

TITLE V: PUBLIC WORKS

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CHAPTER 50: GARBAGE AND RUBBISH

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§ 50.01 DEFINITIONS.

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

BRANCHES. Greater than one inch and less than six inches in diameter.

BUSINESS. All retail, professional, wholesale and industrial facilities and any other commercial enterprises offering goods or services to the public.

COMMERCIAL. All multi-dwellings and businesses.

CONTAINER. Any detachable metal container designed or intended to be mechanically dumped into the packer-type garbage truck used by the Contractor and varying in size from one to 20 cubic yards.

CONTAINERIZED BUSINESS. Any business, institutions, multi-dwelling or other structure whose garbage and/or trash is deposited in an approved container for removal by the Contractor.

GARBAGE CAN. Any cylindrical light gauge steel, plastic, or galvanized receptacle, closed at one end and opened at the other, furnished with a top or lid and two handles, of not more than 30 gallon capacity and not weighing more than 50 pounds when full; it shall also mean City-approved plastic bags or liners not exceeding 30 pounds gross weight securely tied at the top.

GARBAGE. All waste and accumulation of animal, fruit, or vegetable matter that attends or results from the preparation, use, handling, cooking, serving or storage of meats, fish, fowl, fruit or vegetable matter of any nature whatsoever, which is subject to decay, putrefaction and the generation of noxious and offensive gases or odors, or which may serve as a breeding or feeding material for flies and/or other germ-carrying insects.

HAZARDOUS MATERIALS. Wastes that are hazardous by reason of their pathological, explosive, radiological or toxic characteristics.

INDUSTRIAL. Establishments generating waste accumulations of metal, metal products, minerals, chemicals, rock and the like.

INSTITUTIONAL. A customer occupying a premises that is exempt from general property taxation.

LEAVES. Deciduous and coniferous seasonal deposits of leaves, including needles, buds, flower petals, and seeds.

MULTI-DWELLING. Any building or structure containing five or more contiguous living units and intended exclusively for residential single persons or families. Each unit of a multi-dwelling shall be considered a separate dwelling unit for purposes of billing unless served by containers.

NONCONTAINERIZED BUSINESS. Any business, apartment or other structure whose garbage and trash is accumulated and stored by means other than container.

POLYCARD OR TOTER. A plastic garbage container mounted on wheels of varying sizes (typically 40 to 95 gallons) specifically designed for pickup by rear or front mountings on garbage trucks with attached lids and lifting bars.

RECYCLABLES CONTAINER. The Contractor shall provide each residence with a container in which recyclable materials can be placed for collection. There shall be a fee of \$6 charged for each container that is lost, damaged, replaced, or otherwise provided in addition to the first container.

REFUSE. Combined garbage and trash.

RESIDENCE. A dwelling structure containing one, two, three, or four units, each designed for occupancy by one family. Each mobile home in a noncontainerized area shall be deemed a "residence."

SPECIAL MATERIALS. Those bulky materials or other special wastes that are not stored in standard storage containers and cannot be picked up by a regularly used collection vehicle.

TRASH. Accumulations of rubbish, such as, but not necessarily limited to, sweepings, dust, rags, bottles, jars, yard waste or other waste materials of any kind which are usually attendant to domestic house holds or housekeeping and the premises upon which said households are located. Accumulations of lawn, grass, or shrubbery cuttings, or clippings and dry leaf rakings, small tree branches, which shall not exceed four feet in length and three inches in diameter, bushes, or shrubs, green leaf cuttings, fruits or other matters usually created as refuse in the care of lawns and yards, except large branches, trees, or bulky or noncombustible materials not susceptible to normal loadings and collection in "loadpacker" type sanitation equipment used for regular collections from domestic households.

YARD WASTE. Grass clippings, weeds, hedge clippings, garden waste, twigs and brush no longer than four feet in length and one inch in diameter or other matter usually created as refuse in the care of lawns and yards.

(B) *Interpretation.* Words and terms not defined herein shall be interpreted in the manner of their common usage. When not inconsistent with the content, words in singular number include the plural number, and words in the plural number include the

singular number. The word "shall" is always mandatory and is not merely directory. ('88 Code, Title II, Ch. 21, § 2.1) (Ord. 170-5-82, passed 5-3-82; Am. Ord. 285-5-90, passed 5-7-90; Am. Ord. 359-6-94, passed 6-6-94; Am. Ord 554-08-05, passed 8-1-05)

Editor's note: Ord. 285-5-90 did not include a definition for the term "Contractor," the firm contracted by the City to pick up garbage and refuse in the City.

§ 50.02 ACCUMULATION OF GARBAGE.

No person as owner, lessee, manager, or supervisor of any premises shall permit to accumulate on said premises any garbage except in covered containers which are rodent proof and watertight. The garbage containers shall not exceed the capacity of 30 gallons unless it is an approved polycard or dumpster.

('88 Code, Title II, Ch. 21, § 2.2) (Ord. 170-5-82, passed 5-3-82; Am. Ord. 285-5-90, passed 5-7-90; Am. Ord. 554-08-05, passed 8-1-05) Penalty, see § 50.99

§ 50.03 SERVICE.

(A) For all classes of garbage service the Director of Neighborhood Services or his designee shall determine the size and type of garbage container which shall be employed. The determination of the size and type of garbage container by the Director of Neighborhood Services or his designee shall be final and binding on the customer, subject to an appeal first to the City Manager and thereafter to the City Commission. The determination shall be based on the experience of the garbage collection contractor with the customer and similar customers, and a review of the amount of garbage that accumulates on the premises over regular collection periods. The Director of Neighborhood Services shall inform the City Treasurer's Office of the size and type of garbage container to be used by any particular customer, and the proper charge shall be added to the billing.

(B) *Residential.* All persons occupying or maintaining a place of residence (one to four units) shall be provided regular refuse collection service, and all units are required to receive the service. Such service may be suspended upon approval of an application made to the City. Should any residence have excessive quantities of refuse as determined by the Director of Neighborhood Services based on the amount of refuse, container size and overflow,

inadequacy of the container, or any other relevant fact, the Director may require a polycart container for that residence. It is the express position of the City that all multiple dwellings shall use a polycart or dumpster.

(C) *Commercial.* Multiple dwellings of five or more units and business, commercial, institutional, and industrial establishments, shall use the service provided by the City at a frequency and with the type and size of container determined by the Director of Neighborhood Services or his designee as described in division (A). The Director shall consider and determine the proper size and type of container and the frequency of collection so that no health hazard, blight, or undue collection difficulties will exist or be created. Multiple dwellings or businesses may, with the discretionary approval of the Director of Neighborhood Services, contract together where appropriate and efficient to share a garbage container or dumpster and the costs thereof. The Director of Neighborhood Services is empowered and authorized to negotiate and determine the conditions for the sharing of a container and collection service.

('88 Code, Title II, Ch. 21, § 2.3) (Ord. 170-5-82, passed 5-3-82; Am. Ord. 285-5-90, passed 5-7-90; Am. 296-1-91, passed 1-7-91; Am. Ord. 359-6-94, passed 6-6-94; Am. Ord. 554-08-05, passed 8-1-05)
Penalty, see § 50.99

§ 50.04 HOURS.

(A) *Residential.* Collections shall be made in residential areas beginning at 6:00 a.m., with no service on Sunday, except in time of emergency or to maintain schedules due to holidays.

(B) *Commercial.* Collections shall be made between the hours of 6:00 a.m. and 9:00 p.m., with the exception of shopping, business, and industrial centers where collections at night or during early morning hours do not disturb the immediate residential area.

('88 Code, Title II, Ch. 21, § 2.4) (Ord. 170-5-82, passed 5-3-82; Am. Ord. 285-5-90, passed 5-7-90)

§ 50.05 SPECIAL MATERIALS.

The Contractor shall provide haul service for materials not routinely generated in residential areas. The materials (for example, construction debris and animal bedding) shall be stored and placed in a manner approved by the City and the Contractor.

('88 Code, Title II, Ch. 21, § 2.5) (Ord. 170-5-82, passed 5-3-82; Am. Ord. 285-5-90, passed 5-7-90) Penalty, see § 50.99

§ 50.06 EXTRAORDINARY MATERIALS.

Hazardous wastes, dead animals, abandoned vehicles, vehicle parts, large equipment and equipment parts shall not be collected except by special arrangement with the City.

('88 Code, Title II, Ch. 21, § 2.6) (Ord. 170-5-82, passed 5-3-82; Am. Ord. 285-5-90, passed 5-7-90)

§ 50.07 LOCATION.

All solid wastes, both residential and commercial, shall be placed at a location prior to scheduled collection that is readily accessible for collection by the Contractor.

(A) *Residential.* Garbage must be in approved receptacles which shall be placed at a single collection point. Trash must be in approved receptacles or tied in bundles as described herein and placed at a single collection point within six feet of the curb or alley.

(B) *Commercial.* Bulk containers shall be kept on the premises in a place near the street or alley readily accessible to the collection vehicle. Noncontainerized businesses shall have refuse in approved receptacles which shall be placed at a single collection point readily accessible to the collection crew and vehicle.

('88 Code, Title II, Ch. 21, § 2.7) (Ord. 170-5-82, passed 5-3-82; Am. Ord. 285-5-90, passed 5-7-90) Penalty, see § 50.99

§ 50.08 ACCUMULATION OF RUBBISH.

No person as owner, lessee, manager, or supervisor of any premises shall permit any rubbish to accumulate on said premises for a period of longer than one week without arranging for the pickup and disposal thereof by the supervisor or employees of the City or by the contractor.

('88 Code, Title II, Ch. 21, § 2.8) (Ord. 170-5-82, passed 5-3-82; Am. Ord. 285-5-90, passed 5-7-90) Penalty, see § 50.99

§ 50.09 TRANSPORTATION OF GARBAGE.

Vehicles used in the transportation of garbage shall be so constructed and maintained that no portion of the contents therefrom shall be deposited on any public highway. The vehicles shall be cleaned at sufficient frequency to prevent nuisance or insect breeding and shall be maintained in good repair.

('88 Code, Title II, Ch. 21, § 2.9) (Ord. 170-5-82, passed 5-3-82; Am. Ord. 285-5-90, passed 5-7-90) Penalty, see § 50.99

§ 50.10 TRANSPORTATION OF RUBBISH.

No rubbish shall be transported in other than a covered vehicle by the supervisor or employees of the City or the Contractor.

('88 Code, Title II, Ch. 21, § 2.10) (Ord. 170-5-82, passed 5-3-82; Am. Ord. 285-5-90, passed 5-7-90) Penalty, see § 50.99

§ 50.11 FEEDING OF GARBAGE TO ANIMALS.

This chapter shall not apply to individuals who feed garbage from their own domestic household to animals on their own premises when doing so does not create a nuisance or health hazard.

('88 Code, Title II, Ch. 21, § 2.11) (Ord. 170-5-82, passed 5-3-82; Am. Ord. 285-5-90, passed 5-7-90)

§ 50.12 RATES.

Rates for refuse pickup in the City will be established by ordinance and are set forth in the following chart:

[Chart appears on the following page.]

Big Rapids - Public Works

SCHEDULE OF SANITATION RATES - Effective July 1, 2014

| Frequency Per Week | Cubic Yards | 2 | 3 | 4 | 6 | 8 |
|---------------------------|--------------------|----------|----------|----------|----------|----------|
| 1 | Base | \$43.02 | \$58.94 | \$65.77 | \$80.35 | \$93.21 |
| | Administration | 10.76 | 14.74 | 16.44 | 20.09 | 23.30 |
| | Total | 53.78 | 73.68 | 82.21 | 100.44 | 116.51 |
| 2 | Base | 86.16 | 110.97 | 123.80 | 151.15 | 175.81 |
| | Administration | 21.54 | 27.74 | 30.95 | 37.79 | 43.95 |
| | Total | 107.70 | 138.71 | 154.75 | 188.94 | 219.76 |
| 3 | Base | 127.39 | 163.12 | 182.48 | 221.93 | 258.36 |
| | Administration | 31.85 | 40.78 | 45.62 | 55.48 | 64.59 |
| | Total | 159.24 | 203.90 | 228.10 | 277.41 | 322.95 |
| 4 | Base | 195.60 | 217.10 | 239.17 | 294.69 | 340.98 |
| | Administration | 48.90 | 54.28 | 59.79 | 73.67 | 85.25 |
| | Total | 244.50 | 271.38 | 298.96 | 368.36 | 426.23 |
| 5 | Base | 230.60 | 266.79 | 297.63 | 362.84 | 423.56 |
| | Administration | 57.65 | 66.70 | 74.41 | 90.71 | 105.89 |
| | Total | 288.25 | 333.49 | 372.04 | 453.55 | 529.45 |
| 6 | Base | 275.60 | 320.13 | 358.26 | 434.74 | 505.32 |
| | Administration | 68.90 | 80.03 | 89.57 | 108.69 | 126.33 |
| | Total | 344.50 | 400.16 | 447.83 | 543.43 | 631.65 |
| 7 | Base | 318.72 | 371.65 | 416.35 | 507.62 | 588.72 |
| | Administration | 79.68 | 92.91 | 104.09 | 126.91 | 147.18 |
| | Total | 398.40 | 464.56 | 520.44 | 634.53 | 735.90 |

Garbage and Rubbish

6A

| | |
|---|----------------------|
| Commercial - 1/2 Yard - 1 Time/Week | 7.78 (Per Cart) |
| Administration | 1.95 |
| Total | 9.73 |
| | |
| Commercial - 1 Yard - 1 Time/Week | 15.57 (Loose Pickup) |
| Administration | 3.89 |
| Total | 19.46 |
| | |
| Recycle - 1 Time/Week | 10.20 (Per Cart) |
| Administration | 2.55 |
| Total | 12.75 |
| | |
| Commercial Overflow Volume Rate Charge | 16.00 Per Yard |
| | |

| | |
|-----------------------------|---|
| Residential | 8.43 |
| Cleanup | 0.77 |
| Curbside Recycle | 2.71 |
| Bagged Leaves/Yard Waste | 2.72 - Weekly Leaves and Yard Waste - May Purchase Bags |
| Subtotal | 14.63 |
| Administration | 3.66 |
| Total Residential | 18.29 |
| | |
| Additional Cart Rentals | 2.00 Per Cart, Per Month |

SCHEDULE OF SANITATION RATES - Effective July 1, 2015

| Frequency Per Week | Cubic Yards | 2 | 3 | 4 | 6 | 8 |
|-----------------------|----------------|--------|--------|--------|--------|--------|
| 1 | Base | 43.88 | 60.12 | 67.09 | 81.96 | 95.07 |
| | Administration | 10.97 | 15.03 | 16.77 | 20.49 | 23.77 |
| | Total | 54.85 | 75.15 | 83.86 | 102.45 | 118.84 |
| 2 | Base | 87.88 | 113.19 | 126.28 | 154.17 | 179.33 |
| | Administration | 21.97 | 28.30 | 31.57 | 38.54 | 44.83 |
| | Total | 109.85 | 141.49 | 157.85 | 192.71 | 224.16 |
| 3 | Base | 129.94 | 166.38 | 186.13 | 226.37 | 263.53 |
| | Administration | 32.49 | 41.60 | 46.53 | 56.59 | 65.88 |
| | Total | 162.43 | 207.98 | 232.66 | 282.96 | 329.41 |
| | | | | | | |

Big Rapids - Public Works

| Frequency Per Week | Cubic Yards | 2 | 3 | 4 | 6 | 8 |
|---------------------------|--------------------|----------|----------|----------|----------|----------|
| 4 | Base | 199.51 | 221.44 | 243.95 | 300.58 | 347.80 |
| | Administration | 49.88 | 55.36 | 60.99 | 75.15 | 86.95 |
| | Total | 249.39 | 276.80 | 304.94 | 375.73 | 434.75 |
| 5 | Base | 235.21 | 272.13 | 303.58 | 370.10 | 432.03 |
| | Administration | 58.80 | 68.03 | 75.90 | 92.53 | 108.01 |
| | Total | 294.01 | 340.16 | 379.48 | 462.63 | 540.04 |
| 6 | Base | 281.11 | 326.53 | 365.43 | 443.43 | 515.43 |
| | Administration | 70.28 | 81.63 | 91.36 | 110.86 | 128.86 |
| | Total | 351.39 | 408.16 | 456.79 | 554.29 | 644.29 |
| 7 | Base | 325.09 | 379.08 | 424.68 | 517.77 | 600.49 |
| | Administration | 81.27 | 94.77 | 106.17 | 129.44 | 150.12 |
| | Total | 406.36 | 473.85 | 530.85 | 647.21 | 750.61 |

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| Commercial - 1/2 Yard - 1 Time/Week | 7.94 (Per Cart) |
| Administration | 1.99 |
| Total | 9.93 |
| Commercial - 1 Yard - 1 Time/Week | 15.88 (Loose Pickup) |
| Administration | 3.97 |
| Total | 19.85 |
| Recycle - 1 Time/Week | 10.40 (Per Cart) |
| Administration | 2.60 |
| Total | 13.00 |
| Commercial Overflow Volume Rate Charge | 16.00 Per Yard |

| | |
|--------------------------|---|
| Residential | 8.60 |
| Cleanup | 0.79 |
| Curbside Recycle | 2.76 |
| Bagged Leaves/Yard Waste | 2.77 - Weekly Leaves and Yard Waste - May Purchase Bags |
| Subtotal | 14.92 |
| Administration | 3.73 |
| Total Residential | 18.65 |
| Additional Cart Rentals | 2.00 Per Cart, Per Month |

Garbage and Rubbish

6C

SCHEDULE OF SANITATION RATES - Effective July 1, 2016

| Frequency Per Week | Cubic Yards | 2 | 3 | 4 | 6 | 8 |
|---------------------------|--------------------|----------|----------|----------|----------|----------|
| 1 | Base | 44.76 | 61.32 | 68.43 | 83.60 | 96.97 |
| | Administration | 11.19 | 15.33 | 17.11 | 20.90 | 24.24 |
| | Total | 55.95 | 76.65 | 85.54 | 104.50 | 121.21 |
| 2 | Base | 89.64 | 115.45 | 128.81 | 157.25 | 182.92 |
| | Administration | 22.41 | 28.86 | 32.20 | 39.31 | 45.73 |
| | Total | 112.05 | 144.31 | 161.01 | 196.56 | 228.65 |
| 3 | Base | 132.54 | 169.71 | 189.85 | 230.90 | 268.80 |
| | Administration | 33.14 | 42.43 | 47.46 | 57.73 | 67.20 |
| | Total | 165.68 | 212.14 | 237.31 | 288.63 | 336.00 |
| 4 | Base | 203.50 | 225.87 | 248.83 | 306.59 | 354.76 |
| | Administration | 50.88 | 56.47 | 62.21 | 76.65 | 88.69 |
| | Total | 254.38 | 282.34 | 311.04 | 383.24 | 443.45 |
| 5 | Base | 239.91 | 277.57 | 309.65 | 377.50 | 440.67 |
| | Administration | 59.98 | 69.39 | 77.41 | 94.38 | 110.17 |
| | Total | 299.89 | 346.96 | 387.06 | 471.88 | 550.84 |
| 6 | Base | 286.73 | 333.06 | 372.74 | 452.30 | 525.74 |
| | Administration | 71.68 | 83.27 | 93.19 | 113.08 | 131.44 |
| | Total | 358.41 | 416.33 | 465.93 | 565.38 | 657.18 |
| 7 | Base | 331.59 | 386.66 | 433.17 | 528.13 | 612.50 |
| | Administration | 82.90 | 96.67 | 108.29 | 132.03 | 153.13 |
| | Total | 414.49 | 483.33 | 541.46 | 660.16 | 765.63 |

Big Rapids - Public Works

| | |
|---|----------------------|
| Commercial - 1/2 Yard - 1 Time/Week | 8.10 (Per Cart) |
| Administration | 2.03 |
| Total | 10.13 |
| Commercial - 1 Yard - 1 Time/Week | 16.20 (Loose Pickup) |
| Administration | 4.05 |
| Total | 20.25 |
| Recycle - 1 Time/Week | 10.61 (Per Cart) |
| Administration | 2.65 |
| Total | 13.26 |
| Commercial Overflow Volume Rate Charge | 16.00 Per Yard |

| | |
|-----------------------------|---|
| Residential | 8.77 |
| Cleanup | 0.81 |
| Curbside Recycle | 2.82 |
| Bagged Leaves/Yard Waste | 2.83 - Weekly Leaves and Yard Waste - May Purchase Bags |
| Subtotal | 15.23 |
| Administration | 3.81 |
| Total Residential | 19.04 |
| Additional Cart Rentals | 2.00 Per Cart, Per Month |

