



OFFICE OF THE CITY MANAGER

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

Memorandum

To: Mayor Keough and City Council
From: Courtney Nicholls, City Manager
Re: Consideration of: Setting a Public Hearing to Consider Amendments to the Water and Sewer Ordinance
Date: September 22, 2020

Provided for Council's review are drafts of the updated water and sewer ordinances. A public hearing on these ordinance amendments was originally held in October 2018. Following that public hearing, we sent the sewer ordinance to EGLE for review as required. We did not receive the results of that review until February 2020. Due to the long time gap between the original public hearing and now, we are asking that Council set a new hearing for October 26, 2020. The version of the ordinance that is in the packet has the changes accepted from the October 2018 version, with the State of Michigan's non formatting related updates shown as the redline.

The original need to update the sewer ordinance was driven by the completion of the MAHL study. Incorporation of elements from that study are required by the MDEQ. Since the water and sewer ordinances had not been updated for several years, staff took the time to suggest additional changes. The ordinance has been reviewed by the MDEQ, City Attorney Mark Jacobs and Elaine Venema of F & V. City Finance Director/Treasurer Marie Sherry also worked on reorganizing the ordinances and standardizing the wording used in the areas of overlap between the two.

Significant changes include the following:

Water and Sewer

- Standardized the billing and collection language

Water

- Clarified that the City will supply meters up to and including 1 inch. Anything larger than that will need to be paid for by the user. The cost of a second meter for irrigation, regardless of size, remains the responsibility of the user.

Sewer

- Added explanation of how industrial user capital recovery charges will be applied in Section 58-129. This section would be used to charge users who use more capacity than they have been allocated due to the strength of their waste stream.

Council is asked to set the public hearing to take comment on the amendments on October 26, 2020.

SEWER ORDINANCE

DIVISION I. – IN GENERAL

Section 58.56. – Definitions.

In addition to the definitions contained in Chapter 1 of the City of Dexter Code of Ordinances, the following definitions shall apply in this Ordinance.

1933 PA 94 shall mean the Revenue Bond Act of 1933, MCL 141.101 through 141.140.

1939 PA 178 shall mean the Municipal Water Liens Act of 1939. MCL 123.161 through 123.167.

Acquired shall mean acquisition by purchase, construction, or by any other method.

Administration shall mean the administrative officers of the City as described in Article 7 of the City Charter, and other employees as designated by the City Manager.

B.O.D.s (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Building drain shall mean 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 shall mean the extension from the building drain to the public sewer or other place of disposal.

Bypass shall mean the intentional diversion of waste streams from any portion of an industrial user's treatment process or facility.

Categorical industry shall mean any industry which the EPA recognizes as belonging to one of the groups listed in 40 CFR 405-471.

City shall mean the City of Dexter, its elected officials, employees, and designated representatives.

C.O.D (denoting chemical oxygen demand) shall mean the oxygen consuming capacity of inorganic and organic matter present in wastewater.

Compatible pollutant shall mean a pollutant that, as determined by the Superintendent, is susceptible to effective treatment by the POTW as designed, and which will not interfere with, or pass through, the POTW, and which is not incompatible with the treatment processes or in excess of the capacity of the POTW. The term *compatible* is a relative concept that must be determined on a case-by-case basis. In determining whether or not a pollutant is compatible with the POTW, the Superintendent may consider, without limitation, the nature and qualities of the pollutant, and the concentration, mass, and flow rate at which the pollutant is (or is proposed to be) discharged. Thus, for example, even pollutants such as BOD, fats, oils or grease, phosphorus, suspended solids, and fecal coliform bacteria, which may typically be considered "compatible," may be determined incompatible by the Superintendent if discharged in concentrations, quantities, or in flowrates that would cause interference or pass through or exceed the POTW's capacity. Specifically excluded from *compatible pollutants* are "heavy" metals, PCBs, mercury, and any pollutants that may contribute or cause operational problems, interference or biosolids disposal problems or unacceptable discharges to the receiving waters.

Construction is defined as having commenced when:

- 1) Installation or assembly of facilities or equipment has begun;
- 2) Significant site preparation for equipment or facilities has begun; or
- 3) The owner or operator has entered into a binding contractual obligation for facilities, equipment, or site preparation.

Consumer shall mean the consumer of City-provided sewer services.

EPA administrator shall mean a civilian who is the head of the Environmental Protection Agency.

Garbage shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

Incompatible pollutant shall mean any pollutant, which is not a compatible pollutant.

Industrial user capital recovery shall mean the cost recovered from permitted industrial users of the treatment works in accordance with their treatment service capacity allocation.

Industrial user, for purposes of industrial user capital recovery, shall mean any nongovernmental, nonresidential 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 or the New North American Industrial Categorization Service (NAICS) 2002 code or as defined in 40 CFR 403.

Industrial wastewater shall mean the liquid wastes from industrial, manufacturing processes, trade or business a distinct from sanitary sewage.

Maximum Allowable Headworks Loading (MAHL) shall mean the estimated maximum loading of a pollutant that can be received at a POTW's headworks without causing pass through, interference, or biosolids contamination.

Deleted: from all permitted industrial users and other controlled sources without causing pass through, interference, or biosolids contamination.

Maximum Allowable Industrial Loading (MAIL) shall mean the estimated maximum loading of a pollutant that can be received at a POTW's headworks from all permitted industrial users and other controlled sources without causing pass through, interference, or biosolids contamination.

Deleted: without causing pass through, interference, or biosolids contamination.

mg/L shall mean milligram per liter and parts per million.

Natural outlet shall mean any outlet into watercourse, pond, ditch, lake or other body of surface or groundwater.

Net Revenues shall mean the revenues of a public improvement remaining after deducting the reasonable expenses of administration, operation, and maintenance of the public improvement. (MCL 141.103)

New source shall include construction at a site where no previous point source is located. It shall also include the replacement or addition of either process or production equipment generating wastewater at an established site.

Noncategorical industry shall mean any industry not classified by the EPA as a categorical industry in 40 CFR 403.

Normal strength domestic wastewater will be taken to mean wastes, which have typical concentrations of no more than BOD of 300 milligrams per liter, suspended solids of 275 milligrams per liter, phosphorus of 6 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.

NPDES permit shall mean 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.

Operation and maintenance (O&M) shall mean all costs, direct and indirect, 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 applicable regulations.

Person shall mean any individual, firm, company, association, society, corporation, or group.

pH shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

POTW shall mean publicly-owned treatment works.

PPM shall mean parts per million.

Private wastewater disposal system shall mean a cesspool, septic tank, or similar device which discharges to a suitable drainage field.

Project shall mean public or private construction, improvements and/or changes to the City's waste water systems.

Properly shredded garbage shall mean 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 the public sewers, with no particle greater than one-half-inch in any dimension.

Public sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Replacement shall mean 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.

Revenues shall mean the income derived from the rates charged for the services, facilities, and commodities furnished by a public improvement. Revenues include, to the extent provided in the authorizing Ordinance, earnings on investment of funds of the public improvement and other revenues derived from or pledged to operation of the public improvement. (MCL 141.103)

Sanitary sewer shall mean a sewer which carries waste water and to which storm, surface, and grounds waters are not intentionally admitted.

Severe property damage means substantial physical damage to property, or damage to treatment facilities which causes 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. It does not mean an economic loss caused by delays in production.

Sewer shall mean a pipe or conduit for carrying wastewater.

Sewer service charge shall mean the rate charge by the City for providing wastewater collection and treatment service.

Shall is mandatory; *may* is permissive.

Significant industrial user shall mean (i) all dischargers subject to U.S. EPA categorical pretreatment standards, (ii) noncategorical dischargers that, in the opinion of the City, have a reasonable potential to adversely affect the POTW operation, and (iii) all dischargers which discharge a waste stream making up five percent of the dry weather hydraulic or organic capacity of the POTW, or discharge greater than 25,000 GPD of wastewater to the POTW.

Significant noncompliance shall mean:

- 1) Chronic violations of local discharge limits, defined as those in which 66 percent of samples and measurements collected during any six-month period exceed limits defined in Section 25.503 of this Ordinance;
- 2) Technical review criteria violations in which 33 percent of all samples or measurements taken during any six-month period exceed the product of the daily maximum limit or the average limit multiplied by the average criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH);
- 3) Any other discharge which, in the opinion of the superintendent, has caused interference, pass through or endangered the health of POTW personnel;
- 4) Any discharge which presents an imminent danger to the public or the environment, or has resulted in the superintendent's exercise of his emergency authority to halt or prevent such a discharge;
- 5) Failure to meet, within 90 days of the scheduled date, a compliance milestone or enforcement order;
- 6) Failure to provide, within 30 days of the due date, required compliance reports, self-monitoring reports, base line monitoring reports, or reports required by Section 58-79 of this Ordinance;
- 7) Failure to accurately report noncompliance; and/or
- 8) Any other violation(s) which the Superintendent determines will adversely affect the operation and implementation of the local pretreatment programs.

Slug shall mean any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge, which has reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits and/or NPDES permit conditions.

Special Alternative Limits (SAL) shall mean user-specific maximum limits for specific pollutants that may exceed the Local Limits specified in Section xxxxx. SALs are developed in accordance with the POTW's IPP procedures and Section xxx of this Ordinance.

Storm drain (sometimes termed "storm sewer") shall mean a sewer which carries storm- and surface water and drainage, but excludes wastewater and industrial wastewater, other than unpolluted cooling water.

Superintendent shall mean the Superintendent of Public Services or Director of Public Services of the City of Dexter, or an authorized deputy, agent, or representative.

Suspended solids shall mean solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids; and which are removable by laboratory filtering.

Tap Fees (Connection Charges) shall mean the cost of connecting a business or home to the public sewer system.

U.S. EPA shall mean the United States Environmental Protection Agency which assures the protection of the environment by abating or controlling pollution on a systematic basis.

User charge shall mean a charge levied on users of treatment works for the cost of operation and maintenance of such works.

User class shall mean that the recipient of wastewater treatment services will be assigned to one of the three classes:

- 1) Industrial user;
- 2) Commercial user; or
- 3) Residential user.

Wastewater shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such grounds, surface, and stormwaters as may unintentionally be present.

Wastewater facilities shall mean all facilities for collecting, pumping, treating, and disposing of wastewater.

