

**PAW PAW TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

ORDINANCE NO 289

SANITARY SEWAGE DISPOSAL SYSTEM ORDINANCE

Adopted December 09, 2024

Effective January 19, 2025

An Ordinance to amend the Township of Paw Paw Code Chapter 40-40 through 40-87 to regulate the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of sewage and wastes into the Paw Paw Wastewater Treatment System; to provide for the connection to and the fixing and collection of rates and charges for the use of the Wastewater Treatment System; and to provide penalties for ordinance violations.

THE TOWNSHIP OF PAW PAW, VAN BUREN COUNTY, MICHIGAN, HEREBY ORDAINS:

ARTICLE I

**AMENDMENT TO SECTION 40-40 THROUGH 40-87, SEWERS, OF THE PAW PAW
TOWNSHIP CODE**

Paw Paw Township Code Sections 40-40 through 40-87 regarding Sewers are hereby amended to read as follows:

ARTICLE III

SANITARY SEWER

Sec. 40-40. Purpose, Objectives and Policy.

- A. This article shall be known as the "Paw Paw Township Sewer Use Ordinance."
- B. This article sets forth uniform requirements for direct and indirect contributors into System and enables Paw Paw Township to comply with all applicable state and federal laws as required by the Federal Water Pollution Control Act (also known as the "Clean Water Act"), as amended, 33 U.S.C. 1251 et seq.; the general pretreatment regulations (40 CFR part 403); Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCL §§ 324.3101 et seq., as amended ("water resources protection"); and the rules, Michigan Administrative Code, R 323.2301 et seq., as amended, promulgated pursuant to sections 3103, 3106 and 3109 of Part 31 of Act 451 of the Public Acts of Michigan of 1994, as amended.
- C. This article is intended to accomplish the following primary purposes, policies and objectives:

- (1) To establish standards, rules, and regulations with respect to the use of public and private sewers and drains, private sewage disposal, and use of the System.
- (2) To prevent the discharge of pollutants into the System that do not meet applicable pretreatment standards and requirements; that would interfere with the operation of the System; that would pass through the System into the receiving waters or the atmosphere; that would inhibit or disrupt the System's processing, use, or disposal of biosolids; that would cause health or safety problems for System workers; that would result in a violation of permits or of other applicable laws and regulations; or that would cause injury to the public health and safety or the environment.
- (3) To regulate the discharge of wastewater and/or pollutants to the System and to enforce the requirements of this article through the issuance of permits and through other means of enforcement as provided by this article.
- (4) To authorize and require all inspection, monitoring, reporting and enforcement activities as necessary to ensure compliance with applicable pretreatment standards and requirements and other applicable laws and regulations.
- (5) To provide for a system of charges for connection to and use of the System which equitably distributes the costs of the System.
- (6) To otherwise ensure compliance with state and federal laws and regulations applicable to discharges to the System.

D. This article shall apply to the Township of Paw Paw and to areas outside the Township which are, by contract or agreement with the Township, users of the Township System. Except as otherwise provided herein, the Sewer Administrator of Public Works shall administer, implement, and enforce the provisions of this Ordinance.

Sec. 40-41. Definitions.

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

- (1) 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.
- (2) BOD (BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20, expressed in milligrams per liter.
- (3) BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- (4) BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal.
- (5) BYPASS — The diversion of industrial wastewater from any portion of the user's treatment facility.

- (6) CATEGORICAL STANDARDS — National Categorical Pretreatment Standards or Pretreatment Standard.
- (7) CESSPOOL, SEPTIC TANK, PRIVY — A private, individual system for disposal of sanitary wastewater other than a public sewer.
- (8) CFR — Code of Federal Regulations.
- (9) CLASS OF USERS — The Ordinance of those persons discharging to the sanitary sewer into classes by similar process or discharge flow characteristics as follows:
- (10) DOMESTIC USER — A user that discharges only segregated domestic wastes or wastewater from sanitary conveniences.
- (11) NONDOMESTIC USER — Any user other than a domestic user.
- (12) COD (CHEMICAL OXYGEN DEMAND) — The total demand or quantity of oxygen required by the wastewater as specified in the current edition of "Standard Methods for the Examination of Water and Wastewater" expressed in milligrams per liter.
- (13) COLLECTION SYSTEM — That portion of the system used for collecting and transporting wastewater to the wastewater treatment plant.
- (14) COMBINATION SEWER or COMBINED SEWER — A sewer receiving storm or surface water and wastewater.
- (15) COMPATIBLE POLLUTANT — Any pollutant that is not an incompatible pollutant.
- (16) CONNECTION CHARGE — The amount charged at the time, and in the amount herein provided, to each premises in the Township which must connect to the system. The charge is based upon the proportionate cost allocable to such premises associated with providing sanitary sewers and wastewater treatment.
- (17) CONSTRUCTION — Any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.
- (18) CONTRACTEE — A party to a service agreement with the Township of Paw Paw.
- (19) DAILY AVERAGE — The sum of the concentrations of a constituent for the measurement period divided by the number of days in such period.
- (20) SEWER ADMINISTRATOR OF PUBLIC WORKS/SEWER ADMINISTRATOR OR HIS OR HER DESIGNEE — The person designated by the Township Board to exercise control over the wastewater treatment system and wastewater treatment plant.
- (21) EFFLUENT LIMITATION — Any restriction promulgated by federal, state, or local government on quantities, rates and concentrations of chemical, physical, biological or other constituents which are discharged from point sources into navigable waters.
- (22) EFFLUENT STANDARD — Any restriction established pursuant to this Ordinance on quantities, rates and concentrations of chemical, physical, biological or other constituents which are discharged to the public sewer or wastewater treatment system.

- (23) EPA — Environmental Protection Agency or its successor. FCPS — Federal categorical pretreatment standard(s).
- (24) GARBAGE — Solid wastes from domestic or commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- (25) GREASE TRAP — A tank of suitable size and material located in a sewer line and so designed to remove grease and oily wastes from wastewater.
- (26) INCOMPATIBLE POLLUTANT — Any pollutant in amounts which causes, or may cause, interference or which may pass through the system.
- (27) INDUSTRIAL WASTEWATER — The liquid, gaseous or solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, processing or recovery of resources or containers as distinct from segregated domestic strength wastewater.
- (28) INFILTRATION — Any waters entering the system from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manholes walls, but shall not include, and is distinguished from, "inflow."
- (29) INFILTRATION/INFLOW (I/I) — The total quantity of water from both infiltration and inflow.
- (30) 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.
- (31) INTERFERENCE — Inhibition or disruption of the public sewer or the sewer system or the treatment processes or operation which causes or significantly contributes to a violation of any requirement of the Township's NPDES permits. The term also includes prevention of wastewater sludge use or disposal by the Township in accordance with published promulgated regulations under § 405 of the Federal Water Pollution Control Act (33 USC 1251 et seq.) or any regulations promulgated pursuant to the Solid Waste Disposal Act (42 USC 3251 et seq.), the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), or more stringent State of Michigan promulgated rules (including those contained in any State of Michigan Sludge Management Plan prepared pursuant to Title IV of said Solid Waste Disposal Act) applicable to the method of disposal or use employed by the Township. Pollutants in the effluent of a user shall not be considered to cause interference where the user is in compliance with specific prohibitions, standards, effluent standards, or effluent limitations developed by the Federal Government, the State of Michigan, local government, or the Township of Paw Paw. Where the user is in compliance with such specific prohibitions, standards or limitations, and pollutants in the wastewater from the user nevertheless caused or significantly contributed to a violation of the Township's NPDES permits, or are likely to cause a violation of the Township's NPDES permits, or are likely to cause a violation in the future, the Township shall take appropriate action under 40 CFR § 403.5(c).
- (32) MANUFACTURER — Any establishment engaged in the mechanical, physical or chemical transformation of materials or substances into new products; including, but not

limited to, the blending of materials such as pesticidal products, resins, fruit or vegetable products or liquors.

