

ORDINANCE NO. 79-1

An ordinance regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system: providing for the fixing and collection of rates and charges for the use of the sanitary sewer system and the allocation and use of revenues derived therefrom: and providing penalties for violation of certain provisions.

The TOWNSHIP OF FAIRFIELD ordains:

ARTICLE I

Definitions

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

B.O.D. Biochemical Oxygen Demand	The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 C., expressed in parts per million by weight.
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 of the walls of the building and conveys 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 public sewer or other place of disposal.
C.O.D. 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.
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 and fecal coliform, phosphorus and its compounds, and nitrogen and its compounds.
EPA Administrator	The head of the Environmental Protection Agency.

Garbage	Solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
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	Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions: A, B, D, E and I.
Industrial Wastes	The liquid wastes from industrial processes as distinct from sanitary sewage.
Major Contributing Industry	An industrial user of the publicly owned treatment works: a) having a flow of 50,000 gallons or more per average work day, b) having a flow greater than 5% of the total flow carried by the municipal system receiving the waste, c) having in its discharge a toxic pollutant in amounts exceeding the desired limits, and 3) is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singularly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.
MG/L NPDES Permit	Milligrams per liter. 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 his discharge is authorized by a permit issued either by the U.S. Environmental Protection Agency or by an approved state agency.
Natural Outlet	Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
Normal Strength Domestic Wastes	Wastes which have a BOD of 200 milligrams per liter, suspended solids of 170 milligrams per liter, phosphorus of 10 milligrams per liter, have a pH between 6.5 and 9.5 and do not contain a concentration of other constituents which will interfere with the normal wastewater treatment process.

Operation and Maintenance	Operation and Maintenance (O&M) may be defined as 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 • basi« in conformance with applicable regulations.
PPM	Parts per million.
pH	The logarithm of the reciprocal of the hydrogen ion concentration in moles per liter.
Person	Any individual, firm, company, association, society, corporation, or group.
Properly Shredded Garbage	The wastes from the preparation, cooking, and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2-inch in any dimension.
Public Sewer	A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
Replacement	Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and- performance, for which such works were designed and constructed.
Sanitary Sewer	A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
Sewage	A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground surface, and storm waters as may be present.
Sewage Works	All facilities for collecting, pumping, treating and disposing of sewage.
Sewer	A pipe or conduit for carrying sewage.
Sewer Service Charge	The rate charges for providing wastewater collection and treatment service.
"Shall"	Mandatory; "may" is permissive.

Storm Sewer or Storm Drain	A sewer which carries storm and surface waters and drainage, but excludes sewage and .polluted industrial wastes.
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.
Township U.S.	The Township of Fairfield, Michigan, and/or the duly authorized deputy, agent, or representative.
EPA	The United States Environmental Protection Agency which assures the protection of the environment by abating or controlling pollution on a systematic basis.
User Charge	A charge levied on users of treatment works for the cost of operation and maintenance of such works.
User Class	That the recipient of wastewater treatment services will be assigned to one of the three classes as discussed in Article VI.
Wastewater Treatment Plant	Any arrangement of devices and structures used for treatment sewage.
Watercourse	A channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II

Use of Public Sewers Required

Section 1. It shall be unlawful for any person within 200 feet of a public sanitary sewer to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Township or in any area under the jurisdiction of the Township, any human or animal excrement, garbage, or other objectionable waste.

Section 2. 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 other than storm water or uncontaminated industrial wastes as heretofore defined; or to increase an approved use except upon special agreement or arrangement with the Township and in accordance with the rules and procedures of appropriate agencies of the State of Michigan.

Section 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Section A. The owner of any house, building or property used for human occupancy, employment, recreation, or other purpose, situated within the Township and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Township, is hereby required at his expense to install suitable toilet facilities and connect such facilities directly with the proper public street sewer in accordance with the provisions of this ordinance. The Township may require any such owner, pursuant to the authority conferred upon it by law or ordinance, to make such installations or connections.

ARTICLE III

Private Sewage Disposal

Section 1. Where a public sanitary or combined sewer is not available under the provisions of Article II, the building sewer shall be connected to a private sewage disposal system constructed in compliance with State and local laws.

Section 2. 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 ground water, or tile drain unless otherwise approved by the Township. All installations shall comply with existing State laws and regulations.