Wastewater treatment plant shall mean any arrangement of devices and structures used for treating wastewater.

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Sec. 58.57 – Administration; Incorporation of rules and regulations; Penalties for violation.

The sewer system shall be under the exclusive control of the Administration.

- 1) The Administration may designate private contractors and other governmental organizations to act on its behalf.
- 2) All rules and regulations made by the City Council and/or the Administration for the purpose of making effective the provisions of this Ordinance shall be and are hereby made a part of this Ordinance, and shall have the same force of law and binding obligation as any other part of this Ordinance.
- 3) Any person, firm, or corporation violating any of the provisions of this Article, shall be guilty of a municipal civil infraction, which will be enforced based upon Chapter 22 of the City of Dexter Code of Ordinances, and subject to a fine not to exceed \$500 plus all actual costs, including attorney fees.
- 4) A violation of this Ordinance is hereby declared a public nuisance or nuisance per se and is declared to be offensive to public health, safety, and welfare.
- 5) The City may take civil action requesting injunctive relief against any person, firm, association, corporation, or other entity found to be in violation of this Ordinance. Abatement action shall be in addition to any penalty imposed.

Sec. 58.58. – Projects: Prior approval required; City repairs.

- 1) Any person, firm, or corporation performing any project that impacts the sewer system shall first submit plans and specifications for such work to the Administration for approval. Projects may

require submission to the City Council and/or other boards and commissions for recommendations and final approval. No connection may be made without prior approval.

- 2) The Administration shall supervise all work performed, and shall require that necessary tests be performed to ensure that work is performed in a safe and acceptable manner. The person or entity requiring the work shall be responsible for any and all fees and costs associated with the supervision and testing of the work performed, including tap-in fees, which shall be paid prior to commencement of work.
- 3) No flow of wastewater, prior to the installation of a water meter, is allowed to occur in a project area unless approved by the Administration.
- 4) All improvements performed on public property shall become the property of the City upon acceptance by the Administration.
- 5) No person shall interfere in any way with sewer main and appurtenances installed by the City.
- 6) Should it become necessary to shut off the flow of wastewater from any section of the City because of an accident or for the purpose of making repairs or extending a sewer line, the Administration will endeavor to give timely notice to the consumers affected thereby and will, so far as practical, use its best efforts to prevent inconvenience and damage arising from such causes. Failure to give such notice shall not render the City responsible or liable in damages for any inconvenience, injury, or loss which may result therefrom. The City shall not be liable under any circumstances for a deficiency or failure of the sewer system. Each user who shall accept such services is subject to the regulations imposed by this Ordinance.
- 7) If the City performs work where the cost is the responsibility of the property owner, the City shall bill the owner for the cost of the work. If those costs are not paid within six months, they will be placed on the property's utility bill to be collected in the same manner as regular rates.

Sec. 58.59. – Protection from Damage.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal wastewater facilities. Any person that violates this provision shall be subject to immediate arrest under charge of disorderly conduct.

Sec. 58.60. – User Classification.

The recipients of wastewater services will be assigned to one of the following classes:

- 1) *Class I—Industrial.* Shall include users discharging a waste resulting from manufacturing activities involving mechanical or chemical transformation of materials or substances into other products.
- 2) *Class II—Commercial.* Shall include all users not included as Class I Industrial or Class III Residential.
- 3) *Class III—Residential.* Shall include all dwelling units used as domiciles such as detached, semidetached and row houses, garden and standard apartments and permanent multifamily dwellings (transient lodgings are considered commercial).

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

DIVISION II. RATES, CHARGES AND BILLING PROCEDURES

Sec. 58.61. - Establishment.

Sewer charges to each dwelling unit and/or business connected with the City's sewage collection and treatment system shall be established by City Council by Ordinance. User rates shall be uniform to all users in the service area regardless of municipal boundaries. Free service is not permitted except as allowed by the City Charter.

(Ord. eff. 7-1-1962, § 26.105(A); Ord. eff. 4-9-1985; Ord. of 4-12-2004; Ord. No. 1-2009, eff. 6-4-2009)

Sec. 58.62. - Payment for sewer charges by City.

The City shall pay for sewer services used by it at the current rates. Charges against the City shall be payable from the current funds of the City or from the proceeds of taxes, which the City within constitutional limitations, is hereby authorized and required to levy in any amount sufficient for that purpose.

(Ord. eff. 7-1-1962, § 26.105(B); Ord. eff. 4-9-1985; Ord. of 4-12-2004)

Sec. 58.63. - Cost of connections not to be paid from system revenue.

The cost of sewer service connections to private premises shall not be paid from the revenue of the system. The City Council shall establish rates for connection charges (tap fees) which will apply to both new connections and changes of use.

(Ord. eff. 7-1-1962, § 26.105(C); Ord. eff. 4-9-1985; Ord. of 4-12-2004)

Sec. 58.64. - Billing; penalty for delinquent payment.

The time period for billing is from the first day through the last day of each month. The City may issue sewer bills monthly, bi-monthly, or quarterly. Payment is due within 30 days after the bill is issued. If not paid within the time required, a penalty shall be applied as established by City Council.

Utility accounts may be established in the name of the property owner or occupant, subject to the requirements of Section 5 of PA 178 of 1939 (MCL 123.165). It is the responsibility of the property owner to immediately notify the City if the ownership is transferred.

Sec. 58.65. - Rates sufficient to provide for expenses, operation, maintenance and debt.

The rates established by City Council by ordinance shall be sufficient to provide for the payment of the expenses of administration, operation, and such expenses for the maintenance of the sewer system as may be necessary to preserve the sewer system in good repair and working order and may include monies for projected projects, as well as funds necessary to satisfy debt requirements.

(Ord. eff. 7-1-1962, § 26.105(E); Ord. eff. 4-9-1985; Ord. of 4-12-2004)

Sec. 58.66. - Collection; lien for delinquent sewer charges.

- 1) *Collection generally; lien.* The City shall have as security for the collection of any sewer rates or charges, due or to become due, for sewer disposal supplied to any house or other building or any premises, lot or lots, parcel or parcels of land, a lien upon such properties, despite the occupation of the premise by anyone other than the property owner. Such lien shall become effective

immediately upon service to the premises or property supplied as aforesaid, but shall not be enforceable for more than five years thereafter. The official record of the City Administration shall constitute notice of placement of such lien. See 1939 PA 178.

- 2) *Priority of lien.* The lien created by this article shall have priority over all other liens, except liens for taxes or special assessments, whether or not such other liens accrued or were recorded prior to the lien created by the provisions of this article.

(Ord. eff. 7-1-1962, § 26.105(F)(1), (2); Ord. eff. 4-9-1985; Ord. of 4-12-2004)

Sec. 58.67. - Discontinuance of water service for lack of payment of sewer charges.

- 1) The City may discontinue water service from the premises or property against which the lien created by this article has accrued and shall not be turned on again to such premises or property until the rates and charges have been paid in full or satisfactory arrangements for payment are made.
- 2) Any delinquent utility bill not paid by the following billing date will be subject to termination of services after one notice has been sent stating service will terminate in ten days and a final notice is delivered directly to the property stating that service will terminate in not less than 24 hours. If, at the end of the stated deadline, payment is not received or satisfactory arrangements for payment have not been made, the water service shall be discontinued. Water service that has been discontinued for nonpayment of charges shall not be restored until all past due bills and penalties are paid or satisfactory arrangements for such payment are made.
- 3) In all cases where water service has been discontinued as to any premises or property because of nonpayment of any sewer rates or charges, the City shall charge a shut-off fee, as established by resolution of the City Council.

(Ord. eff. 7-1-1962, § 26.105(F)(3), (4); Ord. eff. 4-9-1985; Ord. of 4-12-2004)

Sec. 58.68. - Report of unpaid rates and charges; assessment against property.

All unpaid sewer rates or charges having been unpaid for a period of six months or more on March 1 of each year, which remain unpaid on April 30, shall be transferred to the City tax roll, assessed against the property to which the service was supplied or furnished for which the unpaid rates or charges accrued, to be collected with and in the same manner as City taxes are collected. If the charges shall remain delinquent and unpaid after the expiration of the time limited in the warrant for the collection of taxes levied in such roll, such charges shall be returned to the county treasurer to be collected in the same manner as the lien created by City taxes on the delinquent tax roll of the City.

(Ord. eff. 7-1-1962, § 26.105(F)(5); Ord. eff. 4-9-1985; Ord. of 4-12-2004)

Sec. 58.69. - Collection by suit.

All unpaid sewer rates or charges may also be collected by suit brought in the name of the City against the owner of the premises.

(Ord. eff. 7-1-1962, § 26.105(F)(6); Ord. eff. 4-9-1985; Ord. of 4-12-2004)

Sec. 58.70. - Special rates and charges.

Where wastewater disposal service is furnished to users not connected to the water system, the City may require Class I and/or Class II users to install metering equipment to determine the actual sewage

Deleted: Reserved. Section XXXXXX

flow. Class III users may be required to install a City-owned meter on their water supply or, at City option, to be charged on the basis of either the average Class III charges of the previous billing, or employee estimate.

DIVISION III. - SEWER SERVICE

Sec. 58.71. - Use of public sewers required.

- 1) No person, firm, or corporation shall discharge or cause to be discharge any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer without approval.
- 2) 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 of Dexter, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
- 3) It shall be unlawful to discharge to any natural outlet within the City of Dexter, or in any area under the jurisdiction of said City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this division.
- 4) Except as here in after 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 wastewater.
- 5) The owner of all houses, buildings, or properties 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 of the City, is hereby required at their expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this division, within 90 days after date of official notice to do so, provided that said public sewer is within 200 feet of the property line.
- 6) No person shall in any manner obstruct or prevent free access to any manhole by placing or storing, temporarily or otherwise, any object or materials of any kind within five (5) feet of the manhole.
- 7) Stormwater 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 appropriate state agency. Uncontaminated industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state agency, to a storm sewer or natural outlet.
- 8) No trucked or hauled pollutants shall be discharged into the POTW, except at points designated by the Administration.
- 9) New sources of discharge into the POTW shall install, have in operation, and start up all pollution control equipment necessary to meet applicable pretreatment standards before beginning discharge. New sources must be in compliance with all applicable pretreatment standards within 90 days.
- 10) All categorical and noncategorical industrial users of the City system shall notify the wastewater plant of all discharges that could cause problems with plant operations, including any slug loads.