- (33) mg/l — Any milligrams per liter.
- (34) NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD or FCPS — Any regulations containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Act, as amended (33 USC 1347) which applies to a specific category of industrial users.
- (35) NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD — Any regulation developed under the authority of 307(b) of the Act, as amended and 40 CFR, § 403.5.
- (36) NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (37) NORMAL DOMESTIC STRENGTH WASTEWATER — A wastewater flow containing an average daily BOD of not more than 200 mg/l or an average daily SS concentration of not more than 250 mg/l, and phosphorus of not more than nine mg/l.
- (38) NPDES PERMIT — A permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of wastewater into the waters of the state.
- (39) NUISANCE — But is not limited to, any condition where wastewater or the effluent from any wastewater disposal facility or toilet device is exposed to the surface of the ground or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake or stream, or when the odor, appearance or presence of this material has an obnoxious or detrimental effect on or to the senses and/or health of persons, or when it shall obstruct the comfortable use or sale of adjacent property, or as set forth hereinafter.
- (40) ORGANIC CHEMICALS — Compounds composed of carbon and hydrogen or their derivatives which are manmade or byproducts of manmade or natural substances which include, but are not limited to, synthetic fibers, plastics, rubber, medicinal, solvents, surface- active agents, pesticides, and other agricultural chemicals and lubricating oil additives or other petroleum derivatives.
- (41) PERSON — Any individual, firm, company, association, society, corporation, partnership or group, and including a contractee, and shall apply to the masculine, feminine, or neuter gender, singular or plural.
- (42) pH — The negative logarithm of the concentration of hydrogen ions in grams per liter of solution.
- (43) PRETREATMENT — The reduction of the amount of pollutants, the elimination 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 public sewer or the wastewater treatment system. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or by other means, except as prohibited by 40 CFR § 403.6(d) and (e) as amended.
- (44) PROCESS WASTES — Liquid or water-carried wastes which are inherent in, or result from, any manufacturing operation, including that which comes into direct contact with,

or results from, the production or use of any raw material, intermediate product, finished product, by-product or waste product, or results from cleaning operations.

- (45) **PROPERLY SHREDDED GARBAGE** — The wastes from the cooking, preparation and dispensing of food that has been cut or shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in dimension.
- (46) **PUBLIC SEWER** — A sewer in which all owners of abutting property have equal rights and is controlled by a public authority, governmental agency, or public utility.
- (47) **REPLACEMENT** — Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance during the service life of the system for which such system was designed and constructed.
- (48) **RESIDENTIAL EQUIVALENT UNIT (REU)** — A flow of 4,600 gallons per month.
- (49) **SANITARY SEWER** — A sewer which carries wastewater and to which storm, surface and ground waters are not intentionally admitted.
- (50) **SANITARY WASTEWATER** — The liquid, gaseous or water-carried waste discharged from sanitary conveniences.
- (51) **SERVICE DEMAND CHARGE** — The charge levied by the Township of Paw Paw to users for retirement of bonded indebtedness and administrative costs of the system.
- (52) **SEWER** — Any pipe, tile, tube or conduit for carrying wastewater.
- (53) **SHALL** — Is mandatory; may is permissive.
- (54) **SIGNIFICANT INDUSTRIAL USER** — Any nondomestic user:
 - (a) Which is subject to categorical pretreatment standards under 40 CFR 403.6 or 40 CFR Chapter I, subchapter N; or
 - (b) Which discharges an average of 25,000 gallons per day or more of industrial wastewater to the system; or
 - (c) Which contributes industrial wastewater which equals or exceeds 5% of the wastewater treatment plant's average dry weather hydraulic or organic capacity, on a design basis, based on a thirty-day average; or
 - (d) Which the Sewer Administrator determines contributes wastewater which has a reasonable potential for adversely affecting the operation of the system; or
 - (e) Which the Sewer Administrator determines has a reasonable potential for violating a pretreatment standard or requirement.
- (55) **SLUG/SHOCKLOAD** — Any discharge of wastewater which, in concentration of any given constituent or in quantity of flow, causes, or may cause, interference.
- (56) **SOURCE** — Any building, structure, facility, vehicle or installation from which there is, or may be, discharge to the public sewer.

- (57) STANDARD INDUSTRIAL CLASSIFICATION (SIC) — A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (58) STORM DRAIN/STORM SEWER — A sewer intended to carry only storm waters, surface waters, street and other wash waters, and drainage, but which excludes wastewater.
- (59) SUSPENDED SOLIDS (SS) — Solids that either float on the surface of, or in suspension in, wastewater and which can be removed by the procedures specified in the current edition of "Standard Methods for the Examination of Water and Wastewater."
- (60) SYSTEM/WASTEWATER TREATMENT SYSTEM — All wastewater facilities of the Township and subsequent wastewater treatment additions, including all sewers, pumps, lift stations, and other facilities used or useful in the collection, treatment and disposal of domestic or non-domestic wastewater, including appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.
- (61) TOWNSHIP — The Township of Paw Paw.
- (62) TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307 (a) of the Act of other federal, state or local laws or regulations.
- (63) USC — United States Code.
- (64) USER — A source or the owner, operator, possessor, manager and/or person, firm, organization, association, and/or corporation owning, operating and/or controlling said source.
- (65) WASTEWATER — Any combination of water-carried liquid, solid, and gaseous wastes from any source, including domestic and non-domestic, as well as such ground, surface and storm waters as may be present.
- (66) WASTEWATER TREATMENT PLANT — Any arrangement of devices and structures used for treating wastewater.
- (67) WATERCOURSE — A channel in which a flow of water course, either continuously or intermittently.
- (68) WYE BRANCH — A local service connection to the sewer that is made at an angle similar to a "wye" so that a sewer cleaning rod will not come into the sewer at a right angle and penetrate the far side, but will travel down the course of the sewer.

Sec. 40-42. Supervision and control of system.

The operation and maintenance of the system shall be under the general supervision and control of the Township. The Township has retained the exclusive right to establish, maintain and collect rates and charges for sewer collection and disposal service, and in such capacity the Township Board may employ such person or persons in such capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to ensure the efficient establishment, maintenance and collection of such rates and charges.

Sec. 40-43. Rates.

A. Rates to be charged for service furnished by the system shall be as follows:

- (1) Sewer Use Charges. The specific amounts/rates of the various fees and charges imposed under this Ordinance shall, except as otherwise set herein, be the same as were in effect prior to this amendment. The rates of all fees and charges imposed under this Ordinance may hereafter be amended from time to time by resolution of the Paw Paw Township Board.

Each user other than a single-family residence shall pay a monthly charge increased by multiplying such amount by a factor representing a ratio of sewage use of such class of users to normal single-family residential sewer use, as reflected in Section 40-49, with a maximum monthly residential equivalent (REU) flow of 4,600 gallons.

- (2) Connection charge.

- (a) Direct connection. Sewer charges and rates shall be set from time to time by resolution of the Paw Paw Township Board.
- (b) Indirect connection. Sewer charges and rates shall be set from time to time by resolution of the Paw Paw Township Board.
- (c) Payment of connection charge. Connection charges as set forth above shall be due and payable in cash upon application for connection to the system.
- (d) Equivalent user factor. Each premises other than a single-family residence shall pay the above charges multiplied by a factor representing a ratio of sewage use by such class of premises to normal single-family residential use, as reflected in Section 40-49.
- (e) Multi-REU user connection fee determination. Multi-REU users will be offered two alternatives relative to sewer connection charges:
 - (i) Estimated REU alternative. The business may choose to accept the connection charge already estimated by Paw Paw Township of which they have been notified.
 - (ii) Actual/average REU alternative. The business must pay the estimated connection fee upon application for connection to the system and may install a water meter that meets the specifications of Paw Paw Township at their premises at the owner's own expense. The Township shall have the right to inspect the meter and installation. The Township shall reserve right to make periodic inspections of the meter and connection to assure accuracy. The usage will be regularly read by a Township representative. At the end of two years of meter readings, the Township will recalculate the number of REU's a business has based on the average residential use of 4,600 gallons per month. If the REU is deemed to be less than

estimated, the treasurer of the Township will adjust the fee according to the average meter flows and return any over charge on the connection fee paid. The multi-user whose readings are higher than the estimated REU charge will cause the Township to raise the connection fee accordingly and said amount will be immediately due.

- (3) Special rates. For miscellaneous or special services for which a special rate shall be established, such rates shall be fixed by resolution of the Paw Paw Township Board and such rate resolution may be amended by the Township Board from time to time.
- (4) Billing. Bills will be rendered quarterly during the first week of each month, payable without penalty within 90 days after the date thereon. Payments received after such period shall bear a penalty of 5% of the amount of the bill.
- (5) Enforcement. The charges for services which are under the provisions of § 21, Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six months, the Township official or officials in charge of the collection thereof shall certify annually on September 1 of each year to the tax-assessing officer of the Township the facts of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Township taxes against such premises are collected and the lien thereof enforced; provided, however, where notice is given that a tenant is responsible for such charges and service, as provided by said § 21, no further service shall be rendered such premises until a cash deposit equal to three months service charges shall have been made as security for payment of such charges and service. The Township shall have the discretion but not the duty to notify the landlord or property owner where a tenant who is responsible for such charges neglects or refuses to pay such charges when due.
- (6) In addition to the foregoing, the Township shall have the right to shut off sewer service to any premises for which charges for sewer service are more than three months delinquent, and such service shall not be reestablished until all delinquent charges and penalties and a turn-on charge, to be specified by the Township Board, have been paid. Further, such charges and penalties may be recovered by the Township by court action.
- (7) Connection charges as set forth herein shall be due and payable to the Township in cash upon application for connection to the system, unless the Township Board authorizes the payment of such charges pursuant to an installment contract. Any installment contract authorized by the Township Board shall be in writing, shall provide for the first installment to be payable upon application for connection; shall provide for all subsequent installments plus interest to be payable annually thereafter on July 1st; shall provide for a rate of interest to be established on a fiscal year basis (July 1 to June 30) by the Township Board, but not greater than 8% per annum. Such rate shall be paid annually on the unpaid balance; and shall have a term of not more than 10 years, as determined by the Township Board.