Section 3. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article II, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable materials. All filling and demolition subject to approval of the Township.

Upon application of the owner of such property, the Township may grant a delay of not more than two years, before making connection to public sewer. Such delay to be granted only if private facilities are satisfactory and create no nuisance or health hazard.

Section 4. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Township.

Section 5. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Township or other regulatory agencies with respect to private sewage disposal.

ARTICLE IV

Building Sewers and Connections

Section 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Township.

Section 2. All connections with any sewer of the Township shall be made only by written authorization and permits issued by the Township, and on such forms and on payment of such fees as shall be established from time to time by the Township.

Section 3. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner of said property. The owner shall indemnify the Township from all loss or damage that may directly be occasioned by the installation of the building sewer.

Section 4. All applicants for sewer connection permits shall, when required submit plans and specifications of all plumbing construction within such building or premises and such plans and specifications shall meet the requirements of the Plumbing Code of the State of Michigan, and all orders, rules and regulations of the Department of Health. The approval of connection permit shall also be contingent upon the availability of capacity in all downstream sewers, lift stations, force mains, and the wastewater treatment plant including BOD and suspended solids capacity. When such plans and specifications have been approved by the Township or by such officials as they may designate, a sewer or plumbing permit shall be issued, subject to final inspection and approval when construction is completed.

Final approval will be subject to compliance with the Plumbing Code of the State of Michigan, and all orders, rules and regulations of local and State regulatory agencies.

Section B. The applicant for a building sewer permit shall notify the Township when the building sewer is ready for inspection. The Township shall then inspect the said building and plumbing construction therein and if such construction meets the previous requirements as so approved in the construction permit, a sewer connection approval shall be issued, subject to the applicable provisions of other Articles of this Ordinance.

Upon final approval of any sewer connection, all sewer supports, testing of sewer, backfilling of sewer, including material and other elements contingent on completion of installation, shall comply with State of Michigan Plumbing and Township Building Codes.

Section 6. 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 Township through the designated representative.

Section 7. All connections to existing or new sewers will, be made by employees of the Township or their approved representatives. The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location.

Section 8. The applicant for the building sewer permit shall notify the Township when the building sewer is ready for inspection and connection to the public sewer.

Section 9. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township.

ARTICLE V

Use of the Public Sewers

Section 1. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

Section 2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Township, and in compliance with rules and procedures of various agencies of the State of Michigan. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Township, to a storm sewer or natural outlet. The Township has the right to exclude industrial or commercial waste in whole or in part, for any reason.

Section 3. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- a) any liquid or vapor having a temperature higher than 150 F;
- b) any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- c) any garbage that has not been properly shredded;
- d) any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
- e) any wastes having any other corrosive properties capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
- f) any waters, or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, fish or aquatic life, or create any hazard in the receiving waters or in the wastewater treatment plant;
- g) any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant;
- h) any noxious or malodorous gas or substance capable of creating a public nuisance;
- i) any water and/or waste not complying to all NPDES permit requirements, pretreatment standards, and all other unspecified State and Federal regulations;

- j) any waters or wastewaters having chlorine demand in excess of 15 mg/l;
- k) any waters or wastes having pH less than 5.5 and greater than 9.5;
- l) any water or waste which may contain more than one hundred milligrams per liter (100 mg/l) by weight, of fat, oil, or grease or exceed a daily average of twenty-five milligrams per liter (25 mg/l);
- m) any grease, oil or other substance that will become solid or viscous at temperatures between 32 F and 150 F, including mineral oils from the viscosity range of kerosene on up;
- n) any wastes that contain insoluble solids in excess of ten thousand milligrams per liter (10,000 mg/l) or exceeds a daily average of five hundred milligrams per liter (500 mg/l) or that contains a combination of soluble and insoluble material in excess of twenty thousand milligrams per liter (20,000 mg/l) and must not contain any insoluble substance having a specific gravity greater than 2.65.

Section 4. Grease, oil, sand interceptors, and conventional grease traps shall be provided when, in the opinion of the Township, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable" wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Township, and shall be located as to be readily and easily accessible for cleaning and inspection.

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.

