within 24 hours from the time the User becomes aware of the accidental discharge. Unless waived by the Township, Livingston County, and Genesee County, a written submission shall then be provided within 5 days of the time the User becomes aware of the accidental discharge. The written submission shall contain a description of the discharge and its cause; the duration of the discharge, including exact dates and times, and, if the discharge has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the

accidental discharge. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the System, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law.

- b. Notice to Employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees of whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

17. Upset Provision.

An Upset shall constitute an affirmative defense by Users in unintentional and temporary noncompliance with applicable National Categorical Pretreatment Standards or Pretreatment Requirements, provided it can be proved that:

- a. An Upset occurred and the User can identify the cause(s) of the Upset;
- b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
- c. A User shall submit oral notice of an Upset that exceeds applicable Pretreatment Requirements to the Township, Livingston County, and Genesee County within 24 hours from the time the User becomes aware of the Upset. Unless waived by the Township, Livingston County, and Genesee County, a written submission shall then be provided within 5 days of the time the User becomes aware of the Upset. The written submission shall contain a description of the Upset and its cause; the duration of the Upset, including exact dates and times, and, if the Upset has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Upset.
- d. In any enforcement proceedings, the User seeking to establish the occurrence of an Upset shall have the burden of proof.

18. Bypass Provision.

Bypass producing a discharge which violates applicable National Categorical Pretreatment Standards or Pretreatment Requirements is prohibited, and the Township, Livingston County, or Genesee County may take enforcement action against a User for such Bypass, unless: the Bypass was unavoidable to prevent loss of life, personal injury, or Severe Property Damage; there were no feasible alternatives to the Bypass. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent Bypass which occurred during normal periods of equipment downtime or preventive maintenance); and the User submitted required notices. Severe Property Damage as used herein shall mean substantial physical damage to property, damage to the User's pretreatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which cannot reasonably be expected to occur in absence of a Bypass. Severe Property Damage does not mean economic loss caused by delays in production.

If the User knows in advance of the need for Bypass, a prior notice shall be submitted to the Township, Livingston County, and Genesee County at least 10 days before the date of the Bypass. The Township, Livingston County, and Genesee County may approve or disapprove this anticipated Bypass, after considering its adverse effects.

A User shall submit oral notice of an unanticipated Bypass that exceeds applicable Pretreatment Requirements to the Township, Livingston County, and Genesee County within 24 hours from the time the User becomes aware of the Bypass. Unless waived by the Township, Livingston County, and Genesee County, a written submission shall then be provided within 5 days of the time the User becomes aware of the Bypass. The

written submission shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Bypass.

19. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Township, Livingston County, and Genesee County and any person, firm or corporation whereby waste of unusual strength or character may be accepted by the Township, Livingston County, and Genesee County, subject to payment therefore by the person, firm or corporation, provided such waste will not damage the sanitary sewer or storm sewer or wastewater treatment plant or the receiving waters.

## **Sec. 10 Fees for Industrial Pretreatment**

1. Purpose.

It is the purpose of this section to provide for the recovery of costs from Users of the System for the implementation of the Pretreatment Program established herein. The applicable charges or fees shall be set by action of the Township Board. Additional fees may be set forth in the *IJA Sewer Use Ordinance*. All costs associated with a Pretreatment Program shall be borne by the User, including any costs incurred by the Township, Livingston County, or Genesee County.

2. Description of Charges and Fees.

- a. For reimbursement of costs of the initial evaluation and due diligence inquiry, setting up and operating the Pretreatment Program.
- b. For monitoring, inspections and surveillance procedures.
- c. For reviewing accidental discharge procedures and construction.
- d. For filing appeals.
- e. For permit applications or transfers.
- f. For consistent removal by the Township of pollutants otherwise subject to Federal
- g. Pretreatment Standards.
- h. And other fees as the Township, Livingston County, or Genesee County may deem necessary to compensate the Township, Livingston County, or Genesee County in carrying out the requirements contained herein.

Additional surcharges may be made by the Township, Livingston County, or Genesee County to compensate the Township, Livingston County, or Genesee County for the costs of treatment of pollutant loadings not normally treated at or in excess of those treated by the System.

There shall be additional charges for laboratory testing of wastewater. The laboratory charge shall be for the cost thereof and will be determined for each industrial user.

The charges and fees for the services provided by the System shall be levied upon any User which may have any sewer connections with the System and which discharges industrial waste to the System. Such charges shall be based upon the quantity and quality of industrial wastewater used thereon or therein.

## **Sec. 11 Protection from Damage**

No unauthorized person shall enter or maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the System.

Any costs associated with additional maintenance and/or repairs caused by a User's misuse of the System shall be charged to the User. In addition, a User shall be liable to the Township, Livingston County, and Genesee County for any and all fines, penalties, and associated legal, consultant's costs and other costs incurred or expended by the Township, Livingston County, or Genesee County as the result of any violation that is attributable, in whole or in part, to the User's violation of this section of the Ordinance.

## **Sec. 12 Municipal Liability**

The Township, Livingston County, and Genesee County shall not be responsible for interruptions of services due to natural calamities, equipment or system failures, or actions of the system Users. The municipal liability shall be limited to the liability determined under the Governmental Immunity Act (Act 222 of Public Acts of 2001), MCL 691.1416 to 691.1419 et seq.; as the same may be amended from time to time. It shall be the responsibility of the User that all connected equipment to the Public Sewer remain in good working order so as not to cause disruption of service of any sewer or treatment plant equipment.

## **Sec. 13 Power and Authority of Inspectors**

The Township, Livingston County, or Genesee County and other duly authorized employees or agents of the Township, Livingston County, or Genesee County, bearing proper credentials and identification, shall be permitted to enter upon such properties at any time as may be necessary for the purposes of inspection, observation, measurement, sampling and testing in accordance with provisions of this Ordinance.