Sec. 40-44. Revision of rates.

The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the said system as are necessary to preserve the same in good repair and working order and to provide for the payment of any debt service obligations of the Township as the same become due, and to provide for such other expenditures and funds for said system as this article may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

Sec. 40-45. Manner and times funds to be transferred from receiving fund.

- A. The revenues of the system shall be set aside as collected and deposited in a separate depository account as established by the Township Board, in an account to be designated sewer system receiving fund (hereinafter, for brevity, referred to as the "receiving fund"), and said revenues so deposited shall be transferred from the receiving fund periodically, in the manner and at the times hereafter specified.
- (1) Operation and maintenance fund. Out of the revenues in the receiving fund there shall be first set aside quarterly into a depository account designated operation and maintenance fund a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the system and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.
 - (2) Contract payment fund. There shall next be established and maintained a depository account, to be designated contract payment fund, which shall be used solely for the payment of the Township's debt obligations issued to finance certain costs of the System and equipment needed for its operation. There shall be deposited in said fund quarterly after requirements of the operation and maintenance fund have been met such sums as shall be necessary to pay said obligations when due. Should the revenues of the system prove insufficient for this purpose, such revenues may be supplemented by any other funds of the Township legally available for such purpose.
 - (3) Replacement fund. There shall next be established and maintained a depository account, designated replacement fund, which shall be used solely for the purpose of making major repairs and replacements to the system, if needed. There shall be set aside into said fund after provision has been made for the operation and maintenance fund and the contract payment fund such revenues as the Township Board shall deem necessary for this purpose.
 - (4) Improvement fund. There shall next be established and maintained an improvement fund for the purpose of making improvements, extensions and enlargements to the system. There shall be deposited into said fund after providing for the foregoing fund such revenues as the Township Board shall determine.

- (5) Surplus moneys. Moneys remaining in the receiving fund at the end of any operating year after full satisfaction of the requirements of the foregoing funds may, at the option of the Township Board, be transferred to the improvement fund or used in connection with any other project of the Township reasonably related to purposes of the system.
- (6) Bank accounts. All moneys belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the Township within this single bank account, in the manner above set forth. Any other public corporation acting as operating agent for the Township shall be authorized to act for the Township to establish, maintain and fund the aforesaid accounts. Such public corporation may fix names for the various accounts different from those set out above, so long as the essential purpose of the aforesaid system of accounts is preserved.

Sec. 40-46. Insufficient funds in receiving fund.

In the event the moneys in the receiving fund are insufficient to provide for the current requirements of the operation and maintenance fund, any moneys and/or securities in other funds of the system, except sums in the contract payment fund derived from tax levies or special assessments, shall be transferred to the operation and maintenance fund to the extent of any deficit therein.

Sec. 40-47. Investment of funds.

Moneys in any fund or account established by the provisions of this chapter may be invested in obligations of the United States of America, in the manner and subject to the limitations provided in Act 94, Public Acts of Michigan, 1933, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

Sec. 40-48. Hardship applications.

- A. The owner or owners of a single-family residence in which residence said owner or owners reside and upon which a connection charge has been imposed may submit a hardship application to the Township seeking a deferment in the partial or total payment of the connection charge provided for herein based upon a showing of financial hardship, subject to and in accordance with the following
 - (1) The owners of the premises shall, under oath, complete a hardship application provided by the Township Board and file said application, together with all other information and documentation reasonably required by the Township, with the Township Board not less than 60 days prior to the due date of such charge. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, excepting financial institutions having security interests in the premises.

- (2) Hardship applications shall be reviewed by the Township Board, and after due deliberation of hardship applications, the Township Board shall determine in each case whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicants of said determination.
- (3) An applicant aggrieved by the determination of the Township Board may request the opportunity to appear before the Township Board in person for the purpose of showing hardship and presenting any argument or additional evidence. A denial of hardship following such a personal appearance before the Township Board shall be final and conclusive.
- (4) In the event that the Township Board makes a finding of hardship, the Township Board shall fix the amount of partial or total deferment of the charge so imposed, and in so doing, shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status of an applicant said applicant shall immediately notify the clerk of the Township so that a further review of the matter may be made by the Township Board, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:
 - (a) A change in the financial status of any applicant which removes the basis for financial hardship.
 - (b) A conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest in the premises or extension thereof.
 - (c) A death of any of the applicants.
- (5) Upon a determination of the Township Board deferring all or part of the charges imposed, the owners of the premises shall, within one month after such determination, execute and deliver to the Township, as the secured party, a recordable security instrument covering the premises guaranteeing payment of the deferred amounts on or before the death of any of the applicants or, in any event, upon the sale or transfer of the premises. Said security interest shall guarantee payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this article.

Sec. 40-49. Schedule 1, user charge units.

[User charge units are set forth below.]

Occupation Use	Units	Unit Factor
Single-family residence	1.0	per residence
Auto dealers - new and/or used	1.0	per premises plus 0.25 per 1,000 square feet of bldg. including service area
Auto repair/collision	1.0	same as above

Occupation Use	Units	Unit Factor
Auto wash (coin operated do-it-yourself 10 gallons or less per car)	1.0	per stall
Auto wash (mechanical - over 10 gallons per car - not recycled)	10.0	per stall or production line including approach and drying area
Auto wash (mechanical - over 10 gallons per car - recycled)	5.0	per stall or production line including approach and drying area
Bar	4.0	per 1,000 square feet
Barbershop	1.0	per shop plus 0.1 per chair after 2
Beauty shops	1.0	per shop plus 0.1 per booth
Bowling alleys (no bar)	1.0	per premises plus 0.2 per alley
Churches	0.25	per 1,000 square feet - minimum 1 unit
Cleaners (pick up only)	1.0	per shop
Cleaners (cleaning & pressing facilities)	1.0	per premises plus 0.5 per 500 square feet
Clinics (medical or dental)	1.0	per premises plus 0.5 per exam room
Convalescent or boarding homes	1.0	per premises plus 0.25 per bedroom
Convents	1.0	per premises plus 0.25 per bedroom
Country clubs and athletic clubs	1.5	per 1,000 square feet of clubhouse plus restaurant and bar
Drug stores	1.0	per premises plus snack bar
Factories (office and production)	0.75	per 1,000 square feet
Wet process		based on metered sewage flow
Funeral home	1.5	per 1,000 square feet plus residence to be computed separately
Grocery stores and super market	1.0	per premises plus 0.8 per 1,000 square feet
Hospitals	1.1	per bed
Hotels and motels	0.40	per bedroom plus restaurant and bar
Laundry (self-serve)	1.0	per premises plus 0.5 per washer
Two family residential	1.0	per unit
Mobile homes (freestanding)	1.0	per unit
Mobile homes (parks or subdivisions)	0.75	per pad or site at indirect connection rate plus laundry, community buildings and office to be computed separately per schedule
Multiple-family residence		
Duplex or row houses	1.0	per dwelling unit

Occupation Use	Units	Unit Factor
Apartments	1.0	per dwelling unit
Fraternity or sorority houses	0.50	per dwelling unit
Professional office	0.25	per 500 square feet - minimum 1
Public institutions	0.75	per 1,000 square feet
Restaurants (meals only)	2.5	per 1,000 square feet
Restaurants (meals and drinks)	3.5	per 1,000 square feet
Restaurants auxiliary dining rooms when used less than 20 hours per week	2.0	per 1,000 square feet
Schools	1.0	per classroom
Service stations	1.5	per 1,000 square feet of building area
Snack bars, drive-ins, etc.	2.5	per 1,000 square feet
Retail store (other than listed)	1.0	per premises plus 0.1 per 1,000 square feet
Theaters (drive-in)	0.04	per car space
Theaters	0.04	per seat
Post office	1.0	per 1,000 square feet
Warehouse and storage	0.2	per 1,000 square feet
Veterinary facility	1.5	per facility
Veterinary facility with kennel	1.5	per facility plus 0.5 per 5 kennels

Sec. 40-50. No free service.

No free service shall be furnished by said system to any person, firm or corporation, public or private, or to any public agency or instrumentality.