SCHEDULE OF SANITATION RATES - Effective July 1, 2017

| Frequency Per Week | Cubic Yards | 2 | 3 | 4 | 6 | 8 |
|-------------------------------|--------------------|----------|----------|----------|----------|----------|
| 1 | Base | 45.66 | 62.55 | 69.80 | 85.27 | 98.91 |
| | Administration | 11.42 | 15.64 | 17.45 | 21.32 | 24.73 |
| | Total | 57.08 | 78.19 | 87.25 | 106.59 | 123.64 |
| 2 | Base | 91.43 | 117.76 | 131.39 | 160.40 | 186.58 |
| | Administration | 22.86 | 29.44 | 32.85 | 40.10 | 46.65 |
| | Total | 114.29 | 147.20 | 164.24 | 200.50 | 233.23 |
| 3 | Base | 135.19 | 173.10 | 193.65 | 235.52 | 274.18 |
| | Administration | 33.80 | 43.28 | 48.41 | 58.88 | 68.55 |
| | Total | 168.99 | 216.38 | 242.06 | 294.40 | 342.73 |

Garbage and Rubbish

| Frequency Per Week | Cubic Yards | 2 | 3 | 4 | 6 | 8 |
|---------------------------|--------------------|----------|----------|----------|----------|----------|
| 4 | Base | 207.57 | 230.39 | 253.81 | 312.72 | 361.86 |
| | Administration | 51.89 | 57.60 | 63.45 | 78.18 | 90.47 |
| | Total | 259.46 | 287.99 | 317.26 | 390.90 | 452.33 |
| 5 | Base | 244.71 | 283.12 | 315.84 | 385.05 | 449.48 |
| | Administration | 61.18 | 70.78 | 78.96 | 96.26 | 112.37 |
| | Total | 305.89 | 353.90 | 394.80 | 481.31 | 561.85 |
| 6 | Base | 292.46 | 339.72 | 380.19 | 461.35 | 536.25 |
| | Administration | 73.12 | 84.93 | 95.05 | 115.34 | 134.06 |
| | Total | 365.58 | 424.65 | 475.24 | 576.69 | 670.31 |
| 7 | Base | 338.22 | 394.39 | 441.83 | 538.69 | 624.75 |
| | Administration | 84.56 | 98.60 | 110.46 | 134.67 | 156.19 |
| | Total | 422.78 | 492.99 | 552.29 | 673.36 | 780.94 |

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| Commercial - 1/2 Yard - 1 Time/Week | 8.26 (Per Cart) |
| Administration | 2.07 |
| Total | 10.33 |
| Commercial - 1 Yard - 1 Time/Week | 16.52 (Loose Pickup) |
| Administration | 4.13 |
| Total | 20.65 |
| Recycle - 1 Time/Week | 10.82 (Per Cart) |
| Administration | 2.71 |
| Total | 13.53 |
| Commercial Overflow Volume Rate Charge | 16.00 Per Yard |

| | |
|--------------------------|---|
| Residential | 8.95 |
| Cleanup | 0.83 |
| Curbside Recycle | 2.88 |
| Bagged Leaves/Yard Waste | 2.89 - Weekly Leaves and Yard Waste - May Purchase Bags |
| Subtotal | 15.55 |
| Administration | 3.89 |
| Total Residential | 19.44 |
| Additional Cart Rentals | 2.00 Per Cart, Per Month |

('88 Code, Title II, Ch. 21, § 2.13) (Ord. 170-5-82, passed 5-3-82; Am. Ord. 303-5-91, passed 5-20-91; Am. Ord. 315-6-92, passed 6-15-92; Am. Ord. 353-5-94, passed 5-23-94; Am. Ord. 359-6-94, passed 6-6-94; Am. Ord. 363-7-94, passed 7-18-94; Am. Ord. 366-9-94, passed 9-19-94; Am. Ord. 371-11-94, passed 11-21-94; Am. Ord. 393-9-95, passed 9-5-95; Am. Ord. 406-7-96, passed 7-8-96; Am. Ord. 410-10-96, passed

10-21-96, passed 424-7-97, passed 7-7-97; Am. Ord. 438-8-98, passed 8-17-98; Am. Ord. 446-6-99, passed 6-21-99; Am. Ord. 469-7-00, passed 7-24-00; Am. Ord. 484-8-01, passed 8-6-01; Am. Ord. 491-05-02, passed 5-20-02; Am. Ord. 518-08-03, passed 8-4-03; Am. Ord. 529-05-04, passed 5-17-04; Am. Ord. 549-07-05, passed 7-5-05; Am. Ord. 571-08-06, passed 8-7-06; Am. Ord. 583-08-07, passed 8-6-07; Am. Ord. 598-07-08, passed 7-7-08; Am. Ord. 620-12-09, passed 12-7-09; Am. Ord. 627-07-10, passed 7-6-10; Am. Ord. 639-06-11, passed 6-20-11; Am. Ord. 650-9-12, passed 9-4-12; Am. Ord. 663-07-13, passed 7-1-13; Am. Ord. 674-06-04, passed 6-2-14)

§ 50.13 BILLINGS.

All billings for garbage and rubbish collection charges shall be rendered monthly under the supervision of the City and the bills shall be due and payable on the date specified in the bill. The bills shall be generated and collected as part of the City utility billing system for water and sewer utilities, with the same conditions and penalties as are assessed for delinquent water and sewer charges. ('88 Code, Title II, Ch. 21, § 2.14) (Ord. 170-5-82, passed 5-3-82; Am. Ord. 285-5-90, passed 5-7-90; Am. Ord. 554-08-05, passed 8-1-05)

§ 50.14 PICKUP OF GARBAGE OR RUBBISH.

On the day scheduled by the City Manager for the weekly pickup of garbage and rubbish from residences, apartment houses, duplex dwellings or residences with kitchen privileges for roomers the owner, lessee, manager or supervisor of the premises shall place the required garbage containers for the accumulated garbage from the premises at the alley bordering the premises if the alley is used to pick up garbage and rubbish. If there is no such alley, then the garbage containers shall be placed along the curb or traveled portion of the street adjacent to the premises not sooner than 6:00 p.m. before the day scheduled for said pickup and not later than the time scheduled for said weekly pickup. In all cases when the garbage containers are placed along the curb or street as required by this chapter, the owner, lessee, manager or supervisor shall remove the garbage containers from said curb or street to a storage place on the premises outside the building or buildings on said premises before 12:00 midnight on the day scheduled for garbage pickup. ('88 Code, Title II, Ch. 21, § 2.17) (Ord. 170-5-82, passed 5-3-82; Am. Ord. 285-5-90, passed 5-7-90) Penalty, see § 50.99

§ 50.15 ENFORCEMENT.

The charges for garbage and rubbish disposal services are hereby recognized to constitute a lien on the premises served thereby and whenever any such charges against any piece of property shall be delinquent for six months, the City official or officials in charge of the collection thereof shall certify to the tax assessing officer of the City the fact of such delinquency, whereupon such charge shall be entered upon the next tax rolls as a tax against such premises and shall be collected and the lien thereof enforced in the same manner as general City taxes against such premises are collected and the lien thereof enforced. In addition, the City can apply the charges and collection mechanisms for delinquent water and sewer bills to unpaid garbage and rubbish collection bills as part of the City's utility billing process.

('88 Code, Title II, Ch. 21, § 2.15) (Ord. 170-5-82, passed 5-3-82; Am. Ord. 285-5-90, passed 5-7-90; Am. Ord. 554-08-05, passed 8-1-05)

§ 50.16 CITY-ORDERED PICKUPS OF TRASH.

The Building Inspector, Zoning Administrator, and the Director of Neighborhood Services are authorized to order the pickup of trash, rubbish, building debris, yard waste, tree trunks, limbs, or brush at the expense of the owner of any premises within the City when:

(A) The trash, rubbish, building debris, yard waste, tree trunks, limbs, or brush have been placed along the alley or street more than 36 hours prior to the next regular pickup; or

(B) Trash, rubbish, building debris, yard waste, tree trunks, limbs, or brush have been allowed to accumulate on any premises for a period of ten days after notice to the owner by first class mail and posting on the premises informing the owner that the accumulated material shall be removed or that it will be picked up at the owner's expense. (Ord. 400-11-95, passed 11-20-95)

§ 50.99 PENALTY.

Any person who violates any garbage, rubbish, trash, or yard waste regulation in Title V, Chapter 50, shall be responsible for a municipal civil infraction and shall be penalized as provided in § 10.97. ('88 Code, Title II, Ch. 21, § 2.16) (Am. Ord. 427-10-97, passed 10-6-97)

CHAPTER 51: WATER

Section

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Cross-reference:

*Water rates and charges, see Ch. 54
Capital Buy In Charge is defined in Chapter 54,
§§ 54.14 and 54.15*

§ 51.01 DEFINITIONS.

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

BACKFLOW. Water of questionable quality, wastes, or other contaminants entering a public water supply system due to a reversal of flow.

BACKFLOW PREVENTION DEVICE. Any device approved by the Michigan Department of Environmental Quality, which when properly installed and maintained will prevent backflow.

CAPITAL BUY IN CHARGE. The charge assessed to all customers connecting to the public water and/or sanitary sewer system. The **CAPITAL BUY IN CHARGE** shall consist of a Construction Fee and a Connection Fee.

CROSS CONNECTION. A connection or arrangement of piping or appurtenances through which a backflow could occur.

CURB BOX. A valve and related appurtenances generally located within the City right-of-way, or within an easement dedicated to the City, that allows the Department to turn the water on or off at each customer's building.

CUSTOMER. Any user of water supplied from the public water supply system operated and maintained by the City of Big Rapids.

DEPARTMENT. The office of the City Engineer/Utilities Director, or his or her designate.

MAIN. Any pipe, other than service pipe, used for conveying or distributing water.

METER HORN. A copper setting that holds the water meter connecting the service line to the building plumbing. The assembly generally includes a shut off valve on the service line side.

METER HORN ASSEMBLY. The meter horn, as provided by the manufacturer, plus a shut off valve installed adjacent to the meter horn on the property side.

NON-DEPARTMENT METER. A meter installed by the building owner for any non-department use that is not provided, maintained or read by the Department.

ON-SITE SYSTEM. Any water and/or sewage treatment and disposal system owned and maintained by a customer, such as a well or septic tank/tile field.

OWNER. Any person owning any premises supplied or to be supplied with City water, or his authorized agent.

PIPE. A long tube of metal or plastic used to convey water.

REMOTE READER. A device generally located on the outside of a building that allows the Department to electronically read the water meter located within the building.

SECONDARY METER. A meter owned by the City and used for lawn irrigation or other non-domestic use for which sewage charges are not applied. The meter shall be located upstream from the primary water meter.

SERVICE PIPE. The pipe tapped into the mains and extending thence to the meter horn.

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

UTILITY RATES. The rates to be charged for water and sewer use, based upon the quantity of water consumed on any premises as measured by a water meter or flat rate charged if no meter is used. Utility rates shall also include the volume of water measured by a water meter installed in a home served by an on-site well, when the home is served by a public sewer.

UTILITY INVOICE. All charges for water and/or sewer services other than consumption charges for a particular owner or customer. Charges may be authorized by this Chapter or Chapter 54. All such charges shall be collectible as currently allowed by Chapter 54.

UTILITY SCHEDULE OF FEES. The Utility Schedule of Fees may include, but is not limited to, shut-off/turn-on charges, collection of delinquent bills, meter replacement charges, service line installation, connection fee and such other charges as may be established by the City Commission. The Utility Schedule of Fees shall establish the billing system for collection of the utility fees as allowed by this chapter.
(‘88 Code, Title II, Ch. 22, § 2.31) (Am. Ord. 476-02-01, passed 2-5-01; Am. Ord. 572-10-06, passed 10-2-06)

§ 51.02 CITY MANAGER; POWERS AND DUTIES.

(A) Subject to the City Commission, state statutes and the Charter, the City Manager shall have control of all matters in connection with the furnishing of water to the inhabitants of the City and adjacent communities, and make such operational rules and

regulations as he may deem necessary, and shall audit all bills and accounts for the maintenance of the water system of the City and report such bills and accounts to the City Commission with his recommendations thereon.

(B) The water supply system of the City, including all property and employees in connection therewith, shall be under the supervision of the City Manager. The City Manager shall designate some person to act as Superintendent of the water works, and the Superintendent shall, in accordance with the provisions of this Code, hire such employees as may be necessary for the operation of the Department, except that whenever skilled technicians are required, they shall be designated by the City Manager. The Superintendent shall have direct control of the operation and maintenance of the water system, as directed by the City Manager and the Department shall enforce the provisions of this chapter.

(C) The City Manager shall erect, in the City and other places as permitted by law, reservoirs, buildings, machinery, and fixtures, lay pipes, construct aqueducts and other works, including service pipes from the main to the building, and the installations of all meters and other incidentals and acquire, purchase, maintain, alter and repair the same.
(‘88 Code, Title II, Ch. 22, § 2.32(1) - (3)) (Am. Ord. 572-10-06, passed 10-2-06)

§ 51.03 WATER FUND.

All moneys received shall be paid into the City treasury and such moneys shall apply exclusively to the payment of the expenses incurred in the construction, operation, and maintenance of the water works, including the interest and principal of any or all bonds issued and to be issued on account of the water system of the City. All moneys received shall be kept in a separate fund to be known as the water fund and shall be used only for purposes designated by this chapter.
(‘88 Code, Title II, Ch. 22, § 2.32(4)) (Am. Ord. 572-10-06, passed 10-2-06)

§ 51.04 WATER MAINS.

The water mains of the City shall be under the exclusive control of the Department and no unauthorized person shall disturb, tap, change, obstruct or interfere with them in any manner

whatsoever. Extension of, or changes in, the water mains shall be made only by the direction of the City Commission.

('88 Code, Title II, Ch. 22, § 2.33) (Am. Ord. 572-10-06, passed 10-2-06)

§ 51.05 WATER MAIN EXTENSIONS.

(A) Any person desiring an extension of water mains shall petition the City Commission in writing; the petition shall be filed with the Clerk. The City Commission shall determine the desirability and necessity of such extension and, if the Commission shall deem it desirable and necessary, it may cause an estimate of the expense of such proposed extension to be submitted for its determination.

(B) The cost of water main extensions to the customer shall be in addition to a Capital Buy in Charge, as defined in Chapter 54, § 54.14.

(C) The City Manager shall set the cost of water main extensions subject to the approval of the City Commission.

('88 Code, Title II, Ch. 22, § 2.32(5)) (Am. Ord. 572-10-06, passed 10-2-06)

§ 51.06 SERVICE PIPE; REGULATIONS, PROHIBITIONS.

(A) All service pipe on either public or private property shall be laid on a solid bottom not less than six feet below the established grade measured to the top of the pipe. The location of the service pipe shall be approved in writing by the Department prior to installation.

(B) From the water main to the meter, all service pipe shall be Type K copper, not less than 1 inch in diameter. The curb box shall be set on a suitable foundation that will prevent settling. All service curb boxes shall be at least 1-inch diameter, extra heavy, round way stop and water type, placed approximately one foot inside the public right-of-way line.

(C) (1) A meter horn assembly must be placed on the service pipe just inside the building wall in a location not subject to flooding. This requirement shall apply to all new construction and to all residential meters at the time that a meter is replaced. The cost of the meter horn assembly for residential customers shall be borne by the City.

(2) Where a meter horn assembly or a downstream shut off valve does not exist, the owner shall cause a valve to be installed in a location approved by the City or shall allow the City to install the necessary meter horn assembly at the owner's expense. The work shall be done when the water meter is replaced or when the owner requests that water be shut off for internal water system repairs or upgrades.

(3) Existing valves shall be maintained in proper working order. The Department shall not be responsible for valves that fail to operate when needed.

(D) The service pipe from the water main to the curb box shall be placed as designated by the Department. Service pipe from the main to the curb box, including the curb box, shall be maintained by the Department. All service pipe on private property shall be maintained by the owner.

(E) All service pipe on private property and all water pipe in all premises shall be installed by a licensed contractor, or plumber. Such contractor shall not interfere in any way with service pipes installed by the Department, and shall not turn water on or off at the curb box except for the purpose of testing his work, in which case the curb box shall be left in the same condition and position as he found it. Any plumber called upon to shut off water and drain pipes in any premises shall do so inside the building only. The license of any plumber violating the provisions of this division will be subject to revocation.

(F) Installation of all appurtenances, including but not limited to water service pipe, curb boxes, and customer isolation valves, shall be installed in accordance with the City of Big Rapids standard construction specifications, or as authorized in writing by the Department.

('88 Code, Title II, Ch. 22, § 2.34) (Am. Ord. 476-02-01, passed 2-5-01; Am. Ord. 572-10-06, passed 10-2-06)

§ 51.07 SERVICE CONNECTIONS; PERMIT REQUIRED.

(A) Before any connection shall be made to any water main, application for a permit must be made by the owner, or authorized agent, to the Department. Such application shall be made in the form and manner prescribed by the Department, and shall state the location of the property, the name of the owner, billing address and the name of the plumber or contractor employed to do the work. Such permit

shall be granted on the express condition that the owner, for whose benefit the connection is made, shall on behalf of himself, his heirs, executors, administrators, or assigns, hold the City harmless for any loss or damage that may in any way be occasioned by the making of such connection.

be readily reached by City staff. In all cases where

(B) All service pipes, fittings, labor and connections now existing or hereafter installed under this chapter shall be paid for by the property owner for whose property such service is installed, and such charges shall be a lien against such property until paid. The cost to the property owner shall be as established by the Utility Schedule of Fees.

('88 Code, Title II, Ch. 22, § 2.35) (Am. Ord. 476-02-01, passed 2-5-01; Am. Ord. 572-10-06, passed 10-2-06)

§ 51.08 METERS.

(A) Any owner or occupant of any premises using Department water shall pay for water at meter rates. In no case will water be supplied at rates other than as shown by the meter, except for temporary supply or as may be hereinafter provided.

(B) Residential meters of 5/8-inch size will be furnished by the Department without advance charge and are, and shall remain, the property of the Department and will at all times be under its control.

All non-residential meters shall be paid for by the owner and shall be installed in a manner approved by the Department. The Department may require an inspection of the installation before service begins. All nonresidential meters are and shall remain the property of the Department and will at all times be under its control.

(C) For ordinary domestic consumption of water, only a 5/8-inch meter, meter horn and remote reader will be furnished to new customers at Department expense. When application is made for a meter larger than 5/8 inch, the customer may select and shall pay for such meter. If a customer requests a change in meter size at some later date, the customer shall pay the full cost of replacement meter. The payment for a meter larger than a 5/8 inch meter is expected before delivery of the meter unless other payment arrangements have been approved in writing by the Treasurer's Office. In no case shall payment arrangements be delayed beyond the date when occupancy of the building is expected to occur.

(D) Meters and remote readers shall be set in an accessible location as approved by the Department. In no case shall a meter be set in an inaccessible location or other place where it cannot

the premises contain no basement or cellar, the meter shall be installed in a location approved by the Department. The Department will notify customers where inaccessible meters are known to exist and provide a compliance schedule for relocation of the meter, which schedule shall provide 60 days for the relocation of the meter. The Department, at its sole discretion, may allow an alternate schedule. Meters located in inaccessible locations that come to the attention of the Department at a later date shall be treated in a like manner. The City shall provide the replacement 5/8 inch meter, meter horn and remote reader at no charge to the residential customer. Any work performed by City staff shall be charged to the owner on a time and materials basis. Owners that fail to comply with the compliance schedule shall have their water service terminated. All other customers shall be charged the current rates for the materials used by City staff.

(E) Meters will be sealed by the Department and no one except an authorized employee of the Department shall break such seals. No person other than an authorized employee of the Department shall change the location of, alter or interfere in any way with any meter.

(F) Where replacements, repairs, or adjustments of the meter are made necessary by any act, neglect, or carelessness of the owner or occupant of any premises, the expense to the Department caused thereby shall be charged against and collected from the owner or occupant of the premises on a time and material basis.

(G) (1) The owner of any premises where a meter is installed will be held responsible for its care and protection from freezing, and from injury or interference by any person. In case of damage to the meter or in case of its stoppage or defective condition caused by the owner or occupant, the owner or occupant shall give immediate notice to the Department. All frozen or damaged meters shall be replaced by the City on a time and material basis and shall be paid by the owner.

(2) The owner shall be responsible for damage to the remote reader and/or the wiring from the meter to the remote reader. Any repairs found to be necessary to restore the proper working function of the reader and/or the wiring shall be billed to the owner on a time and material basis.

(H) All water used on any premises must pass through the meter. Any bypass or connection between the meter and the main is prohibited unless approved in writing by the Department.

(I) Secondary meters may be installed for purposes including but not limited to sprinkling, sub-metering and independent metering in a manner and utilizing a brand approved by the Department. All maintenance of secondary meters shall be the responsibility of the owner. Existing secondary metering is subject to Department review. A schedule will be developed to remove existing secondary meters that are not accepted by the Department.