## **Sec. 14 Enforcement: Violations and Penalties**

### **1. Emergency Suspension of Service or Permit.**

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

### **2. Revocation of Permit.**

The Township, Livingston County, or Genesee County may revoke, suspend, or terminate the wastewater discharge permit of any User which (a) fails to accurately report the wastewater constituents and characteristics of its discharge; (b) fails to report significant changes in wastewater constituents or characteristics; (c) refuses reasonable access to the User's premises by representatives of the Township, Livingston County, or Genesee County for the purpose of inspection or monitoring; or (d) violates the conditions of this Ordinance or any final judicial order entered with respect thereto.

### **3. Notification of Violation.**

Whenever the Manager, Livingston County, or Genesee County finds that any User has violated or is violating this Ordinance, its wastewater discharge permit, or any prohibition, limitation or requirements contained within, the Manager, Livingston

County, and Genesee County shall serve or cause to be served upon a User a written notice, either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within 10 days of the date of receipt of the notice, the discharger shall respond in writing to the Manager, Livingston County, and Genesee County, advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and, where necessary, establish a plan for the satisfactory correction thereon. Receipt, or non-receipt, of a Notice of Violation shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of a Notice of Violation shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township, Livingston County, or Genesee County against the affected User.

4. Show Cause Hearing.

- a. The Township, Livingston County, or Genesee County may order any User that causes or allows conduct prohibited by this Ordinance to Show Cause before the Township, Livingston County, and Genesee County or its duly authorized representative why the proposed service termination action should not be taken. A written notice shall be served on the User by personal service or by certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the Township Board or its designee regarding the violation, the reasons why enforcement action it to be taken, the proposed enforcement action, and directing the User to Show Cause before the Township Board or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail not less than 10 days before the hearing. Service may be made on any agent, officer, or Authorized Representative of the User.
- b. The Township Board may conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the assigned department to:
  - i. Issue in the name of the Township Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing;
  - ii. Take the evidence;
  - iii. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Township Board for action thereon.
- c. At any hearing held pursuant to this section, testimony taken must be under oath and recorded stenographically. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.
- d. After the Township Board has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that such devices or other related appurtenances are properly operated. Further orders and directives as are necessary may be issued.

5. Judicial Proceedings.

Following the entry of any order by the Township Board with respect to the conduct of a User contrary to the provisions of this Ordinance, the Township, Livingston County, or Genesee County may, following the authorization of such action by the Township Board, commence an action for appropriate legal and/or equitable relief in the appropriate local court.



6. Publication of Violations.

The Township will annually publish in a newspaper of general circulation, a list of the Users which were in Significant Noncompliance with any Pretreatment Requirements or Standards at least once during the twelve previous months. The notification will identify the nature of the violation and summarize any enforcement actions taken against the User(s) during the same twelve months, in accordance with state law.

7. Right of Appeal.

Appeal of the Township Board's final determination shall be governed by applicable State law. Submittal of an appeal shall in no way relieve the affected User of any and all liability associated with the violation. An appeal shall not stay the corresponding order, or limit any other enforcement proceedings by the Township against the affected User.

8. Civil and Criminal Prosecution.

1. Violations - Generally

In addition to the other penalties provided in this Ordinance, any User who has willfully or negligently violated, or continues to willfully or negligently violate, any provision of this Ordinance, Industrial Waste Permit, or order issued hereunder, or other Pretreatment Standard or Requirement shall be guilty of a misdemeanor, and upon conviction shall be fined up to five hundred dollars (\$500) per violation, imprisonment for up to ninety (90) days, or both at the discretion of the court, together with the costs of such prosecution. Each day upon which a violation occurred or continues to occur shall constitute a separate distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of averaging.

Criminal prosecution shall not be a bar against, or a prerequisite for, any other actions by the Township, Livingston County, or Genesee County against the affected User.

Civil infraction prosecution shall be as set forth in the Township's Civil Infraction Ordinance, and/or as determined by a competent court having jurisdiction.

2. Falsifying Information

A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance, Industrial Waste Permit, or order issued hereunder, or Pretreatment Standard or Requirement, shall be guilty of a misdemeanor, and upon conviction shall be fined up to five hundred dollars (\$500) per violation, imprisonment for up to ninety (90) days, or both at the discretion of the court, together with the costs of such prosecution. Each day upon which a violation occurred or continues to occur shall constitute a separate distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of averaging.

Criminal prosecution shall not be a bar against, or a prerequisite for, other actions by the Township, Livingston County, or Genesee County against the affected User.

3. Tampering

A User who falsifies, tampers with, or knowingly renders inaccurate any data device or test method used to monitor a discharge pursuant to this Ordinance, Industrial Waste Permit, or order issued hereunder, or Pretreatment Standard or Requirement will be liable to criminal prosecution. If convicted, the affected User shall be guilty of a misdemeanor, and upon conviction shall be fined up to five hundred dollars (\$500) per violation, imprisonment for up to ninety (90) days, or both at the discretion of the court, together with the costs of such prosecution. Each day upon which a violation occurred or continues to occur shall constitute a separate distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of averaging.

Criminal prosecution shall not be a bar against, or a prerequisite for, any other actions by the Township, Livingston County, or Genesee County against the affected User.

## Fines Summary

Type of Fine	Fine	Jail Time
Administrative Fines	up to \$500 per day per violation	none
Civil Penalties	up to \$1,000 per day per violation	none
Criminal Prosecution General Falsifying Information Tampering	up to \$500 per day per violation	up to 90 days

9. Nuisance Per Se.

Any use or activity in violation of the terms of this Ordinance is declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction. The Township Board, in addition to other remedies, may institute any appropriate action or proceedings to prevent, abate, or restrain the violation. All costs, fees, and expenses in connection with such action shall be assessed as damages against the violation.

10. Costs.

In addition to the sanctions, orders, liabilities, and other remedies prescribed in this section, a User shall be liable to the Township, Livingston County, or Genesee County for any and all fines, penalties, and associated legal and other costs incurred or expended by the Township, Livingston County, or Genesee County as the result of any violation that is attributable, in whole or in part, to the User's violation of this Ordinance or a permit issued to the User hereunder.