Sec. 40-51. Fiscal Year. The system fiscal year shall commence on July 1 and end on the June 30 next following.

Sec. 40-52. Depositing wastewater or polluted waters in any unsanitary manner; construction of septic tanks, etc.; required connections to public sewer.

- A. It shall be unlawful for any person to place, deposit or permit to be deposited any wastewater or other polluted waters upon public or private property within the Township, or upon any property under the jurisdiction of the Township, in any unsanitary manner.
- B. It shall be unlawful to discharge to any natural outlet or watercourse within the Township Paw Paw, or in any area under the jurisdiction of the Township, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this section and/or applicable local, state or federal laws and regulations.

- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facilities intended or used for the disposal of wastewater or other polluted waters.
- D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the Township of Paw Paw 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 or combined sewer of the Township of Paw Paw, is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly to the public sewer in accordance with the provisions of this section within 90 days after date of official notice to do so has been issued by the Sewer Administrator, provided that said public sewer is within 100 feet of the nearest property line of said premises. The building sewer shall be constructed, maintained and replaced at the cost of the property owner.
- E. The proprietor or proprietors of all lands hereafter platted or replatted in the Township of Paw Paw, abutting on any street, alley or right-of-way in which there is then located a public sanitary or combined sewer of the Township, or lying within 1,000 feet of an existing public sanitary or combined sewer, shall, at his or their own expense, cause a public sewer to be installed in each of such plats of such construction and capacity as may be directed by the Sewer Administrator, and shall cause the same to be connected with the public sewer in the manner directed by, and under the supervision of, the Sewer Administrator.
- F. The Township of Paw Paw shall have authority to contract to provide sewer services to any person, firm, corporation, or entity and to guarantee capacity in its sewer system whenever the Township determines it to be in their best interest.

Sec. 40-53. Building sewers and connections.

- A. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Sewer Administrator. Before a particular permit may be issued for excavating for plumbing or drain laying in any public street, way or alley, the person applying for such permit may be required to execute unto the Township and deposit with the Sewer Administrator or Township Clerk a performance bond with corporate surety in the amount of the contracted or estimated work, conditioned upon faithful performance of all work with due care and skill, and in accordance with the laws, rules and regulations established by the Sewer Administrator pertaining to sewers and plumbing. This bond shall state that the person will indemnify and save harmless the Township and the owner of the premises against all damages, cost, expenses, outlays and claims of every nature and kind arising out of mistake or negligence on his or her part in connection with plumbing, sewer line connection, or excavating for plumbing or sewer connection as prescribed in this section. Such bond shall remain in force and must be executed for a period of one year, except that, upon such expiration, it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. Such person shall also provide public liability insurance for the protection of the Township, the property owner, and all persons to indemnify them for all damages caused

by accidents attributable to the work, with minimum limits of \$100,000 for one person \$300,000 for bodily injuries per accident, and \$50,000 for property damages.

- B. All new buildings or buildings requiring new sanitary sewer service shall have a building sewer permit. The building owner or agent shall make application for the permit on a form furnished by the Sewer Administrator. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Sewer Administrator. At such time as the plans and specifications have been approved by the Sewer Administrator, a temporary construction permit shall be issued, subject to a final inspection and approval when construction is completed and ready for connection with the Township wastewater treatment system. A minimum permit and inspection fee, as established by the Sewer Administrator, shall be paid to the Township at the time of the application is filed.
- C. All costs and expenses incidental to the application, installation and connection of the building sewer shall be borne by the user or applicant. The user or the person installing the building sewer shall indemnify the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the Sewer Administrator. Plumbing fixtures installed in accessory buildings and drains carrying sanitary wastewater shall be connected to the public sewer.
- E. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and testing by the Sewer Administrator, to meet all requirements of this section.
- F. The building sewer shall be constructed of any of the following types of pipe meeting the current American Society for Testing Materials (ASTM) specifications and approval of the Sewer Administrator:
 - (1) Plastic (ABS) ASTM D 1527 SDR 35 or Schedule 40.
 - (2) Plastic (PVC) ASTM D 1785 SDR 35 - D3034 or Schedule 40.
 - (3) Asbestos-Cement (AC) ASTM C-428 C1-2400.
 - (4) Cast Iron Extra Heavy ASTM A-74.
 - (5) Non-reinforced Concrete ASTM C-14 Extra Strength.
 - (6) Vitrified Clay (VC) ASTM C-700 Extra Strength.

If installed in filled or unstable ground, the building sewer shall be of cast iron extra heavy pipe, except that other types of pipe may be used if laid on a suitable improved

bed or cradle as approved by the Sewer Administrator.

- G. All building sewer joints and connections shall be made gastight and watertight and shall conform to the requirements of the current building and plumbing codes. Vitrified clay sewer pipe shall be fitted with factory-made resilient compression joints meeting the current ASTM specifications for vitrified clay pipe joints having resilient properties. Asbestos-cement or/ concrete sewer pipe joints shall be of rubber ring, flexible compression type, similar and equal to joints specified for vitrified clay pipe. The joints and connections shall conform to the manufacturer's recommendation.
- H. The size and slope of the building sewers shall be subject to the approval of the Sewer Administrator, but in no event shall the diameter be less than four inches. Minimum grade shall be as follows:
 - (1) Six-inch pipe - one-eighth inch per foot or one inch per eight feet.
 - (2) Four-inch pipe - one-quarter inch per foot or two inches per eight feet.
- I. 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 three 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 and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe or long-radius fittings with a clean-out at each curved pipe. All excavations required for the installation of a building sewer shall be opened trench work unless otherwise approved by the Sewer Administrator. Pipe laying and backfill shall be performed in accordance with current American Society for Testing Materials (ASTM) specifications, except that no backfill shall be placed until the work has been inspected by the Sewer Administrator.
- J. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary wastewater carried by such drains shall be lifted by artificial means and discharged to the building sewer.
- K. The connection of the building sewer into the public sewer shall be made at the wye branch designated for the property if such branch is available at a suitable location. Any connection not made at the designated wye branch in the sewer shall be made only as directed by the Sewer Administrator.
- L. The applicant for the building sewer shall notify the Sewer Administrator when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Sewer Administrator.
- M. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township.
- N. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Sewer Administrator, they are necessary for the proper handling of liquid wastes containing

grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Sewer Administrator and shall be located as to be readily and easily accessible for cleaning and inspection.

- O. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
- P. Where installed, all grease, oil and sand interceptors shall be maintained by the user, at his or her expense, in continuously efficient operation at all times.
- Q. No connection will be allowed unless there is sufficient capacity available in the system as determined by the Sewer Administrator.

Sec. 40-54. Use of public sewers.

- A. No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B. Storm water and all other unpolluted water or drainage shall be discharged to sewers or drains specifically designated for such use, or to a natural outlet approved by the appropriate state or federal agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state or federal agency, to a storm sewer or natural outlet.
- C. All users shall have approved meters on all water supplies which are, or may be, ultimately discharged to the system. In addition, the Sewer Administrator may require a nondomestic user to meter the liquid wastewater.
- D. The Sewer Administrator may require any user to file the materials specified in § 40-50B.
- E. When required by the Sewer Administrator, any user serviced by a building sewer carrying non-domestic wastes shall install a suitable control structure, which shall include such necessary meters, valves and other appurtenances in the building sewer for observation, sampling, measurement of wastes, and disconnection from service. Such structure shall be safely located and accessible at all times, and shall be constructed in accordance with plans and specifications approved by the Sewer Administrator. The structure and appurtenances shall be installed at the user's expense and shall be maintained by the Township at the user's expense. The structure and appurtenances shall also be subject to review, inspection, and approval by the Sewer Administrator at the expense of the user.
- F. The Sewer Administrator shall have the right to take and remove samples or wastewater discharged into the public sewer and make copies of other data and materials concerning the same inspected during an entry upon the user's property. At the written request of such

user, split samples will be provided for independent analysis at the user's expense.