Sec. 58.72. - Private wastewater disposal.

- 1) Where a public sanitary sewer is not available, as defined by Section 58-71, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.
- 2) Before commencement of construction of a private wastewater disposal system the owner shall first obtain a written permit for construction, as set forth in the Projects: Prior Approval Required section for projects connecting to the public sewer system, and pay any applicable fees. Other applicable county, state and/or federal permits may also be required and construction must comply with their requirements.
- 3) The operation portion of the permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Administration. The City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within five days of the receipt of notice by the City.
- 4) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all local, county, state, and federal requirements. No permit shall be issued for any private wastewater disposal systems employing subsurface soil absorption facilities where the area of the lot is less than three-fourths acre. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.
- 5) At such time as a public sewer becomes available, as defined by Section 58-71 to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer in compliance with this section within 120 days, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned, cleaned of all sludge and filled with clean bank-run gravel or granular fill.
- 6) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.
- 7) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Washtenaw County Health Department or the State of Michigan.

(Ord. of 4-12-2004)

Sec. 58.73. - Building sewers and connections.

- 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 City. Permits will not be issued if sufficient capacity does not exist in the existing public sewer or wastewater treatment plant.

There shall be two classes of building sewer permits:

- a. For residential and commercial service; and
- b. For service to establishments producing industrial wastewater.

In either case, the owner or agent shall make application on a form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other required

information as determined by the judgment of the Administration. Permit and inspection fees shall be set by City Council resolution.

- 2) All costs and expenses incident to the installation and connection of the building shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer and its connection to the sewer system.
- 3) A separate and independent building sewer shall be provided for every building. Except where one building stands at the rear of another on any interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- 4) Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the City, to meet all requirements of this division.
- 5) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the City of Dexter Engineering Standards and applicable rules and regulations of Washtenaw County.
- 6) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- 7) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.
- 8) The connection of the building sewer into the public sewer shall conform to the requirements of the City of Dexter Engineering Standards and applicable rules and regulations of Washtenaw County. Any deviations from the prescribed procedures and materials must be approved by the Administration before installation.
- 9) 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. The connection shall be made under the supervision of the Superintendent or a designated representative.
- 10) 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. of 4-12-2004)

Sec. 58.74. – Prohibited discharges.

Except as hereinafter provided by specific limits, no person shall discharge or cause to be discharged waters or wastewaters to any public sewer which possess any of the following properties:

- 1) Color, as from but not limited to dyes, inks, vegetable tanning solutions, shall be controlled to prevent light absorbency which would interfere with treatment plant processes or prevent analytical determinations;
- 2) Explosive liquid, solid, or gas, gasoline, benzene, naphtha, fuel oil, or other flammables;
- 3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than ½-inch in any dimension;
- 4) Garbage not properly shredded (particle size greater than ½-inch);
- 5) Grease, oils, wax, fat, whether emulsified or not, in excess of 50 mg/L or at any level that is noticeable as a discharge of solid; or other substance which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit;
- 6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
- 7) Inert suspended solids, such as but not limited to Fullers earth, lime slurries, and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate, in unusually high concentrations;
- 8) Insoluble, solid, or viscous substances such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood hair, fleshing, etc.;
- 9) Noxious or malodorous gas, such as but not limited to hydrogen sulfide, sulphur dioxide, or oxides of nitrogen, and other substances capable of producing a public nuisance;
- 10) A pH less than 5.5 or greater than 9.5, or having any other corrosive property capable of damaging process or equipment;
- 11) Any radioactive wastes and isotopes of such half-life or concentration which may exceed limits established by applicable state and federal regulations;
- 12) A temperature of less than 32 degrees Fahrenheit, the potential to raise the POTW influent temperature above 104 degrees Fahrenheit, or a temperature exceeding 150 degrees Fahrenheit;
- 13) Substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of its NPDES permit and the requirements of other agencies having jurisdiction over discharge to the receiving waters;
- 14) Any other metallic compounds, or ammonia, nitrate or other fertilizing substances in sufficient quantity to impair the operation of the wastewater treatment processes, cause contamination of biosolids that exceeds regulatory thresholds for beneficial reuse/land application or cause undesirable conditions in the receiving stream.
- 15) Slug loads, as defined by 58.56 of this division;
- 16) Pollutants which create a fire or explosion hazard in the sewer system or POTW including but not limited to waste streams with a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees Celsius using test methods specified in 40 CFR 261.21;
- 17) Pollutants which result in the presence of toxic gases, vapors, or fumes within the sewer system or POTW in a quantity which may cause acute health and safety problems to plant personnel;
- 18) Non-polar FOG of greater than 50 mg/L;

19) Chlorine demand in excess of 15 mg/L.

Sec. 58.75. – Standard Local Limits.

Except as otherwise provided by Section 58.74, no person shall discharge or contribute to the POTW, directly or indirectly, pollutants in concentrations that exceed the daily maximum listed in this subsection:

Parameter	Monthly Average	Daily Max
Biochemical Oxygen Demand, 5-day (BOD ₅)	545 mg/L	545 mg/L
Total Suspended Solids (TSS)	600 mg/L	600 mg/L
Ammonia (as N)	42 mg/L	42 mg/L
Phosphorous	8 mg/L	12 mg/L
Arsenic (As)	42 µg/L	44 µg/L
Cadmium (Cd)	34 µg/L	69 µg/L
Total Chromium (Cr Total)	514 µg/L	1590 µg/L
Chromium, Hexavalent	325 µg/L	325 µg/L
Copper (Cu)	266 µg/L	266 µg/L
Cyanide (CN)	105 µg/L	148 µg/L
Lead (Pb)	248 µg/L	495 µg/L
Mercury (Hg)	ND*	ND*
Molybdenum (Mo)	1 µg/L	200 µg/L
Nickel (Ni)	443 µg/L	692 µg/L
Zinc (Zn)	1770 µg/L	3540 µg/L
Selenium (Se)	75 µg/L	214 µg/L

Silver (Ag)	3 µg/L	111 µg/L
Pthalate Esters	940 µg/L	940 µg/L
<p>*ND = Non-Detectable in accordance with USEPA Method 245.1 at a detection level of 0.2 ug/L <u>or USEPA Method 1631 at a detection level of 0.0005 µg/L</u>, unless a higher detection level is appropriate due to demonstrated sample matrix interference.</p>		

Deleted: Any other metallic compounds, or ammonia, nitrate and or other fertilizing substances in sufficient quantity to impair the operation of the wastewater treatment processes, cause contamination of biosolids that exceeds regulatory thresholds for beneficial reuse/land application or cause undesirable conditions in the receiving stream.

Sec. 58.76. – Interceptors and traps.

Grease, oil, and sand interceptors/trap shall be provided by the property owner when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or 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 City and shall be located as to be readily and easily accessible for cleaning and inspection.

- 1) Any user required to install and maintain an interceptor or trap of any kind shall maintain and clean out the intercept and shall document and keep:
 - a. A maintenance schedule;
 - b. The identity of the person(s) who cleaned and maintained the interceptor;
 - c. The method and location of grease, oil and sand disposal; and
 - d. The documentation required by this Section shall be available for review by the City on request.

- 2) Where installed, all grease, oil, and sand interceptors shall be cleaned and maintained by the owner at his or her expense, in continuously efficient operation, according to the following standards:
 - a. Under sink grease traps shall be cleaned weekly, or more or less frequently as approved in writing by the superintendent. Clean out of all other interceptor/traps shall be scheduled and conducted so the interceptor/trap does not exceed 25% solids content (including both the top and bottom layers of the solids) and there is no visible discharge of grease or oil; and
 - b. The clean out process shall remove the entire grease mat, liquids, sludge, and solids from screens, baffles, air-relief chambers, and wash down the interior walls.

- 3) Problems with or damage to an interceptor/trap shall be reported immediately to the owner and immediate steps must be taken to minimize the discharge of food grease to the POTW.

- 4) The interceptor/trap is subject to inspection by the Superintendent or his or her designee.
- 5) The Superintendent will keep a list of all users with fats, oil and/or grease control devices.

Sec. 58.77. – Rejection of discharge; pretreatment and discharge control requirements; suspension of service.

If any wastewaters are discharged, or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in this Ordinance, and which, in the judgment of the City, may have a harmful effect upon the public sewers and/or wastewater treatment facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:

- 1) Reject the wastewater;
- 2) Require pretreatment to acceptable condition for discharge to the public sewers. Requirements for pretreatment are to be developed, pursuant to Section 307 of Public Law 92-500, by the Environmental Protection Agency. When pretreatment is necessary, construction to achieve pretreatment requirements is to be initiated within three years after the date of promulgation of the pretreatment standards;
- 3) Require control over the quantities and rates of discharge; or
- 4) The City may, for good cause shown, suspend wastewater service to a discharger when it appears to the City that an actual or threatened discharge presents an imminent or substantial danger to the environment, the operation of the POTW, or violates the Standard Local Limits imposed by this Ordinance.

Any discharger notified of suspension of service shall, within a reasonable period of time as determined by the City, cease all discharges. In the event of failure by the discharger to comply voluntarily with the suspension order, the City shall commence judicial proceedings to compel the discharger's compliance.

The City shall terminate proceedings and reinstate service pending proof by the discharger that conditions responsible for noncompliance have been abated.

If the City permits the pretreatment or equalization of waste flows, the plans for design, installation, and equipment shall be subject to the review and approval of the City and/or the State of Michigan and subject to the requirements of all applicable codes, Ordinances and laws.

DIVISION IV. - INDUSTRIAL USERS

Sec. 58.78. - Use of the public sewers: Industrial Users.

Any industry or structure discharging process flow to the sanitary sewer, storm sewer, or receiving stream shall execute, file with City administration, or otherwise comply with the provisions listed in this ordinance within 90 days after the enactment of this division, unless otherwise noted.