11. Injunctive Relief.

A User who has violated or continues to violate any provision of this Ordinance, Industrial Waster Permit or order issued hereunder, or other Pretreatment Standard or Requirement will be liable to issuance of a temporary restraining order, preliminary injunction or a permanent injunction, or both as may be appropriate. The Township, Livingston County, and Genesee County have a right to seek injunctive relief in a court of competent jurisdiction a User who has violated the terms of this Ordinance.

### Sec. 15 Records

The Township and/or Livingston County shall maintain and keep books of general records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the System, in accordance with the applicable Township and Livingston County record retention schedule. The Township will cause an annual audit of such books of record and account for the preceding operating year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized public officials on request.

In conjunction with the budget, there shall be an annual review of the sewer charge system for adequacies meeting expected expenditures for the following year and to insure proportionality among user classes as required by federal regulations.

Classification of old and new Industrial Users shall also be reviewed annually by Livingston County and Genesee County.

The Township or Livingston County will maintain and carry insurance on all physical properties of the System, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of Public Sewers. All monies received for losses under any such insurance policies shall be solely to the replacement and restoration of the property damaged or destroyed.

## **Sec. 16      Records Retention**

All Users subject to this Ordinance shall retain and preserve for not less than three (3) years any records, books, documents, memoranda, reports, correspondence and any and all summaries thereto, relating to monitoring, sampling and chemical analyses made by or in behalf of a User in connection with its discharge, in accordance with Section 5 of this Ordinance. All records which pertain to matters which are the subject of administrative or any other enforcement or litigation activities brought by the Township pursuant hereto shall be retained and preserved by the User until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

## **Sec. 17      User Charge System**

### **1. Fees.**

Fees for the installation and use of the System shall be established by action of the Township Board to recover the costs of administration, construction, repairs, maintenance and operation of the System as necessary to preserve the System in good working order, to provide for the operation and replacement of the System, and to provide for the payment of any debt service obligations of The Township of Tyrone as they become due. The fees shall be made against all Users of the System.

The fees for sanitary sewer service are to be established by action of the Township Board, and may be established separately from time to time as necessary to ensure sufficiency of revenues in meeting the expenses of the System. The Township Board may classify the System Users according to the quantities and types of sewage received, and charge such fees to Users in each class, as it may deem reasonable.

The Township Board shall hold a public hearing 30 days before any fees increases are to take effect. The proposed fee increase and notice for public hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before such public hearing.

The owner of all premises required by Section 5, Paragraph 4 or 5 to connect to the System shall pay a Connection Fee. The Connection Fee shall be a rate per REU established by resolution of the Township Board, which may be enacted apart from this published Ordinance as necessary.

In addition to the Connection Fee as defined above, the owner of the premises shall be liable for the costs and expenses of acquiring and installing the Service Connection pursuant to Township specification on file at the Township.

A single family residential building shall constitute a Dwelling Unit and shall be charged a minimum Connection Fee of one Residential Equivalent Unit (REU). Premises other than a single family residential unit shall pay a Connection Fee based upon the number of units assigned to such premises by the Table of Unit Factors contained in the Tyrone Township Sanitary Sewer System Policies or subsequent revisions adopted by the Township Board. Unless otherwise determined by the Tyrone Township Board, the formula to determine REUs for uses other than single family residences shall be: 260 gallons of water use = 210 gallons of sewer use = 1 non-residential REU.

Upon connection to the System, commercial and Industrial Users shall have a water meter or waste discharge meter, of the size and type approved by the Township, installed on the User's water or waste discharge line. The User shall purchase the meter as directed by Tyrone Township. The cost of both the meter and the installation shall be paid by the User with the installation to be made or approved by the Township or LCDC. The meter shall be read by Tyrone Township, its authorized agent, or other party determined by the Township, at a period determine by the Township.

2. No Free Service.

No free service shall be allowed for any User of the System.

3. Billing.

All fees for wastewater service shall be billed and collected in accordance with the Township Administrative Policies, as revised from time to time, and adopted by the Township Board.

The failure to receive a bill shall not excuse a failure to pay a bill and any penalty shall accrue thereon as though such bill had been received. All bills shall be payable on or before the due date without discount. Payments received by the Township shall be applied for payment of any outstanding balance owed on the account prior to being applied to current charges.

4. Billing Appeals.

All disputes with bills for wastewater service shall be submitted in writing to the Township department responsible for utility billing. That department will consider the dispute and render a determination within 30 days of receiving the written dispute. The sewer User may appeal that department's determination by submitting a written appeal to the Township Supervisor within 15 days of the department's determination. The Supervisor shall render a final determination within 30 days of receipt of a written appeal. Submittal of an appeal shall in no way relieve the affected User of payment of the bill.

Further appeal of the Supervisor's final determination shall be submitted to the Township Board. The appeal request shall be submitted to the Township Clerk within 15 days of the Supervisor's final determination. The Township Board will convene a hearing on the matter and render a final determination within 45 days of receipt by the Township Clerk of the appeal. Submittal of an appeal shall in no way relieve the affected User of payment of the bill.

5. Nonpayment.

User Charges that are not paid on or before the due date as indicated on the bill shall be considered delinquent and shall accrue a 10% penalty on the unpaid amount.

6. Collection of Delinquent Accounts.

Any and all charges, such as property owner's direct charges, O&M charges, and Debt Service charges, special assessment charges, interest, penalties and all other charges whatsoever related to the operations under this Ordinance, shall be a personal obligation of the Owner of the Premises and shall become a lien against the Premises until paid. Until all such charges are paid, the Township may, at the option of the Township Board, proceed with a personal action against the Owner or foreclose upon the aforesaid lien, or both, to the extent necessary to collect such amounts owed and all related costs of collection of said amounts that are incurred by the Township.