- G. All measurements, tests and analyses of the characteristics of wastewater to which reference is made in this section shall be determined in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, most current ASTM and EPA-approved procedures contained in 40-CFR, Part 136, or any validated methods from recognized authority in cases where the above referenced procedures are not available or do not apply to the characteristics involved, and shall be determined at the control structure provided for, or upon suitable samples taken at, said control structure. In the event that no special structure has been required, the control structures shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.
- H. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the collection system and the treatment plant and to determine potential interference, pass through, or other violation, including but not limited to any hazard to life, health, safety, property, or the environment. The Sewer Administrator shall determine the method of sampling to be used in accordance with this section and applicable Federal or State regulations.
- I. In the event the user shall refuse to permit access to the Sewer Administrator or permit the Sewer Administrator to obtain, take and remove samples and make copies of other data pursuant to this section, the Township shall have the right to:
 - (1) Order the termination of the discharge of wastewater to the public sewer system.
 - (2) Order the user to permit such access, sampling, and copying.
 - (3) Issue a citation for a violation of this section.
 - (4) Obtain a search warrant. The search warrant may be based upon probable cause that violations of any ordinance or other law or regulation are occurring, have occurred, or will occur, or upon the inspection, sampling, or copying being part of a program of user regulation prescribed by ordinance or other law or regulation.
- J. All users of the system shall conform to the requirements and regulations contained in this section which describes wastewater characteristics and substances which may or may not be admitted to the system, as well as pretreatment requirements for certain wastewaters as may be required.
- K. Except as hereinafter provided, by specific limits, no person shall discharge wastewater containing or having any of the following described characteristics or properties to any public sewer:
 - (1) Biochemical oxygen demand (BOD-five-day) in excess of a daily average of 200 mg/l.
 - (2) Chemical oxygen demand (COD) in excess of a daily average of 400 mg/l.
 - (3) Chlorine demand of greater than five mg/l.
 - (4) Colored wastes, including, but not limited to, dyes, inks, vegetable tanning solutions,

fruits or vegetable wastes which absorb light and which would interfere with treatment plant processes or that prevent analytical determination.

- (5) Explosive liquid, solid or gas, including but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable waste. This provision also prohibits any substance which creates a fire or explosion hazard, including but not limited to substances or waste streams with a closed cap flashpoint of less than 140° F. or 60° C., using the test methods in 40 CFR 260.21.
- (6) Garbage which has not been properly shredded (no particle size greater than one-half inch).
- (7) Grease, oil, wax, or fat, whether emulsified or not, in excess of 50 mg/l, or other substances which may solidify or become viscous at temperatures between 32° F. and 140° F.
- (8) Inert suspended solids, including, but not limited to, Fuller's earth, lime slurries, lime residues, or dissolved solids, including, but not limited to, sodium chloride and sodium sulfate, in unusual concentration.
- (9) Insoluble, solid or viscous substances, including, but not limited to, ashes, cherry pits, cinders, sand, mud, straw, shavings, metal, glass, rags, tar, feathers, plastics, wood, wood pulp, hair, fleshing, and "paunch" manure, capable of settling out in the sewer or causing obstruction to the flow or other interference with the proper operation or the wastewater system.
- (10) Noxious or malodorous gas, including, but not limited to, hydrogen sulfide, sulphur dioxide, or oxides of nitrogen, and other substances capable of creating a public nuisance.
- (11) pH less than 6.5 or greater than 9.5.
- (12) Phosphorus in excess of nine mg/l or other discharges that would result in excess foaming, as determined by the Sewer Administrator, during the treatment process or in such amounts and strengths which would exceed or endanger the effluent standards applicable to the Township, as established by the Department of Natural Resources or other appropriate authority.
- (13) Radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by applicable local, state, or federal regulations.
- (14) Suspended solids in excess of 250 mg/l.
- (15) Wastes which contain the following substances in concentrations exceeding the limitations hereinafter set forth:

Pollutant	Daily Maximum (mg/l)	Maximum 4-Day
		Average (mg/l)
Cadmium (T)	0.11	0.07
Chromium (T)	2.77	1.71

Copper (T)	3.38	2.07
Lead (T)	0.60	0.40
Nickel (T)	3.98	2.38
Silver (T)	0.43	0.24
Zinc (T)	2.61	1.48
Cyanide (T)	1.20	-.—
Total Toxic Organics	2.13	-.—
Total Metals	10.50	6.80
Alternative to Total Cyanide:		
Cyanide, amenable to Chlorination	0.86	0.32

(16) Wastewater less than 32° F. or greater than 104° F.

(17) Wastewater containing substances which are not amenable to treatment or reducible by the wastewater treatment processes employed, or are amenable to treatment to only such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(18) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the wastewater treatment system. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes more than five times the average twenty-four-hour concentration, quantities, or flow during normal operation of the user's system.

(19) Wastewater which may cause or does cause:

- (a) Impairment of the strength or durability of structures in the system; or
- (b) Restriction of hydraulic capacity of structures in the system; or
- (c) Unsafe conditions to personnel in the inspection or maintenance of structures of the system or unsafe conditions to the general public, with respect to the system.

(20) Wastewater diluted to achieve compliance with this Ordinance.

(21) 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 wastewater treatment system, or to exceed the limitation set forth in a Categorical Pretreatment Standard.

(22) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in

amounts that will cause interference or pass through.

- (23) Substances which result in the presence of toxic gases, vapors, or fumes within the system in a quantity which may cause acute worker health and/or safety problems.
 - (24) Any trucked or hauled substances, except at points designated by the Sewer Administrator.
 - (25) Any substance which, alone or in combination with other substances, causes or may cause interference, pass through, or damage, injury, or hazard to human, animal, or plant life, health, or safety, the environment, or property, including but not limited to the system, or any violation of any governing statute, ordinance, rule, or regulation, or the NPDES permit.
 - (26) Any substance considered hazardous or toxic under the Resource Conservation and Recovery Act (RCRA) (42USC 6901, et seq.) and the regulations published thereunder, especially 40 CFR 261, et seq. This provision applies only if the substance is considered hazardous or toxic even when disposed of in wastewater.
- L. If any wastewater is discharged or is proposed for discharge to the public sewers which exceeds 200 mg/l or BOD, 400 mg/l or COD, five mg/l of chlorine demand, 250 mg/l of suspended solids, or which exceeds any limitations or violates any prohibition enumerated in this section or which may endanger human health, the Sewer Administrator may, by order, take any or all of the following actions:
- (1) Prohibit the discharge to the public sewer; or
 - (2) Temporarily permit the discharge to the public sewer subject to any conditions that the Sewer Administrator may require based on its review of such factors as quantity of the discharge in relation to flows and velocities in the sewers, materials of construction of sewers, nature of the treatment process, capacity of the treatment system, degree of treatability of the discharge, and any other factors which the Sewer Administrator deems pertinent; or
 - (3) Require pretreatment to the level defined as "normal domestic strength wastewater"; or
 - (4) Require pretreatment to a compatible level and in accordance with applicable Federal and State pretreatment regulations (other than normal domestic strength wastewater) for discharge to the public sewer; or
 - (5) Issue the user a citation for violation of this section; or
 - (6) Require control over the quality, quantity and rate of discharge to the public sewer; or
 - (7) Require payment of surcharges as established herein; or
 - (8) Require payment to cover any additional costs incurred by the Township as a result of, or in connection with, such excess discharges, including, but not limited to, inspecting, sampling, testing, treating, pretreating, determining the treatability of the wastewater or determining damages to the system not covered by existing service charges, the non- domestic monitoring fees or surcharges as established herein.

- M. When pretreatment of wastewater or flow equalization is required, the design of the equipment shall be subject to the review and approval by the Sewer Administrator and subject to the requirements of all applicable codes, ordinances, regulations and laws. The Sewer Administrator may approve, reject, or modify the design by order. Where wastewater pretreatment or flow equalization facilities are provided, they shall be continuously maintained for satisfactory and effective operation by the user at its expense in order to meet applicable pretreatment requirements.
- N. Plans, specification and any other pertinent information relating to proposed pretreatment or flow equalization facilities, or additions to, or expansion of, existing equalization or treatment facilities shall be submitted for the approval of the Sewer Administrator and any appropriate local, state or federal authority. No construction of such facilities shall be commenced until such approval is obtained in writing.
- O. All nondomestic users shall report to the Sewer Administrator, as soon as possible, any discharges of wastewater which exceeds any limit or violates any prohibition established by any ordinance, order, statute, rule, or regulation established by this section. Such notice shall be given in advance whenever possible and contain full and complete information regarding the intended or accidental discharge, volume, duration, constituents, loading and concentrations, and such other information as may be necessary to determine whether such discharge is compatible, incompatible, is prohibited, or may cause interference. The user shall always give advance notice to any intended discharge which exceeds any limit or violates any prohibition. The notice must be sufficiently in advance of the discharge to allow the Sewer Administrator to review the proposal and prohibit the discharge or order it modified. The user shall comply with said prohibition or modification. The user shall immediately inform the Sewer Administrator of any exceedance or violation of any prohibition, limit, or order when such an event does occur.
- (1) In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the Sewer Administrator of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
 - (2) Within five days following an accidental discharge, the user shall submit to the Sewer Administrator a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. 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 wastewater treatment 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 liabilities which may be imposed by this Ordinance or other applicable law.
 - (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall insure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.
- P. Sewer service shall be subject to all provisions of this Ordinance and all applicable state

and federal laws and regulations concerning disposal of wastewater.

- Q. The Township shall not be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any such interruption.