Section 5. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Section 6. Where necessary in the opinion of the Township, the owner shall provide, at his expense, such preliminary treatment as may be necessary to, a) reduce objectionable characteristics or constituents to within the maximum limits as provided for in Article V, or b) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Township and of the State regulation agencies and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Requirements for Applying for a Use Permit

Section 7.A. Application for use of sewers requires each person or establishment, with any other than domestic waste discharge, to do any or all of the following:

- a) Request service for sanitary sewer, storm sewer, or other;

- b) Request to include all of the following:
- 1) State nature of business or enterprise
 - 2) State source and volume of water used both in processing, cooling and waste transportation
 - 3) State volumes in gallons of water to be discharged to sanitary, storm or other surface or ground areas
 - 4) List all substances of a chemical, biological, or radioactive nature, other than those found in the source water supply, which are now or will be found in all wastewater discharges
 - 5) Provide plans of buildings, waste treatment works, process flow patterns, outfall lines, and in-plant drainage lines
 - 6) Sample, test and file reports with the Township and appropriate State agencies on specified waste characteristics. All schedules, locations methods to be approved by the Township
 - 7) Place waste treatment facilities, process facilities, waste streams or other facilities generating wastes or possessing potential waste problems under designated control and supervision of person who has been approved by appropriate State agencies
 - 8) Provide a report on all raw materials entering the process or support systems, including analyses and assays provided by suppliers of raw materials
 - 9) Maintain records and file reports on final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents or other hazardous wastes

Issuing of Sewer Use Permit

Section 7.B Upon completion of any or all of the items under Section 7.A above, the Township will, after reviewing applications, issue a sewer use permit which will include all or part of the following:

- a) State location of discharge points into sanitary, storm sewers, or surface water areas
- b) Designation of maximum allowable volumes of wastewater to be discharged at discharge points
- c) Designation of any discharge restrictions
- d) Designation of types and sizes of containment facilities to control process spills to the designated sewers

- e) Provision for sampling and analysis of waste discharged to designated sewers
- f) Provisions for filing reports on waste analysis with the Township
- g) Provisions for notifying the Township of any changes in processes and/or wastes or proposed additional waste, or connections to the designated or other sewers
- h) Establish limits on specific waste constituents in mg/l and in pounds per day. Limits can include, but are not limited to, BOD, COD, temperature, pH, suspended solids, volatile suspended solids, soluble metal wastes, toxins, pesticides, herbicides, solvents, detergents, and other wastes capable of creating hazards to humans, animal, or aquatic life or which might create any hazards to sewers, wastewater treatment plant or the receiving waters
- i) Establishment of any fees deemed necessary to defray costs of sampling, and/or analysis by the Township
- j) The Township reserves the right, at any time, to reappraise requirements of any industry for its use permit.

Any industry that does not normally discharge to the sanitary sewer, storm sewer, or receiving stream, but has the potential to do so from accidental spills or other circumstances; may be requested by the Township to file or accomplish any of the above listed items.

Section 8. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

Section 9. When required by the Township, the owner of any property served by a building sewer carrying industrial wastes, shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. The control manhole may be required by the Township for any industrial or commercial building sewer whose water supply is from an unmetered private well. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Township. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 10. All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in Article V, shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole provided for in Section 9, above, 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. In addition to the "Standard Methods," all testing should conform with "Guidelines Establishing Test Procedures for Analysis of Pollutants" as published in October 16, 1973, Federal Register (40 CFR 136).

Section 11. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Township and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Township for treatment, subject to payment therefore by the industrial concern. The strength of any wastes referred to herein shall be determined under the requirements of Section 10, above.

ARTICLE VI

User

Classification

Section 1. The recipients of wastewater treatment services will be assigned to one of the following classes:

CLASS I

Any nongovernmental user identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under Divisions A, B, D, E and I and as defined in 40 CFR 35.905 published September 27, 1978 in the Federal Register.

CLASS II

Any user identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under Divisions C, F, G, H, J and K.

CLASS III

All users, which produce primarily segregated domestic wastes or wastes from sanitary conveniences.

A user in the divisions listed may be excluded from Class I or Class II and placed in Class III if, it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

Section 2. The user may appeal his assigned classification by submitting a written appeal to the Township thirty (30) days in advance of a regularly scheduled Township meeting at which time the appeal will be heard.