- 1) The City may require each person who applies for or receives sewer service, or through the nature of the enterprise creates a potential environmental problem, to:
 - a. File a written statement setting forth the nature of the enterprise, the source and amount of water used, the amount and rate of water to be discharged, together with the present

or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of the wastewater;

- b. Provide 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;
 - c. Sample, test, and file reports with Administration and the appropriate state agencies on applicable flow and concentration characteristics of wastewaters being discharged, according to methods approved by the City;
 - d. 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. Provide a report on raw materials entering the process or support systems, intermediate materials, final products, and waste by-products as those factors may affect waste control;
 - f. Maintain records and file reports on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents, or other wastes;
 - g. Submit written notification to the City, subject to approval, if any industrial process is to be altered as to include or negate a process waste or potential waste.
- 2) All industrial use reports must be signed by a corporate officer having responsibility for the overall operation of the facility from which the industrial discharge originates.
 - 3) All wastewater discharge applications and industrial use reports including the baseline report, ninety-day report, and all compliance reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
 - 4) If the sampling performed by an industrial user indicates a violation of this division, the user shall notify the Superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and report the results to the City within 30 days of the initial violation unless a waiver is granted by the City.
 - 5) All dischargers subject to this division shall retain for no less than three years any records, books, documents, memoranda, reports, correspondence and any summaries thereof, relating to monitoring, sampling, and/or chemical analysis of its discharge. All records which pertain to matters which are the subject of administrative action, enforcement, or litigation, shall be maintained and preserved until all enforcement limitation with respect to any and all appeals have expired.

- 6) All industrial dischargers shall notify the City in advance of any substantial changes in the volume or character of the pollutants in their discharge including listed or characteristic hazardous waste for which the industrial user has submitted notification under 40 CFR.
- 7) All industrial dischargers shall notify the City and appropriate state hazardous waste authorities of any discharge to the POTW which, if otherwise disposed of, would be considered a hazardous waste as described in 40 CFR Part 261. All industrial dischargers must identify the component of the waste which makes it hazardous as well as the volume and concentration of the substance.

Sec. 58.79. – Reporting requirements

- 1) New sources, when subject to a National Categorical Pretreatment Standard, shall submit a base line report at least 90 days prior to commencement of discharge to the POTW.
- 2) In addition to the information required by 58-78, new sources shall report whether applicable pretreatment standards are being met on a consistent basis within 90 days following the date for final compliance with the pretreatment standards set forth in this ordinance, or within 90 days following commencement of discharge by a new discharger. If applicable pretreatment standards are not being met, the discharger shall indicate what additional operation and maintenance and/or pretreatment are necessary to insure compliance. This statement shall be signed by an authorized representative of the discharger and certified to by a qualified engineer.
- 3) Compliance schedules are required of industrial discharges not in compliance with federal categorical limits or City discharge limits. These schedules must indicate the major milestones, with dates, that will lead the industry into compliance.
- 4) Industrial dischargers not in compliance with federal or local discharge limits are required to submit progress reports no later than 14 days following each date in their compliance schedule. Progress reports shall indicate if the compliance schedule is being met and, if not, reasons for noncompliance must be provided. In addition, steps being taken by the industry to return to the established schedule must also be indicated.
- 5) Industrial dischargers not in compliance with federal categorical limits or City discharge limits shall submit annual progress reports to the City outlining progress towards compliance with pretreatment requirements developed by the Environmental Protection Agency.
- 6) Upon achieving compliance, categorical industries must submit semi-annual (June-December), self-monitoring reports to the City. Noncategorical industries, when required by the City, shall also submit self-monitoring reports.
- 7) Significant noncategorical users shall submit to the City, at six-month intervals, a description of the nature, concentration, and flow of pollutants as required by the City. These reports shall be based on sampling and analysis of the previous six-month period and the analysis shall be performed in accordance with techniques described in 40 CFR part 136 and amendments there to. The sampling and analysis may be performed by the City in lieu of the significant noncategorical user and in that instance a report is not required.

Sec. 58.80 – Spill prevention plans.

Industrial users determined to be storing toxic or hazardous wastes or other pollutants in quantities that when spilled could adversely impact the wastewater treatment plant will be required to develop a spill prevention plan, in accordance with 40 CFR 112.

The spill prevention plan shall include:

Moved (insertion) [1]

Deleted: 5

- 1) A description of any facilities to be constructed to prevent a spill from reaching the sewage collection system;
- 2) A description of procedures to be used in the event of a spill including instructions for notifying the superintendent or his representative, and a description of emergency clean-up procedures; and;
- 3) A description of the type of surveillance the industrial user intends to employ in order to detect and prevent pollutant discharges. The completed spill prevention plan shall be submitted to the City for approval. The access to the property of industrial users for spill containment inspection shall be granted to municipal, state, and federal agents during normal business hours.

Sec. 58.81. - Pretreatment standards.

- 1) National categorical pretreatment standards, as promulgated by the U.S. Environmental Protection Agency, shall be met by all categorical dischargers. State requirements and limitations on discharges to the POTW shall be met by all dischargers in any instance in which they are more stringent than federal requirements and limitations.
- 2) The City specifically excludes the waiver of federal pretreatment regulations and national categorical standards.
- 3) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water if the industrial user meets the requirements outlined in 40 CFR 403.15.
- 4) The City agrees to regard information submitted by industrial users during the pretreatment programs development and implementation as confidential, subject to the requirements of the Michigan Freedom of Information Act. Effluent data furnished by industries shall, however, be available without restriction as per 40 CFR 2.302.
- 5) The City reserves the right to revise the standards contained in Division IV consistent with the requirements outlined in 40 CFR Part 403.3 of the Federal Register and the State of Michigan Pretreatment Program.
- 6) Except where expressly permitted to do so by an applicable categorical pretreatment standard, no industrial user shall attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limits in this division.
- 7) Pollution discharge limits in categorical pretreatment standards will be expressed as either concentration or mass limits. Whenever concentration limits are specified equivalent mass limits will be provided wherever possible. In the regulation of industrial discharges the City may use either concentration or mass limits.
- 8) The City POTW will provide the approval authority with an annual report on the pretreatment program activities. This report shall include an updated list of the POTW industrial users, and which industrial users are subject to standards more stringent than categorical pretreatment standards. It shall also include industrial compliance information, a summary of enforcement activities including industrial inspections, as well as any other relevant information requested by the approval authority.

Sec. 58.82. - Industrial discharge permits.

- 1) *Permit requirements.* It shall be unlawful for significant industrial users to discharge waste water to the City sanitary system without first obtaining a permit from the City regulating such discharges. Such permits will be enforceable and will contain, at minimum, these elements:
 - a. A statement of duration which will in no case exceed five years;
 - b. A statement of nontransferability without a minimum of prior notification to the POTW and provisions for copies of the existing permit to the new owner or operator;
 - c. Effluent limits based on applicable pretreatment standards as outlined in 40 CFR Part 403, on applicable categorical pretreatment standards, or local limits as required by this division; and
 - d. Industrial discharge permits will include specific self-monitoring, sampling, reporting, notification, and record keeping requirements. Permits may contain, but need not be limited to, the following:
 - i. Limits on the maximum rate of discharge;
 - ii. Limits on the concentration of identified wastewater constituents;
 - iii. Requirements for the installation of appropriate technology to prevent the introduction of pollutants to the treatment works;
 - iv. Requirements for spill control plans;
 - v. Requirements for the installation of inspection and sampling facilities;
 - vi. Specifications for monitoring programs including frequency of sampling and specification of parameters;
 - vii. Compliance schedules;
 - viii. Requirements for submission of reports;
 - ix. Requirements for retaining records;
 - x. Requirements for notification of accidental or slug discharges; or
 - xi. Other requirements of conditions deemed appropriate by the Administration to ensure compliance with City sewer use division and state or federal laws, rules, and regulations regarding industrial discharges to local sanitary systems.
 - e. A statement of applicable civil and criminal penalties for violation of pretreatment standards, regulations, and applicable compliance schedules. In no instance may compliance schedules extend beyond applicable federal guidelines.
- 2) *Existing conditions.* Any significant industrial user which discharges nondomestic waste into the sanitary sewer system prior to the effective date of this ordinance amendment and who wishes to continue such discharges in the future shall, within 90 days after said date, apply to the City for an industrial discharge permit and shall not cause or allow discharges to the POTW after 180 days from the effective date of this division except in accordance with a permit issued by the City.
- 3) *New connections/discharges.* Any significant industrial user proposing to begin discharge of nondomestic waste into the City system must obtain an industrial discharge permit prior to beginning such discharge. An application for this permit must be filed at least 60 days prior to the anticipated start-up date.

- 4) *Conditions.* Industrial discharge permits shall include such conditions as are reasonably deemed necessary by the Administration to prevent pass-through or interference, protect water quality in Mill Creek, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW and the City collection system. Permits may contain but need not be limited to the elements contained in this division.
- 5) *Public notice.* The Administration shall publish in the local newspaper a notice of intent to issue a pretreatment permit at least 14 days prior to issuance. The notice will indicate a location where a draft permit may be reviewed and an address where written comments may be submitted.
- 6) *Petition for permit appeal.* The Administration will provide all interested persons with notice of final permit decisions. Upon notice by the Administration, any person, including the industrial user, may petition to appeal the terms of the permit within 30 days of the notice. Failure to submit a timely petition for review shall be deemed a waiver of appeal. In its petition the appealing party must indicate the permit provisions objected to, the reasons for the objection, and the alternative condition, if any, which they seek to place in the permit.
- 7) *Reconsideration.* The City Council may, after considering this petition and any arguments by the Administration, determine that reconsideration is proper. It shall then remand the permit back to the Administration for re-issuance. The permit provisions being reconsidered by the Administration shall be stayed pending re-issuance. The City Council's decision not to reconsider a final permit shall be considered the final administrative action for purposes of judicial review.
- 8) *Modification.* The Administration may modify a permit for good cause including:
 - a. Incorporation of new federal, state, or local standards;
 - b. Material or substantial alteration of the discharger's operation.
- 9) *Termination.* Pretreatment permits may be terminated for the following reasons:
 - a. Falsifying self-monitoring reports;
 - b. Tampering with monitoring equipment;
 - c. Refusing to allow timely access to facility premises and records;
 - d. Failure to meet effluent limitations;
 - e. Failure to pay fines;
 - f. Failure to pay sewer charges; or
 - g. Failure to meet compliance schedule.

(Ord. of 4-12-2004)

Sec. 58.83. - Control facilities and sampling.