On the first day of September of each year, any and all balances that are past due for 90 days or more, including the 10% penalty assessed in preceding paragraph 5. Nonpayment of the above shall be certified to the next Township tax roll as a lien for collection against the Premises served. Such lien shall be collected and enforced in the same manner as provided by law for Township taxes assessed on the roll. Any and all charges certified for collection through the tax roll shall have added to them a 10% penalty on the entire amount of the lien in addition to previous charges.

7. REU Assignment Appeals.

- A. Every Owner has a right to an administrative appeal of the assignment of REUs to a Property pursuant to the Township's REU schedule as applied to a particular Property. Claims of economic hardship shall not be considered grounds for an administrative appeal.
- B. A written appeal shall be submitted to the Manager within 15 days of the assignment of REU's. The appeal shall identify the assigned REU's and how the Owner feels they were incorrectly calculated. The Manager shall submit his/her written decision within 15 days after receiving the written appeal by a written decision sent by regular mail to the Owner.
- C. If the Owner is dissatisfied with the Manager's decision, a written appeal may be taken to the Township Supervisor by any User within 30 days from the date of the order, requirement, decision or determination as to application or interpretation of the REU schedule as applied to a particular Property, by filing with the Manager a notice of appeal specifying the grounds for the appeal and the payment of the appeal fee, if such a fee is established by the Township Board. If no appeal is taken within the 30 days, the order, requirement, decision, or determination shall be final.
- D. Further appeal of the Township Supervisor's determination shall be submitted to the Township Board. The appeal request shall be submitted to the Township Clerk within 15 days of the Township Supervisor's final determination. The Township Board will convene a hearing on the matter and render a final determination within 45 days of receipt by the Township Clerk of the appeal. Further appeals shall be to the appropriate court.
- E. The Township Board shall fix a reasonable time for the hearing of the appeal and render a decision within 60 days from the date of filing the notice of appeal, unless an extension of time is required by a decision of the majority of the members of the Township Board, whose decision shall state the reasons for the extension.
- F. Minutes of the appeal hearing shall be kept in accordance with the Open Meetings Act and contain the basis of the determination made by the Township Board.
- G. In ruling on an appeal, the Township may consider the current REU schedule, evidence of actual maximum usage, whether actual metering is appropriate, the economic life of the System and the particular properties, uses or classes of uses involved, the history of the particular land use in the community and similar communities and the policies, fees and rates of similar communities, and any other data deemed relevant to make a determination.
- H. The Township Board may reverse or modify the order, requirements, decision, or determination appealed from, and shall make an order, requirement, decision, or determination as deemed necessary. The Township Board may impose conditions upon an affirmative decision on appeal. The concurring vote of a majority of the total members of the Township Board shall be necessary to reverse an order, requirement, decision, or determination.

8. Metering Option (Non Residential Properties Only).

If the determination by the Township Supervisor in the Administrative Appeals section 17-7 above is not agreeable to the appellant, the following "Metering Option" may be used by the Owner.

All REU fees and quarterly User Charges determined under section 17-7 above shall be paid to the Township Treasurer. The difference between the Township Supervisor's determination of the appropriate assignment of REUs and quarterly User Charges for the Property as established in 17-7, less the number the User alleges is appropriate, shall be held in escrow with the Township Treasurer until final determination is made. The

number the User alleges is appropriate shall be retained by the Township. Upon a final determination of the appropriate number of REU's to be assigned to the Property, any REU fees and quarterly User Charges in escrow shall be apportioned between the Township and the User per the final determination.

The Owner must install an approved water meter or waste discharge meter. The water meter or waste discharge meter purchase, installation and meter reading process must be coordinated through, and approved by, the Township. The meter location and installation shall be approved by the Township and the Owner shall obtain all applicable permits.

The Owner shall coordinate and pay all costs associated with the purchase and installation of the water meter or waste discharge meter, meter accuracy testing if required, and pay the Township's cost of processing the meter readings to determine the REUs.

Water meter or waste discharge meter readings shall be taken and logged daily. They shall be taken at nearly the same time each day to represent daily usage of water through the meter. A log of the meter readings shall be kept near the meter and shall be made available to an authorized Township employee or contractor whenever requested. Request(s) by the Township to review the log and read the meter may be made on an unannounced basis.

The meter may be read during normal work days for the business excluding week-ends if that constitutes normal usage. If peak usage may occur during a week-ends, meter readings must be taken on the week-ends.

The water meter or waste discharge meter readings shall continue for a minimum of twelve (12) months.

This option is not to be used on partially occupied buildings. It may only begin after full occupancy.

The average daily flow shall be used in determining the REU assignment. The average daily flow during the total time monitored above shall be divided by 260 gallons per day for water meters, or 210 gallons per day for waste water meters, to determine the number of REUs assigned by this option. Fractional REUs will be rounded up to the next higher whole number of REUs.

If at any time during the monitoring period the number of REUs observed during 120 or more days exceeds the assigned number of REUs the higher REU figure will be considered as accurate and additional fees for those REUs shall be placed in escrow.

## 9. REU Assignments

- A. A minimum of 1 REU shall be assigned to any building hooking up to the System. Any fractional REU's shall be rounded up to the next half unit.
- B. Any expansion or change in a building use or intensity shall be cause for a reevaluation and/or reassignment of REU's. A change in a building use or intensity shall not result in a reduction of REUs already assessed against a building.
- C. Each unit within a building developed pursuant to PA 59 of 1978, the Condominium Act, shall be considered a separate structure and will be assessed REUs based on the use or intensity of each unit.
- D. The Township, by action of the Township Board, may adopt policies for combining, splitting, reassigning and reassessing REUs.

## **Sec. 18 Deferral of Special Assessment Charges; Waiver of User Charges; Debt Service Charges**

### **1. Hardship Cases.**

The Township does not have the authority to waive any special assessment. The Township Board may determine that it is appropriate to approve the deferment of special assessments imposed for the Township's System or any extensions thereto in certain circumstances in accordance with the authority set forth in Section 9a of Act 188, Public Acts of 1954, as amended. Any property owner who has property that is subject to a special assessment may, in accordance with the procedures set forth in Section 9a of Act 188, apply to the Manager for deferment of all or part of the annual portion of the principal and interest coming due on a special assessment. The Manager shall forward any such application to the Township Clerk. Consideration of deferrals shall be based on guidelines adopted by action of the Township Board.