Sec. 40-55. Nondomestic wastewater control program.

- A. Each nondomestic user, designated by order of the Sewer Administrator, shall appoint an individual to have the authority and responsibility for non-domestic wastes admitted to the Township sewers. The user's designee shall be responsible for the operation and maintenance of any pretreatment facility and compliance with all governing ordinances, statutes, rules, regulations, and orders. The user's designee shall be responsible for prevention of discharge of process wastes admitted to the sanitary sewer system and shall become aware of all potential and/or routine toxic wastes generated. The user's designee shall 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. Nothing in this subsection shall in any way excuse the user from responsibility for compliance with and/or from violation of any governing statute, ordinance, rule, regulation, or order, nor shall this subsection reduce said responsibility. In addition, the user shall ensure that its designee is properly trained and qualified to perform the designee's functions.
- B. Any nondomestic user which discharges industrial wastewater to the sanitary sewer, storm sewer or receiving stream or which is subject to pretreatment requirements or standards shall file the material listed below with the Sewer Administrator: Such initial report shall be known as a "baseline monitoring report" and subsequent updates are hereinafter referred to as "compliance reports." The baseline monitoring report must be submitted at least 90 days prior to commencement of industrial discharge. The compliance reports shall be submitted at ninety-day intervals thereafter, with the first compliance report due 90 days after the due date for the baseline monitoring report, in the case of a new source under 40 CFR 403.3 (k) or a user which becomes an industrial user subsequent to promulgation of an applicable categorical pretreatment standard. Industrial users already discharging to the system and which are not in the future affected by the promulgation of a new or revised categorical pretreatment standard shall file baseline monitoring reports within 180 days of the effective date of this Ordinance and compliance reports every 180 days thereafter, with the first compliance report due 180 days after the baseline report due date. Sampling and analysis shall comply with 40 CFR 403.12 (h). Each report shall contain full and complete detail of the sampling and analysis. As an exception, noncategorical industrial users need not sample, analyze, or report on the nature, concentration, and flow of pollutants if system personnel perform said function, unless the Sewer Administrator orders such a user to do so.
- (1) A written statement setting forth the name and location, SIC number according to the
Standard Industrial Classification Manual, the nature of the enterprise, description of activities, facilities and plant processes, the source and amount of water used, the

amount(s) of wastewater to be discharged, in gallons, on both daily average and daily maximum bases, with the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes, including but not limited to, average daily and thirty-minute peak wastewater flow rates, for daily, monthly, and seasonal variations if any and the names and home and business addresses and telephone numbers of each owner and operator of the facility. Also, include the number and type of employees, average production, hours of operation of plant and proposed or actual hours of operation of pretreatment system. For ongoing discharges, the present and expected characteristics of the waste shall be given. For proposed discharges, the expected characteristics shall be given.

- (2) Site plans, floor plans, mechanical and plumbing plans of the building, works or complex, with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse, or groundwaters noted, described and the waste stream identified and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation, together with a list of environmental permits held.
- (3) Sample and test discharges and file reports on said sampling and testing with the Superintendent, and appropriate county, state or federal agencies, with respect to the characteristics of wastes, on a schedule, at locations, and according to methods specified by the Sewer Administrator and pursuant to this section.
- (4) An affidavit placing waste pretreatment facilities, process facilities, waste stream, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate local, state or federal agency as properly qualified to supervise such facilities.
- (5) Report on raw materials entering the process or support system, intermediate materials, final product, and waste by-products as those factors may affect waste control, including all chemicals stored, used, manufactured or discharged with generic chemical names rather than manufacturing codes.
- (6) Maintain records and file reports on the final disposal of specific liquid, solids, sludge, oil, radioactive materials, solvent or other wastes.
- (7) If any industrial process is to be altered so as to increase or decrease process waste or potential waste discharge to the sanitary sewer, written notification shall be given to the Sewer Administrator. Discharge increase, decrease, or change any characteristic of said altered waste streams shall be subject to the approval of the Sewer Administrator and shall comply with all other provisions of this section and any applicable laws or regulations.
- (8) The nature and concentration of any pollutants in the discharge which are limited by any Township, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards and a statement on what must be done to return to compliance with the pretreatment standard.

- (9) A sketch of the plant buildings shall be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment must be indicated, and floor drains located near process and storage areas must be noted. Manhole and sewer locations at the user's point of discharge into the collection system must be included on the plant layout sketch.
- (10) Any other information as may be deemed (by the Sewer Administrator) to be necessary.

All materials submitted shall be signed and verified by the person named under Subsection (b)(4) of this section.

The material filed in connection with this section shall be signed by an authorized representative of the nondomestic user, and certified by a qualified professional.

- C. The Sewer Administrator, by written order, may require any nondomestic user to submit baseline or compliance reports annually, on forms provided by the Sewer Administrator. The reporting requirements may be as stringent as those requirements imposed by Subsection (b) of this section but need not be, in the discretion of the Sewer Administrator.
- D. The user shall separate spent concentrates from the sanitary sewer to prevent toxic wastes from interfering, passing through or violating or causing a violation of the NPDES permit or any law, rule, regulation, or ordinance, or any other issued thereunder. Supervision and operation of equipment for pretreatment of spent concentrates, toxic wastes and high strength organic wastes, to an acceptable level as detailed in this section, is the responsibility of the non-domestic representative and the user. All sludges generated by such treatment must be handled in an acceptable manner, such as in a designated area of a sanitary landfill or by a licensed waste hauler. Adequate segregation of wastewaters to be pretreated in order to meet discharge limits is a vital portion of the industrial effort to prevent operational problems at the wastewater treatment plant.
- E. The user shall provide adequate secondary containment and/or curbing at the direction of the Sewer Administrator, to protect all floor drains from spills and discharges to the receiving sewers. Such curbing shall be sufficient to hold 150% of total process area tank volume. All floor drains within the containment area shall be plugged and sealed. Spill-throughs or sumps within process areas shall be discharged to appropriate pretreatment tanks. Secondary containment shall be provided for storage tanks and chemical storage areas serviced by commercial haulers.
- F. The Sewer Administrator shall annually publish in the local newspaper a list of the users which significantly violated any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months. A significant violation consists of any one of the following:
 - (1) Sixty-six percent or more of the measurements taken during a six-month period exceed by any magnitude the daily maximum limit or the average limit for the same pollutant parameter.
 - (2) Thirty-three percent or more of all of the measurements for each pollutant parameter

taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by 1.4 for BOD, Total SS, fats, oil, and grease, or by 1.2 for all other pollutants except pH.

- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) which the Sewer Administrator determines has caused, alone or in combination with other discharges, interference, pass through, or endangerment of the health of system personnel or the general public.
 - (4) Any pollutant discharge which caused endangerment of human health or welfare or to the environment or has caused the Sewer Administrator to order immediate cessation of the discharge.
 - (5) Failure to meet, within 90 days of the schedule date, a compliance schedule milestone contained in a directive or order from the Sewer Administrator regarding construction of pretreatment facilities or attaining final compliance.
 - (6) Failure to provide, within 30 days after the due date, baseline monitoring reports, compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
 - (7) Failure to accurately report noncompliance.
 - (8) Failure to promptly report noncompliance.
 - (9) Any other violations or group of violations which the Sewer Administrator determines will adversely affect the operation of the pretreatment program required of users by the Sewer Administrator.
- G. All nondomestic users subject to the reporting requirements of the EPA or this Ordinance shall retain pertinent information on all data relative to chemicals and materials stored or discharged to the wastewater treatment system for at least three years or, in the event that the Sewer Administrator has determined that a violation has occurred, until such time as the Sewer Administrator has determined that the records are no longer needed for enforcement action or litigation, whichever is longer.
- H. Bypass is prohibited unless the following conditions are met:
- (1) Bypass was unavoidable to prevent loss of life, personal injury, substantial damage to property, damage to the user's treatment facilities which would have rendered them inoperable, or substantial and permanent loss of natural resources. Economic loss due to production delays is not a basis for allowing bypass.
 - (2) There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities or waste retention. Treatment facilities being down for maintenance does not constitute lack of feasible alternatives if back-up facilities should have been installed in reasonable engineering judgment to cover down time for maintenance.
 - (3) The user provides written notice to the Sewer Administrator in advance of the bypass immediately upon learning of the need for it, if possible at least 10 days in advance of the bypass, and uses all diligence to determine whether bypass is needed, or, in

the event of an unanticipated bypass, gives oral notice to the Sewer Administrator within 24 hours and written notice

within five days of the bypass. Each written notice shall contain the following information: the fact of the bypass, the cause, the duration (exact dates and times), the anticipated time it will continue if not already terminated, and steps taken and/or planned to reduce and eliminate the bypass and prevent recurrence.