- 1) Where pretreatment or flow equalizing facilities are provided for any wastewaters, they shall be maintained continuously in satisfactory and effective operation, by the owner at his or her expense.
- 2) When required by the City, the owner of any property serviced by a building sewer carrying industrial wastewaters shall install a suitable control manhole together with such necessary meters and other appurtenances to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be

constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times. Access to the property of industrial users shall be granted to municipal, state, and federal agents, during normal business hours, for the purpose of inspection, observation, measurements, sampling, and testing.

- 3) The City reserves the right to copy any and all such records as deemed necessary to enforce the industrial pretreatment sections of this division.
- 4) All measurements, tests, and analyses of the characteristics of wastewaters to which reference is made in this division shall be determined in accordance with 40 CFR part 136 and the most recent edition of Standard Methods for the Examination of Water and Sewage and shall be determined at the control manhole provided for, or upon suitable samples taken at said control manholes. In the absence of a suitable control structure as required by this section, samples shall be taken immediately downstream from pretreatment facilities if pretreatment facilities exist, or immediately downstream from the regulated process if no pretreatment facilities exist. If other wastewaters are mixed with the regulated process wastewater prior to pretreatment, the user must measure the flow and concentrations necessary to allow use of the combined wastestream formula under Michigan Administrative Code R 323.2311(7) or other methods required by the POTW to evaluate compliance with applicable pretreatment standards and requirements.
- 5) Sampling shall be carried out by customarily accepted methods and frequencies to reflect the effect of constituents upon the wastewater treatment facilities and to determine the existence of hazards. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether grab sampling and testing shall be borne by the owner, and the results are to be made available to the City and the State of Michigan.
 - a. A minimum of four grab samples must be used for pH, cyanide, oil and grease, total phenols, sulfides, and volatile organics. For all other pollutants, 24-hour flow proportional composites must be used where feasible. Four grab samples may be substituted when an industrial user has demonstrated that these are representative of the industrial discharge.

Sec. 58.84. - Bypass

Industrial users must submit an oral notice within 24 hours of any unanticipated bypass which violates division standards. Within five days a written submission shall detail the cause of the bypass, the duration, and any steps taken to reduce, eliminate, or prevent recurrence of the bypass. Bypass is prohibited and the City may take enforcement action against the industrial user unless:

- 1) Bypass was unavoidable to prevent loss of life or severe property damage;
- 2) There was no feasible alternative to bypass; or
- 3) The industrial user has notified the wastewater plant at least 48 hours in advance and has received written authorization to bypass.

Sec. 58.85 – Special Alternative Limits (SAL).

No statement contained in this division shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern.

- 1) Where authorized by the WWTP Superintendent, Special Alternative Limit agreements shall be made such that the allocation to all industrial users in the City service area does not exceed the calculated Maximum Allowable Industrial Loading (MAIL) for any parameter and such that the allocation to all sewer users does not exceed the calculated Maximum Allowable Headworks Loading (MAHL) for any parameter summarized in this section.
- 2) A non-domestic user may, at the time of application for a wastewater discharge permit, or by a special alternative limit application, request that permitted discharge limits be increased from the Standard Local Limits listed in Section 58.75. Such special alternative limits shall be expressed as total daily pounds of pollutant discharged. Special Alternative Limits (SALs) shall be developed in accordance with the procedure for Special Alternative Limits allocation as outlined in the Industrial Pretreatment Program manual for the City and approved by DEQ. The City's rules and regulations shall be available for inspection at 8360 Huron Street, Dexter, Michigan 48130.
- 3) The City reserves the right to reduce or deny special alternative limits if total pollutant discharges near or reach the MAHLs set forth in the table in this section. The City reserves the right to amend the MAHLs set forth in this section at its discretion. The Special Alternative Limit must not result in the POTW (including the collection system) receiving pollutants in excess of its ability to convey or treat.
- 4) A user which requests a Special Alternative Limit through the permit application process must sign a written acknowledgment whereby the user consents to comply with all terms and conditions which may be imposed by the City. Such acknowledgment shall be in a form provided by the City, and must be executed by an authorized representative before any Special Alternative Limit is effective.
- 5) The user shall be charged for the treatment capacity allocated through the SAL as determined by the adopted industrial user capital recovery charge outlined in Section 58.88. Notwithstanding the foregoing, payment of the industrial user capital recovery charge shall not confer any right to any particular amount of capacity in future periods.
- 6) In addition, the City reserves the right to institute a review of any previously permitted Special Alternative Limits at any time, pursuant to which the City, in its discretion, upon notice and the opportunity for hearing, may reduce or eliminate a user's previously permitted to approved Special Alternative Limit (including in particular, but not limited to, any allocation amount for which a user has previously paid the Industrial User Capital Recovery Charge).
- 7) Any discharge in excess of the amount permitted by the Special Alternative Limit is prohibited and is therefore a violation of [this Section](#) and the user's wastewater discharge permit.
- 8) The MDEQ approved (2016) MAHL and MAILs for parameters that may be considered for SALs are as follows:

Parameter	MAHL (lb/day)	MAIL (lb/day)
BOD ₅	1495	557
TSS	1583	549
Phosphorus	24	7.8
Ammonia (as N)	1020	726

Deleted: Section 25-126 this ordinance

MAHL and MAIL values will be re-evaluated periodically as required by federal and state IPP regulations.

Sec. 58.86. - Extra strength surcharges.

If the character of sewage from any manufacturing or industrial plant, or from any other building or premises is such that it imposes an unreasonable burden upon the City's sewage system, at the discretion of the City, 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 City 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 surcharged shall only apply to those users approved for discharge of extra strength waste by the City and who have installed a suitable control manhole.

- 1) When approved by the City for discharge and after completion of a control manhole, users shall be charged on the basis of the following quarterly strength determinations* as set by resolution:

Parameter	In Excess Of
BOD	300 mg/l
SS	275 mg/l
Phosphorus as P	6 mg/l

*The strength determination shall be computed from concentrations determined by 24-hour composite samples.

(Ord. eff. 6-12-1995(1), § 5; Ord. of 4-12-2004; Ord. No. 1-2009, eff. 6-4-2009)

Sec. 58.87. - Industrial cost recovery.

- 1) As set forth in the sewer use [Ordinance](#), all industrial users shall be charged a rate as set by resolution for metered water used in excess of 22 gallons per employee per day (gpepd).
- 2) If discharge flow data is available, actual discharge rates shall be used in lieu of metered water used to determine sewer use exceeding 22 gpepd.
- 3) Industrial users shall pay surcharges set by resolution where strength exceeds:
 - a. BOD in excess of 300 mg/l;
 - b. Suspended solids in excess of 275 mg/l;
 - c. Phosphorus as P in excess of 6 mg/l.

(Ord. eff. 6-12-1995(1), § 6; Ord. of 4-12-2004; Ord. No. 1-2009, eff. 6-4-2009)

Sec. 58.88. - Industrial user capital recovery charges for wastewater disposal service.

Moved up [1]: Sec. 58.85 – Spill prevention plans. ¶
 Industrial users determined to be storing toxic or hazardous wastes or other pollutants in quantities that when spilled could adversely impact the wastewater treatment plant will be required to develop a spill prevention plan, in accordance with 40 CFR 112. ¶
 The spill prevention plan shall include: ¶
 A description of any facilities to be constructed to prevent a spill from reaching the sewage collection system; ¶
 A description of procedures to be used in the event of a spill including instructions for notifying the superintendent or his representative, and a description of emergency clean-up procedures; and; ¶
 A description of the type of surveillance the industrial user intends to employ in order to detect and prevent pollutant discharges. The completed spill prevention plan shall be submitted to the City for approval. The access to the property of industrial users for spill containment inspection shall be granted to municipal, state, and federal agents during normal business hours. ¶

Deleted: -

- 1) *Purpose.* In accordance with Public Law 92-500, costs allocable to the treatment of wastes generated by industrial users or capacity committed to industrial use must be proportionately recovered by an industrial cost recovery system. Any user with an industrial discharge permit that allocates treatment service capacity or permits discharges to the POTW for compatible pollutants above normal strength domestic wastewater shall be assessed an industrial capital recovery charge to recover capital funds associated with that treatment service capacity. The industrial capital recovery charge shall be established by the City in a proportionate manner reflecting conditions of the standard sewer service connection fee and shall be reviewed regularly.
- 2) *Industrial User Capital Recovery Charges; billing.* Commencing on the effective date of this division, industrial users, as further defined in this division, will be subject to an industrial capital recovery charge. This charge is separate from and in addition to the user charges. This charge may be spread out monthly for up to 30 years, interest-free, as the City determines in its sole discretion. The balance of the industrial user capital recovery charge shall be paid in full within 180 days after such industrial user is determined by the City to have ceased operations in the City.
- 3) *Industrial user defined.* Industrial user for purposes of industrial capital recovery shall mean:
 - a. Any nongovernmental, nonresidential user of the treatment works which discharges more than the equivalent of 25,000 gallons per day of wastewater and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under Division A, B, D, E, and I or the New North American Industrial Categorization Service (NAICS) 2002 code and defined in 40 CFR 403.

In determining the amount of user's discharge for purposes of industrial capital recovery, domestic wastes or discharges from sanitary conveniences will be excluded.

After applying the sanitary waste exclusion in subparagraph 1. of this subsection, dischargers in the above divisions that have a volume exceeding 25,000 GPD or the mass of biochemical oxygen demand (BOD), suspended solids (SS), or phosphorus equivalent to that mass found in 30,000 gallons per month, or 1,000 GPD, of normal strength domestic wastewater are considered industrial users. Normal strength domestic wastewater, for purposes of this calculation of equivalency, contain up to 300 mg/L BOD, 275 mg/L SS, and 6 mg/L total phosphorus. Therefore, any user discharging wastewater containing more than the threshold mass of 2.5 lbs/day BOD, 2.3 lbs/day SS, or 0.05 lb/day total phosphorus shall be subject to the industrial user capital recovery charge. If exceeding this threshold, the Industrial User Capital Recovery Charge shall be calculated as follows:

$$\frac{[(\text{lbs/day Capacity Needed}) - (\text{lbs/day at Normal Domestic strength})]}{(\text{lbs/day at Normal Domestic Strength})} * \text{Capital Recovery Charge per Equivalent Domestic Strength unit.}$$
 - b. Any nongovernmental user of a publicly-owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.
- 4) *Determining Industrial User Capital Recovery Charges.* Where metered water consumption is not representative of the quantity of wastewater discharged by an industry, special consideration will

be given by the City for establishing an equitable basis for determining industrial capital recovery charges.