(J) If any meter is not working properly or fails to register, the customer will be charged at the average monthly consumption rate as shown by the meter when registering over 12 months, or any shorter period if 12 months of service history is not available. The accuracy of the meter on any premises will be tested by the Department upon written request of the owner who shall pay a fee specified in the Utility Schedule of Fees, adopted by the City Commission to cover the cost of the test. If on such test, the meter shall be found to register over 3% more water than actually passes through it, another meter will be substituted therefore, and the fee will be refunded to the owner of the premises, and the water bill may be adjusted in accordance with Section 54.13. ('88 Code, Title II, Ch. 22, § 2.36) (Am. Ord. 476-02-01, passed 2-5-01)

(K) Any person who tampers with a water meter, and any customer or owner of property served by the City who allows such tampering to take place, shall be responsible for a municipal civil infraction. In addition, the customer may be subject to termination of water service unless the customer takes immediate steps to prevent further tampering.

(L) (1) The City reserves the right to require that a meter be placed at the property line when, in the sole opinion of the Department, such installation is in the best interest of the City. Maintenance of the water lines on private property shall be the sole responsibility of the owner. The owner of the on-site water system shall at all times maintain the internal plumbing in a manner that does not subject the on-site system and the City water system to potential cross connections. If, in the sole opinion of the Department, the loss of water represents a threat to the public health, safety and welfare of the water system, the Department may issue written notice to the customer requiring the immediate repair of the customer's internal plumbing. If repairs are not undertaken within the time specified by the Department, the water may be turned off in order to protect the public health, safety and welfare of the remaining customers.

(2) Before service is restored, the owner shall install an approved backflow prevention device on the line entering the property. Such device shall be installed immediately downstream from the meter. Both the meter and the backflow prevention device shall be installed in an accessible, above grade structure that is protected from freezing. The property owner shall obtain the written approval of the Department before installing the meter and the backflow prevention device.

(M) If requested, the City may provide a meter to a customer not served by the public water system, where such meter is to be used to establish the volume of waste water discharged into the sanitary sewer system. Any such meter shall be obtained from the City in accordance with the Utility Schedule of Fees, shall remain the property of the City, shall be installed by the customer in full conformance with the requirements of this section, and shall be subject to all of the terms, conditions and enforcement provisions of this chapter. (Ord. 476-02-01, passed 2-5-01)

(N) (1) All water meters shall be designed for remote read. All wiring for the remote read shall be installed in conduit from the meter to the exterior wall. Conduit for all non-residential meters shall include a suitable pull wire. Conduit shall be installed whenever remodeling is done for a non-residential customer.

(2) Wiring for remote read meters shall be installed in all new construction before meters are installed and service begins. The Department shall be contacted so that the proposed location of the meter and remote reader can be identified and approved. The owner shall install the meter and remote reader in the location specified by the Department staff. The Department may install the remote reader, conduit and wiring, and shall bill the owner on a time and materials basis. Service shall not be allowed until the meter and remote reader installation have been approved by the Department.

(O) A curb box, located at the property line, shall be provided for each residential meter. (Ord. 572-10-06, passed 10-2-06)

§ 51.09 USE OF WATER.

(A) Whenever new service pipes are installed in any premises the curb box shall be left closed, and will thereafter be opened by the Department only upon request of the owner or his agent. The holder of a permit for temporary use of water shall notify the Department upon the completion of his work so that the water may be shut off.

(B) No person shall take or use Department water from premises other than his own, and no person shall sell or distribute Department water from his own premises unless prior written approval of the Department has been obtained. Water shall be taken and used only through service pipes under the supervision of the Department, and no connection through which water may pass from one property to another shall exist even though the ownership of both properties may be the same, except in such special cases when allowed by the City Manager, with the consent and approval of the City Commission.

(C) Excessive or unnecessary use or waste of water, whether caused by carelessness or by defective or leaking plumbing or fixtures is prohibited. For disregard, or repeated violation, of this provision, the Department may turn off the water. If, in the sole opinion of the Department, the loss of water represents a threat to the public health, safety and welfare of the water system, the Department may issue written notice to the owner requiring the immediate repair of the owner's internal plumbing. If repairs are not undertaken within the time specified by the Department, the water may be turned off in order to protect the public health, safety and welfare of the remaining customers.

(D) (1) Whenever the water has been turned off by the Department for any reason, no person except an authorized employee of the Department shall turn it on again. Any person violating this provision shall be subject to the penalties herein provided. The water may be shut off in which case the owner shall, before it is turned on again, pay in advance the appropriate cost according to the Utility Schedule of Fees.

(2) The charge for the Department to turn on or shut off the water during regular office hours, which are defined as 8:00 AM until 5:00 PM, local time Monday through Friday, excluding City approved holidays, or during non-office hours shall be included in the Utility Schedule of Fees, established by the City Commission.
(88 Code, Title II, Ch. 22, § 2.37(1) - (5)) (Am. Ord. 256-12-88, passed 12-19-88 ; Am. Ord. 476-02-01, passed 2-5-01)

(E) Any temporary use of water including but not limited to construction, bulk withdrawal or any other use shall be based on a written request submitted by the user and approved by the Department. The written request shall include a description of the steps to be taken to protect the public water supply from freezing or backflow.
(Am. Ord. 572-10-06, passed 10-2-06)

§ 51.10 PUBLIC DRINKING FOUNTAINS AND THE LIKE.

Public drinking fountains shall be used for drinking purposes only, unless such fountains have been provided with a spigot specifically designed for other use.

('88 Code, Title II, Ch. 22, § 2.37(6)) (Am. Ord. 476-02-01, passed 2-5-01; Am. Ord. 572-10-06, passed 10-2-06) Penalty, see § 51.99

§ 51.11 [RESERVED].

§ 51.12 UNLAWFUL OBSTRUCTION OR INTERFERENCE WITH WATER SYSTEM.

(A) No person shall obstruct or interfere with any curb box, valve, meter or meter box, or fixture connected thereto by placing in, on or about it, landscaping, pavement, building materials, rubbish, soil, snow or other hindrance to easy and free access thereto.

(B) Shall it become necessary for the Department to take action to remove any obstructions or otherwise restore the function of any curb box, valve, meter or meter box, or fixture connected thereto, due to negligence of the owner or customer, the cost of such work shall be charged to the property owner on a time and materials basis.

('88 Code, Title II, Ch. 22, § 2.37(8)) (Am. Ord. 476-02-01, passed 2-5-01; Am. Ord. 572-10-06, passed 10-2-06) Penalty, see § 51.99

§ 51.13 INSPECTIONS.

(A) An authorized employee of the Department shall have free access at all reasonable hours to any premises supplied with Department water for the purpose of making an inspection there-of, including but not limited to the examination of the water service line, water meter, water meter assembly, backflow prevention device and the remaining water system which shall include the entire water supply and plumbing system on the premises. No person shall refuse to admit any authorized inspector or employee of the Department to any premises for such purpose. In the event that the owner or occupant of the property is not available at the time of the inspection, a notice will be left at the property notifying the owner or occupant of the need for an inspection. The owner or occupant shall provide a time and date for the follow-up visit, within three working days of the date of the Department's initial visit.

(B) (1) An authorized employee of the Department, at the discretion of the Department, shall inspect any new water service, new or rebuilt water meter installation, or backflow prevention device before water service is turned on. The owner or occupant shall notify the Department when such work has been completed and arrange for an inspection, which inspection shall be conducted as soon as reasonably possible. All such inspections are to be conducted during the hours of 7:30 AM and 3:00 PM, Monday through Friday, unless other arrangements have been approved by the Department.

(2) Any owner or occupant that refuses admittance to any authorized employee, or hinders, prevents or frustrates the inspection, or fails to provide a time and date for the follow-up inspection within the three day time period specified above, or fails to comply with the inspection notification requirements for a new water service, new or rebuilt water meter or backflow prevention device, shall be subject to termination of water service.
(‘88 Code, Title II, Ch. 22, § 2.37(9)) (Am. Ord. 572-10-06, passed 10-2-06) Penalty, see § 51.99

§ 51.14 EMERGENCY REGULATIONS.

Whenever the City Manager shall determine that the amount of water from its distribution system has reached such a volume that unless restricted the public health, safety and general welfare is likely to be endangered, he shall prescribe rules and regulations to conserve the water supply during such an emergency. It shall be unlawful for any person to violate any such rule and regulation provided that before any such rule and regulation shall become effective it shall be published once in a newspaper in general circulation in the City.
(‘88 Code, Title II, Ch. 22, § 2.38) (Am. Ord. 572-10-06, passed 10-2-06)

§ 51.15 SPRINKLING AND FIRE PROTECTION.

(A) Any non-essential water use is strictly prohibited during an alarm of fire.

(B) Whenever pipes are provided for fire protection on any premises or whenever hose connections for fire apparatus are provided on any pipe, each connection or opening on said pipes shall have not less than 25 feet of fire hose constantly attached thereto, and no water shall be taken through such openings or hose for any purpose other than for extinguishing fires, except for the purpose of testing

such fire equipment. Any such test must be conducted under a special permit and under the supervision of the Department.
(‘88 Code, Title II, Ch. 22, § 2.39) (Am. Ord. 572-10-06, passed 10-2-06)

§ 51.16 CROSS-CONNECTIONS.

The City adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality (MDEQ), being R 325.11401 to, and including, R 325.11407 of the Safe Drinking Water Act, Act 399, Public Acts 1976, State of Michigan.

(A) It shall be the duty of the City to inspect all properties served by the public water supply where cross-connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the City and as approved by the Michigan Department of Environmental Quality (MDEQ).

(B) Representatives of the City shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the City for the purpose of inspecting the internal plumbing system or systems thereof for cross-connections. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the internal plumbing system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

(C) The City is authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross-connection or cross-connections have been eliminated in compliance with the provisions of this section.

(D) The potable water supply made available on the properties served by the public water supply shall be protected from the possible contamination as specified by this section and by the State Plumbing Code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

| |
|---|
| <p>WATER UNSAFE FOR DRINKING</p> |
|---|

(E) This section does not supersede the State Plumbing Code, but is supplementary to it. ('88 Code, Title II, Ch. 22, § 2.40) (Ord. 146, passed 12-4-78; Am. Ord. 572-10-06, passed 10-2-06) Penalty, see § 51.99

§ 51.17 WATER UTILITY SERVICE OUTSIDE THE CORPORATE LIMITS.

(A) The City may provide but shall not be compelled to provide, utility service outside its corporate limits. Where service is provided outside the corporate limits, it shall be by franchise agreement.

(B) Infrastructure necessary to extend, install, or otherwise provide service outside the corporate limits shall be constructed according to City specifications. Ownership, operation and maintenance of the mains installed in townships shall be guided by contracts between the agencies.

(C) Water rates charged to township customers shall be the same as those charged to non-property tax paying customers, currently described as the institutional rate. (Ord. 445-4-99, passed 4-5-99; Am. Ord. 476-02-01, passed 2-5-01; Am. Ord. 572-10-06, passed 10-2-06)

§ 51.99 PENALTY.

(A) Any person who violates a provision of this chapter, or any written order of the Department shall be responsible for a municipal civil infraction, with penalties as specified in § 10.97(E).

(B) The City Engineer/Utilities Director and the Public Works Director are authorized to issue municipal civil infraction citations for violations of this chapter, and for violations of any written order of the Department.

(C) The City is authorized to (a) shut off water service, (b) recover costs, or charge the expense of shutting off and restoring service to the premises, and (c) impose added charges for water usage at the

highest one month usage rate at the premises in the preceding one year of service for water usage on which there is no meter reading.

(D) After notice in writing of a violation of any provision of this chapter, or a written order of the Department, and a reasonable time to comply, the Department can shut off service, for reasons including, but not limited to, the following circumstances: (a) the shut off is missing, (b) the shut off is broken, (c) the shut off is inaccessible, (d) the customer refuses access to the premises to repair or replace a meter, (e) the customer refuses to repair the building, which allows the meter to freeze, or (f) the customer does not make repairs to leaking water lines within the time specified in a written Department directive. All costs to replace a meter shall be charged to the owner.

(E) The owner is responsible for all repairs to their service line, from the water main to the structure. All repairs of the service line from the water main to the curb box shall be made under the direction of the Department. When the repair occurs on private property, the owner is responsible for the repair. If, however, the repair is within the public right-of-way, the City will schedule the work and bill the owner, as provided in the Utility Schedule of Fees approved by the City Commission. If the service line freezes, the method of thawing the service line must be approved by the Department. The entire cost of thawing the service line shall be the sole responsibility of the owner. In the event of an administrative shut off because of one or more violations of the ordinance, an additional fee covering the additional staff time shall be assessed in accordance with the Utility Schedule of Fees approved by the City Commission.

(F) The City Commission shall establish a Utility Schedule of Fees that includes charges it deems appropriate to recover the cost incurred by the Water Department, Treasurer's Office, or other City Staff, for repair or replacement of water meters, water shut-off and turn-ons, collection of delinquent bills, issuance of Utility Invoices and/or such other staff efforts as are required to implement this chapter, and operate and maintain the water system.

(G) The City reserves the right to discontinue temporarily the water supply to any of the water mains or pipelines in the City, Big Rapids Township, or Green Township due to acts of God or whenever it is necessary for the purposes of testing, repairing or replacing water mains, meters or any other of its facilities serving the water system. No claim for

damages for such discontinuance shall be made against the City, its employees, agents or assigns. (Ord. 476-02-01, passed 2-5-01; Am. Ord. 572-10-0610-2-06)

CHAPTER 52: SEWER USE REGULATIONS

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GENERAL PROVISIONS

§ 52.01 PURPOSE AND OBJECTIVES.

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

(B) The objectives of this chapter are:

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

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

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

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

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

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

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

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

§ 52.02 APPLICATION.

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

§ 52.03 DEFINITIONS.

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

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

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

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

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

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

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

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

CITY COMMISSION. The City Commission of the City.

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

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

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

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

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

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

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

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

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

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

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

GRAB SAMPLE. A random sewage sample.

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

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

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

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

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

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

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

NATIONAL CATEGORICAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of

food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

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

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

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

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

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

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

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

SIGNIFICANT INDUSTRIAL USER.

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

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

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

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

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

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

SIGNIFICANT NONCOMPLIANCE.

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

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

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

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

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

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

(7) Failure to accurately report noncompliance.

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

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

STANDARD INDUSTRIAL CLASSIFICATION.

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

STATE. The State of Michigan.

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

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

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

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

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

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

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

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

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

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

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

WATERS OF THE STATE. Waters of the State include:

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

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

(3) Any other waters specified by State Law.

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

§ 52.04 ABBREVIATIONS.

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

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

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

§ 52.05 USER CLASSIFICATION.

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

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

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

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

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

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

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

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

USE OF PUBLIC SEWERS

§ 52.15 PROTECTION FROM DAMAGE OR UNLAWFUL INTERFERENCE.

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

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

§ 52.16 UNLAWFUL DISCHARGES.

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

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

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

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

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

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

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

§ 52.17 DUTIES OF SUPERINTENDENT.

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

(A) Reject the waste.

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

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

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

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

§ 52.18 PRETREATMENT.

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

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

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

§ 52.19 GREASE, OIL AND SAND INTERCEPTORS.

(A) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes which may contain grease in excessive amounts, or any flammable wastes, sand or harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning by the owner and inspection by the City.

(B) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

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

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

§ 52.20 SIGNIFICANT INDUSTRIAL AND COMMERCIAL USERS.

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

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

§ 52.21 MONITORING FACILITIES.

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

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

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

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

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

§ 52.22 SPECIAL AGREEMENTS WITH CITY.

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

§ 52.23 AGREEMENTS OR CONTRACTS WITH OTHER GOVERNMENTAL UNITS.

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

§ 52.24 PRIVIES, CESSPOOLS AND THE LIKE RESTRICTED.

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

§ 52.25 TOILET FACILITIES AND CONNECTIONS REQUIRED.

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

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

§ 52.26 INFORMATION AND SPECIAL RESTRICTIONS FOR CERTAIN USERS.

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

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

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

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

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

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

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

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

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

PRIVATE SEWAGE DISPOSAL

§ 52.35 PRIVATE SEWAGE DISPOSAL CONNECTIONS.

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

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

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

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

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

§ 52.36 PERMIT REQUIRED.

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

§ 52.37 INSPECTION.

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

§ 52.38 PUBLIC SEWER CONNECTION REQUIRED WHEN AVAILABLE.

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

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

§ 52.39 SEPTIC TANK SEWAGE.

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

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

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

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

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

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

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

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

§ 52.46 FINAL APPROVAL.

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

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

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

§ 52.47 COSTS TO BE BORNE BY PROPERTY OWNER.

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

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

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

§ 52.48 CITY TO MAKE CONNECTIONS TO PUBLIC SYSTEM.

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

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

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

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

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

§ 52.50 EXCAVATIONS.

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

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

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

RATES, CHARGES AND REVENUES

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

§ 52.60 USER RATES AND CHARGES FOR WASTEWATER DISPOSAL SERVICE.

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

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

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

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

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

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

§ 52.61 ALLOCATION OF REVENUES.

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

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

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

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

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

§ 52.62 FISCAL YEAR.

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

ADMINISTRATION AND ENFORCEMENT

§ 52.70 CONTROL OF POTW.

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

§ 52.71 POWERS AND AUTHORITY OF INSPECTORS.

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

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

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

§ 52.72 APPEAL.

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

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

§ 52.99 PENALTY.

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

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

CHAPTER 53: WASTEWATER PRETREATMENT

Section

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GENERAL PROVISIONS

§ 53.001 PURPOSE.

This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City and enables the City to comply with all applicable state and federal laws required by the Clean Water Act, as amended, 33 USC 1251, et seq., and the General Pretreatment Regulations (40 CFR, Part 403). (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.002 OBJECTIVES.

The objectives of this chapter are to:

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

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

(C) Improve the opportunity to recycle and reclaim wastewater and sludge from the system;

(D) Control or prevent discharges or potential discharges (storage of materials) to systems or areas under the jurisdiction of this municipality that may impair the environment.

(E) Control or prevent the introduction of pollutants into the POTW which may cause the treatment plant to violate its NPDES Discharge Permit.

(F) Control or prevent the introduction of pollutants into the POTW which pose a health threat to POTW workers. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.003 POLICY; APPLICATION.

(A) This chapter provides for the regulation of direct contributors to the municipal wastewater system through the issuance of permits, execution of binding contracts, or enforcement of administrative regulations. This chapter also authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers capacity will not be preempted and provides for the setting of fees for the equitable distribution of cost resulting from the program established herein. This chapter does not provide for the recovery of operations, maintenance or replacement costs of the POTW, or the costs associated with the construction of collection and treatment systems used by industrial dischargers in proportion to their use of the POTW, which are the subject of separate enactments.

(B) This chapter shall apply to the City and to persons outside the City who are by contract or agreement with the City, users of the Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the City Engineer/Utilities Director, or his or her designate, shall administer, implement and enforce the provisions of this chapter. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.004 DEFINITIONS.

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

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

ALTERNATIVE DISCHARGE LIMIT. Limits set by the City in lieu of the promulgated National Categorical Pretreatment Standards, for integrated facilities in accordance with the combined wastestream formula as set by the EPA.

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

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER.

(1) In the case of a corporation, a president, secretary, treasurer, vice president of the corporation in charge of a principal business function;

(2) In the case of a partnership or proprietorship, a general partner or proprietor; and

(3) An authorized representative of the individual designated above if:

(a) Such representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates;

(b) The authorization is in writing; and

(c) The written authorization is submitted to the POTW.

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

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.

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

BYPASS. The intentional diversion of wastestreams from any portion of an Industrial users treatment facility.

CATEGORICAL STANDARDS. National Categorical Pretreatment Standards or Pretreatment Standards as defined in CFR Part 400.

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

COD or CHEMICAL OXYGEN DEMAND. A measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant.

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

COMBINED WASTESTREAM. The wastestream at industrial facilities where regulated process effluent is mixed with other wastewater (either regulated or unregulated) prior to discharge.

COMPATIBLE POLLUTANT. The pollutants which are treated and removed to a substantial degree by the treatment works. These pollutants are biochemical oxygen demand, suspended solids, pH, fecal coliform, and phosphorus and its compounds.

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

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

DILUTION. The reduction in strength or concentration of substances by the addition of water.

DIRECTOR. The Director of the Michigan Department of Environmental Quality.

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

EPA ADMINISTRATOR. The head of the U.S. Environmental Protection Agency.

EXTRA STRENGTH SEWAGE. Sewage containing pollutants or other material in excess of levels normally found in a domestic source.

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

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

GRAB SAMPLE. A sample collected at a particular time and place.

HOLDING TANK WASTE. Any waste from holding tanks including but not limited to wastes from vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

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

INDUSTRIAL COST RECOVERY. Industrial Cost Recovery (ICR) may be defined as the cost recovered from industrial users of the treatment works of the grant amount allocable to the treatment of wastes from such users under Section 204(b) of P.L. 95217.