Hardship deferrals shall be considered on a case by case basis by the Township Board as set forth by resolution establishing policies and fees for deferred payments.

### **2. Financial Hardship.**

The Township Board shall examine any application for a deferral of the annual portion of the principal and interest coming due on a special assessment. The Township Board shall recommend approving a full or partial deferment of the amount coming due in that year if the applicant meets the Township's then existing criteria for the deferral of special assessments as set forth by action of the Township Board.

### **3. Conditions for Deferment.**

All applications for deferrals must be submitted prior to the time the annual special assessment installment is billed to the property owner. The Township Board shall establish, by appropriate action, the date by which such applications for deferrals must be submitted and the date by which the Township Board shall make its final determinations.

As a condition of granting the deferment, the amount deferred shall constitute a lien on the subject property, and the property owner or agent shall sign a document, in recordable form, that will provide notice of the lien on the property for the deferred amount.

Any deferment granted by the Township Board shall not exceed the amount of the principal and interest on the special assessment that is scheduled to be billed to the property owner in the following December.

The total sum of all annual deferments, both principal and interest, shall be paid in full at the time of any change in ownership of the subject property. If the total sum is not paid when due, the delinquent sum shall be placed on the tax bill for the Property. No additional interest shall be due on the amounts deferred pursuant to this ordinance.

### **4. New Septic Systems.**

Owners of new septic systems are eligible, under certain circumstances, to receive a waiver of the O&M component of the Quarterly Usage Charges that would normally apply to Users of the Township's System. In order to qualify for such a waiver, a property owner must have a "Qualified New Septic System."

A Qualified New Septic System is new or replacement septic systems that was installed prior to a System being available to the property in question. The time period for the waiver, if any, will be determined at the time the future sewer district is created.

An Owner of a Qualified New Septic System may apply in writing to the Manager and request a waiver of the O&M component of the Quarterly Usage Charges (but not the Debt Service cost component of the Quarterly Usage Charges) applicable for the Township's System.

Upon receiving an application for a waiver of the O&M charges, the Manager shall verify whether the property owner has a "Qualified New Septic System," and if the property owner has a "Qualified New Septic System," the Manager shall waive the O&M component of the Quarterly Usage Charges (but not the Debt Service component of the Quarterly Usage Charges). The Manager shall issue his/her written decision within 30 days of receipt of the request for a waiver.

Any such waiver of the O&M component of the Quarterly Usage Charges shall cease at such time as the "Qualified New Septic System" needs to be replaced, or 10 years from the date of waiver, whichever is later.

5. Exceptions.

Special assessment charge deferrals and waivers of O&M charges shall not be granted under the provisions of this Section where a person applying therefore is causing a public nuisance or other injury to the general public, or is subject to a National Categorical Standard, and any such deferrals and/or waivers shown to have been granted under these circumstances shall be immediately terminated. Any deferral and/or waiver granted under the provisions of this Section shall not be construed to relieve the person who shall receive it from any liability or penalties imposed by other law for the commission or maintenance of a nuisance.

**Sec. 19      Validity, Severability, Conflict**

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

All laws and parts of laws, all ordinances, codes and regulations which are inconsistent with or in conflict with or repugnant to any provisions of this article, shall be deemed not to apply; provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code or regulation which is more restrictive or establishes a higher standard than those provided in this article.



**Sec. 20 Effective Date**

This revised Ordinance shall be effective upon publication of said Ordinance as provided by law.

**RESOLUTION #181205  
TYRONE TOWNSHIP, LIVINGSTON COUNTY  
SEWER USE AND RATE ORDINANCE NO. 43A**

**RESOLVED BY:** Trustee Walker  
**SUPPORTED BY:** Trustee Schultz

**VOTE:** Schultz, yes; Walker, yes; Pool, yes; Eden, yes; Pedersen, yes; Cunningham, yes; Husted, yes.

**ADOPTION DATE:** December 18, 2018

**CERTIFICATION OF THE CLERK**

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of Ordinance 43A adopted by the Township Board at a regular meeting, held on December 18, 2018, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.



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Marcella Husted  
Township Clerk

## APPENDIX A: TYRONE TOWNSHIP EQUIVALENT USER TABLE

The following equivalent user factors will be used to assess tap-in fees. For purposes of this table, an equivalent user is defined as that quantity of wastewater discharged from an ordinary single family dwelling. The volume of wastewater generated by an equivalent user is defined in each sanitary sewer district. In computing charges for commercial, industrial, or multiple residences, the number of units for which charges are made shall be determined from the following equivalent user factors. Where square footage is used in the calculation of equivalent users, it shall mean the entire square footage inside the building. When the use of a building changes substantially the number of equivalent users for the new use, a supplemental tap-in fee will be assessed for the increased use.