- 5) *Payment of Industrial User Capital Recovery Charges.* Charges shall be levied by the City on a periodic basis and shall be subject to a penalty of 3% if not paid within 30 days. The first payment shall be made not later than one year after such user begins use of the wastewater treatment works.
- 6) *Industrial cost recovery period.* Each year during the industrial capital recovery period, each industrial user of the treatment works shall pay for its share of the treatment plant service capacity value, divided by the recovery period. The industrial capital recovery period shall not exceed 30 years.
- 7) *Factors determining share.* An industrial user's capital recovery cost 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 calculate a proportional distribution of the system treatment service capacity 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.
- 8) *Adjustments; changes in wastewater.* 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 capital recovery cost share shall be adjusted accordingly.
- 9) *Adjustments; expansion of system.* If there is an expansion or upgrading of the wastewater treatment works, each existing industrial user's capital recovery cost share shall be adjusted accordingly.
- 10) *Interest component.* An industrial user's capital cost recovery share shall not include an interest component.

(Ord. of 4-12-2004)

Sec. 58.89. - Powers and authority of inspectors of Industrial Users.

- 1) The City of Dexter and other duly authorized employees of the City and/or state and federal government bearing proper credentials and identification shall be permitted to enter upon properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this division. The City or its representatives shall not have authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, and others, beyond the point at which the process has a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment.
- 2) The City reserves the right to copy any all such records as deemed necessary to enforce the industrial pretreatment sections of this division.
- 3) While performing the necessary work on private property, the City or duly authorized employees of the City and/or state and federal government 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 the City shall indemnify the company against loss or damage to its property by company employees and against liability claims and demands for personal injury and

resulting from the sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions as required.

- 4) The City reserves the right to revoke treatment services to any industrial user that:
 - a. Fails to report factually the characteristics of its discharge;
 - b. Fails to report changes in discharge characteristics or constituents;
 - c. Refuses access to its premises by duly authorized City representatives; or
 - d. Violates other conditions of this Ordinance.
- 5) When a violation is not corrected by timely compliance, the City may order any user responsible for such conduct to show cause before the City why the proposed service termination should not take place. A written notice shall be served on the user by registered mail specifying the time and place of the hearing, the reasons why enforcement action is being taken, the proposed enforcement action, and direct the user to show cause why the enforcement action should not be taken. The notice shall be served no less than ten days before the hearing. Service may be made on any authorized representative of a user. The proceedings at the hearing shall be considered by the City Council, which will then enter the appropriate orders. Appeal of such order may be filed by the user in accordance with applicable local or state laws.
- 6) Following the entry of any order by the City regarding the conduct of a user contrary to the provisions of the division, the attorney for the City may, following authorization by the Administration, commence an action for appropriate legal relief in the local court.
- 7) An industrial user to the City POTW shall have an affirmative defense in any action brought against it alleging a violation which results in pass through of pollutants or in interference with POTW operations. The user must demonstrate that:
 - a. It did not know, or have reason to know, that its discharge would cause either pass through or interference;
 - b. That local limits were inadequate; and
 - c. Local limits to prevent pass through or interference had not been developed.

(Ord. of 4-12-2004)

- 8) Any user shall have the right to request in writing an interpretation or ruling by the City on any matter covered by this division and shall be entitled to a prompt written reply. In the event that such an inquiry deals with matters of compliance with this Ordinance, for which enforcement activity relating to alleged violation is the subject of the dischargers request, the request shall stay all enforcement proceedings pending receipt of the aforementioned said written reply. Appeal of any final judicial order entered pursuant to this Ordinance may be taken in accordance with local and state law.
 - a. For the purpose of this section "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 user. An upset does not include noncompliance caused by operational error, improperly designed treatment facilities,

inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- b. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements met by (c) below, are met.
- c. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - i. An upset occurred and the user can identify the cause;
 - ii. The facility was, at the time, being operated in a prudent and workman like manner and in compliance with applicable operation and maintenance procedures; and
 - iii. The user has submitted the following information to the Administration within 24 hours of becoming aware of the upset:
 - 1. A description of the indirect discharge and cause of the noncompliance;
 - 2. The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - 3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- d. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- e. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- f. Users shall control production of all discharges subject to categorical pretreatment standards upon reduction, loss, or failure of its treatment system. This requirement applies in situations, where among other things, the primary source of power to the treatment facility is reduced, lost, or fails.

(Ord. of 4-12-2004)

Sec. 58.90. - Penalties.

- 1) Any person found to be violating any provision of this division shall be served 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.
- 2) Any person who shall continue any violation beyond the time limit provided for in this division, shall be guilty of a misdemeanor and, upon conviction thereof shall be sentenced to 90 days in jail and/or be fined in the amount not exceeding \$1,000.00 dollars for each violation or both. Each day in which any such violation shall continue shall be deemed a separate offense.

- 3) Any person violating any of the provisions of this division shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation, including attorney fees.
- 4) Any industry having been determined to have falsified or misrepresented any application or report required by this division shall be guilty of a misdemeanor and shall be subject to the penalties outlined in this division.
- 5) The City, in compliance with the federal requirements, will annually notify the public of all industrial users who have significantly violated applicable pretreatment standards or other pretreatment requirements.

(Ord. of 4-12-2004)

Sec. 58.91. - Validity.

All previous Ordinances or parts of Ordinances in conflict here with are hereby repealed. The invalidity of any section, clause, sentence, or provision of this division shall not affect the validity of any other part of this division which can be given effect without such invalid part or parts.

(Ord. of 4-12-2004)

Secs. 58.92—58.140. - Reserved.

WATER ORDINANCE

DIVISION I – IN GENERAL

Sec. 58.56. – Definitions.

In addition to the definitions contained in Chapter 1 of the City of Dexter Code of Ordinances, the following definitions shall apply in this Ordinance.

1933 PA 94: The Revenue Bond Act of 1933, MCL 141.101 through 141.140.

1939 PA 178: The Municipal Water Liens Act of 1939. MCL 123.161 through 123.167.

Administration: The administrative officers of the City as described in Article 7 of the City Charter, and other employees as designated by the City Manager.

City: The City of Dexter, its elected officials, employees, and designated representatives.

Cross Connection: A connection or arrangement of piping or appurtenances through which backflow of nonpotable water could flow into the public drinking water supply.

Consumer: The consumer of City-provided water services.

Net Revenues: The revenues of a public improvement remaining after deducting the reasonable expenses of administration, operation, and maintenance of the public improvement. (MCL 141.103)

Person: Any individual, firm, company, association, society, corporation, or group.

Private Water Well: An opening in the surface of the earth for the purpose of removing water through nonmechanical or mechanical, owned by a person or entity other than the City of Dexter.

Project: Public or private construction, improvements and/or changes to the City's water systems.

Revenues: The income derived from the rates charged for the services, facilities, and commodities furnished by a public improvement. Revenues include, to the extent provided in the authorizing ordinance, earnings on investment of funds of the public improvement and other revenues derived from or pledged to operation of the public improvement. (MCL 141.103)

Restricted Zone: An area where the drilling of new water wells or the use of existing water wells is prohibited.

Shall is mandatory; *may* is permissive.

Tap Fees (Connection Charges): The cost of connecting a business or home to the public water system.

Water Supply System: All plants, works, instrumentalities and properties (as the plant, works, instrumentalities and properties from time to time exist), used or useful in connection with the obtaining of a water supply, the treatment of water and/or the distribution of water by the City of Dexter. The term "water system" when used alone shall be construed to refer to this system.

Sec. 58.57. – Administration; incorporation of rules and regulations, penalties for violation.

The water system shall be under the exclusive control of the Administration.

- 1) The Administration may designate private contractors and other governmental organizations to act on its behalf.
- 2) All rules and regulations made by the City Council and/or the Administration for the purpose of making effective the provisions of this Ordinance shall be and are hereby made a part of this Ordinance, and shall have the same force of law and binding obligation as any other part of this Ordinance.
- 3) Any person violating any of the provisions of this Article, with the exception of Division 5 (Cross Connections and Non-Potable Water) shall be guilty of a municipal civil infraction, which will be enforced based upon Chapter 22 of the City of Dexter Code of Ordinances, and subject to a fine not to exceed \$500, plus actual costs including attorney fees.
- 4) Any person or customer found guilty of violating any of the provisions of Division 5 (Cross Connections and Non-Potable Water), or any written order of the water and sewer department official of inspection agency or name of water utility, in pursuance thereof, shall be deemed guilty of a misdemeanor and conviction thereof shall be punished by a fine not less than \$50.00 nor more than \$250.00 for each violation. Each day upon which a violation of the provisions of this article shall occur shall be deemed a separate and additional violation for the purpose of this article. The fine shall also include actual costs, including attorney fees.
- 5) A violation of this Ordinance is hereby declared a public nuisance or nuisance per se, and is declared to be offensive to public health, safety, and welfare.
- 6) The City may take civil action requesting injunctive relief against any person, firm, association, corporation, or other entity found to be in violation of this ordinance. Abatement action shall be in addition to any penalty imposed.

Sec. 58.58. – Projects; Prior approval required, City repairs.

- 1) Any person performing any project that impacts the water system shall first submit plans and specifications for such work to the Administration for approval. Projects may require submission to the City Council and/or other boards and commissions for recommendations and final approval. No connection may be made without prior approval.
- 2) The Administration shall supervise all work performed, and shall require that necessary tests be performed to ensure that work is performed in a safe and acceptable manner. The person or entity requiring the work shall be responsible for any and all fees and costs associated with the supervision and testing of the work performed, including tap-in fees, which shall be paid prior to commencement of work.
- 3) No unmetered flow of water is allowed to occur in a project area unless approved by the Administration.
- 4) All improvements performed on public property shall become the property of the City upon dedication to the City, as outlined in the City Engineering Standards
- 5) No person shall interfere in any way with service pipes installed by the City. No person shall turn water on or off at the curb stop valve, except authorized agents and employees of the City or persons under their direction.
- 6) Should it become necessary to shut off the flow of water from or to any section of the City because of an accident or for the purpose of making repairs or extensions, the Administration will endeavor to give timely notice to the consumers affected thereby and will, so far as practical, use

its best efforts to prevent inconvenience and damage arising from such causes. Failure to give such notice shall not render the City responsible or liable in damages for any inconvenience, injury, or loss which may result therefrom. The City shall not be liable under any circumstances for a deficiency or failure of the water system. Each user who shall accept such services is subject to the regulations imposed by this ordinance.