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

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

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

INTEGRATED FACILITIES. Industrial facilities with a combined wastestream.

INTERFERENCE. A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes (use or disposal) and thereby causes either a NPDES permit violation or prevents sewage sludge use or disposal in compliance with 40 CFR 403.3(i)(2).

LOCAL LIMITS. The concentration expressed in milligrams per liter, that users can not exceed when discharging any waste into the City's collection system. The Local Limits apply equally to all users. Local Limits will be established based on the results of an engineering evaluation of the wastewater collection and treatment facilities, and shall be approved by the Michigan Department of Environmental Quality before being enforced by the City of Big Rapids.

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

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

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

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 Section 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) Any 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 divisions (1)(b) or (c) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a "new source" as defined under this definition 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 clearing, 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 definition.

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

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

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

PERSON. Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the

feminine, the singular shall include the plural where indicated by the context.

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

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

POLLUTANT. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial and agricultural waste or other contaminant.

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

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

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

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

PROHIBITED DISCHARGES. Prohibited discharges are nondomestic user discharges which interfere with or pass through the treatment plant operations. They include but are not limited to the priority pollutants, hazardous materials, and certain characteristics of the water which interfere with the

treatment plant and/or collection system. They are defined as follows:

(1) Chemical compound which interferes with or passes through the treatment process.

(2) Materials which create a fire or explosion hazard in the sewers or treatment works, or which release poisonous gasses.

(3) Materials which obstruct the flow in the sewage collection and/or treatment system.

(4) Materials which will change the pH to highly acidic or alkaline.

(5) Water which increases the treatment influent to above 104° F. (40° C.).

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

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

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

REGIONAL ADMINISTRATOR. The administrator of the regional office of the USEPA that has jurisdictional authority within the City of Big Rapids, or anyone designated by this person to act in his or her place.

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

SEVERE PROPERTY DAMAGE. Substantial physical damage to property or damage to the treatment facilities which may cause them to become inoperable, or substantial and permanent loss of

natural resources which can reasonably be expected to occur in the absence of a bypass. "Severe property damage" does not mean economic loss caused by delays in production.

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

SEWAGE WORKS. All facilities for the collection, pumping, treating and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage.

SEWER SERVICE CHARGES. A rate charged for providing wastewater collection and treatment service.

SIGNIFICANT INDUSTRIAL USER.

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

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

(b) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastewater which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

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

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

SIGNIFICANT NONCOMPLIANCE.

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

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

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

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

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

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

(7) Failure to accurately report noncompliance.

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

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

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

STANDARD INDUSTRIAL CLASSIFICATION or **SIC.** A classification pursuant to the "Standard Industrial Classification Manual" issued by the Executive Office of the President, Office of Management and Budget, 1972.

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

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

SURCHARGE. An extra charge to cover the cost of treating, sampling and testing extra strength sewage.

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

TOTAL PETROLEUM HYDROCARBONS. Petroleum based portion of fats-oils-grease.

TOXIC POLLUTANT. Any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment including those listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the CWA 307(a) or other Acts, or included in the Critical Materials Register promulgated by the Michigan Department of Environmental Quality or other Acts.

UPSET. An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set for in § 53.110 due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

U.S. EPA. The United State Environmental Protection Agency which assures the protection of

the environment by abating or controlling pollution on a systematic basis.

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

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

USER CLASS. The kind of user connected to the sanitary sewers, including but not limited to, residential, industrial, commercial, institutional and governmental.

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

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

WATERS OF THE STATE. Waters of the State include:

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

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

(3) Any other waters specified by state law.
(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.005 ABBREVIATIONS.

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

ASTM American Society for Testing Materials

| | |
|----------|---|
| BOD | Biochemical Oxygen Demand |
| CFR | Code of Federal Regulations |
| COD | Chemical Oxygen Demand |
| CWA | Clean Water Act |
| FOG | Fats, oil and grease |
| IPP | Industrial Pretreatment Program |
| MDEQ | Michigan Department of Environmental Quality |
| mg/l | Milligrams per liter |
| NPDES | National Pollutant Discharge Elimination System |
| O&M | Operations & Maintenance |
| O, M & R | Operation, Maintenance & Replacement |
| PIPP | Pollution Incidence Prevention Program |
| POTW | Publicly Owned Treatment Works |
| RCRA | Resource Conservation and Recovery Act |
| SIC | Standard Industrial Classification |
| SS | Suspended Solids |
| SWDA | Solid Waste Disposal Act, 42 USC 6901, et. seq. |
| TPH | Total Petroleum Hydrocarbons |
| TSS | Total Suspended Solids |
| ug/l | microgram per liter |
| USC | United States Code |
| U.S. EPA | United States Environmental Protection Agency |
| VOC | Volatile Organic Compound |
| WEA | Water Environment Association |

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.006 REMOVAL CREDITS.

Where applicable, the Authority may elect to initiate a program of removal credits as part of this chapter to reflect the POTW's ability to remove pollutants in accordance with 40 CFR, Part 403.7.
(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.007 NET/GROSS CALCULATIONS.

The Control Authority may elect to adjust Categorical Pretreatment Standards to reflect the presence of pollutants in the Industrial user's intake water, in accordance with 40 CFR, Part 403.15.
(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

DISCHARGE REGULATIONS**§ 53.015 GENERAL DISCHARGE PROHIBITIONS.**

No discharger shall contribute or cause to be contributed, directly or indirectly, any pollutant(s) which will pass through or cause interference with the operation or performance of the POTW or otherwise to the facilities of the City.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02) Penalty, see § 53.999

§ 53.016 SPECIFIC DISCHARGE PROHIBITIONS.

In addition to the general discharge prohibitions, the following specific pollutants shall not be introduced into the POTW or otherwise to the facilities of the City:

(A) Pollutants which by reason of their nature or quantity may create a fire or explosion hazard or be injurious to the POTW or the operation of the POTW including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° F. or 60° C. using the test methods specified in 40 CFR 261.21.

(B) Pollutants which will cause corrosive structural damage to the POTW, but in no case dischargers with pH lower than 6.0 or higher than 9.5.

(C) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders with particles greater than one-half inch in any dimension, or any material which can be disposed of as trash.

(D) Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD and the like) released in a discharge at a flow rate and/or pollutant concentration which may cause interference with the POTW.

(E) Heat in amounts which may inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant

exceeds 40° C. (104° F.) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.

(F) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass through.

(G) Pollutants which may result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems, injure or interfere with any sewage treatment process, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(H) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(I) Any waters or sewage containing pollutant concentrations greater than those listed on the federal categorical pretreatment standards for a particular subcategory. If the federal standard is more stringent than limitations proposed under this chapter for sources in that subcategory, the federal standards shall immediately supersede the limitations imposed under this chapter. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR Section 403.12.

(J) Any wastewater containing any radioactive waste or isotopes of such half life or concentration as exceeds limits established by the Authority in compliance with applicable state or federal regulations.

(K) Any wastewater with color of sufficient light absorbency to interfere with treatment plant process, prevent analytical determinations, or create any aesthetic effect on the treatment plant effluent, such as, but not limited to, dye wastes and vegetable tanning solutions.

(L) Any discharge into the collection system or the wastewater treatment plant which contains any material in excess of the concentrations allowed by the Local Limits.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02) Penalty, see § 53.999

§ 53.017 PRETREATMENT REQUIREMENTS; NATIONAL CATEGORICAL STANDARDS ADOPTED BY REFERENCE.

Industrial users shall provide necessary wastewater treatment as required to comply with the most

stringent of limits found in this chapter, federal standards, state standards or permit [that] shall apply as established by the National Categorical Standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471[, which] are hereby incorporated into this chapter and made a part hereof. All Industrial users shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the federal pretreatment regulations, the local limits established by the City of Big Rapids and with any other pretreatment standards by applicable deadlines.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02) Penalty, see § 53.999

§ 53.018 NEW SOURCES.

New sources shall install and have in operating condition, and shall “start up” all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.019 PRETREATMENT FACILITIES.

Any facilities required to pretreat wastewater shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pre-treatment facilities and operating procedures shall be submitted to the POTW for review, and shall be approved by the Superintendent of the POTW in writing before construction of the facility. The review and approval of plans and operating procedures does not relieve the industrial user from complying with the provisions of this chapter and permit conditions. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and approved by the Superintendent of the POTW in writing prior to the industrial user's initiation of the changes

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.020 MODIFICATIONS TO PRETREATMENT STANDARDS.

(A) An application for modification of the National Categorical Pretreatment Standards may be considered for submittal to the Regional

Administrator by the Authority, when the Authority's wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR 403.7.

(B) The City may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards per the procedures set forth in Section 403.7 (c)(2) of Title 40 of the Code of Federal Regulations, Part 403 — “General Pretreatment Regulations for Existing and New Sources of Pollution,” promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7 are fulfilled and prior written approval from the Approval Authority is obtained.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.021 LIMITATIONS ON WASTEWATER STRENGTH.

(A) *State requirements.* State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than federal or local requirements and limitations.

(B) *Supplementary limitations — discharge limits - local limits.*

(1) No user shall discharge wastewater containing concentrations (and/or mass limitations) in excess of the following:

| Material | Concentration (mg/l) |
|--------------------------------|-----------------------------|
| Conventional Pollutants | |
| Ammonia – N | 64 |
| BOD ₅ | 530 |
| Total Suspended Solids | 900 |
| FOG | 200 |
| TPH | 49 |
| Total Phosphorus as P | 36 |

| Material | Concentration (ug/l) |
|-----------------|-----------------------------|
|-----------------|-----------------------------|

Nonconventional Pollutants/upper limits:

| <u>METALS</u> | |
|-----------------|-------|
| Arsenic | 60 |
| Cadmium | 90 |
| Copper | 950 |
| Cyanide | 130 |
| Chromium, Total | 2,700 |

| | |
|----------------------|--------|
| Chromium, Hexavalent | 300 |
| Lead | 570 |
| Mercury | *(LOD) |
| Nickel | 930 |
| Selenium | 150 |
| Silver | 43 |
| Zinc | 3,700 |

ORGANICS

| | |
|------------------------|-----|
| 1,4-Dichlorobenzene | 24 |
| Chloroform | 50 |
| Lindane | 0.6 |
| Benzene | 24 |
| Toluene | 24 |
| Ethyl Benzene | 31 |
| Xylenes, Total | 44 |
| Methylene Chloride | 41 |
| Tetrachloroethylene | 5 |
| Trichloroethylene | 21 |
| 1,1,1- Trichloroethane | 16 |

* The local discharge limitation for mercury is established at the level of detection (LOD) in accordance with the following:

There shall be no detectable amounts of mercury discharged into the publicly owned treatment works (POTW). Mercury sampling procedures, preservation, handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.1. The Level of Detection (LOD), developed in accordance with the procedure specified in 40 CFR 136 shall not be greater than 0.2 ug/L for mercury, unless higher levels are appropriate due to matrix interference.

The evaluation of potential matrix interference(s) shall include, at a minimum, the following:

- (a) A demonstration that the laboratory conducting the analysis is capable of achieving the LOD of 0.2 ug/L in reagent water;
- (b) A demonstration that the LOD of 0.2 ug/L cannot be achieved in the effluent; and
- (c) A demonstration that an attempt has been made to resolve the matrix interference(s).

In cases where true matrix interference(s) can be demonstrated, a discharge-specific LOD will be developed in accordance with the procedure

in 40 CFR 136. Discharge-specific LOD's will be incorporated into the wastewater discharge permit of the nondomestic user.

(2) In addition to penalties for violating the ordinance for discharging wastewater containing concentrations (and/or mass limitations) in excess of the limits stated above, surcharges shall be assessed by the City for any conventional pollutant discharged to the POTW in excess of average domestic influent WWTP concentration according to the City Sewer User Charge System, § 54.12(A), subsection G, "Surcharges." Discharges of any pollutant may not exceed the stated limitation under any circumstance. Surcharges will be based on a pro rated share of the annual costs of operation and maintenance associated with the treatment and handling of a substance, multiplied by the ratio of weight of excess substance over the normal weight of the substance to be treated annually.

(3) (a) The City's surcharge procedure shall include, on at least a semi-annual basis, composite sampling episodes of four consecutive days to determine the average concentration in mg/l of conventional pollutants from each non-domestic user. These average concentrations will be compared to the WWTP average domestic influent concentration for each parameter found under "Surcharge" in the City's User Charge System. When the user concentration exceeds the domestic background for a parameter, the excess amount will be the concentration used to calculate the pounds to be surcharged. The flow used shall be the actual monthly flow. Example: the domestic background average concentration for total phosphorus is 5 mg/l. User A has an average domestic concentration of 8 mg/l. The surcharge concentration for User A would be 3 mg/l. This concentration multiplied by the monthly flow in millions of gallons * 8.34 pounds per gallon gives the total pounds of phosphorus. If User A consumed 600,000 gallons of water, that would be 0.6 million gallons * 3 mg/l * 8.34 = 15.01 pounds of surcharge phosphorus @ \$2.51/pd = \$37.67 for that month. The excess concentration surcharge shall remain in effect until the next sampling episode.

(b) Each user subject to surcharges may be billed monthly or quarterly according to water usage or metered discharge. Sampling and analysis shall be performed by the City. A split of each sample shall be made available to each user upon written request.

(c) The City may obtain additional samples to verify a user's effluent parameters. Any surcharged

user may request additional samples based on a changed condition since the last sampling event. Costs for additional samples and analysis shall be paid by the user.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 347-2-94, passed 2-21-94; Am. Ord. 414-1-97, passed 1-20-97; Am. Ord. 493-05-02, passed 5-20-02; Am. Ord. 521-08-03, passed 8-18-03; Am. Ord. 545-05-05, passed 5-16-05)

Cross-reference:

For provisions regarding Mercury Reduction Plans, see Chapter 53, Appendix.

§ 53.022 DILUTION PROHIBITED.

No discharger shall increase the use of potable or process water, nor mix separate waste streams, nor in any other way dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.023 RIGHT OF REVISIONS.

The Control Authority reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in § 53.002.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.024 SPILL PREVENTION AND SLUG CONTROL PLANS.

Significant industrial users and all industrial/commercial users with the potential to discharge toxic substances or prohibited pollutants shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter by developing spill prevention programs.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02) Penalty, see § 53.999

§ 53.025 SPILL PREVENTION FACILITIES.

(A) Facilities necessary to implement these plans shall be provided and maintained at the

owner's or industrial user's expense. Spill prevention plans, including the facilities and the operating procedures shall be approved in writing by the POTW before construction of the facility.

(B) Industrial users that store hazardous substances shall not contribute to the POTW after the effective date of this chapter unless a spill prevention plan has been approved by the POTW. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage and transportation of hazardous substances.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.026 SPILL PREVENTION PLANS.

The POTW shall evaluate each significant industrial user at least once every two years, and other industrial users as necessary, to determine whether such user needs a plan to control slug discharges. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(A) Description of discharge practices, including nonroutine batch discharges;

(B) Description of stored chemicals;

(C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under §§ 53.015 and 53.016, with procedures for follow-up written notification within five days.

(D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.027 NOTIFICATION.

(A) *Accidental discharges.* In the case of any discharge in violation of this chapter or permit

conditions, and in the case of any discharge that may cause problems to the POTW, including any slug loadings, as defined by § 53.026, the industrial user shall immediately notify the POTW of the discharge by telephone at 796-8483. During the hours of 3:00 p.m. to 7:00 a.m., the industrial user shall call Central Dispatch at 796-4811. The notification shall include:

- (1) The date, time, location and duration of the discharge;
- (2) The type of waste including concentration and volume; and
- (3) Any corrective actions taken by the user.

(B) *Follow-up reports.* Within five days following an accidental discharge, the user shall submit to the Superintendent 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 expenses, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(C) *Changed discharges.* All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).

(D) *Employee training.* The industrial user shall permanently post a notice in a prominent place advising all employees to notify the wastewater treatment plant at 796-8483 during normal business hours, or after hours call Central Dispatch at 796-4811, in the event of a dangerous discharge for which notification is required. Employers shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedure. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.028 RECORDS.

(A) Users shall retain and make available upon request of authorized representatives of the POTW, the State, or the EPA all records required to be collected by the user pursuant to this chapter or any permit or order issued pursuant to this chapter.

(B) These records shall remain available for a period of at least three years after their collection.

(C) This period shall be extended during any litigation concerning compliance with this ordinance or permit conditions. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.029 RECORDS RETENTION.

All dischargers subject to this chapter shall retain and preserve for not less than three years any

records, books, documents, memoranda, reports, correspondence, any and all summaries thereof, relating to monitoring, sampling, and chemical analysis made by or on behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the Authority pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.030 ANALYTICAL REQUIREMENTS.

All analyses, including sampling results submitted in support of any application reports, evidence or required by any permit or order shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto or, if 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the EPA.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.031 CONFIDENTIAL INFORMATION.

(A) Information and data (other than effluent data) about a user obtained from report, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a determination is made by the POTW. Effluent data shall be available to the public without restriction.

(B) When the person furnishing a report satisfies the POTW that such person has made the demonstration required by division (A), the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection except by the state or EPA for uses related to this ordinance, the NPDES permit or the pretreatment program. Confidential portions of a report shall be available for use by the State or EPA

in judicial review or enforcement proceedings involving the person furnishing the report. Effluent data will not be recognized as confidential information.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.032 RIGHT OF ENTRY.

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

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.033 SPECIAL AGREEMENTS.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the Authority and any industrial concern whereby an industrial waste with unusual strength or character may be accepted by the Authority for treatment, subject to payment therefore, by the industrial concern, unless prohibited by state or federal regulations.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.034 ALLOTMENT OF POTW CAPACITY.

(A) The wastewater collection and treatment facilities have finite limitations for accepting flow, concentrations, or mass loadings from present or future customers. Capacity may be reserved for properties that have paid for or are paying for sanitary sewer service even though no use is now being made of the system (vacant property within sewer authority). The Control Authority may deny or condition new or increased contributions of flow,

concentrations, or mass loadings where such contributions may in the opinion of the Control Authority cause the POTW to violate its NPDES permit.

(B) Excess capacity beyond that as reserved above will be allotted on a first-come basis determined by the date the application is received by the Authority, provided construction leading to the prompt completion is underway within two years of the date of approval for sewer service. Should construction not be underway, a subsequent application will be processed as above. Application dates will be as provided by the Control Authority and approval dates will be by the Control Authority. An incomplete application will be honored for 30 days after notification of requirements, provided positive continuous action is underway to obtain all appropriate requirements.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.035 BYPASSING.

The intentional diversion of wastestreams from any portion of an industrial user's treatment facility is prohibited unless:

(A) Bypassing is unavoidable to prevent loss of life, personal injury or severe property damage;

(B) There are no feasible alternatives to the bypass;

(C) Prior written notice is given to the City at least ten days in advance of the bypass, and the bypass does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

FEEES AND CHARGES

§ 53.040 PURPOSE.

The purpose of this section is to provide for the payment of fees from dischargers to the Authority's wastewater disposal system and to compensate the Authority for the cost of administration of the pretreatment program established in this chapter.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.041 CHARGES AND FEES.

The City shall adopt charges and fees which may include:

(A) Fees for monitoring, inspections, and surveillance procedures. (Note: This fee can be changed pursuant to a specification in permit or contract for administrative enforcement. It can optionally be included as an element of the user charge system.)

(B) Fees for permit applications.

(C) Fees for filing appeals.

(D) Fees for reviewing accidental discharge procedures.

(E) Fees for review of construction or related plans for additions or connections to the POTW.

(F) Fees for review of pretreatment plans, specifications and construction documents.

(G) Fees for special studies or continuous studies to evaluate pretreatment systems.

(H) Reimbursement for set-up and operating the Pretreatment Program.

(I) Other fees as the POTW may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the POTW. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

ADMINISTRATION

§ 53.050 WASTEWATER DISCHARGES.

It shall be unlawful for significant industrial users as defined in § 53.004 to discharge any wastewater to the POTW without a wastewater contribution permit except as authorized by the City Engineer/Director of Utilities in accordance with the provisions of this chapter. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02) Penalty, see § 53.999

§ 53.051 WASTEWATER CONTRIBUTION PERMITS.

(A) All significant industrial users (SIU's) proposing to connect to or to discharge sewage, industrial waste and other wastes into the POTW shall obtain a wastewater contribution permit before connecting to or discharging to the POTW. All existing SIU's connected to or discharging to the POTW shall obtain a wastewater contribution permit within 90 days after the effective date of this chapter.

(B) All existing SIU's planning a new, increased, or modified discharge shall obtain a new permit prior to initiation of operations of the new or modified facilities. An application for renewal of a permit which will expire shall be submitted 180 days prior to the expiration date and shall note any changes in the discharge since the issuance of the last Permit. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.052 PERMIT APPLICATION.