ARTICLE VII

User Rates and Charges for Wastewater Disposal

Service

Section 1. The sanitary sewer system of the Township shall, as far as possible, be operated and maintained on a public utility basis as authorized by law. Each premise within the Township connected to and using facilities of the system shall pay user rates and charges as fixed and established from time to time by the Township. The Township shall annually review the user rates and charges as required by Public Law 92-500.

Section 2. Commencing on the effective date of this ordinance, the user rates and charges for wastewater treatment shall be fixed by the Township by ordinance or resolution. Charges for wastewater treatment furnished to premises outside the corporate limits of the Township shall be fixed by the Township by ordinance or resolution prior to the rendering of such services.

Section 3. Where wastewater 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 should be given, special rates may be fixed by the Township, and the Township may require Class I and/or Class II users to install metering equipment to actually determine the flow. Class III residential users shall be charged on the basis of the average Class III metered charges on the system.

Section 4. If the character of sewage from¹ any manufacturing or industrial plant, or from any other building or premises is such that it imposes an unreasonable burden upon the Township's sewage system, in the discretion of the Township, such owner may be required to separately and satisfactorily treat such sewage before being emptied into any public sewer, or the right to empty said sewage may be denied, if necessary, for the protection of the system, public health or safety. In lieu of exclusion and/or on-site treatment, the Township may establish an "Extra Strength Surcharge". Extra strength surcharges shall be billed concurrently with bills for Wastewater Disposal Service and shall be based upon 24-hour Composite Samples. Extra strength surcharges shall only apply to those users approved for discharge of extra strength waste by the Township and who have installed a suitable Control Manhole as set forth in Article V, Section 9.

Section 5. 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 payment of bills for water service.

Section 6. No free service shall be furnished by the system to the County or to any person, firm or corporation, public or private, or to any public agency or instrumentality.

ARTICLE VIII

Industrial Cost Recovery Charges for Wastewater Disposal Service

Section I. Federal assistance has been provided for construction of certain portions of the wastewater collection and disposal system. In accordance with

Public Law 92-500, one hundred percent (100%) of the Federal assistance allocable to the treatment of wastes generated by a Class I user or capacity committed to industrial use must be recovered by an Industrial Cost Recovery System. The Industrial Cost Recovery Charges shall be established by the Township and shall be reviewed annually.

Section 2. Commencing on the effective date of this ordinance, Class I users will be subject to Industrial Cost Recovery Charges. These charges will be billed periodically in accordance with this ordinance^ These charges are separate from and in addition to the User Charges. Class I users discharging the equivalent of 25,000 gallons per day or less of sanitary waste shall be exempt from this charge, provided that the waste discharged does not contain any pollutants which: 1) interfere with the wastewater treatment works processes, 2) are incompatible, or 3) contaminate or reduce the utility of the sludge.

Section 3. Where metered water consumption is not representative of the quantity of wastewater discharged by an industry, special consideration will be given by the Township for establishing an equitable basis for determining Industrial Cost Recovery Charges.

Section A. Bills shall be payable periodically and simultaneously with payments made for User Charges and shall be subject to such penalties as may apply to the bills for User Service.

Section 5. Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay its share of the total amount of the grant amendment awarded pursuant to this part, divided by the recovery period.

Section 6. The industrial cost recovery period shall be equal to 30 years or the useful life of the wastewater treatment works, whichever is less.

Section 7. The first payment by an industrial user shall be made not later than 1 year after such user begins use of the wastewater treatment works.

Sections. An industrial user's share shall be based on all factors which significantly influence the cost of the wastewater treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included to insure a proportional distribution of the grant assistance allocable to industrial use to all industrial users of the wastewater treatment works. As a minimum, an industry's share shall be proportional to its flow, in relation to wastewater treatment works flow capacity.

Section 9. If there is a substantial change in the strength, volume, or delivery flow rate characteristics introduced into the wastewater treatment works by an industrial user, such user's share shall be adjusted accordingly.

Section 10. If there is an expansion or upgrading of the wastewater treatment works, each existing industrial user's share shall be adjusted accordingly.

Section 11. An industrial user's share shall include only that portion of the grant assistance allocable to its use or to capacity firmly committed for its use.

Section 12. All unallocated wastewater treatment works capacity must conform with the requirements of Section 204(a)(5) of the Act. Cost-effectiveness guidelines are published as Appendix A to this subpart to furnish additional advisory information concerning the implementation of Section 212(2)(c) of the Act.