- 7) If the City performs work where the cost is the responsibility of the property owner, the City shall bill the owner for the cost of the work. If those costs are not paid within six months, they will be placed on the property's utility bill to be collected in the same manner as regular rates.

DIVISION II. - RATES, CHARGES AND BILLING PROCEDURES

Sec. 58-59. - Establishment.

Water charges to each dwelling unit and/or business connected with the City's water supply system shall be established by City Council by ordinance. User rates shall be uniform to all users in the service area regardless of municipal boundaries. Free service is not permitted except as allowed by the City Charter.

(Ord. eff. 7-1-1962, § 26.105(A); Ord. eff. 4-9-1985; Ord. of 4-12-2004; Ord. No. 1-2009, eff. 6-4-2009)

Sec. 58-60. - Cost of connections not to be paid from system revenue.

The cost of water service connections from the City water mains to private premises shall not be paid from the revenue of the system. The City Council shall establish rates for connection charges (tap fees) which will apply to both new connections and changes of use.

(Ord. eff. 7-1-1962, § 26.105(C); Ord. eff. 4-9-1985; Ord. of 4-12-2004)

Sec. 58-61. - Billing; penalty for delinquent payment.

The time period for billing for water use is from the first day through the last day of each month. The City may issue water bills monthly, bi-monthly, or quarterly. Payment is due within 30 days after the bill is issued. If not paid within the time required, a penalty shall be applied as established by City Council.

Utility accounts may be established in the name of the property owner or occupant, subject to the requirements of Section 5 of PA 178 of 1939 (MCL 123.165). It is the responsibility of the property owner to immediately notify the City if the ownership is transferred.

Sec. 58-62. - Rates sufficient to provide for expenses, operation, maintenance and debt.

The rates established by City Council by ordinance shall be sufficient to provide for the payment of the expenses of administration, operation, and such expenses for the maintenance of such water supply system as may be necessary to preserve the water supply system in good repair and working order and may include monies for projected projects, as well as funds necessary to satisfy debt requirements.

(Ord. eff. 7-1-1962, § 26.105(E); Ord. eff. 4-9-1985; Ord. of 4-12-2004)

Sec. 58-63. - Collection; lien for delinquent water charges.

- 1) *Collection generally; lien.* The City shall have as security for the collection of any water rates or charges, due or to become due, for the use or consumption of water supplied to any house or

other building or any premises, lot or lots, parcel or parcels of land, a lien upon such properties, despite the occupation of the premise by anyone other than the property owner. Such lien shall become effective immediately upon the distribution of the water to the premises or property supplied as aforesaid, but shall not be enforceable for more than five years thereafter. The official record of the City Administration shall constitute notice of placement of such lien. See 1939 PA 178.

- 2) *Priority of lien.* The lien created by this article shall have priority over all other liens, except liens for taxes or special assessments, whether or not such other liens accrued or were recorded prior to the lien created by the provisions of this article.

(Ord. eff. 7-1-1962, § 26.105(F)(1), (2); Ord. eff. 4-9-1985; Ord. of 4-12-2004)

Sec. 58-64. - Discontinuance of water service.

- 1) The City may discontinue water service from the premises or property against which the lien created by this Ordinance has accrued and shall not be turned on again to such premises or property until the rates and charges have been paid in full or satisfactory arrangements for payment are made.
- 2) Any delinquent utility bill not paid by the following billing date will be subject to termination of services after one notice has been sent stating service will terminate in ten days and a final notice is delivered directly to the property stating that service will terminate in not less than 24 hours. If at the end of the stated deadline, payment is not received or satisfactory arrangements for such payment have not been made the water service shall be discontinued. No water service that has been discontinued for nonpayment of charges shall be restored until all past due bills and penalties are paid or satisfactory arrangements for such payment are made.
- 3) In all cases where water service has been discontinued as to any premises or property because of nonpayment of any water rates or charges, the City shall charge a shut-off fee, as established by resolution of the City Council.

(Ord. eff. 7-1-1962, § 26.105(F)(3), (4); Ord. eff. 4-9-1985; Ord. of 4-12-2004)

Sec. 58-65. - Report of unpaid rates and charges; assessment against property.

All unpaid water rates or charges having been unpaid for a period of six months or more on March 1 of each year, which remain unpaid on April 30, shall be transferred to the City tax roll, assessed against the property to which the water was supplied or furnished for which the unpaid rates or charges accrued, to be collected with and in the same manner as City taxes are collected. If the charges shall remain delinquent and unpaid after the expiration of the time limited in the warrant for the collection of taxes levied in such roll, such charges shall be returned to the county treasurer to be collected in the same manner as the lien created by City taxes on the delinquent tax roll of the City.

(Ord. eff. 7-1-1962, § 26.105(F)(5); Ord. eff. 4-9-1985; Ord. of 4-12-2004)

Sec. 58-66. - Collection by suit.

All unpaid water rates or charges may also be collected by suit brought in the name of the City against the owner of the premises, subject to the provisions of MCL 123.165.

(Ord. eff. 7-1-1962, § 26.105(F)(6); Ord. eff. 4-9-1985; Ord. of 4-12-2004)

Sec. 58-67. - Reserved.

Editor's note—

Ord. No. 1-2009, adopted May 26, 2009, repealed § 58-65, which pertained to minimum bills, and derived from Ord. eff. 7-1-1962, § 26.105(G); Ord. eff. 4-9-1985; Ord. of 4-12-2004.

(Ord. eff. 7-1-1962, § 26.105(H); Ord. eff. 4-9-1985; Ord. of 4-12-2004)

(Ord. No. 1-2009, eff. 6-4-2009)

Secs. 58-XX—58-XX. - Reserved.

DIVISION III. - WATER SERVICE

Sec. 58.68. – Connections.

- 1) A separate valve shall be placed on the service pipe just inside the building wall on the influent side of the water meter. Such valve shall be equal in quality to the curb stop valve.
- 2) The corporation stop, the service pipe from the main to the service stop, the curb stop valve and stop box will be provided in place and maintained by the City after payment of the connection charge (a.k.a. tap fee) as provided in the Rates, Charges and Billing Procedures section of this ordinance. The service pipe from the curb stop valve to the building on private property shall be installed and properly maintained by the owner. The customer shall keep the stop box free from dirt, stones or other substances that will prevent access to the curb stop valve.
- 3) Any person wishing to create a new or modify an existing connection must first comply with the Projects: Prior Approval Required; City Repairs section of this Ordinance.

(Ord. eff. 7-1-1962, § 26.102; Ord. eff. 4-9-1985; Ord. of 4-12-2004)

Sec. 58.69. - Water meters.

- 1) All premises using water shall be metered and payment shall be made for water at rates established by City Council by ordinance.
- 2) Meters will be furnished by the City, shall remain the property of the City, and will at all times be under its control including meters installed in compliance with special rates as established by the Administration. If a second meter is purchased for the purpose of irrigation, the cost of the meter shall be borne by the property owner.
- 3) For ordinary domestic consumption of water, a three-fourths inch or one-inch meter will be furnished. When application is made for a larger meter, the Administration shall determine whether a meter of such size is required. The City will furnish meters in sizes up to and including 1 inch. Where a larger meter is required special arrangements must be made. The cost of any meter larger than 1 inch shall be paid for by the user prior to installation and shall become City property upon installation.
- 4) Wherever possible, meters shall be set below grade line in a cellar or basement. In buildings that do not have basements, the service pipe shall be protected from frost by suitable packing above the shut-off valve.
- 5) Meters shall be sealed by the City and no one except an authorized employee of the City may break or injure such seals. No person other than an authorized employee of the City may change the location of, alter, or interfere in any way with any meter.

- 6) Meters and their valves will not be allowed in closets or compartments that are kept locked, in coal bins, in or under toilet room floors, under buildings, porches, show windows, show boards, or where they are difficult to access. All meters shall be set in dry, clean, sanitary places, perfectly accessible with valves on both sides and where a small leak or the spilling of water will do no damage.
- 7) The expense of replacing and maintaining existing meters, except those larger than 1 inch, will be borne by the City, provided, however, that the replacements, repairs, or adjustments of a meter are not made necessary by the act of negligence or carelessness of the owner or occupant of the premises. If repairs are required due to the act(s) of the owner or occupant of the premises, the expense to the City caused thereby shall be charged and collected from the owner or occupant of the premises. If the owner or occupant fail to pay these charges, the charges shall be added to and become a part of the water bill.

Costs incurred in conjunction with the installation of new primary and second water meters are the responsibility of the property owner or their designee.

- 8) The owner or occupant of the 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 imperfect operation, the owner or occupant of the premises shall give immediate notice to the Administration. All water furnished by the City and used on any premises must pass through the meter. No bypass or connection around the meter will be permitted except by express permission granted by administration. Such bypass shall be sealed by the Administration and only broken under the stress of extreme emergency. If any meter gets out of order or fails to register, the consumer will be charged at the average monthly consumption rate as shown by the meter over a period of the preceding three months when the meter was accurately registering, or by such other method that the City determines will reasonably estimate water usage.
- 9) The accuracy of the meter on any premises will be tested by the City upon request of the consumer, who shall pay an amount as established by Council by resolution to cover the cost of the test. If on such test, the meter shall be found to register over five percent more water than actually passes through it, another meter will be installed, the charge will not be applied, and the water bill shall be adjusted in such manner as may be just and fair.

(Ord. eff. 7-1-1962, § 26.103; Ord. eff. 4-9-1985; Ord. of 4-12-2004)

Sec. 58-70. – Use of water.