(A) All industrial users shall complete and file with the POTW, a permit application in the sequence hereby prescribed by the POTW and accompanied by the appropriate fee. Existing industrial users shall apply for a wastewater contribution permit within 60 days after the effective date of this chapter, and proposed new users shall apply at least 90 days prior to connecting to the POTW. No wastewater contribution permit shall be issued to any applicant unless and until the following information has been provided or the following conditions have been met, unless waived in writing by the Superintendent:

(1) Name, address and location (if different from the address) and name of owners and operator;

(2) Disclosure of Standard Industrial Classification (SIC) number according to the "Standard Industrial Classification Manual," Bureau of the Budget, 1972, as amended;

(3) A plan map 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. Air exhaust vents and rupture disks will also be noted when serving areas where potential problems exist. Contaminants that can accumulate on roofs from exhaust vents and can be flushed to the groundwater or sewers during a rain shall be noted.

(4) Detailed plans of treatment facilities; chemical or fuel storage areas; chemical use areas; and/or operational and support facilities that may affect waste control. Provide plans of plumbing and plans of inspection of sampling manholes. Provide plans for secondary containment at storage areas or large volume use areas to prevent sudden losses of materials from the plant to surface waters, groundwaters, storm sewers, or sanitary sewers.

(5) A report on raw materials entering the process or support systems, intermediate materials, final products, and waste byproducts as those factors may affect waste control. A material safety data sheet shall be provided for all materials used, stored, or discharged where brand names, product names or commercial names are listed.

(6) Information on each source of wastewater including:

(a) The amount of wastewater from each source;

(b) The amount of wastewater discharged at each location;

(c) A schedule of average daily flow, peak flow, peak flow rates, time and duration of flow variations and seasonal or monthly variations at each location;

(d) A statement of the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes;

(e) Wastewater constituents and characteristics including but not limited to those mentioned in §§ 53.016 and 53.021 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.

(7) A statement on whether or not compliance is being achieved with this chapter on a continuing basis or whether additional equipment, operational changes, or maintenance activities are necessary for compliance with this chapter.

(8) Guidelines for prompt control of potential spills including equipment, materials, control procedures, cleanup procedures, personal protection required and requirements for notification of plant and government officials. Evaluate effects or potential losses in the sewer systems or other discharge systems.

(9) A schedule to sample, test, and file reports with the POTW and appropriate state agencies on appropriate characteristics of wastes at locations, and according to methods approved by the POTW.

(10) Place waste treatment facilities, process facilities, waste streams, storage facilities, transfer facilities, or other potential waste problems under the specific supervision and control of persons who have been designated by the owner and who have been accepted or certified by the POTW or the state as properly qualified to supervise such facilities.

(11) Manual(s) of instructions for operation and maintenance of waste control facilities, for loading and unloading of chemicals, for laboratory control, for other matters related to a pollution incident prevention plan, and for the training of personnel in the above areas of concern.

(12) Maintain records and file reports on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents, or other wastes.

(13) If any industrial process is to be altered as to include or negate a process waste or potential waste, written notification shall be given to the POTW, subject to approval.

(14) All permit applications for new or modified permits shall be signed by a principal executive officer of the discharger and, unless waived by the POTW, a qualified engineer (licensed professional). All renewal applications for existing permits or contracts shall be signed by a principal executive officer of the discharger.

(B) The POTW will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the POTW may issue a wastewater contribution permit subject to terms and conditions provided herein.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.053 PRETREATMENT.

(A) Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat

wastewater to a level acceptable to the POTW shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the POTW for review, the POTW will review such plans and respond with suggested modifications within 30 days following plan submittal. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the POTW under the provisions of this chapter.

(B) Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the POTW prior to the user's initiation of the changes.

(C) All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA and MDEQ upon request. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.054 CONSTRUCTION SCHEDULE.

Where additional pretreatment, secondary containment, and/or operation and maintenance activities will be required to comply with this chapter, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment, secondary containment, and/or implementation of additional operation and maintenance activities.

(A) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment or secondary containment required for the discharger to comply with the requirements of this chapter including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this chapter.

(B) Under no circumstance shall the POTW permit a time increment for any single step directed toward compliance which exceeds nine months.

(C) Not later than 14 days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a written

progress report to the POTW including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the POTW.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.055 PLAN REVIEW.

The POTW shall be provided with all plans, specifications, shop drawings, and operations and maintenance manuals for review and approval prior to initiation of construction for all secondary containment facilities, pretreatment facilities, and/or operational facilities required to comply with this chapter. The POTW may have the review completed by a competent engineering firm, and may charge such costs directly to the user, who shall pay said charges within 30 days of the date of billing by the City. Direct costs for review will be billed to the discharger regardless of whether construction is initiated or not.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.056 PERMIT MODIFICATION.

The POTW reserves the right to amend any wastewater contribution permit issued hereunder in order to assure compliance by the POTW with applicable laws and regulations. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of each discharger will be subject to such standards within the time frame prescribed by such standards. All National Categorical Pretreatment Standards adopted after the promulgation of this chapter shall be adopted by the City as part of this chapter. Where a discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit as required by § 53.051 the discharger shall apply for a wastewater contribution permit from the POTW within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard by the U.S. EPA. In addition, the discharger with an existing wastewater contribution permit shall resubmit to the POTW within 180 days after the promulgation of an applicable National Categorical Pretreatment

Standard the information required by § 53.051. The discharger shall be informed of any proposed changes in the permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.057 PERMIT CONDITIONS.

Wastewater contribution permits shall specify no less than the following:

(A) All wastewater contribution permits shall be issued for a three year duration, subject to amendment or revocation as provided in this chapter. A permit may be issued for a shorter or longer period or may be stated to expire on a specific date, however, permit duration shall not be longer than five years. The user shall apply for permit reissuance at least 180 days prior to the expiration of the user's existing permit.

(B) Wastewater contribution permits are issued for a specific process or operation. A wastewater contribution permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without prior notification to the POTW and provision of a copy of the existing wastewater contribution permit to the new owner or operator. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The POTW may set additional conditions, such as an application requirement.

(C) Effluent limitations shall be based on applicable general pretreatment standards in 40 CFR Part 403, categorical pretreatment standards, local limits and state and local laws. If in establishing appropriate local limits by the POTW, it may become necessary, due to limited sampling points, to apply the combined wastestream formula, as provided in 40 CFR 403.6 (e)(4), to determine the most stringent limit.

(D) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency and sample type, based on the applicable general pretreatment standards in 40 CFR Part 403, categorical pretreatment standards, local limits and State and local law.

(E) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedules. Such schedules may not extend the compliance date beyond applicable federal deadlines.

(F) Fees and charges to be paid upon initial issuance.

(G) Limits on the average and maximum wastewater constituents and characteristics regulated thereby.

(H) Limits on average and maximum rate and time of discharge and/or requirements for flow regulations and equalization.

(I) Requirements for installation and maintenance of inspection and sampling facilities.

(J) Compliance schedule.

(K) Special conditions as the POTW may reasonably require under particular circumstances of a given discharge including but not limited to sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule.

(L) Requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this chapter.

(M) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the POTW, and affording POTW access thereto.

(N) Requirements for notification of the POTW of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituent being introduced into the wastewater treatment system.

(O) Requirements for notification of slug discharges as per § 53.069.

(P) General and specific discharge prohibitions as established by §§ 53.015 and 53.016.

(Q) Other conditions as deemed appropriate by the POTW to ensure compliance with this chapter. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

REPORTING REQUIREMENTS**§ 53.065 BASELINE MONITORING REPORT FOR CATEGORICAL DISCHARGES.**

(A) Industrial users subject to National Categorical Pretreatment Standards shall submit baseline reports to the POTW in a form prescribed and furnished by the POTW.

(B) Within 180 days after the effective date of a National Categorical Pretreatment Standard, or 180 days after a final administrative decision has been made upon a categorical determination submission in accordance with 40 CFR Section 403.6(a)(4), whichever is later, industrial users which are Existing Sources subject to such National Categorical Pretreatment Standards and currently discharging to the POTW shall submit a properly completed Baseline Report.

(C) New sources, when subject to a National Categorical Pretreatment Standard, shall submit a baseline report at least 90 days prior to commencement of discharge to the POTW.

(D) In support of the baseline report, the industrial user shall submit, in units and terms specified in the application, the following information:

(1) Name and address of the facility including the name of operator and owners.

(2) List of any environmental control permits held by or for the facility.

(3) Brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such user. This description shall include a schematic process diagram indicating points of discharge to the POTW from the regulated processes.

(4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(a) Regulated process streams; and

(b) Other streams as necessary to allow use of the combined wastestream formula of 40 CFR Section 403.6(e).

(5) The industrial user shall identify the National Categorical Pretreatment Standards applicable to each regulated process, and shall:

(a) Submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentrations shall be reported. The sample shall be representative of daily operations.

(b) A minimum of four grab samples must be used for pH, cyanide, total phenols, FOG, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Control Authority may waive flow proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is not feasible. In such cases samples may be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.

(c) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this section.

(d) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow the use of the combined wastestream formula of Section 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Section 403.6(e) this adjusted limit along with supporting data shall be submitted to the POTW.

(6) The industrial user shall provide a statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether National Categorical Pretreatment Standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) measures or additional pretreatment is required for the industrial user to meet the National Categorical Pretreatment Standards.

(7) If additional pretreatment or O&M will be required to meet the National Categorical Pretreatment Standards, the industrial user shall provide the shortest schedule which will provide such additional pretreatment or O&M. The

completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard.

(a) Where the industrial user's National Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR Section 403.7) or the combined wastestream formula (40 CFR Section 403.6(e)), or net/gross calculations (40 CFR Section 403.15), at the time the industrial user submits a baseline report the information required in § 53.065(D)(5)(d), (6) and (7) shall pertain to the modified limits.

(b) If the National Categorical Pretreatment Standard for the industrial user is modified after the baseline report is submitted, the industrial user shall make any necessary amendments to information provided as a response to § 53.065 (D)(6) and (7) and submit them to the POTW within 60 days after the modified limit is approved.

(8) The following conditions shall apply to any schedule submitted in response to § 53.065(D)(7):

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable National Categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and the like).

(b) No increment referred to in § 53.065 (D)(8)(a) shall exceed nine months.

(c) 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 POTW including, at a minimum, whether or not it complied with the increment 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 industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the POTW.

(9) Such other information as may be required by 40 CFR 403.12(b) and as may be reasonably requested by the POTW.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.066 COMPLIANCE DATE REPORT.

Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards, or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to Categorical Pretreatment Standards shall submit to the POTW a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such Standards and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. Where equivalent mass or concentration limits are established by the POTW for a user, this report shall contain a reasonable measure of the user's long-term production rate. Where a user is subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production, the report shall include the user's actual production during the appropriate sampling period. The report shall state whether the applicable Pretreatment Standards are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.067 BYPASS REPORTING.

(A) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of divisions (B) and (C) of this section.

(B) (1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notices to the POTW, if possible at least ten days before the date of bypass.

(2) An industrial user shall submit oral notice of unanticipated bypass that exceeds applicable Pretreatment Standards to the POTW within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The POTW may waive the written report on a case by case basis if the oral report has been received within 24 hours.

(3) Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass unless:

(a) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The industrial user submitted notices as requires by division (B)(1) of this section.

(C) The POTW may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions listed in this section.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.068 CONTINUING COMPLIANCE REPORTS.

(A) Any user subject to a pretreatment standard set forth in this chapter, after the compliance date of such pretreatment standard or, in the case of a new discharger, after commencement of the discharge to the POTW, shall submit to the POTW during the months of June and December, unless required more frequently by the POTW, a report indicating the nature and concentration of prohibited or regulated

substances in the effluent which are limited by the pretreatment standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows. Flows shall be reported on the basis of actual measurement; however, where cost or feasibility considerations justify, the POTW may accept reports of average and maximum flows estimated by verifiable techniques. The POTW for good cause when considering such factors as local high or low flow rates, holiday, budget cycles, or other extenuating factors, may authorize the submission of said reports on months other than those specified above.

(B) The POTW may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by division (A) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(C) These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards.

(D) For industrial users subject to equivalent mass or concentration limits established by the POTW in accordance with the procedures in 40 CFR 403.6(c), the report required by paragraph (e)(1) shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph (e)(1) shall include the user's actual average production rate for the reporting period.

(E) Reports of significant industrial users shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the POTW. The frequency of monitoring by the discharger shall be as deemed necessary by the POTW to assess and assure compliance by the industrial user with applicable pretreatment standards and requirements.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.069 NOTIFICATION OF POTENTIAL PROBLEMS.

All industrial users shall notify the POTW immediately of all discharges that are or may be in violation of their wastewater contribution permit. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.070 NONCATEGORICAL DISCHARGERS.

(A) Significant noncategorical industrial users shall submit to the POTW during the months of March and September a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the pretreatment standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flow during the reporting period previously stated.

(B) Flows shall be reported on the basis of actual measurement; however, where cost or feasibility considerations justify, the POTW may accept reports of average and maximum flows estimated by verifiable techniques. The POTW, for good cause when considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, may authorize the submission of said reports on months other than those specified above.

(C) Reports of dischargers shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the POTW. The frequency of monitoring by the discharger shall be as deemed necessary by the POTW to assess and assure compliance by the user with applicable pretreatment standards and requirements. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.071 CHANGED DISCHARGES.

All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR, 403.12(p). (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.072 HAZARDOUS WASTE REPORT.

(A) Any IU, except as specified in division (E) below, which discharges to the POTW any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR part 261, shall notify the POTW in writing of such discharge.

(B) All hazardous waste notifications shall include:

(1) The name of the hazardous waste as set forth in 40 CFR part 261;

(2) The EPA hazardous waste number;

(3) The type of discharge (continuous, batch, or other); and

(4) A certification that the user has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(C) In addition to the information submitted in division (B) above, IU's discharging more than 100 kg of hazardous waste per calendar month to the POTW shall contain to the extent such information is known and readily available to the IU:

(1) An identification of the hazardous constituents contained in the waste;

(2) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and

(3) An estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

(D) IU's commencing the discharge of listed or characteristic hazardous wastes after the effective date of this chapter shall provide the notification no later than 180 days from the discharge of the wastes. Any notification under this provision need be submitted only once for each hazardous waste discharged, although notifications of changed discharges must be submitted under § 53.071.

(E) IU's are exempt from the hazardous waste notification requirement during a calendar month in which they discharge 15 kg or less of nonacute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) requires a one time notification. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.073 SIGNATORY REQUIREMENTS.

(A) All reports required by this chapter shall include the certification statement as set forth in 40 CFR, Part 403.6(a)(2)(ii) and shall be signed by a responsible official of the user. The certification statement shall read as follows:

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

(B) **A RESPONSIBLE OFFICIAL OF THE USER** is as defined by 40 CFR 403.12(1) and as follows:

(1) If the industrial user submitting the reports required by 40 CFR 403.12 paragraphs (b), (d) and (e) is a corporation, a "responsible official" means:

(a) A president, secretary, treasurer or vice president of the corporation in charge of a principle business function, or any other person who performs similar policy or decision making functions for the corporation; or

(b) The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in first-quarter 2002 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) A general partner or proprietor if the industrial user submitting the reports required by 40 CFR 403.12 paragraphs (b), (d) and (e) is a partnership or sole proprietorship respectively.

(3) A duly authorized representative of the individual designated in divisions (B)(1) or (2) above if:

(a) The authorization is made in writing by the individual described in (B)(1) or (2) above.

(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of well, or well field superintendent, or a position of equivalent responsibility for environmental matters for the company; and

(c) The written authorization is submitted to the Control Authority.

(4) If an authorization under division (B)(3) above is no longer accurate because of a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of division (B)(3) above must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.074 ANNUAL REPORTING BY THE POTW.

If requested by the Approval Authority, the POTW shall provide the Approval Authority with a report that briefly describes the POTW's program activities. The report shall be submitted no later than one year after approval of the POTW's pretreatment program, and at least annually thereafter, and shall include at a minimum the following:

(A) An updated list of industrial users including their names and addresses and a brief explanation identifying which industrial user is subject to Categorical Pretreatment Standards.

(B) A summary of the status of industrial user compliance over the reporting period.

(C) A summary of compliance and enforcement activities including inspections conducted by the POTW during the reporting period.

(D) Any other relevant information requested by the Approval Authority.
(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.075 SIGNATORY REQUIREMENTS BY THE CITY.

Reports submitted to the Approval Authority by the POTW must be signed by a principal executive officer, ranking elected official or other duly authorized employee if such employee is responsible for overall operation of the City. The reports and other documents required to be submitted shall be subject to:

(A) The provisions of 18 USC, Section 1001, relating to fraud and false statements;

(B) The provisions of Sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification;

(C) The provisions of Section 309(c)(6) of the Act regarding responsible corporate officers. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

MONITORING, INSPECTIONS AND SURVEILLANCE

§ 53.085 MONITORING FACILITIES.

(A) Each discharger shall provide and operate at the discharger's own expense, a monitoring facility or location for inspection, sampling, and flow measurement of each sewer discharge to the POTW. Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger. The POTW may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. Requests for installation on property not owned by the discharger shall be made in writing to the POTW. The POTW may accept, modify or reject the request and shall provide a written notification to the discharger of the action taken by the POTW.

(B) There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger.

(C) All monitoring facilities shall be constructed and maintained in accordance with all

applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of a permit or contract by an existing discharger and prior to initiation of operations by a new discharger.

(D) The POTW may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this chapter. The discharger shall allow the POTW, Control Authority, the Department of Environmental Quality, or their representatives, upon presentation of credentials or identification, to enter the premises of the discharger at all reasonable hours, for the purposes of inspection, sampling, records examination, or records copying. The POTW, Control Authority, Department of Environmental Quality, or their representatives, shall have the right to set up on the discharger's property, such devices as are or may be necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations. (Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.086 SAMPLE ANALYSIS.

The reports required by §§ 53.065 through 53.075 shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR, Part 136 and amendments thereto. Where 40 CFR, Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the Administrator. This sampling and analysis may be performed by the POTW in lieu of the industrial user. Where the POTW itself collects all the information required for the report, the significant industrial user will not be required to submit the report.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.087 SAMPLE FREQUENCY.

If sampling performed by an industrial user indicates a violation, the user shall notify the POTW immediately of becoming aware of the violation. The user shall also repeat the sampling and analysis and

submit the results of the repeat analysis to the POTW within 30 days after becoming aware of the violation, except the industrial user is not required to re-sample if:

(A) The POTW performs sampling at the industrial user at frequency of at least once per month; or

(B) The POTW performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.088 MISCELLANEOUS SAMPLING.

If an industrial user subject to the reporting requirement in §§ 53.065 through § 53.075 monitors any pollutant more frequently than required by the POTW, using the procedures prescribed previously, the results of this monitoring shall be included in the report.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.089 CONFIDENTIAL INFORMATION.

(A) Information and data (other than effluent data) about a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and/or from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a determination is made by the POTW. Effluent data shall be available to the public without restriction.

(B) When the person furnishing a report satisfies the POTW that such person had made the demonstration required by (A), the portions of the report which may disclose trade secrets or secret processes shall not be made available for inspection except by the state or EPA for uses related to this chapter, the NPDES permit and pretreatment programs. Confidential portions of a report shall be available for use by the state or EPA in judicial

review or enforcement proceedings involving the person furnishing the report. Effluent data will not be recognized as confidential information.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

Cross-reference:

Records, see § 53.028

Records retention, see § 53.029

ENFORCEMENT

§ 53.100 ENFORCEMENT ACTIONS.

(A) The POTW may for good cause suspend the wastewater treatment service, the water supply service, electrical service, and/or the wastewater contribution permit of a discharger when it appears to the POTW that an actual or threatened discharge presents or threatens:

- (1) A violation of the NPDES Permit;
- (2) An imminent or substantial danger to the health and welfare of persons;
- (3) An adverse impact to the environment;
- (4) Interference with the operation of the POTW;
- (5) Violation of any pretreatment limits imposed by this chapter; or
- (6) Violation of any pretreatment limits of any wastewater contribution permit issued pursuant to this chapter.

(B) Any discharger notified of the suspension of wastewater treatment service, the water supply service, the electrical service, and/or the wastewater contribution permit shall, within a period of time as determined by the POTW, cease all discharges or be subject to utility cutoff or sewer blockage by the POTW.

(C) It is the intent of this section to authorize the POTW to order in person, or by signed document, the immediate, but orderly shutdown of any operation, discharge, or facility, or any party thereof, for good cause shown. **ORDERLY SHUTDOWN** means consideration is to be given to protection of human safety and property of both the POTW and the discharger. It does mean that the responsible person for an offending discharge will immediately initiate

discussion with the POTW and will initiate the orderly actions required to stop the offending discharge and not wait for the next shift, weekend, or other convenient time. Orderly shutdown recognizes that consideration is to be given to the discharger for protection of human safety and for protection of equipment or property. For example, if the offending discharge source can be isolated, only that part of a facility need be shutdown. A discharge may need to be continued from a furnace or reaction vessel during cool-down to prevent injuries or damage. Reduced flows may be allowed, for example, to provide fire protection, refrigeration to protect food inventories, or to provide heat during the winter. Such consideration is not to be construed to relieve the discharger of any liability for damages caused before or during the orderly shutdown period.