USER	UNIT FACTOR
Auto Dealers	0.40 per 1,000 sq. ft.
Auto Repair/Collision – Body Shop	1.00 per shop plus 0.5 per 1,000 sq. ft.
Banks	0.25 per employee station
Barber Shops	1.00 per shop plus 0.1 per chair after 2
Bars	4.00 per 1,000 sq. ft.
Beauty Shops	1.00 per shop plus 0.15 per booth
Bed & Breakfast Establishments	1.0 per building plus 0.2 per guest room
Boarding Houses	1.00 per building plus 0.2 per bedroom
Boarding Schools	0.27 per bed
Bowling Alleys (w/o bars or lunch)	0.16 per alley
Bowling Alleys (with bar and/or lunch)	0.60 per alley
Car Wash ( production line w/o recycle)	10.00 per single production line
Car Wash (production line with recycle)	5.00 per single production line
Car Wash (self service)	1.25 per stall
Child Care Centers	1.00 per premise plus 0.05 per person
Churches	0.25 per 1,000 sq. ft.(minimum 1.0 unit)
Cleaners (pick-up only)	1.00 per shop
Cleaners (pressing facilities)	1.25 per press
Clinics	0.50 per doctor (minimum 1.0 unit)
Convalescent Homes	1.00 per premise plus 0.5 per bedroom
Convents	1.0 per premise plus 0.25 per bedroom
Country Clubs & Athletic Clubs	1.50 per 1,000 sq. ft.
Doctor's Office	1.0 per premise plus 0.5 per exam room
Drug Stores	0.40 per 1,000 sq. ft. (minimum 1.0 unit)
Factories (exclusive of industrial flow)	0.50 per 1,000 sq. ft.
Fire Stations	0.20 per stationed firefighter/ 24 hours
Fire Stations (Volunteer)	1.00 per premise
Florist	1.10 per 1,000 sq. ft.
Fraternal Organizations (members only)	1.00 per hall
Fraternal Organizations (members/rentals)	2.00 per hall plus bar, restaurant, etc.
Funeral Homes	1.50 per 1,000 sq. ft. plus residence
Garden Center (nursery)	1.0 per premise plus 0.5 per employee
Government Office	0.40 per 1,000 sq. ft.
Grocery Stores & Markets	1.10 per 1,000 sq. ft.
Hospitals	1.09 per bed
Hotels & Motels (private baths)	0.25 per bedroom plus bar, restaurant, etc.

<b>USER</b>	<b>UNIT FACTOR</b>	
Industrial Buildings (exclusive of wet process)	0.50	per 1,000 sq. ft.
Laundry (self service)	0.54	per washer
Lumber Yard	1.00	per each 15 employees
Mobile Homes	1.00	per pad
Multiple Family Residence	1.00	per dwelling unit
Office Building	0.40	per 1,000 sq. ft.
Pet Shops	1.10	per 1,000 sq. ft.
Pool Halls	0.10	per table
Post Office	1.00	per 1,000 sq. ft.
Printing Shop	0.50	per 1,000 sq. ft.
Public Institutions (other than hospitals)	0.75	per 1,000 sq. ft.
Research & Testing Laboratories	0.75	per 1,000 sq. ft.
Restaurants (fast food)	10.00	per restaurant
Restaurants (with liquor license)	4.00	per 1,000 sq. ft.
Restaurants (meals w/service & dishes)	2.50	per 1,000 sq. ft.
Restaurants (take out)	1.50	per 1,000 sq. ft.
Retail Stores	0.15	per 1,000 sq. ft.
Rooming Houses (no meals)	0.25	per room
Schools (w/o showers and/or pool)	1.00	per classroom
Schools (with showers and/or pool)	1.50	per classroom
Senior Citizen Apartments	0.33	per apartment unit
Service Station – Gas Service	0.50	per pump
Service Station – with auto repair	1.00	per premise plus 0.15 per stall
Service Station – with mini mart	1.00	per premise plus 0.5 per 1,000 sq. ft. of building
Skating Rinks	0.40	per 1,000 sq. ft.
Snack Bar (drive-in)	2.50	per 1,000 sq. ft.
Swimming Pools	3.00	per 1,000 sq. ft.
Single Family Residence	1.00	per residence
Sport Centers	0.05	per employee
Stores (other than specifically listed)	0.25	per 1,000 sq. ft.
Tennis Clubs	0.08	per member
Tennis or Handball (indoor club)	0.50	per court
Theaters (drive-in)	0.03	per car space
Theaters	0.01	per seat
Tourist Courts (individual bath units)	0.27	per cubicle
Trailer Parks (central bath units)	0.40	per trailer
Veterinary Facility	2.00	per veterinarian
Veterinary Facility with kennel	1.50	per facility plus 0.1 per kennel
Warehouse & Storage	0.10	per 1,000 sq. ft.

Where building size and number of employees are both known, the equivalent water factors shall be based on the highest projected flow factor.

Classifications not specifically listed shall be assigned values as determined by the Township, but no facility shall be assigned less than one unit.

Where multiple businesses exist at one location (shopping centers, hotels with restaurant and or bar facilities, etc.) the various businesses will be combined for equivalents.

In cases of expansion or change of existing water/sewer uses, connection fees shall be levied in accordance with the current connection fee schedule based upon the difference in the current and expanded or changed use.

In cases where an application for sewer service has been made for property which is contiguous to an existing sewer special assessment district such sewer service may be granted *only after the following fees have been paid*:

1. All Connection Fees.
2. An up-front lump-sum capital charge equivalent to the pro-rata share of what would have been the property's assessment costs if the property were in the district, for the remaining term of the assessment. The capital charge will be placed in the debt service fund for future debt service payments on the special assessment. The properties in the SAD (Special Assessment District) will have their remaining assessments reduced by their pro-rata share of the capital share.

- **See Section 17 for REU Fees, Assignments, and Appeals**

## **APPENDIX B: OWNER/TOWNSHIP RESPONSIBILITY FOR GRINDER PUMP SYSTEM**

The grinder pump location on each property will be coordinated by appointment with the property owner during the construction phase. An easement within the property will be required for the installation, operation, and maintenance of the grinder pump, sewer lead from the grinder pump to the Public Sewer, control/alarm panel, and the electrical line to the grinder pump. The grinder pump easement will need to be signed by the property owner before the grinder pump is installed. Tyrone Township and/or Livingston County shall prepare the grinder pump easement document and record the executed grinder pump easement at the Livingston County Register of Deeds.

Three different types of grinder pumps will be installed, as summarized below:

- Runyan Lake residents will receive replacement grinder pumps from Environmental One that are 120 volt, 15 amp rated and are to be installed with a 20 amp circuit breaker.
- Irish Hills residents will receive hydromatic TG-Pro Pressure Plus System grinder pumps that are two (2) horsepower.
- The remaining grinder pumps will be one (1) horsepower, 230 volt, and 30 amp pump.