- 1) Subject to the case-by-case exceptions set forth in section 58-78, the owner or occupant of any property or structure within the City of Dexter that desires water service at any property or structure shall connect to the City water service.
- 2) Each and every single house shall have a separate service connection.
- 3) Each and every separate building used for business purposes must have a separate service connection.
- 4) All buildings divided into separate business places and/or separate family dwellings or apartments may have one meter to cover the entire building, or each separate business or separate dwelling unit may have separate meters. In either case the meters and/or shut-offs must be accessible to public utility staff. In the event there shall be but one meter to cover more than one business unit

and/or dwelling unit in a building there shall be paid the minimum water charge as established by City Council by resolution for each unit, in excess of one, together with the regular rates as provided for the amount of gallons of water used in excess of the minimum. Where two or more dwelling units and/or businesses are serviced on one meter, the bill for water and sewer will be sent to the property owner.

- 5) No connection through which water may pass from one property to another shall be constructed, though the ownership of both properties may be the same, except water may be connected with the consumer's garage or other outbuildings on the same or adjoining lots.
- 6) Where the water has been turned off by the City for any reason, no persons, except authorized employees or agents of the City, may turn it on again. Whenever this rule is violated, the City may shut the water off at the corporation stop at the main and the owner shall pay, in advance, double the established rate for water used in violation of this provision in addition to the entire expense incurred by the City for doing this work, before the water may be turned on again.
- 7) No high-pressure steam boiler shall be directly connected to the service pipe. The owner shall make such provisions as may be required by the City before the water may be supplied to such an installation.
- 8) The Administration shall have free access at all reasonable hours to inspect any premises supplied with water. No person shall refuse to admit authorized agents of the City to any premises for such purposes. In case any authorized agent is refused admittance, or in any way hindered in making the necessary inspection or examination, the water may be turned off from such premises after giving 24-hours' notice to the owner or occupant thereof.
- 9) Fire hydrants may be opened and used only by City employees and the fire department, or by persons as may be specifically authorized by the Administration. No person shall in any manner obstruct or prevent free access to any fire hydrant by placing or storing, temporarily or otherwise, any object or materials of any kind, including plant material other than grass within five (5) feet of the fire hydrant with a ten (10) foot wide clear path to the roadway.

(Ord. eff. 7-1-1962, § 26.104; Ord. eff. 4-9-1985; Ord. of 4-12-2004)

Sec. 58-71. - Water restrictions.

- 1) Whenever the Administration determines that the supply or pressure demand for water cannot be accommodated and general welfare may be endangered, or conditions within the water system are likely to endanger the general welfare of the City, the Administration shall determine that an emergency exists and prescribe the following emergency regulations, which shall apply in the City for all properties connected to the City water system: Sprinkling of lawns and landscaping and all outdoor water use shall only be allowed for properties with even-numbered addresses on even-numbered dates within a month and for properties with odd-numbered addresses on odd-numbered dates within a month.
- 2) Whenever the Administration determines that the emergency regulations described in subsection (a) are not sufficient, or conditions within the water system of the City are likely to endanger the general welfare in the City, the following emergency regulations shall apply in the City for all properties connected to the City water system: Sprinkling of lawns and landscaping and all outdoor water use shall not be allowed.

- 3) The Administration shall, within 24 hours of notification, cause these regulations to be publicly announced in accordance with the publication requirements of the City Charter. The regulations shall become effective immediately. Upon notification that the emergency regulations are no longer necessary, the Administration shall cause a public announcement lifting the water restrictions.
- 4) Voluntary odd/even watering schedules will be encouraged, as well as an aggressive public education effort in an attempt to impact peak water usage and even out water usage throughout the system.

(Ord. of 4-12-2004)

DIVISION IV. - REGULATION OF PRIVATE WATER WELLS

Sec. 58-78. - Private water wells prohibited.

No person shall install, construct, maintain or use a water well within the City for any purpose whatsoever, except for the following:

- 1) Wells installed and maintained for the purpose of groundwater monitoring and/or remediation as part of a response activity approved or required by the Michigan Department of Environmental Quality;
- 2) Wells installed for construction dewatering, provided that the water generated by that activity is handled and disposed of in accordance with all applicable laws and regulations. Exacerbation, as defined by MCL 324.20101, caused by the use of wells under this exception, shall be the responsibility of the person operating the dewatering well, as provided in Part 201 of 1994 PA 451, the Natural Resources and Environmental Protection Act (NREPA);
- 3) The Type II municipal wells operated by the City of Dexter, provided that these wells are subject to groundwater monitoring under the oversight of the Michigan Department of Environmental Quality (MDEQ) Water Division its successor, and/or its designee, in accordance with Act 399 of 1976, the Michigan Safe Drinking Water Act, being MCL 325.1001—325.1023 et seq. and the applicable Part 7 Administrative Rules promulgated thereunder;
- 4) Wells installed and maintained outside of the "restricted zone" to supply industrial cooling water or for large-scale irrigation purposes, as may be approved on a case-by-case basis by the City Council and MDEQ;
- 5) Nonconforming private wells outside of the restricted zone that service any property or structure (i) within the City of Dexter on the effective date of this division or (ii) annexed into the City after the effective date of this division. Private owners and operators may continue to use such nonconforming wells subject to all applicable state and local laws; provided, however, that any nonconforming well that fails to produce adequate water for the intended use or is not actively used shall be properly abandoned in accordance with the Washtenaw County Public Health Department standards. Exceptions to this subsection may be approved on a case-by-case basis by the City Council; or
- 6) In exceptional cases located outside of the restricted zone, the City may approve a new private well if municipal water is not reasonably accessible. Such requests must be approved by the City Council.

Sec. 58-79. - Restricted Zone

- 1) An area of underground water within the City of Dexter is contaminated with petroleum related compounds. The area of contaminated groundwater and a buffer zone are the "restricted zone" as defined below. These contaminants are regulated substances, as defined in Section 21303(d) of Part 213, Act 451 of Public Acts of 1994, and pose a potential hazard to the safety and welfare of the citizens of the City of Dexter. There is no need to install private water wells in the restricted zone, because the City of Dexter operates its own water service. Therefore, it is the public interest to prohibit private water wells in the restricted zone.
- 2) This regulatory division is a feasible method of protecting the public health. A consultant, as defined in Section 21302(b) of Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, has determined that exposure to the regulated substances in ground water may be reliably restricted by means other than restrictive covenants. Imposition of restrictive covenants to restrict exposure is impractical as multiple properties are included in the restricted zone, which is described as:

(Ord. No. 5-2004, § 1, 4-12-2004)

- a. All parcels located within Blocks 6, 7, 18, and 19; Lots 1, 2, 3, and 10 of Block 20; Lots 1 through 5 of Block 23; Lots 1 through 4 of Block 24; and Main Street from the East right-of-way of Alpine Street to the intersection of Central Street; Ann Arbor Street from Main Street to the Northerly right-of-way line of Dover Street, (including the area known as Monument Park); Broad Street from Main Street to the westerly right-of-way line of Fifth Street; Central Street from Main Street to the westerly right-of-way line of Fifth Street; Forest Street from its western terminus at Mill Pond to the west right-of-way line of Baker Road; Baker Road from the northerly right-of-way line of Forest Street to the southerly right-of-way line of Ann Arbor Street; the northern half of the lane between Block 23 and Block 24, and the lane between Block 18 and Block 19, all within the Original Plat of the City of Dexter part of the North ½ of Section 6, T2S, R5E, Scio Township, Washtenaw County, Michigan.

(Ord. No. 5-2004, § 2, 4-12-2004)

Editor's note—

Attachment A as cited in above has not been set out in the Code, but is on file in the office of the city clerk.

(Ord. No. 5-2004, § 3, 4-12-2004)

- 3) The owner or occupant of any property or structure within the restricted zone that is currently serviced by a private water well shall immediately remove or properly abandon the water well. The abandoned water well shall be plugged in accordance with the Washtenaw County Public Health Department standards. The owner or occupant of any property or structure within the restricted zone that desires water service at the property or structure shall connect to the City water service.

(Ord. No. 5-2004, § 4, 4-12-2004)

- 4) The City shall notify the director of DEQ 30 days prior to the modification, lapsing, or revocation of the restricted area.

(Ord. No. 5-2004, § 5, 4-12-2004)

DIVISION V. - CROSS CONNECTIONS AND NON-POTABLE WATER

(Ord. eff. 1-14-1974, § 26.150; Ord. eff. 10-14-1998; Ord. of 4-12-2004)

Sec. 58-81. - Adoption of rules.

The City adopts by reference the water Supply Cross Connection Rules of the Michigan Department of Environmental Quality being R325.431 to R325.440 of the Michigan Administrative Code.

(Ord. eff. 1-14-1974, § 26.151; Ord. eff. 10-14-1998; Ord. of 4-12-2004)

Sec. 58-82. - Inspections.

It shall be the duty of the Administration to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections will be based on potential health hazards involved as determined by the water and sewer department official.

(Ord. eff. 1-14-1974, § 26.152; Ord. eff. 10-14-1998; Ord. of 4-12-2004)

Sec. 58-83. - Assistance for inspection; furnishing information.

A representative of the public utility department will be assisted by a licensed plumber for the purpose of inspecting the piping system or systems. For cross connections on request the owner, leasee, or occupant of any property so served shall furnish to the inspection regarding the piping systems on such property at a reasonable time. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

(Ord. eff. 1-14-1974, § 26.153; Ord. eff. 10-14-1998; Ord. of 4-12-2004)

Sec. 58-84. - Discontinuance of service; restoration.

- (A) The Administration is hereby 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.
- (B) Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this article.

(Ord. eff. 1-14-1974, § 26.154; Ord. eff. 10-14-1998; Ord. of 4-12-2004)

Sec. 58-96. - Protection of water supply; notice of non-potable water.

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this article 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.

DIVISION VI. - NONPOTABLE WATER UNSAFE FOR DRINKING

(Ord. eff. 1-14-1974, § 26.155; Ord. eff. 10-14-1998; Ord. of 4-12-2004)

Sec. 58-97. - Article supplemental.

This article does not supercede the state plumbing code and county or local ordinances but is supplementary to them.

(Ord. eff. 1-14-1974, § 26.156; Ord. eff. 10-14-1998; Ord. of 4-12-2004)

(Ord. eff. 1-14-1974, § 26.157; Ord. eff. 10-14-1998; Ord. of 4-12-2004)

Secs. 58-99—58-120. - Reserved.

DRAFT