(D) In the event of failure of the discharger to comply voluntarily with the suspension order within the specified time, the POTW shall notify the Department of Environmental Quality and commence judicial proceedings immediately thereafter to compel the discharger's compliance with such order. The POTW shall reinstate the wastewater contribution permit and/or the wastewater treatment service and terminate judicial proceedings upon proof by the discharger of the elimination of the noncomplying discharge or conditions creating the treatment as set forth above.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.101 REVOCATION OF PERMIT.

The POTW may revoke the permit of any discharger who fails to:

(A) Factually report the wastewater constituents and characteristics of its discharge;

(B) Report significant changes in wastewater constituents or characteristics;

(C) Provide reasonable access to discharger's premises by representatives of the POTW or the Department of Environmental Quality for the purpose of inspection or monitoring; or

(D) Violates the conditions of its permit or this chapter, or any final judicial order entered with respect thereto.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.102 NOTIFICATION OF VIOLATION; ADMINISTRATION ADJUSTMENT.

(A) Whenever the POTW finds that any discharger has engaged in conduct which justifies revocation of a wastewater contribution permit pursuant to § 53.101, the City shall serve or cause to be served upon such discharger a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within ten continuous days of the date of receipt of the note, the discharger shall respond personally or in writing to the POTW advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and, where necessary, establish a plan for the satisfactory correction thereof.

(B) Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.103 CONSENT ORDERS.

The City Engineer/Utilities Director is hereby empowered to enter into Consent Decrees, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include compliance schedules, stipulated fines or remedial actions, and signatures of the City Engineer/Utilities Director and industry representatives. Consent Decrees shall have the same force and effect as administrative orders issued pursuant to § 53.105.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.104 SHOW CAUSE HEARING.

Where the violation of § 53.101 hereof is not corrected by timely compliance by means of administrative adjustment, the City may order any discharger which causes or allows conduct prohibited by § 53.101, to show cause before the City or its duly authorized representative why the proposed revocation action should not be taken. A written notice shall be served on the discharger by personal service, certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the City or its designee regarding the violation, the reasons why the

enforcement action is to be taken, the proposed enforcement action, and directing the discharger to show cause before the City or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten days before the hearing. Service may be made on any agent, officer, or authorized representative of a discharger. The proceedings of the hearings shall be considered by the City which shall then enter appropriate orders with respect to the alleged improper activities of the discharger. Appeal of such orders may be taken by the discharger in accordance with applicable local or state law.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.105 COMPLIANCE ORDER.

When the POTW Superintendent finds that an industrial user has violated or continues to violate the chapter or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated, and compliance is achieved. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and best management practices.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.106 CEASE AND DESIST ORDERS.

When the POTW Superintendent finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, the POTW Superintendent may issue an order to cease and desist all illegal or unauthorized discharges immediately.

(A) In an emergency, the order to cease and desist may be given by telephone.

(B) In nonemergency situations, the cease and desist order may be used to suspend or permanently revoke industrial wastewater discharge permits.

(C) The cease and desist order may order the industrial user to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation,

including halting operations and terminating the discharge.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.107 ADMINISTRATIVE FINES.

Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be fined in an amount not to exceed the maximum allowable under state law (e.g., \$1,000) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the POTW Superintendent shall have other collection remedies as he has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such fines must file a request for the POTW Superintendent to reconsider the fine within ten calendar days of being notified of the fine. Where the POTW Superintendent believes a request has merit, he shall convene a hearing on the matter within 15 calendar days of receiving the request from the industrial user.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.108 EMERGENCY SUSPENSIONS.

(A) The POTW Superintendent may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(B) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the POTW Superintendent shall take such steps as deemed necessary, including immediate termination of water service or severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The POTW Superintendent shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in § 53.101 are initiated against the user.

(C) An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW Superintendent prior to the date of the hearing described in division (C) of this section.
(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.109 RIGHT OF APPEAL.

Any discharger or any interested party shall have the right to request, in writing, an interpretation or ruling by the Control Authority on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a discharger and deals with matters of performance or compliance with this chapter or deals with a wastewater contribution permit issued pursuant hereto for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with local or state law.
(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.110 OPERATING UPSETS.

(A) Any industrial user, which experiences an upset in operations which places the discharger in a temporary state of noncompliance with this chapter or wastewater contribution permit issued pursuant hereto, shall inform the POTW immediately upon first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the POTW within five calendar days. The report shall specify:

(1) Description of the upset, the cause thereof, and the upset's impact on a discharger's compliance status;

(2) Duration of noncompliance, including exact dates and times of noncompliance; an estimate of the volume and strength of wastes discharged and if the noncompliance continues, the time by which compliance is reasonably expected to occur;

(3) All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an upset or other conditions that may result in continued noncompliance.

(B) An **UPSET** means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the industrial user. An "upset" does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(C) An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of division (D) of this section are met.

(D) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the industrial user can identify the cause(s) of the upset.

(2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.

(3) The industrial user has submitted the following information to the POTW and Control Authority within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five calendar days):

(a) A description of the indirect discharge and cause of noncompliance.

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

(c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.111 JUDICIAL REMEDIES.

If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this chapter or any order or permit issued hereunder, the POTW Superintendent, through the City Attorney, may

commence an action for appropriate legal and/or equitable relief in the 77th District Court or 49th Circuit Court for Mecosta County.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.112 INJUNCTIVE RELIEF.

Whenever an industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the POTW Superintendent, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.113 ANNUAL PUBLICATION OF IU'S IN SIGNIFICANT NONCOMPLIANCE.

The POTW Superintendent shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those industrial users which are found to be in significant noncompliance, as defined in § 53.004, with any provisions of this chapter or any permit or order issued hereunder during the period since the previous publication.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.114 AFFIRMATIVE DEFENSE.

Any user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in §§ 53.015 and 53.016 if it can demonstrate it met the conditions set forth in 40 CFR 403.5 (a)(2):

(A) The user did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and

(B) (1) A local limit designed to prevent pass through and/or interference, as the case may be, was developed in accordance with paragraph (c) of 40 CFR 403.5 for each pollutant in the user's discharge that caused pass through or interference, and the user was in compliance with each such local limit directly prior to and during the pass through or interference; or

(2) If a local limit designed to prevent pass through and/or interference, as the case may be, has not been developed in accordance with paragraph (c) of 40 CFR 403.5 for the pollutant(s) that caused the pass through or interference, the user's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.115 RECOVERY OF COSTS INCURRED BY THE CITY.

Any discharger violating any of the provisions of this chapter, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the City's stormwater or wastewater disposal system shall be liable to the City for any expense, loss or damage caused by such violation or discharge. The City shall bill the discharger for any and all cost incurred by the City for any supervision, investigation, sampling, administration, cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this chapter enforceable under the provisions of the City Charter and/or §§ 53.100 through 53.114. In addition to the foregoing, the charges which are made pursuant to this chapter are hereby made a lien on all premises served thereby. In case any bill, together with all penalties thereon, shall not be paid within six months of the date of which said bill is due and payable the delinquent bill and all penalties thereon shall be a lien on the premises served. The City Assessor shall then place such charges on the next general tax roll and the same shall be collected in the same manner and in all respects provided by law for the collection of taxes by the City.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02)

§ 53.116 FALSIFYING INFORMATION.

No person shall knowingly make any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or wastewater contribution permit, or falsify, tamper with, or knowingly render inaccurate any

monitoring device or method required under this chapter.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 493-05-02, passed 5-20-02) Penalty, see § 53.999

§ 53.999 PENALTY.

(A) *Misdemeanor.* Any person who violates § 53.116 shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$500, costs of not more than \$500, and jail of not more than 90 days.

(B) *Municipal Civil Infraction.* Any person or business who violates a provision of this chapter other than § 53.116, or an administrative order issued by the City in administering this chapter shall be responsible for a municipal civil infraction, and subject to a fine of up to \$1,000 and costs of up to \$500. Each day the violation occurs or continues constitutes a separate municipal infraction.

(C) *Civil Actions.* In addition to the actions and penalties provided in subsections (A) and (B), any person or business violating a provision of this chapter or an administrative order issued by the City in administering this chapter may be subject to a civil action and the imposition of a penalty of up to \$1,000 per violation, plus a penalty of double the economic gain made by continuing operations during a violation. The POTW may claim and recover reasonable attorney fees, court costs, and other expenses associated with enforcement activities, including but not limited to the expenses of sampling, monitoring and analysis. The POTW Superintendent shall petition the Court to impose, assess and recover such sums. In determining the amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

(D) *Authorized officials.* The POTW Superintendent and/or the City Engineer/Utilities Director, are authorized to issue municipal civil infraction citations for violations of the provisions of this chapter, and for violations of administrative orders issued by the City in administering this chapter.

(Ord. 312-3-92, passed 3-16-92; Am. Ord. 466-6-00, passed 6-5-00; Am. Ord. 493-05-02, passed 5-20-02)

APPENDIX: MERCURY REDUCTION PLANS

Sections

1. Mercury Reduction Plan may be required
2. Release from requirement

1. MERCURY REDUCTION PLAN MAY BE REQUIRED.

(A) To ensure that the maximum allowable mercury loading to the POTW is not exceeded, the Control Authority may require any nondomestic user with a reasonable potential to discharge mercury to develop, submit for approval and implement a Mercury Reduction Plan (MRP). The MRP may be required by permit if the nondomestic user has not violated the local limit for mercury, but the Control Authority has determined that a reasonable potential for such a violation may exist. MRP's may be required in notices of violations, orders or other enforcement actions when the nondomestic user has violated the mercury local limit. At a minimum, an approvable MRP shall contain the following:

(1) A written commitment by the nondomestic user to reduce all nondomestic discharges of mercury to levels below the LOD within three years of the MRP's original approval date;

(2) Within 60 days of notification by the Control Authority that a MRP is required, the nondomestic user shall supply an initial identification of all potential sources of mercury which could be discharged to the sanitary sewer system;

(3) Specific strategies for mercury reduction with reasonable time frames for implementation, capable of ensuring that mercury discharges will be below the specified LOD within three years;

(4) A program for quarterly sampling and analysis of the nondomestic discharge for mercury in accordance with the 245.1 methods;

(5) A demonstration of specific, measurable and/or otherwise quantifiable mercury reductions consistent with the goal of reducing mercury discharges below the specified LOD. Where such reductions can not be demonstrated through normal effluent monitoring (e.g., mercury discharges are near LOD), the demonstration should incorporate the following:

(a) Internal process monitoring, documenting the results of mercury reduction

strategies at sampling locations within the facility (e.g., a program of regular monitoring of sink traps where mercury containing reagents had previously been disposed, but have since been substituted by non-mercury containing compounds);

(b) Internal and/or effluent sampling utilizing clean and/or ultra-clean sampling and analytical methods as referenced by USEPA Federal Register. Note that the results of such monitoring will not be used for compliance purposes unless performed in accordance with EPA Method 245.1 and collected at the appropriate compliance measurement location.

(c) Loading calculations wherein the nondomestic user calculates the total mass of mercury reduced from the sanitary sewer discharge through reagent substitutions, changes in disposal practices and/or other approved MRP strategies implemented.

(6) A semiannual report on the status of the mercury reduction efforts. At a minimum, these reports shall:

(a) identify compliance or noncompliance with specific reduction commitments in the MRP;

(b) summarize the analytical, mass-based or other quantifiable demonstrations of mercury reductions performed to date;

(c) provide all applicable analytical data;

(d) provide an evaluation of the effectiveness of actions taken to date;

(e) provide updates to the initial list of mercury containing compounds discharged to the sanitary sewer; and

(f) propose for approval new strategies and/or modifications to the current MRP to continue and improve mercury reduction efforts.

(7) Any other conditions that the Control Authority deems necessary to ensure that mercury reduction efforts are effective in achieving the goals of this section.

(B) Failure to submit an approvable MRP within 30 days of the required due date shall constitute significant noncompliance in accordance with this section, and will result in publication as a significant violator.

(C) A MRP may be evaluated for adequacy at any time by the Control Authority. If such an evaluation determines that the Mercury Reduction Plan is inadequate, or the nondomestic user has not complied with its approved MRP, the nondomestic user will be notified. Failure to comply with the MRP requirement constitutes noncompliance. The Control Authority will follow its Enforcement Response Plan (ERP) to ensure that corrective actions are taken.

2. RELEASE FROM REQUIREMENT.

(A) A nondomestic user may request a release from MRP requirements if:

(1) all samples of the discharge for a period of one year are less than the specified LOD;

(2) the nondomestic user has complied with the minimum monitoring frequency of quarterly sampling events; and

(3) the Control Authority deems that MRP commitments have been fulfilled sufficiently to ensure continued compliance with the mercury limitation.

(B) The Control Authority shall notify the nondomestic user of any release from MRP requirements in writing.

(C) If the MRP requirement is waived by the Control Authority, the nondomestic user remains subject to the local limitations for mercury in accordance with the requirements of this section.

(D) Re-discovery of mercury in the nondomestic user discharge subjects said user to the submission of a new MRP, or escalation of enforcement in accordance with the ERP.
(Ord. 521-08-03, passed 8-18-03)

CHAPTER 54: WATER AND SEWER RATES

Section

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§ 54.01 DEFINITIONS.

Unless the context specifically indicates otherwise, the meanings of terms used in this subchapter shall be as defined in §§ 51.01, 52.03 and 53.004 unless an alternate definition is contained in § 54.01:

INSTITUTIONAL USER. A water customer occupying premises exempt from general property taxation. ('88 Code, Title II, Ch. 24, § 2.121) (Ord. 163-11-80, passed 11-17-80; Am. Ord. 573-10-06, passed 10-2-06)

§ 54.02 BASIS OF CHARGES.

All water and/or sewage disposal service shall be charged for on the basis of water consumed as determined by the meter installed in the premises of water or sewage disposal service customers by the City. Where water and/or sewage disposal service is furnished to any premises not having a meter, the water consumption shall be estimated by the City. No free water service or sewage disposal service shall be furnished to any person or business entity. ('88 Code, Title II, Ch. 24, § 2.122) (Ord. 163-11-80, passed 11-17-80; Am. Ord. 573-10-06, passed 10-2-06)

§ 54.03 REPLACEMENT OF SERVICES.

The Utility Schedule of Fees (§ 54.15) shall establish the cost to each user connected to the system for replacement of his or her old service pipe by copper pipe. This charge shall be billed by as a Utility Invoice and made part of the Utility billing and collection process by the City when the change is made.

('88 Code, Title II, Ch. 24, § 2.123) (Ord. 163-11-80, passed 11-17-80; Am. Ord. 234-7-87, passed 7-6-87; Am. Ord. 476-02-01, passed 2-5-01; Am. Ord. 573-10-06, passed 10-2-06)

§ 54.04 SEWER RATES OUTSIDE CORPORATE LIMITS.

Whenever the system is supplying sewage disposal service to premises located outside the corporate limits of the City, the rates for this service shall be fixed by the existing contracts between the City and the townships. The Operation, Maintenance, and Replacement (OM & R) portion of the rate charged shall be proportional to the City rates for Operation, Maintenance, and Replacement as outlined in the User Charge System and adopted by the City Commission.

('88 Code, Title II, Ch. 24, § 2.124) (Ord. 163-11-80, passed 11-17-80; Am. Ord. 325-7-93, passed 7-6-93; Am. Ord. 573-10-06, passed 10-2-06)

§ 54.05 WATER RATES OUTSIDE CORPORATE LIMITS.

Whenever the system is supplying water service to premises located outside of the corporate limits of the City, the rates for this service shall be 100% of the rates for institutional users as defined in § 54.01.

('88 Code, Title II, Ch. 24, § 2.125) (Ord. 163-11-80, passed 11-17-80; Am. Ord. 392-8-95, passed 8-21-95; Am. Ord. 573-10-06, passed 10-2-06)

§ 54.06 HYDRANT READINESS-TO-SERVE.

There shall be a fire hydrant readiness-to-serve charge, which shall be included in the City Utility bill.

The charge shall apply to all users and shall be established in the Water Rates Tables (§ 54.11). ('88 Code, Title II, Ch. 24, § 2.129) (Ord. 163-11-80, passed 11-17-80; Am. Ord. 238-7-87, passed 7-6-87; Am. Ord. 348-3-94, passed 3-21-94; Am. Ord. 392-8-95, passed 8-21-95; Am. Ord. 524-11-03, passed 11-3-03; Am. Ord. 573-10-06, passed 10-2-06)

§ 54.07 SERVICE TO CITY.

(A) The City shall pay the same water rates for service to it as would be payable by a private customer for the same service. The Sewer Operation, Maintenance and Replacement (OM & R) charge to the City shall be at the current rate per 1,000 gallons.

(B) The City shall bill itself on a monthly basis. Fire hydrant charges shall be paid annually from the General Fund to the Water Fund and rates shall be set according to § 54.06.

('88 Code, Title II, Ch. 24, § 2.130) (Ord. 163-11-80, passed 11-17-80; Am. Ord. 239-7-87, passed 7-6-87; Am. Ord. 325-7-93, passed 7-6-93; Am. Ord. 573-10-06, passed 10-2-06)

§ 54.08 BILLING.

All meters shall be read at least monthly. Bills for water and/or sewage disposal service shall be rendered monthly under the supervision of the City, and the bills shall be due and payable on the date specified in the bill. For bills not paid by the due date, a penalty of 3% per month shall be charged on the past due principle amount.

('88 Code, Title II, Ch. 24, § 2.131) (Ord. 163-11-80, passed 11-17-80; Am. Ord. 241-8-87, passed 8-17-87; Am. Ord. 573-10-06, passed 10-2-06)

§ 54.09 COLLECTION.

The City is hereby authorized to enforce the payment of charges, including Water Invoices, for water and/or sewage disposal service to any premises by discontinuing either the water service or the sewage disposal service to such premises, or both, and an legal action may be instituted by the City against the customer. The charges for water supply and/or sewage disposal service, which, under the provisions of Act 94, Public Acts of 1933 of the state, as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute such lien, and the City shall, annually, on May 1, certify all unpaid charges for such services furnished to any premises which, on April 30 preceding, have remained unpaid for a period of six

months, to the City Assessor, who shall place the same on the next tax roll of the City. Such charges so assessed shall be collected in the same manner as general City taxes. To provide the City with proper notice of a lease containing a provision that the lessor shall not be liable for payment of water or sewage system bills accruing subsequent to the filing of an affidavit according to Act 94, Public Acts of 1933, being MCL § 123.165, the lessor shall complete and submit an affidavit in the form provided and required by the Treasurer's Office. Upon receipt of the affidavit, no water or sewer service shall be commenced or continued to the specified premises until there has been deposited with the City not less than \$100 for residential accounts and not less than \$150 for commercial accounts. The Treasurer's Office may require a deposit in an amount up to six times the average monthly water bill for the premises. Where the water service to any premises is turned off by the City to enforce the payment of water or sewage charges, the water service shall not be recommenced until all delinquent charges have been paid and a deposit as in the case of tenants is made, and a water turn-on/turn-off fee as provided in the Water Utility Schedule of Fees is paid. In any other case where, in the discretion of the City, the collection of charges for water supply and/or sewage disposal service may be difficult or uncertain, the City may require a similar deposit. Such deposits may be applied against any delinquent water supply and/or sewage disposal service charges and the application thereof shall not affect the right of the City to turn off the water service and/or sewage service, to any premises for any delinquency thereby satisfied. No such deposit shall bear interest and such deposit, or any remaining balance thereof, shall be returned to the customer making the same when the customer shall discontinue receiving water supply and/or sewage disposal service or except as to tenants as to whom notice of responsibility for such charges has been filed with the City, when any 12 successive monthly bills shall have been paid by the customer with no delinquency. ('88 Code, Title II, Ch. 24, § 2.132) (Ord. 163-11-80, passed 11-17-80; Am. Ord. 183-8-83, passed 8-1-83; Am. Ord. 425-7-97, passed 7-21-97; Am. Ord. 476-02-01, passed 2-5-01; Am. Ord. 573-10-06, passed 10-2-06)

§ 54.10 SPECIAL RATES.

(A) The monthly charge for each single unit dwelling for sewage disposal service to users not connected with the City's water system who do not have a water meter shall be billed at the rate of 8,000 gallons of water use. In multi-dwellings this special rate shall be the residential rate for 8,000 gallons of water use, multiplied by the number of units per dwelling using City sewer disposal service.