Section 13. An industrial user's share shall not include an interest component.

ARTICLE IX

Allocation of Revenues - Fiscal Year

Section 1. From and after the effective date of this ordinance, the revenues and income derived from the collection of rates and charges as authorized in Article VII of this ordinance shall be deposited into the fund set up for such revenues specified as follows:

A. OPERATION AND MAINTENANCE FUND

There shall be established, as a separate bank account, 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, payments will be made for current expenses of operation, maintenance, scheduled replacement, and administration of the wastewater disposal system of the Township.

B. DEBT RETIREMENT FUND

There shall be established, as a separate bank account, a fund or account to be designated BOND DEBT RETIREMENT FUND from the revenues received from the users for this specific purpose. All of the revenues will remain in the Bond Debt 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 Township.

C. REPLACEMENT FUND

There shall be established, as a separate bank account, a fund or account to be designated REPLACEMENT FUND from the revenues received from the users for such purpose. Expenditures from the REPLACEMENT FUND shall be for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The REPLACEMENT FUND shall be funded, over a ten year period from the date, of this Ordinance to Aug. 13 1989 and shall be maintained at this level, throughout the service life of the plant.

Section 2. From and after the effective date of this ordinance, the revenues and income derived from the collection of rates and charges as authorized in Article VIII of this ordinance, shall be deposited as received in a separate depository account designated INDUSTRIAL COST RECOVERY SYSTEM RECEIVING FUND (hereinafter referred to as the "ICRS RECEIVING FUND"), and said revenues shall be transferred periodically from said fund to the funds specified as follows, to wit:

A. Ten percent of the original ICR payments can be invested or spent by the grantee, subject to two limitations. They may not be used for industrial pretreatment facilities or as rebates to industrial users.

B. Fifty percent of the original amount, together with 50 percent of the accumulated interest, is to be paid by check to the U.S. Environmental Protection Agency and forwarded to the Financial Management Office of the Regional Administrator. The closing date for making such payments has been established as no later than four months after the end of the grantee's annual accounting period.

C. The remaining 40 percent of the original amount is to continue to be invested in appropriate accounts (together with the optional 10 percent if desired) until its use is required by the grantee for expansion or reconstruction of the wastewater treatment works. Eligible costs are defined in 40 CFR, Section 35.940. The written approval of the Regional Administrator is required prior to commitment of any of this 40 percent (40CFR, Section 35.928-2(b)). Approval is not considered a grant, since these funds are considered to belong to the grantee.

Section 3. The fiscal year, for the purposes of this ordinance, shall commence on April 1st and end on March 31st of each year.

ARTICLE X

Powers and Authority of Inspectors

Section I. The duly authorized employees of the Township bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this ordinance.

ARTICLE XI

Enforcemen

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Section 1. The charges and rates for sewer services provided above which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six (6) months, the Township official or officials in charge of the collection thereof shall certify annually, on Oct 1st, of each year, to the tax-assessing officer of the Township, the fact of such delinquency, where upon such charge shall be by him entered upon the next tax roll as charge against such premises and shall be collected, and the lien thereof enforced: Provided, however, where notice is given that a tenant is responsible for such charges and service as provided by Section 21 of Act 94, Public Acts of Michigan, 1933, as amended, no further service shall be rendered such premises until a cash deposit of not less than \$100.00 shall have been made as security for payment of such charges and service.

Section 2. In addition to other remedies provided, the Township shall have the right to shut off and discontinue the supply of water to any premises for the non-payment of sewer rates when due. If such charges are not paid within thirty (30) days after the due date thereof, then water services to such premises shall be discontinued. Water services so discontinued shall not be restored until such time as all charges and penalties are paid.

ARTICLE XII

Penalties

Section 1. Any person found to be violating any provision of this ordinance except Article IX shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violations.

Section 2. Any person who shall continue any violation beyond the time limit provided for in Section 1, above, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding Five Hundred Dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 3. Any person violating any of the provisions of this ordinance shall become liable to the Township for any expense, loss, or damage occasioned the Township by reason of such violation.

ARTICLE XIII

Validity

Section 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE

XIV

Enactment

Section 1. This ordinance shall be in full force and effect twenty (20) days after its passage, approval, recording and publication as provided by law.