A simplex grinder pump unit shall be provided to all properties with one (1) REU and to residential-use properties with two (2) REUs. A simplex grinder pump unit consists of one grinder pump with a 70 gallon holding basin. A duplex grinder pump unit shall be provided to non-residential use properties with two (2) to twelve (12) REUs and to residential properties with three (3) to twelve (12) REUs. A duplex grinder pump unit consists of two grinder pumps with a 150 gallon holding basin. All properties with thirteen (13) to twenty (20) REUs will be served by a duplex grinder pump unit with a 275 gallon holding basin.

Once installed, the lid of the grinder pump encasement will extend approximately 3 inches above the ground surface. The grinder pump encasement lid is 24 inches in diameter. No new permanent structures or other items can be placed on top of the grinder pump encasement or grinder easement.

The grinder pump must be located at least 10 feet from a building or property line and at least 50 feet from an on-site water supply well. In situations where it is physically impractical to locate the grinder pump outside the Livingston County Health Department's (LCHD's) 50-foot isolation distance from an on-site well, the grinder pump location will be subject to the LCHD's approval. The grinder pump must be located within 100 feet of the exterior Consumers Energy electrical meter.

A control/alarm panel for the grinder pump will be mounted on the side of the existing building. The control/alarm panel must be located within sight of the grinder pump.

The red light on top of the control/alarm panel will illuminate when a high-level condition is detected in the grinder pump holding basin. The property owner would need to contact the sewer system operators to inform them that the red light is illuminated.

All installation, operation, and maintenance work for the grinder pump, sewer lead from the grinder pump to the Public Sewer, and the electrical line from the grinder pump to the Consumers Energy meter is exterior work.

For properties served by a grinder pump/low pressure sewer system, the responsibilities of the public sewer system and the property owner are as follows:

### ***Public Sewer System/Township's/Livingston County's Responsibilities (Grinder Pumps)***

1. Coordinate grinder pump location with property owner.
2. Prepare grinder pump easement.
3. Record grinder pump easement with the Livingston County register of Deeds.
4. Install, operate, and maintain public portion of grinder pump sewer system within property (sewer lead from the public sanitary sewer to the grinder pump, the grinder

pump, and the electrical lines from the exterior Consumers Energy electrical meter to the grinder pump, including a control/alarm panel and the electrical connection to the existing Consumers Energy meter).

5. Install and maintain the electrical line from the property owner's exterior electrical meter to the grinder pump (including the electrical connection to the electrical meter).
6. Restoration associated with the installation of the public portion of the grinder pump sewer system within property (sewer lead from the public sanitary sewer to the grinder pump, the grinder pump, and the electrical lines from the exterior Consumers Energy electrical meter to the grinder pump, including a control/alarm panel and the electrical connection to the existing Consumers Energy meter).
7. Maintain, repair, and replace (when necessary) the grinder pump and any other item of the public portion of the grinder pump sewer system within property.
8. Respond to high-level conditions (reported by property owner).
9. Provide a toll-free emergency phone number to sewer customers to contact for questions, maintenance, or emergencies.
10. Respond to service issues reported by property owners received on the toll-free emergency phone number. The appropriate service/maintenance will be completed as expediently as possible.
11. Maintain a tracking system that records the maintenance, repair, and replacement activities for all the grinder pumps. A monthly operating report will be completed summarizing the sewer system's operation and maintenance activities during each month.

#### ***Property Owner's Responsibilities (Grinder Pumps)***

1. Coordinate grinder pump location with Township and/or Livingston County representative.
2. Sign the grinder pump easement.
3. Contract, hire, and pay contractor to install sewer lead from the building to the grinder pump (including connection to the grinder pump). The property owner will be responsible for the restoration associated with installing the sewer lead from the building to the grinder pump.
4. Notify the public sewer system operators of high-level conditions (when red light on top of control/alarm panel is illuminated). **To Report a Sewer Alarm or Sewer Leak call 517-546-0040.**
5. Notify the public sewer system operators of lack of power to grinder pump when the remainder of the household has power. First verify the electrical breaker in the home has not been turned off. **To Report a Sewer Alarm or Sewer Leak call 517-546-0040.**
6. Pay the electrical costs to operate the grinder pump. The electrical cost to operate the grinder pump will be included in the electric utility bill for each property served by a grinder pump. The typical electrical costs associated with a grinder pump serving a residential single family house is approximately \$5.00 per month.

#### **GRINDER PUMP OPERATION DURING POWER OUTAGES**

When electrical service is disrupted to properties (such as area power outages), the grinder pumps will not have power and will not operate. Once power is restored to the property, the grinder pump will automatically start operating with no need to reset the grinder pump. Caution should be exercised because without power, the grinder pump does not operate and may result in sewage backup if more water/waste is allowed into the sewer system during the power outage than the on-site storage tank or main sewer line from the house to the grinder pump has capacity to hold.

Property owners cannot use portable generators to operate the grinder pumps during periods of power outage for the following reasons:

1. Improperly connecting a generator to a residential electrical system can endanger the lives of power company repair crews working to restore electricity by energizing lines the workers believe have been disconnected.
2. Some of the grinder pumps are designed to operate at 220/240 volts. Connecting a 110/120 volt power supply will result in permanent damage to the pump motor. The replacement cost of a grinder pump damaged by a property owner connecting a portable generator to the grinder pump shall be the responsibility of the property owner. This includes both the 110/120 volt and 220/240 volt grinder pump units.

**As stated previously, property owners should limit the amount of wastewater generated during power outages, as the grinder pumps will not operate. Water/sewage use during power outages for properties served by a grinder pump could cause sewage backups within the premises.**

**APPENDIX C: Livingston County IJA InterJurisdiction  
Agreement Sewer Use Ordinance**

[Link to Fully Executed IJA – 12-14-2017](#)



## APPENDIX D: Sewer Do's and Don'ts



# DOs AND DON'Ts

FOR SANITARY SEWER DISTRICTS OPERATED  
BY THE  
LIVINGSTON COUNTY DRAIN COMMISSIONER

## DO

**Always practice water conservation.** Reducing the amount of water going into the system extends its working life and reduces the power consumption.