(B) *Metered water usage.* Any new sewer customer who is not connected to the City water shall install a water meter provided by the City. The current cost of the meter shall be borne by the user if the meter size is greater than 5/8 inch. The City shall recommend the size of the meter, which size the customer may either use or select an alternate size. ('88 Code, Title II, Ch. 22, § 2.126) (Ord. 163-11-80, passed 11-17-80; Am. Ord. 294-12-90, passed 12-17-90; Am. Ord. 307-7-91, passed 7-1-91; Am. Ord. 325-7-93, passed 7-6-93; Am. Ord. 364-8-94, passed 8-22-94; Am. Ord. 391-8-95, passed 8-7-95; Am. Ord. 405-6-96, passed 6-6-96; Am. Ord. 423-7-97, passed 7-7-97; Am. Ord. 435-6-98, passed 7-1-98; Am. Ord. 448-7-99, passed 7-6-99; Am. Ord. 468-6-00, passed 6-5-00; Am. Ord. 495-6-02, passed 6-17-02; Am. Ord. 515-6-03, passed 6-2-03; Am. Ord. 532-06-04, passed 6-7-04; Am. Ord. 548-06-05, passed 6-6-05; Am. Ord. 573-10-06, passed 10-2-06)

§ 54.11 WATER RATES.

The rates to charge monthly for water service shall be as follows:

(A) *Institutional users.*

| Meter Size, Inches | Base Capacity Charge | | | |
|-------------------------------|--------------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| | Effective October 1, 2010 | Effective July 1, 2011 | Effective July 1, 2012 | Effective July 1, 2013 |
| 5/8 | \$7.00 | \$8.00 | \$9.00 | \$10.00 |
| 3/4 | \$13.20 | \$14.40 | \$15.60 | \$16.80 |
| 1 | \$21.73 | \$23.71 | \$25.69 | \$27.67 |
| 1-1/2 | \$47.03 | \$51.31 | \$55.59 | \$59.87 |
| 2 | \$90.48 | \$98.71 | \$106.94 | \$115.17 |
| 3 | \$154.83 | \$168.91 | \$182.99 | \$197.07 |
| 4 | \$294.53 | \$321.31 | \$348.09 | \$374.87 |
| 6 | \$476.58 | \$519.91 | \$563.24 | \$606.57 |

Commodity Charge:

Beginning October 1, 2010, all water shall be charged at the rate of \$4.90 per 1,000 gallons of use.

Beginning July 1, 2011, all water shall be charged at the rate of \$5.25 per 1,000 gallons of use.

Beginning July 1, 2012, all water shall be charged at the rate of \$5.65 per 1,000 gallons of use.

Beginning July 1, 2013, all water shall be charged at the rate of \$6.10 per 1,000 gallons of use.

Big Rapids - Public Works(B) *Residential/commercial/industrial users.*

| Meter Size, Inches | Base Capacity Charge | | | |
|-------------------------------|--------------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| | Effective October 1, 2010 | Effective July 1, 2011 | Effective July 1, 2012 | Effective July 1, 2013 |
| 5/8 | \$2.00 | \$3.00 | \$4.00 | \$5.00 |
| 3/4 | \$8.64 | \$9.43 | \$10.22 | \$11.01 |
| 1 | \$15.57 | \$16.99 | \$18.41 | \$19.83 |
| 1-1/2 | \$30.42 | \$33.19 | \$35.96 | \$38.73 |
| 2 | \$55.83 | \$60.91 | \$65.99 | \$71.07 |
| 3 | \$95.43 | \$104.11 | \$112.79 | \$121.47 |
| 4 | \$175.73 | \$191.71 | \$207.69 | \$223.67 |
| 6 | \$253.83 | \$276.91 | \$299.99 | \$323.07 |

Commodity Charge:

Beginning October 1, 2010, all water shall be charged at the rate of \$4.55 per 1,000 gallons of use.

Beginning July 1, 2011, all water shall be charged at the rate of \$4.80 per 1,000 gallons of use.

Beginning July 1, 2012, all water shall be charged at the rate of \$5.05 per 1,000 gallons of use.

Beginning July 1, 2013, all water shall be charged at the rate of \$5.30 per 1,000 gallons of use.

('88 Code, Title II, Ch. 22, § 2.127) (Ord. 163-11-80, passed 11-17-80; Am. Ord. 294-12-90, passed 12-17-90; Am. Ord. 307-7-91, passed 7-1-91; Am. Ord. 392-8-95, passed 8-21-95); Am. Ord. 426-8-97, passed 8-4-97; Am. Ord. 449-8-99, passed 8-16-99; Am. Ord. 524-11-03, passed 11-3-03; Am. Ord. 525-11-03, passed 11-17-03; Am. Ord. 573-10-06, passed 10-2-06; Am. Ord. 589-10-07, passed 10-15-07; Am. Ord. 628-09-10, passed 9-7-10)

§ 54.12 SEWER RATES.

The rates to charge monthly for sewer service shall be as follows, based on water/sewer used in the month of September, and billed October 1, 2013:

| Base Cost | |
|-------------------|---|
| Meter Size | Administrative and Debt Service fees |
| 5/8 | \$2.36 |
| 3/4 | \$11.42 |
| 1 | \$20.23 |
| 1-1/2 | \$49.30 |
| 2 | \$106.84 |
| 3 | \$182.59 |
| 4 | \$355.35 |
| 6 | \$659.95 |

Commodity Charge:

All sewer use shall be charged at the rate of \$6.11 for every 1,000 gallons. The sewer rates charged to customers in Big Rapids Township and Green Township shall be based on the costs that are determined by the current User Charge Report system calculations.

Commercial, Industrial and Institutional users shall be charged an additional charge per 1,000 gallons of use for the Industrial Pretreatment Program (IPP) as set annually in the User Charge Report contracted between the City of Big Rapids and Green/Big Rapids Townships.

Sewer lift stations, facilities, or other services on the system which serve only one customer shall be individually charged the cost of that private service. ('88 Code, Title II, Ch. 22, § 2.128) (Ord. 163-11-80, passed 11-17-80; Am. Ord. 299-1-91, passed 1-21-91; Am. Ord. 307-7-91, passed 7-1-91; Am. Ord. 325-7-93, passed 7-6-93; Am. Ord. 364-8-94, passed 8-22-94; Am. Ord. 391-8-95, passed 8-7-95; Am. Ord. 405-6-96, passed 6-6-96; Am. Ord. 423-7-97, passed 7-7-97; Am. Ord. 435-6-98, passed 7-1-98; Am. Ord. 448-7-99, passed 7-6-99; Am. Ord. 468-6-00, passed 6-5-00; Am. Ord. 481-6-01, passed 6-4-01; Am. Ord. 495-6-02, passed 6-17-02; Am. Ord. 515-6-03, passed 6-2-03; Am. Ord. 532-06-04, passed 6-7-04; Am. Ord. 537-01-05, passed 1-5-05; Am. Ord. 548-06-05, passed 6-6-05; Am. Ord. 573-10-06, passed 10-2-2006; Am. Ord. 590-10-07, passed 10-15-07; Am. Ord. 613-1-09, passed 11-2-09; Am. Ord. 640-07-11, passed 7-18-11; Am. Ord. 646-5-12, passed 5-21-12; Am. Ord. 669-09-13, passed 9-16-13)

§ 54.13 UTILITY REFUNDS AND CORRECTED BILLING.

(A) If a customer or the City's Utility Department document that an error has been made in utility billing, the City Treasurer's Office may either bill the customer for the underpayment or credit or refund the overpayment to future utility bills. Adjustments to such utility bills shall be limited to a period of three years.

(B) No penalty or interest will be charged for either overpayment or underpayment of a utility bill.

(C) A courtesy adjustment may be granted to a customer that wishes relief for a water and/or sewer bill due to leaks in the customer's water system. The customer shall document the basis of their claim, show that the leak has been repaired and submit such claim to the City. Staff shall review the claim and determine any adjustment to be given. The criteria for the adjustment will occur when consumption exceeds 50% of normal usage. The courtesy adjustment may be made for a period not to exceed two months of water /sewer use. Any adjustment may consider consumption in excess of the average of the highest three month period during the previous 12-month period. Any refund found to be due the customer will be credited to the next water/sewer bill. More than one courtesy adjustment per year should not be expected.

(Ord. 502-12-02, passed 12-16-02; Am. Ord. 573-10-06, passed 10-2-06)

§ 54.14 CAPITAL BUY IN CHARGE.

(A) All customers connecting to the public water and/or sanitary sewer system within the City of Big Rapids shall be assessed a Capital Buy in Charge at the time that service is requested. The charge shall apply to all classes of users. The Charge shall be made by a Water Invoice, which shall be paid in full before normal water or sewer service is provided to the facility.

(B) All customers that convert or expand an existing home, apartment or commercial property for additional use or occupancy shall be subject to additional connection fees as allowed in the following sections.

(C) The Capital Buy in Charge shall consist of a Connection Fee and a Construction Fee.

(D) The Connection Fee shall be as specified in the Utility Schedule of Fees, and shall be charged for each Residential Equivalent Unit (REU). REU's shall be based on anticipated water consumption, and shall be defined as 6 units of water use, or fraction thereof, per month. All single family residences shall be considered to be a single REU. All non-residential customers shall estimate the volume of water expected to be used by the customer, and shall provide that estimate to the Department at the time that service is requested. The Department shall then establish the REU's and the charge and shall notify the customer in writing of the charge and shall instruct the Treasurer's Office to issue the Water Invoice. The Department reserves the right to review water consumption annually for a five year period, and adjust the charge for the Connection Fee based on actual water consumption at any time during this period.

(E) The Construction Fee shall be established by the City Manager on a project by project basis and shall apply to initial and future customers that are or may be served by the water or sewer main. The Construction Fee shall reflect the total cost of the water or sewer main, including but not limited to engineering, design, installation, material, inspection, contingencies, legal, administrative and

miscellaneous charges. The Department shall prepare, or cause to be prepared, an estimate of the project cost and shall provide the estimate to the City Manager. The City Manager shall then determine the Construction Fee and shall notify initial and future customers of the fee. When construction on the water or sewer main begins, the City Manager shall direct the City Treasurer to prepare the Water Invoice and send it to those customers that request service. The Department shall maintain a list of charges to be imposed on future customers served by the main, and the Treasurer's Office shall prepare a Water Invoice when such customers request service. (Ord. 573-10-06, passed 10-2-06)

§ 54.15 UTILITY SCHEDULE OF FEES.

The Utility Schedule of Fees shall include all charges and fees for service provided by the City as imposed by the City Commission from time to time. The charges and fees shall be as shown in the following table.

TABLE OF UTILITY SCHEDULE OF FEES

| ISSUE | ASSIGNED FEE | BILLING PROCEDURE |
|---|---------------------|------------------------------------|
| 1. Replace a meter | See Note 1 | Water Invoice |
| 2. Test 5/8 inch meters | See Note 2 | With bill payment |
| 3. Delinquent Account Charges (See Note 3) | \$40.00 | With bill payment |
| 4. After-hours Water Turn-on Fee (Additional Charge) | \$100.00 | With bill payment |
| 5. Service Line - Replacement - Emergency | See Note 4 | Water Invoice |
| 6. Service Line - New -Residential | See Note 5 | Before meter is issued by the City |
| 7. Service Line - New - Commercial, Industrial | See Note 5 | Before meter is issued by the City |
| 8. Connection Fee - water, per REU | \$600.00 | Water Invoice |
| 9. Connection Fee - sewer, per REU | \$600.00 | Water Invoice |

Note 1: Replacement meters, excluding those replaced due to normal maintenance shall be charged at actual cost. The meter replacement charges shall also include staff time, material and vehicle charges, plus any additional charges the City may incur.

Note 2: When a request is received to test a 5/8 inch meter, the City will install a new meter and add the cost of the meter to the monthly bill. The meter that was removed will then be tested. Meters that are tested and found to have an error of less than or equal to plus or minus 3% of the actual reading comply with the AWWA standards for accuracy. Accordingly, the bill for the cost of the replacement meter, including installation becomes due and payable as part of the monthly bill. If the meter tests outside the acceptable range, the fee for the replacement meter and installation will be deducted from a subsequent monthly bill.

Note 3: Delinquent Account Charges shall apply when the turn off list is generated, regardless of whether or not water service is terminated.

Note 4: Since an exact cost cannot be determined for repairing a water service line, the customer will be billed on a time and materials basis for the actual cost incurred by the City. The Treasurer's Office may allow alternate repayment schedules in hardship cases.

Note 5: Since an exact cost cannot be determined for the installation of a new water service line, the customer will be billed on a time and materials basis for the actual cost incurred by the City. The Treasurer's Office may allow alternate repayment schedules in hardship cases.

Billing System: The Office of the City Treasurer and/or Department of Public Works shall prepare a work order for each activity listed above. The work will be performed by appropriate City staff, who will initial the work order and return it when the activity has been completed. The Treasurer will then issue a Water Invoice to the customer for the work. Payment shall be made in accordance with the Table above. Fees not paid shall subject the customer to termination of service and may be assessed against the property.
(Ord. 573-10-06, passed 10-2-06; Am. Ord. 670-09-13, passed 9-16-13)

CHAPTER 55: STORMWATER CONTROL AND MANAGEMENT

Section

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GENERAL PROVISIONS

§ 55.01 INTENT AND PURPOSE.

(A) *Intent.* The intent of this chapter to establish procedures and standards for the review of drainage patterns and stormwater control structures.

(B) *Purpose.* The purpose for this chapter is to provide the City with a mechanism to control and regulate stormwater runoff and discharge. Uncontrolled stormwater runoff and discharge is known to cause the following adverse effects:

- (1) Soil erosion;
 - (2) Surface water pollution and sedimentation;
 - (3) Economic loss due to flooding;
 - (4) Jeopardizing the public safety as a result of flooding; and
 - (5) Impassable or unusable roads and bridges as a result of flooding.
- (Ord. 420-4-97, passed 4-21-97)

§ 55.02 DEFINITIONS.

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

DIRECTOR OF PUBLIC SERVICES. The Director of Public Services for the City or any designee thereof.

DRAINAGE PATTERNS. The methods by which surface water or groundwater is carried from one part of a lot or parcel to another part of the lot or parcel or to adjacent properties.

STORMWATER RUNOFF AND CONTROL FACILITY. The method, structure, area, or related items which are designed to control, store, receive, or convey stormwater from storms or runoff events. Such facilities shall be designed, constructed, and maintained in accordance with standards and criteria developed by the City Office of Public Services. (Ord. 420-4-97, passed 4-21-97)

§ 55.03 APPLICABILITY AND SCOPE; EXEMPTIONS.

(A) *Review required.* Unless exempted by this chapter, no building, parking lot, drive, road, development, or similar item shall be constructed, expanded, added to, or enlarged, and no mass grading of a lot or parcel shall take place without first being reviewed by the Director of Public Services to determine the effects of the proposed project on drainage patterns and stormwater runoff.

(B) *Exemptions.* The following are exempt from review by the Director of Public Services:

(1) Single-family homes, accessory buildings, and accessory uses;

(2) Two-family homes, accessory buildings, and accessory uses;

(3) Interior remodeling, maintenance, and structural alteration for all buildings;

(4) Exterior modifications to all buildings that do not increase the size of the building;

(5) Exterior modifications which, in the opinion of the Director of Public Services, do not increase the amount of stormwater runoff or drainage patterns;

(6) Repairs and maintenance to buildings, parking lots, roads, and similar items which do not affect drainage patterns or stormwater runoffs;

(7) Accessory buildings under 400 square feet in size, and/or accessory buildings that are deemed by the Director of Public Services to have no effect on drainage patterns or stormwater runoff; and

(8) Other structures, buildings, uses, or activities that are deemed by the Director of Public Services to have no effect on drainage patterns or stormwater runoff.

(Ord. 420-4-97, passed 4-21-97)

§ 55.04 REVIEW AND DETERMINATION BY DIRECTOR OF PUBLIC SERVICES.

(A) *Sketch plan required; contents.* To initiate a review and determination of the effects of a proposed project by the Director of Public Services, the applicant or developer shall submit a sketch plan to the Director of Public Services. The sketch plan shall at a minimum include the following:

(1) The names, addresses, and phone numbers of the applicant or developers;

(2) A legal description of the property;

(3) A sketch drawing of the site showing property lines, existing improvements, proposed improvements, and future improvements, if known;

(4) Additional information, such as downstream capacities, calculations, or other pertinent information that will allow the Director of Public Services to determine whether existing stormwater runoff and control facilities are adequate; and

(5) All proposed stormwater flow contributions and control facilities and stormwater connections to the City's stormwater collection or drainage system.

(B) *Method of review by director of public services.*

(1) The Director of Public Services shall review the sketch plan for completeness and for conformance to this chapter. The policies and criteria shall be kept on file at the Office of Public Services and shall be made available to any individual who requests copies. The Director of Public Services may request additional information from the applicant or developer in order to complete the review.

(2) Following the review of the sketch plan, the Director of Public Services shall make a determination of the effects of drainage patterns and stormwater runoff. The determination shall be one of the following:

(a) Determine that the proposed project's drainage/stormwater runoff can be adequately handled by existing drainage or stormwater facilities and that no detailed plan review is necessary and that a storm water permit can be issued; or

(b) Determine that the proposed project's drainage/stormwater runoff is of such flow and/or volume that it cannot be adequately handled by existing facilities and that a detailed plan review is necessary; or

(c) Determine that additional information is necessary to make a finding whether a detailed plan review is necessary or not. (Ord. 420-4-97, passed 4-21-97)

§ 55.05 DETAILED SITE PLAN.

(A) *Applicability.* In the event a detailed site plan is required, the proposed project shall be subject to the requirements of this section.

(B) *Submission of detailed site plan.* In order to initiate a detailed site plan review of the proposed project, the applicant or developer shall submit to the Director of Public Services, three copies of detailed site plans showing at a minimum, the following:

(1) The applicant or developers name, address, and telephone number; and

(2) The legal description, address, and tax parcel number of the property; and

(3) A site plan drawn to a scale of not greater than 1" = 20' for a development of not more than three acres and a scale of not less than 1" = 100' for a development in excess of three acres. The site plan shall illustrate the following:

(a) All property dimensions.

(b) Topographic elevations at two-foot contours. This requirement may be altered or waived by the Director of Public Services.

(c) Water courses and waterways, including man-made improvements.

(d) Existing public and private right-of-ways, easements, and utilities.

(e) Existing and proposed buildings, structures, and other improvements.

(f) A grading plan showing proposed grades and finished floor elevations.

(g) Location, type, and method of stormwater runoff and control facilities.

(h) The name and address of the person or firm that prepared the detailed site plan and the date it was completed.

(C) *Review of detailed site plan.* The Director of Public Services shall review the detailed site plan for conformance and compliance with standards and criteria for designing stormwater runoff and control facilities. The standards and criteria shall be on file in the Office of Public Services and shall be made available upon request. The Director shall provide written notification of approval, request for additional information, or denial of permit within 30 days of receipt of submittals.

(D) *Approval of detailed site plans and stormwater runoff facilities; issuance of permit to connect to City storm sewers.*

(1) In the event that the Director of Public Services determines that the detailed site plan and the proposed stormwater runoff and control facilities are

adequate, the Director shall issue a permit and place a stamp on three sets of plans indicating their approval. One set of plans shall remain in the Office of Neighborhood Services, one set of plans shall remain in the Department of Public Services, and the other shall be returned to the applicant or developer.

(2) In those cases where hook-ups or use of the City's storm sewers are approved, the Director of Public Services shall issue to the applicant or developer a permit for hook up or use.

(E) *Rejection of detailed site plan and storm-water runoff facilities.* In the event that the detailed site plan is deemed incomplete and/or the proposed stormwater runoff and control facilities fail to satisfy the standards and criteria for design, the Director of Public Services shall inform the applicant or developer of the rejection by letter. The letter shall indicate the reasons for rejection and describe the steps necessary for correction and approval. (Ord. 420-4-97, passed 4-21-97)

§ 55.06 INSPECTION BY CITY TO ASSURE CONFORMANCE TO APPROVED PLANS AND PERMITS.

The City may inspect the installation of, construction of, and maintenance to approved stormwater runoff and control facilities. The purpose of the inspection shall be to assure that the stormwater runoff facilities were constructed, installed, and maintained in accordance with approved plans. In the event it is found by the City that the stormwater runoff [facilities have not been constructed, installed, and maintained in accordance with approved plans, the] Director of Public Services shall notify the applicant or developer and set forth and order any corrective measures in writing. (Ord. 420-4-97, passed 4-21-97)

Editor's note:

The bracketed text was missing from the original enacting ordinance and was inserted at the discretion of the editor.

§ 55.07 FEES.

The City Commission may by resolution establish a schedule of fees for the review of sketch plans, review of detailed site plans and stormwater runoff and

control facilities, and for permits to hook up to City storm sewers. The schedule of fees shall be available for inspection in the City Clerk's office and the Department of Public Services. (Ord. 420-4-97, passed 4-21-97)

§ 55.08 ENFORCEMENT AND PENALTIES.