The Sewer Administrator may approve an anticipated bypass, after considering the potential adverse effects of it, if he determines that proper written notice has been given and that the requirements of Subsections (h)(1) and (2) have been met.

- I. The Sewer Administrator shall have the power to classify a nondomestic user which discharges industrial wastes as either a significant industrial user or as not a significant industrial user, subject to the procedures prescribed in § 40-52 et seq. except that a user which is a significant industrial user under § 40-41 must always be considered a significant industrial user. If the user is a significant industrial user, its use of the system is subject to an order of the Sewer Administrator which contains at least the following provisions, with the specific contents of each provision to be determined by the Sewer Administrator:
 - (1) A statement of the duration of the order (not to exceed five years);
 - (2) A statement that the order cannot be transferred to a new operator or owner of the user or to another actual or potential user without the consent of the Sewer Administrator;
 - (3) Effluent limits based on general and categorical pretreatment standards, Michigan statutes and regulations, and this Ordinance, including but not limited to local limits;
 - (4) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including identification of pollutants to be monitored, and sampling location, frequency, and type, based on general and categorical pretreatment standards, Michigan statutes and regulations, and this Ordinance, including, but not limited to, local limits;
 - (5) A compliance schedule, if the Sewer Administrator finds one necessary, which does not extend compliance dates beyond applicable United States guidelines; and
 - (6) A statement that any violation of any pretreatment standard or requirement can subject the violator to penalties of up to \$500 and/or 90 days incarceration per violation per day.
- J. Notification by industrial user of discharge of any hazardous waste; exception.
 - (1) Any industrial user shall immediately notify the Sewer Administrator of any discharge from or by the user into the system of any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. The notice must include the name of the hazardous substance under 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (e.g., continuous, batch, etc.). If the industrial user discharges more than 100 kilograms of hazardous waste per

calendar month to the system, the notification shall also include the following: identification of the hazardous constituents in the wastes, estimate of the mass and concentration of each such constituent in the waste stream discharged that month, and an estimate of said mass in the waste stream expected to be discharged during the following 12 months. Notification for such discharge need be given only once for each hazardous waste discharged, except for

changes in waste stream under Subsection (b) of this section. Notification of the discharge and/or change to the Sewer Administrator under another provision of this section or under a statute or regulation of the United States or the State of Michigan satisfies this subsection if the notification contains the information required by this subsection and meets the timeliness requirements of this subsection. The notification must always be written.

- (2) If the user discharges no more than 15 kilograms of hazardous wastes to the system in a calendar month, the reporting requirements of 11.108(10) do not apply, unless the wastes include an acute hazardous waste as specified in 40 CFR 261.30(d) and/or 221.33(a), in which event, all of Subsection (j) of this section applies.
- (3) In this case of any new regulations under RCRA (42 USC 6901 et seq.), identifying additional characteristics of hazardous wastes or listing any additional substance as a hazardous waste or substance, the industrial user must notify the Sewer Administrator in writing of the discharge of such substance within 90 days of the effective date of said regulation.
- (4) In the case of any notification being required under Subsection (j) of this section, the industrial user shall perform such pretreatment as the Sewer Administrator may require to prevent pass through, interference, and/or danger to human health, safety, and/or welfare and/or the environment. In addition, said user shall perform such other pretreatment of the hazardous substances as is economically practical.

K. New source.

- (1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under § 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant,

and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

- (2) 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 Subsections (k)(1)a and b of this section, but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin as part of a continuous on-site construction program:
 - 1. Any placement, assembly, or installation of facilities or equipment; or
 - 2. Significant site preparation work including clearings, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. 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. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Sec. 40-56. Powers and authority of inspections - confidentiality.

- A. The Sewer Administrator and duly authorized employees of the Township, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, repair, maintenance and testing in accordance with the provisions of this section.
- B. The Sewer Administrator and duly authorized employees of the Township bearing proper credentials and identification shall be permitted to enter all private properties through which the Township or contractee holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, maintenance and testing of any portion of the wastewater system lying within said easement. All entry and subsequent work on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- C. Inspection by state and federal representatives pursuant to law shall not relieve a user from inspection by Township representatives, and inspection by the Township representatives shall not relieve any user from compliance with lawful inspection by state and federal representatives.
- D. All information and data submitted to the Sewer Administrator by a user or obtained by the Sewer Administrator through inspections and monitoring shall be confidential if it relates to trade secrets or is information which, if disclosed, would tend to injure the competitive position of the user. The following data is not entitled to confidential

treatment:

- (1) Data which directly expresses effluent characteristics at, or after, a point of discharge to the public sewer.
 - (2) Data which has previously been disclosed, or is available to the public.
- E. With respect to information and data submitted to the Sewer Administrator by the user, the user must indicate in writing that such information is to be held confidential in order for the information and data to be entitled to confidential treatment.
- F. If any person or governmental agency requests from the Sewer Administrator information or data which is confidential, the Township shall notify the user before any release of such information and data. The user may agree, or refuse, to release all or part of the requested information and data. Within 10 days of the Sewer Administrator's receipt of a request for information, he shall send a written notice detailing that request to the user, with a copy of said notice to the requestor. The notice shall instruct the user to provide a detailed written statement of its objections, if any, to said request, to the Sewer Administrator, within 15 days of the user's receipt of the notice. If the user does not reply as required within said fifteen-day period or submits a statement which does not justify refusal or release the requested information, the Sewer Administrator shall inform the user and requestor in writing that the documents will be released if a court order prohibiting release is not received within 10 days of the user's receipt of this second written notice.
- G. If the user has responded timely to the notice in Subsection (f) of this section and the Sewer Administrator determines that all or part of the document ought not be released, he shall refuse to release that part of the document which he finds entitled to confidentiality. Nothing herein shall be construed as requiring the Sewer Administrator to create a document which does not exist or to provide a summary or synthesis of documents.

Sec. 40-57. Orders.

- A. If the Sewer Administrator determines that a user has violated the provisions of this Ordinance, the Sewer Administrator may issue an order to take action deemed appropriate under the circumstances, including, but not limited to, the following:
- (1) Immediate cease and desist order. The Sewer Administrator may issue an order to cease and desist from discharging any wastewater, incompatible pollutant, or illegal discharge. Such order shall have immediate effect where the actual or threatened discharge of pollutants to the system presents, or may present, imminent or substantial endangerment to the health, safety, or welfare of persons, to the environment, or causes interference with the operation of the public sewers or treatment plant or causes or is likely to cause interference or pass through. The Sewer Administrator may take any steps necessary, including severance of the sewer connection, to prevent further discharge and shut-off of the water supply. Such order shall be in effect until a hearing is conducted pursuant to this section. Such order shall contain a date and time for such hearing, but not to exceed 10 days from the date of said order.
 - (2) Order to cease discharge within a time certain. In cases other than those defined

above, the Sewer Administrator may issue an order to show cause why an order to cease and desist by a certain time and date should not be issued. The proposed time for remedial action shall be specified in the order to show cause. Such order may also contain such conditions deemed appropriate by the Sewer Administrator.

- (3) Order to effect pretreatment. The Sewer Administrator may issue an order to show cause why a user should not be required to pretreat in accordance with this section.

Any user subject to an order to pretreat shall prepare a plan to effect and achieve the pretreatment of its wastewater so that the same shall comply with the requirements of this section. Such plan shall be submitted to the Sewer Administrator within a period specified in the pretreatment order. The plan shall be prepared in accordance with good engineering practice and shall state whether construction is necessary, as well as identify the measure which may be implemented without necessitating construction. The plan shall contain a schedule of compliance for the completion of each of the various phases necessary to implement full pretreatment, which schedule is subject to review and approval of the Sewer Administrator, who may approve, reject, or modify it by order.

- (4) A pretreatment plan shall include a schedule of compliance consisting of one or more remedial measures, including timetables for a sequence of actions or operations leading to compliance with an effluent standard, or other limitation prohibition or standard.

- (5) The following steps or phases shall be included in the schedule of compliance where applicable and appropriate:

- a. Retain a qualified engineer and/or consultant.
- b. Obtain any engineering or scientific investigations or surveys deemed necessary.
- c. Prepare and submit a preliminary plan to achieve pretreatment.
- d. Prepare plans and specifications, working drawings, or other engineering or architectural documents which may be necessary to effect pretreatment.
- e. Establish a time to let any contract necessary for any construction.
- f. Establish completion times for any construction necessary.
- g. Establish a time limit to complete full pretreatment pursuant to the final order.
- h. In the event a phase or unit of construction or implementation may be affected independently of another phase or unit, establish separate timetables for such phase or unit.

- (6) 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 Sewer Administrator including, as a minimum, 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.