**Always call MISS DIG 1-800-482-7171** at least 72 hours before doing any digging on your lot.



## DON'T

**Never** connect troughs, storm drains, sump pumps or allow other surface water to enter into the wastewater collection system. It will increase pumping costs and overburden the drain field.

**Never** Flush Flammable, toxic products, rags, cigarettes, egg shells, sanitary napkins, hair, etc. This is dangerous and will lead to pump failures and increase maintenance cost. If you have any questions please call L.C.D.C.

**Never** overuse garbage disposals, the majority of what is put in an under the sink disposal can easily be put into the waste basket. This will keep cost for operation and maintenance lower.



**Never** put grease down the drain. Hamburger grease, bacon grease, etc. clogs line, and can cause failure of drain fields.

**Building sewer lines running from the house to the main lead are the homeowner's responsibility.**

**\*\* If you have any questions on how your wastewater \*\***  
System operates, Please call the L.C.D.C. at  
(517) 546-0040



**RESOLUTION #230501**  
**TYRONE TOWNSHIP, LIVINGSTON COUNTY**

**Tyrone Township Sewer Rate Policy**

**Rates**

From time to time, the Tyrone Township Board will establish Sewer Rates, Meter Costs, Sewer Assessment Equity Charges, and other fees via Resolution.

**Billing Frequency**

Bills for sewer service shall be sent to customers on a quarterly basis. Bills will be for the current quarter of service (i.e., service for January through March will be mailed in January).

For billing for new utility accounts, if the structure is connecting to the sewer, then the billing for that account will begin when the sewer connection permit is finalized.

**Utility Bill Delivery Options**

Invoices for the sewer service shall be delivered to customers via US Mail. A copy is also available by electronic mail (e-mail). Customers who wish for their bills to be e-mailed in addition to being mailed will need to submit a request in writing to the Tyrone Township Treasurer's Department.

**Utility Bill Payment Options**

Invoices for the sewer service may be paid through the following methods:

- After Hours Drop Box - We encourage payments in the night deposit box located at the front of the building, near the main entrance of Township Hall on the west side. Please write your phone number and utility bill account number on your check. If you desire a receipt, please enclose a stamped self-addressed envelope with your payment.
- In Person - Bring your utility bill with you to the Treasurer's Department along with payment, between 9:00 am and 5:00 pm, Monday through Thursday.
- US Mail - Mail checks payable to: "Tyrone Township", 8420 Runyan Lake Road, Fenton, Michigan 48430. **Do not send cash.** If a receipt is desired, please enclose a stamped self-addressed envelope with your check.
  - Payment will be recorded on the date received, not the date it is mailed, postmarked, or the date the check is written. Postmarks will not be accepted as an indication of the date paid.

- **Online Payment** – Go to [www.tyronetownship.us](http://www.tyronetownship.us). Locate the green Pay Now Tab. Click on the Utility Billing Payments on left hand side. Enter name and hit search. Enter amount paying and click on make payment. Follow the instructions for online payment.
  - There is a nominal fee charged for online payments, typically 3% for credit cards and \$3.00 for electronic checks. Current rates can be obtained via the township website or by contacting the Treasurer’s Office.

Checks are accepted only as a conditional payment. If not honored and returned by the bank, the utility bill remains unpaid and subject to fees, penalties, and/or interest. The returned check fee may change over time. The Township will assess the returned check fee approved by the Township Board if a check is returned as unpaid (currently \$45 at the time of Rate Policy adoption). Future payments will be applied to outstanding returned check fees, penalties, and/or interest prior to crediting your utility bill.

**Late Fees**

Sewer O&M Utility Bill payments not received by the specified due date will have a 10% late fee added to the balance of the account. Late fees are non-reversible without approval from the Township Treasurer. The Treasurer may exercise a onetime reversal fee per parcel. Any sewer O&M Utility Bill not paid by September 1<sup>st</sup> of each year will roll over onto the property tax bill with an additional 10% penalty applied.

**Other Services**

All services provided outside the fee schedule and permitted by Tyrone Township Sewer Ordinance #43 will be charged on a time and materials basis, plus a 10% administrative fee.

**Surcharge Fees**

Excess Flow Surcharge shall mean a surcharge established from time to time by resolution of the Township Board for sanitary sewage in excess of the REU allowance.

Any sanitary sewer customer whose wastewater discharged to a sanitary sewer exceeds the REU allowance shall be charged an Excess Flow Surcharge. The Township may use any best practices method to determine the Excess Flow Surcharge.

- Usage will be measured over a 12 month period. Excess usage surcharges shall be applied to the first quarter bill, annually.
  - For example, any Excess Flow Surcharge for 2022 (January through December) shall be added to the April 1<sup>st</sup> bill in 2023.



- Allowed usage will be based upon the total allowable daily flow, measured by the gallons used and REUs assigned to the property. Allowable flow is measured by:
  - Sewer: 210 gallons per day per REU assigned to the property as set forth by the EQUIVALENT UNIT FACTOR TABLE (Appendix A) of Sewer Use and Rate Ordinance #43.
- If a lapse in data occurs and there are 2 or more actual readings available, then the total usage amount will be divided evenly over the days where the data is not recorded.

**RESOLVED BY:** Trustee Tucker  
**SUPPORTED BY:** Trustee Schulze

**VOTE:** Schulze, yes; Tucker, yes; Cunningham, yes; Moughler, yes; Walker, absent; Ferguson, absent; Eden, absent.

**ADOPTION DATE:** May 16, 2023

**CERTIFICATION OF THE CLERK**

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting, held on May 16, 2023, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

*Pamela Moughler*

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 Pamela Moughler  
 Township Clerk



**REVISIONS:**

- 2018 JUNE - General revision
- 2023 MAY - General-updated township address, returned check fee.

*Resolution #230501  
 Tyrone Township Sewer Rate Policy*