(A) Any activity carried on in violation of the provisions of this chapter is declared to be a nuisance per se.

(B) Remedies to correct violations shall be carried out in the following manner:

(1) *Stop work orders.* Whenever any work is being done contrary to the provisions of this chapter, the City Manager or his agent shall order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, and any such persons shall stop such work until authorized, in writing, by the City Manager or his agent to proceed with the work.

(2) *Penalties.*

(a) In addition to the rights and remedies herein provided to the City, any person violating any provision of this chapter shall be deemed responsible of a municipal civil infraction. The penalty for a municipal civil infraction shall be a fine of not less than \$25 and not more than \$500 plus costs. Costs may include all expenses, direct and indirect, to which the City has been put in connections with the municipal civil infraction up to the entry of judgment. The City may seek or employ other remedies and sanctions available under state law for municipal civil infractions. Each day such violation is continued or permitted to continue shall constitute a separate offense and shall be punishable as such.

(b) The penalty for repeat offenses of the same chapter provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$500, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.

(c) A judgment, order, or abstract of the district court shall establish proof of a prior offense.

(3) *Appearance tickets.* Municipal civil infraction tickets can be issued as citations for violations of this chapter.
(Ord. 420-4-97, passed 4-21-97)

§ 55.09 CONSTRUCTION OF CHAPTER; OTHER APPLICABLE LAW.

The provisions of this chapter shall be construed, whenever possible, to be consistent with and in addition to relevant local, state, and federal regulations, requirements, and standards.
(Ord. 420-4-97, passed 4-21-97)

STORM WATER AND DETENTION TECHNICAL GUIDELINES

§ 55.30 INTENT AND PURPOSE.

The intent of these provisions (§§ 55.30 through 55.35, §§ 55.40 through 55.42, §§ 55.50 through 55.61, and §§ 55.70 and 55.71) is to establish technical procedures and standards for the review of drainage patterns and storm water control structures. The purpose of the chapter is to provide the city of big rapids with a mechanism to control and regulate storm water runoff and discharge.
(Ord. 420-4-97, passed 4-21-97)

§ 55.31 DEFINITIONS.

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

CATCHMENT AREA. The entire area that will contribute flow to the proposed storm drain. Limits of catchment area may or may not coincide with property boundaries.

DETENTION POND. An acceptable storage facility used to contain stormwater runoff and slow the rate of discharge to downstream waters.

DIRECTOR OF PUBLIC SERVICES. The Director of Public Services of the City or his designee.

DRAIN. Either an open or closed conduit intended

to provide for natural or manmade conveyance of stormwater from higher land to a downstream area.

ENGINEER. The engineer, or authorized licensed agent of the City.

HYDRAULIC GRADE LINE. The hydraulic grade line will be taken as the anticipated surface of water taking into account energy losses.

ORIFICE AND WEIR. A specifically designed structure used to regulate the flow rate leaving the detention pond.

PROPRIETOR. Any person, firm, association, partnership, corporation, or combination of any of them, who intends to develop, or improve land.

STORMWATER. Precipitation that disperses as overland flow and does not infiltrate into subsurface soils.
(Ord. 420-4-97, passed 4-21-97)

§ 55.32 STORM WATER DESIGN.

In order to protect the health, safety, and welfare of the citizens of the City, the following design considerations are made to prevent flooding, surface pollution, economic loss, or loss of life.
(Ord. 420-4-97, passed 4-21-97)

§ 55.33 DIRECTION OF FLOW.

Under no circumstances can a development alter the natural direction of flow from its previous direction unless determined unavoidable by the Director of Public Services. The Director will evaluate the change in direction and give written approval detailing conditions of the change. All flow resulting from an approved change will be required to flow into a detention pond as defined by this chapter. The proprietor will minimize the total quantity of flow being redirected.
(Ord. 420-4-97, passed 4-21-97)

§ 55.34 CONNECTIONS AND ASSOCIATED WATER QUALITY.

(A) Storm drains built and discharging to any surface water, or manmade conveyance, whether owned, operated, or maintained by the City, and

traversing the City limits, will be limited to rainfall and naturally occurring overland flow. Discharge of sani-tary water, gray water from sinks, bath tubs, washing machines, or any other plumbing fixtures into storm system is prohibited. Other connections prohibited include the direct connection of roof drains to a City sanitary sewer system, and any other connection that will cause or allow pollutant transport.

(B) Specific direct connections that will be required for review and approval of the design and facilities to be allowed include sump pump discharge lines and footing drains. Sump pump connections shall be protected from pollutants entering the sump pit and being pumped into the City storm sewer. (Ord. 420-4-97, passed 4-21-97)

§ 55.35 QUANTITY OF FLOW CALCULATIONS.

(A) Flow calculations submitted to the City shall be based on the rational method "Q = CIA" for developments with catchment areas less than ten acres, where Q is the computed runoff in cubic feet per second (cfs), C is the weighted C factor, I is the intensity for a ten-year storm event, and A is the total acreage in the tributary study area. For developments with catchment areas greater than ten acres, the "TR 55" method or other method acceptable to the Director of Public Services will be used for design.

(B) The weighted C value indicates the percent of runoff expected at peak conditions. The weighted coefficient will be computed as the sum of areas multiplied with the associated C value and then divided by the total drainage area. C values for areas of development will be taken from the following table:

| Description of Area | Coefficients |
|----------------------------|---------------------|
| Business | |
| Downtown areas | 0.70 - 0.95 |
| Neighborhood areas | 0.50 - 0.70 |
| Residential | |
| Single-family areas | 0.30 - 0.50 |
| Multi-unit, detached | 0.40 - 0.60 |
| Multi-unit, attached | 0.60 - 0.75 |
| Residential (suburban) | 0.25 - 0.40 |
| Apartment dwelling areas | 0.50 - 0.70 |

| Description of Area | Coefficients |
|----------------------------|---------------------|
| Industrial | |
| Light areas | 0.50 - 0.80 |
| Heavy areas | 0.60 - 0.90 |
| Parks, cemeteries | 0.10 - 0.25 |
| Playgrounds | 0.20 - 0.35 |
| Railroad yard areas | 0.20 - 0.40 |
| Unimproved areas | 0.10 - 0.30 |
| Streets | |
| Asphalt | 0.90 - 0.95 |
| Concrete | 0.90 - 0.95 |
| Brick | 0.80 - 0.90 |
| Drives and walks | 0.80 - 0.90 |
| Roofs | 0.80 - 0.95 |
| Lawns, sandy soil | |
| Flat, 2% | 0.05 - 0.10 |
| Average, 2% - 7% | 0.10 - 0.15 |
| Steep, 7% | 0.15 - 0.20 |
| Lawns, heavy soil | |
| Flat, 2% | 0.13 - 0.17 |
| Average, 2% - 7% | 0.18 - 0.22 |
| Steep, 7% | 0.25 - 0.35 |

(C) The value used for the intensity shall be obtained using the ten-year storm event as shown in Appendix A, attached to Ord. 420-4-97. The time of concentration used will be calculated by a reasonable method and presented to the Director of Public Services for review. Developments located in the following zones will require a minimum time of concentration of 5 minutes: Residential/Commercial, Commercial 1, 2, or 3 and Industrial (RC, C-1, C-2, C-3, and I). Residential developments (R-1, R-2, and R-3) will require a minimum time of concentration of 15 minutes.

(D) The total design acreage should include the entire catchment area, either within or contiguous to the developed limits where water traverses to the pro-posed drain. The proprietor must provide information to delineate the drainage limits and determine the anticipated catchment area.

(E) The Director of Public Services reserves the right to request a field determination of the catchment boundary to be used for design in order to fulfill the intent and purpose of this chapter. (Ord. 420-4-97, passed 4-21-97)

STORM DRAIN DESIGN FACILITIES

§ 55.40 INLET CAPACITIES FOR STORM CATCHMENTS.

Inlet capacities of catch basins will be specifically analyzed according to the anticipated flow calculated by the method detailed in § 55.35 of this chapter. The maximum height of water allowed to pond over inlet structures set in parking, driving, or walking areas will be 0.5 feet from top of grate. The maximum height of water for inlet structures set in road ditches or grassed areas will be 1.5 feet from top of grate. This condition may be waived if, in the opinion of the Director of Public Services, the resulting elevation of water will not cause adverse effects and still fulfills the intent and purpose of this chapter. Under no condition can the water level be more than two feet from the top of casting. (Ord. 420-4-97, passed 4-21-97)

§ 55.41 STORM SEWER NETWORKS AND APPURTENANCES.

(A) The minimum pipe diameter will be 12" and made of reinforced concrete or other material if approved by the Director of Public Services. Drains specifically intended for roof drainage, sump discharge, and footings may be of smaller size. Minimum and maximum grades allowable for any pipe are as follows:

| <i>Pipe Diameter</i> | <i>Minimum Pipe Grades</i> | <i>Maximum Pipe Grades</i> |
|----------------------|----------------------------|----------------------------|
| 12" | 0.32 | 4.88 |
| 15" | 0.24 | 3.62 |
| 18" | 0.20 | 2.84 |
| 21" | 0.16 | 2.30 |
| 24" | 0.14 | 1.94 |
| 30" | 0.10 | 1.44 |
| 36" | 0.08 | 1.12 |
| 42" | 0.06 | 0.92 |

(B) Catch basins with a 2' sump will be used for all storm inlets. The minimum internal diameter catch basin will be 4', have mastic joints or O-ring joints, have a bituminous sealant between casting and pavement, and be built to meet ASTM C 478. Manholes or catch basins will be set at every intersection of pipe larger than 8", change in grade, change in direction, or at a maximum distance of 350'. Proprietors shall contact the Public Services Department to obtain a list of current castings to be used.

(C) Storm conveyance networks will be designed to provide for the ten-year peak discharge as calculated by § 55.35 of this chapter. The method necessary to analyze pipe or channel hydraulics will be based on Manning's Equation as given below:

$$Q = A * 1.486 / n * (R)^{(2/3)} * (S)^{1/2}$$

where:

- Q = Cumulative flow from ten-year storm event
- A = Cross sectional area of pipe or channel
- R = Hydraulic radius
- S = Slope of hydraulic grade line based on ten-year storm event
- n = Manning's coefficient taken from table below

Typical Manning's Coefficients

| | |
|----------------------------------|-------|
| Concrete pavement | 0.011 |
| Concrete pipe | 0.012 |
| Cast iron | 0.012 |
| Vitrified clay | 0.014 |
| Channel lined with asphalt | 0.015 |
| Earth, clean | 0.018 |
| Gravel | 0.023 |
| Corrugated metal | 0.024 |
| Earth with grass and weeds | 0.030 |
| Earth with dense weeds and brush | 0.080 |

(D) Storm conveyance channels will be designed to ensure that the elevation of the hydraulic grade line will not permit uncontrolled flooding. If surcharging of manholes will be required to meet the anticipated ten-year storm event, the hydraulic line must be included in the profile view of submitted plans. Calculations supporting drainage requirements for the Director of Public Service's review will also be necessary. (Ord. 420-4-97, passed 4-21-97)

§ 55.42 ADDITIONAL DESIGN CONSTRAINTS.

(A) Velocities in open channels shall not become erosive for the type of soil and type of vegetation anticipated to carry the water. Pipe outlets such as footing drains, farm tiles, sump pump discharges, and other connections to a City-maintained channel will be protected from erosion by means as determined by the Director of Public Services. Typical methods include rip rap, outlet elevations lowered, drop structures, oversized pipe diameter, or other methods as determined necessary.

(B) Pipe outlets will be designed and installed to adequately resist erosion. The proprietor will design adequate channel or bed stabilization using acceptable methods for transition from pipe to channel flow. Any damage incurred to the City storm sewers will be the responsibility of the proprietor.

(C) All charges, including legal fees, will be charged against the proprietor to repair damage resulting from the discharge.
(Ord. 420-4-97, passed 4-21-97)

PEAK FLOW REDUCTION**§ 55.50 STORMWATER DETENTION.**

The intent of this subchapter is to decrease the rate water enters the City storm sewer during peak flows.

(Ord. 420-4-97, passed 4-21-97)

§ 55.51 PROJECTS SUBJECT TO DETENTION REQUIREMENTS.

Land subject to detention requirements includes new development within the City limits or an adjoining parcel that will connect to City storm or drains. All projects requiring detailed storm drain review as defined in § 55.05 will require detention facilities unless specifically mentioned above.

(Ord. 420-4-97, passed 4-21-97)

§ 55.52 SEQUENCING OF PONDS.

Each parcel as described on the date of acceptance of this chapter will have only one pond. If a property is split or is partially developed, the pond calculations will be based on the entire parcel and not limited to the area developed.

(Ord. 420-4-97, passed 4-21-97)

§ 55.53 MAINTENANCE OF STORAGE AREAS.

(A) Maintenance of the detention pond is the responsibility of the property owner. If the property owner is not maintaining the pond and the resulting condition negates the intent and purpose of this chapter, the City will issue a written notice granting ten days to correct the situation. If, after the written notice, the pond is not maintained, the City will post a 24-hour notice to enter the premises and perform the necessary maintenance. Costs associated with the maintenance, including materials, labor, legal fees, and out of pocket expenses incurred by the City will be billed to the property owner.

(B) Examples of maintenance that will be required include but are not limited to the following:

- (1) Periodic inspection of operation;
- (2) Mowing weeds, grass, and removal of saplings;
- (3) Removal of sediments from pond bottom;
- (4) Removal of debris and other non toxic pollutants;
- (5) Repair of erosion damage; and
- (6) Maintenance of outlet structures

(Ord. 420-4-97, passed 4-21-97)

§ 55.54 DESIGN CONSIDERATIONS.

The ponds shall be designed to minimize adverse effects, promote safety, limit the rate drainage leaves the site, and be aesthetically pleasing. Ponds shall be designed to reduce the loss of soil particles and promote a higher quality of water. Such practices may include longer detention ponds, baffles, and other creative methods.

(Ord. 420-4-97, passed 4-21-97)

§ 55.55 DESIGN REQUIREMENTS FOR DETENTION PONDS.

(A) Wherever practical, ponds shall be located in natural depressions or low lands but not in protected wetlands or regulated floodplain areas. Discharge for ponds should be directed towards wetlands where applicable.

(B) All ponds built in the City are required to have all of the following characteristics unless specifically waived by the Director of Public Services:

(1) A minimum of 15-foot buffers must be maintained between adjacent property and the toe of berm for the detention pond.

(2) A maximum of 3:1 side slopes is required for all berms.

(3) The length to width ratio will be no less than 3:1 to promote adequate settling of solids.

(4) All inlets to the pond will produce a nonerosive velocity of storm water when discharged during peak flows. Permanent erosion control measures will be required where exit velocities exceed four feet per second.

(5) The crest of the berm must have a minimum width of five feet around the entire pond.

(6) Pond bottom slopes will be 2% if grassed or 1% if concrete or asphalt is proposed. Concrete or asphalt will be considered for hydraulic purposes only, and proprietors are encouraged to use grass or natural vegetation.

(7) Pond cross slopes will be as listed in subdivision (B)(7).

(8) Maximum depth from the elevation to the emergency spillway and the pond base elevation will be four and a half feet, although three feet is more appropriate.

(9) The toe of any berm may not be any closer than 15 feet from any outbuilding, and 25 feet from any building intended for occupancy.

(10) A method for screening the pond will be submitted for review and approval to ensure that the pond will be aesthetically pleasing to the surrounding properties.

(11) Water loving trees such as willows shall not be planted within 80' of the pond.

(12) All obstacles, such as old farm tiles, that have the potential to affect the design performance will be reported to the Director upon discovery and will be rerouted, removed, or reconfigured to the Director's satisfaction to maintain the intended design of the pond.

(Ord. 420-4-97, passed 4-21-97)

§ 55.56 REQUIRED RELEASE RATE.

The maximum allowable release rate will be determined by the three-year predevelopment conditions. The predeveloped condition will be taken as the three-year intensity multiplied by the weighted C (as determined for the rational formula) but cannot exceed 0.2 cfs per acre. Calculations supporting the release rate will be submitted along with other calculations required. The Director of Public Services may increase or decrease the allowable release rate based on the current capacity of the City storm sewers.

(Ord. 420-4-97, passed 4-21-97)

§ 55.57 REQUIRED STORAGE VOLUME.

(A) The volume of storage required will be based on the difference between the required release rate as determined in § 55.56 and the 25-year fully developed conditions. The acreage used for detention requirements will be taken as the developed property acres. The chart included in the § 55.70 has been provided to aid in the necessary calculations. This form must be attached with all required calculations for site plan approval.

(B) During any storm event, the detention pond will be required to store a minimum of 20% of the total required for a period of 12 hours. The engineer will provide calculations by an acceptable method to demonstrate to the Director of Public Services that the pond is designed to store water for the 12-hour period. The percentage of total storage may be increased or decreased at the discretion of the Director.

(Ord. 420-4-97, passed 4-21-97)

§ 55.58 CONTROLLED OUTLET.

(A) Methods that will be considered as acceptable outlet controls include perforated risers, vertically arranged orifices, horizontally arranged orifices, and broad crested weirs.

(B) The controlled outlet will be properly designed to handle the maximum allowable discharge for the site.

(C) The minimum diameter of pipe that can be utilized for controlled outlets is 6" in diameter. Outlets with multiple holes are acceptable, where fittings such as a solvent weld cap with only one hole drilled in the end will not be acceptable.

(D) The Director of Public Services may request modified outlet conditions, configurations, sizing, and method in order to fulfill the intent and purpose of this chapter.
(Ord. 420-4-97, passed 4-21-97)

§ 55.59 EMERGENCY OUTLET.

(A) The emergency outlet will be designed to handle runoff from the ten-year developed condition for the entire catchment area as defined in § 55.35(D). Acceptable methods that can be used for emergency outlets include but are not limited to concrete lined channel, bituminous lined channel, horizontally arranged orifices, and vertically arranged orifices. The method used must be designed to prevent any channel or bank erosion that would threaten the integrity of the channel or bank.

(B) The design consideration will be such that the amount of water anticipated to reach the pond will be able to leave at the same rate assuming the controlled outlet has been plugged. The necessary elevation for the emergency outlet will be such that the required volume of storage will be maintained.
(Ord. 420-4-97, passed 4-21-97)

§ 55.60 BERM ELEVATION (FREEBOARD).

The maximum height of pond will be calculated based on the type of outlet proposed. Freeboard of at least 0.5' above the highest discharge elevation for the

emergency outlet shall be provided to ensure protection from overtopping and an uncontrolled release.
(Ord. 420-4-97, passed 4-21-97)

§ 55.61 FAILED STORM WATER FACILITY.

If a storm water facility fails during a flood event, the Director of Public Services will request that the pond be reconstructed. Since the existing pond failed, the reconstruction shall be viewed as a new facility and will require a permit in accordance with this chapter.

(Ord. 420-4-97, passed 4-21-97)

FORMS; SCHEDULES**§ 55.70 DETENTION CALCULATION SHEET.**

[The detention calculation sheet is set forth in full on the following page.]

DETENTION CALCULATION SHEET

| | |
|---------------------------------|---------|
| Name of development | |
| Weighted C Value (A) | |
| Maximum Allowable Discharge (B) | cfs |
| Development Area (C) | Acres |
| Storm Recurrence Interval | 25 Year |

| Time (hour) (D) | Rainfall inch/hour (E) | I*C (E)*(A) (F) | Outlet CPS/ac (B) | Inflow (F)-(B) (G) | Storage (G)/12 (H) | Required Storage (D)*(C)*(H) |
|---|------------------------|-----------------|-------------------|--------------------|--------------------|------------------------------|
| 0.08 | 7.40 | | | | | |
| 0.17 | 5.80 | | | | | |
| 0.25 | 4.70 | | | | | |
| 0.33 | 4.18 | | | | | |
| 0.42 | 3.65 | | | | | |
| 0.50 | 3.25 | | | | | |
| 0.58 | 2.95 | | | | | |
| 0.67 | 2.77 | | | | | |
| 0.75 | 2.60 | | | | | |
| 0.83 | 2.48 | | | | | |
| 0.92 | 2.30 | | | | | |
| 1.00 | 2.12 | | | | | |
| 1.25 | 1.78 | | | | | |
| 1.50 | 1.55 | | | | | |
| 2.00 | 1.25 | | | | | |
| 2.50 | 1.06 | | | | | |
| 3.00 | 0.88 | | | | | |
| 3.50 | 0.78 | | | | | |
| 4.00 | 0.70 | | | | | |
| Maximum Storage Required in far right hand column | | | | | | Ac-Ft |
| Maximum multiplied by 43,560 = Detention Volume Required | | | | | | CFT |

§ 55.71 SCHEDULE OF FEES.

| | |
|---|------|
| Storm water engineering review: (Am. Ord. 578-03-07, passed 3-19-07) | \$50 |
|---|------|