- (7) Order to perform affirmative action. The Sewer Administrator may also issue any order required or permitted by this section or any statute, rule, or regulation of the United States or the State of Michigan, and/or to submit samples; install sampling, metering, and monitoring equipment; submit reports; and permit access for inspection, sampling, testing, monitoring and investigation.
- (8) An order issued by the Sewer Administrator shall contain the facts and grounds for its issuance, and the remedial action ordered, together with the time within which such action shall be taken. No such order shall be deemed insufficient, however, for inconsequential errors and omissions in the facts and grounds for the order. If any user deems the content of the order to contain insufficient information, it may request additional information from the Sewer Administrator; however, no request shall extend any time limit or defer any payment, except a hereinafter set forth.
- (9) In the event noncompliance with an order is due to factors beyond the control of the user, as determined by the Sewer Administrator, such noncompliance shall not be a violation and such order shall be modified to take account of these factors.
- (10) An order shall be subject to amendment, change or revocation, provided notice of such action is served upon the user in the same manner as the original order and is subject to the same procedure for review and appeal.

Sec. 40-58. Administrative appeals; board of appeals.

- A. The Paw Paw Township Board shall serve as a wastewater board of appeals to review the actions of the Sewer Administrator.
- B. An informal hearing before the Sewer Administrator may be requested in writing by any user or contractee deeming itself aggrieved by any citation, order, charge, fee, surcharge, penalty or action within 10 days after the date thereof, stating the reasons therefore with supporting documents and data.
- C. The informal hearing shall be scheduled at the earliest practicable date, but not later than five days after receipt of the request, unless extended by mutual written agreement.
- D. The hearing shall be conducted on an informal basis at the Department of Public Works or at such place as designated by the Sewer Administrator.
- E. Appeals from orders of the Sewer Administrator may be made to the Paw Paw Township Board, acting as a board of appeals, within 30 days from the date of any citation, order, charge, fee, surcharge, penalty or other action. Such appeal may be taken by any person aggrieved. The appellant shall file a notice of appeal with the Sewer Administrator and with the board, specifying the ground therefor. Prior to a hearing, the Sewer Administrator shall transmit to the board a summary report of all previous action taken. The board may, at its discretion, call upon the Sewer Administrator to explain the action. The final disposition of the appeal shall be in the form of a resolution, either reversing, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, four members of the board must concur.

- F. The board of appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the said board of appeals may reverse or affirm, in whole or in part, or may make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end shall have all the powers of the official from who said appeal is taken. The board shall determine what the facts are, shall apply the governing statutes, regulations, and ordinances to those facts in rendering its decision, and, in the event of a violation of this Ordinance by the appellant or an administrative penalty against the appellant, shall consider the type, quantity, severity, and duration of the violation, its potential and actual impact upon people, property, and the environment, the efforts of the appellant to prevent and correct the violation, and, if the appellant presents evidence of financial hardship, the appellant's financial condition. Financial hardship shall not be determinative. Unless the appellant has made all good faith efforts to prevent and correct the violation, the board shall not consider financial hardship.
- G. The decision of said board shall be final.
- H. The board of appeals shall meet at such times as the board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public in accordance with applicable laws. The board shall adopt its own rules of procedures and keep a record of its proceedings, showing findings of fact, the action of the board, and the vote of each member upon each question considered. The presence of five members shall be necessary to constitute a quorum.
- I. The board of appeals may prescribe the sending of notice to such persons as it deems to be interested in any hearing by the board.
- J. All charges, fees, and/or surcharges for services shall be due on the date established by the Township Board and are delinquent if not paid by said date. All administrative penalties, fines, and sanctions shall be due and payable immediately upon being imposed by the Sewer Administrator. Upon resolution of any appeal, the Township shall adjust such amount accordingly; however, such adjustments shall be limited to the previous four quarters' billing unless otherwise directed by court order.
- K. If an informal or formal hearing is not demanded within the periods specified herein, such administrative action shall be deemed final. In the event either or both such hearings are demanded, the action shall be suspended until a final determination has been made, except for immediate cease and desist orders.
- L. Appeals from the determinations of the board of appeals may be made to the Circuit Court for the County of Van Buren as provided by law. The court shall affirm the board's action unless the whole record made before the board clearly shows that the board's action was arbitrary or capricious, not supported by material, substantial, and competent evidence on the whole record, or the board exceeded its jurisdiction or violated applicable law.

Sec. 40-59. Enforcement-operation.

- A. The Sewer Administrator of public works for the Township of Paw Paw is charged with the duty of investigating, preventing and abating violations and enforcing the provisions

of this Ordinance.

- B. The operation, maintenance, alteration, repair and management of the wastewater collection and treatment system shall be under the supervision and control of the Sewer Administrator. The Township may employ such person or persons in such capacity or capacities as it deems advisable to carry out the efficient management and operations of the system and may make such necessary or recommended rules, orders and regulations to assure the efficient management and operation of the system, including the setting of rates, surcharges, fees, penalties, or other charges, for the use of said system.
- C. The Sewer Administrator is hereby empowered to:
 - (1) Supervise the implementation of these sections.
 - (2) Institute actions in the name of the Township to enforce any and all ordinances of the Township and any order of the Sewer Administrator pertaining to wastewater and/or sewer service. These actions include but are not limited to civil actions in court to collect damages, bills penalties, fines, sanctions, and interest thereon for nonpayment for services and/ or for violation of said ordinances and/or orders; and/or to obtain injunctive relief and/ or mandamus to enforce or compel compliance with any said ordinance and/or order, to prevent and/or abate violation thereof, and/or to prevent and/or abate any nuisance related to sewage, wastewater, or said violation. The Sewer Administrator may also issue citations/ appearance tickets to commence criminal proceedings for said violations.
 - (3) Review the plans for pretreatment equipment submitted by users.
 - (4) Make periodic inspections and tests of existing and newly installed, constructed, reconstructed, or altered sampling, metering, or pretreatment equipment to determine compliance with the provisions of these sections.
 - (5) Investigate complaints of violations and make inspections and observations of discharges. Record such investigations, complaints, inspections, and observations.
 - (6) Issue orders requiring compliance with these sections.
 - (7) Impose civil penalties for violation of any Township ordinance or order of the Sewer Administrator pertaining to wastewater and/or sewer service. This penalty may be imposed by order with or without a prior hearing before the Sewer Administrator, subject to subsequent hearing before the Sewer Administrator and appeal to the Township Board acting as a board of appeals.
 - (8) Make recommendations to the Township of Paw Paw for amendments to these sections.
 - (9) Encourage voluntary cooperation by persons or affected groups in water pollution control.
 - (10) Collect and disseminate information on water pollution control.
 - (11) Coordinate activities under these sections with planning and zoning agencies to promote conservation and management of the water resources of the Township.

- (12) Cooperate with federal, interstate, state, county, district, municipal, or other agencies concerned with water pollution with respect to studies, abatement programs, public complaints, and other matters to conserve and improve the natural resources of the Township of Paw Paw.
- (13) Institute legal proceedings in the name of the Township of Paw Paw in a court of competent jurisdiction to compel compliance with provisions of this Ordinance or any determination or order which may be promulgated or issued pursuant to these sections.

Sec. 40-60. Penalties and remedies.

- (a) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances, or equipment which is a part of the Township wastewater system.
- (b) Whenever any person shall fail to pay any wastewater/sewer service fee, charge, surcharge, or penalty when due, the Sewer Administrator may sue to collect said amounts in court and/or may have a lien for said amounts placed on the property to which the unpaid amounts apply and on all other property of the user within the Township and/or the State of Michigan, to the extent allowed by law, and collected in accordance with any Michigan statute pertaining to collecting liens on real property, including but not limited to property tax liens. In addition, the Township may shut off and discontinue the supply of water to any premises or prohibit the discharge of wastewater from any user for the nonpayment of any of the above amounts when due.
- (c) Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1st Offense within 3-year period*	\$75	\$500
2nd Offense within 3-year period*	\$150	\$500
3rd Offense within 3-year period*	\$300	\$500
4th or More Offense within 3-year period*	\$500	\$500

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 or more than \$500 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this article. Each day that a violation exists shall constitute a separate offense. Any person responsible for a violation of this

ordinance whether as an owner of the premises, lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal.

- (d) No person shall knowingly make any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this Ordinance.

ARTICLE II

REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance specifically repeals the following ordinances in their entirety: Ord. No. 156, adopted Feb. 2, 1982, as amended; & Ord. No. 202 adopted Aug. 12, 1993, as amended.

ARTICLE III

SEVERABILITY

If any section, paragraph, clause, or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

ARTICLE IV

EFFECTIVE DATE

After adoption, this Ordinance shall be effective 30 days after publication of this ordinance or a summary in a newspaper of general circulation.