

VILLAGE OF FAIRGROVE
TUSCOLA COUNTY, MICHIGAN

ORDINANCE NO. 27A

SANITARY SEWER USE

An ordinance regulating the use of public and private sewers and drains and private sewage disposal, the installation and connection of building sewers and the discharge of waters and wastes into the public sewer system of the Village and providing penalties for the violation thereof.

Sec. 1. DEFINITIONS

1. Authority – The Village of Fairgrove, Tuscola County, Michigan.
2. Biochemical Oxygen Demand (BOD) – Shall mean the quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory procedure sin five (5) days at 20 C.
3. 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 a building and conveys it to the building sewer beginning three (3) feet outside the building wall.
 - a. Building Drain – Sanitary: A building drain which conveys sanitary and/or industrial sewage only.
 - b. Building Drain – Storm: A building drain which conveys storm water or other clear water drainage only.
4. Building Sewer – Shall mean the extension from the building drain to the public sewer or other place of disposal (also called house connection).
 - a. Building Sewer – Sanitary: A building sewer which conveys sanitary and/or industrial sewage only.
 - b. Building Sewer – Storm: A building sewer which conveys storm water or other clear water drainage only.
5. Combined Sewage – Shall mean a combination of both sanitary and industrial wastewater and storm or surface water.
6. Combined Sewer – Shall mean a sewer intended to receive both wastewater and storm or surface water.
7. Compatible Pollutant – Shall mean biochemical oxygen demand and suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removal in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include: (a) chemical oxygen demand, (b) total organic carbon, (c) phosphorus and phosphorus compounds, (d) nitrogen and nitrogen compounds and (e) fats, oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).
8. Fecal Coliform – Shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.
9. Floatable Oil – Oil, fat or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Village.
10. Garbage – Shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the commercial handling, storage and sale of produce.
11. Incompatible Pollutant – Shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.
12. Industrial Waste – Shall mean any solids, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resources. It does not include, and is distinct from, sanitary sewage generated by employees.
13. Infiltration – Shall mean the water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. (Infiltration does not include and is distinguished from inflow).

14. Infiltration/Inflow – Shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
15. Inflow – Shall mean the water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellars, yards and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catchbasins, storm waters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltration.)
16. Major Contributing Industry – Shall mean an industry that: (1) has a flow of 50,000 gallons or more per average work day; (2) has a flow greater than 5 percent of the flow carried by the municipal system receiving the wastes; (3) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of PL 92-500; or (4) has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.
17. Natural Outlet – Shall mean any outlet, including storm sewers and combined sewer overflows, into a water course, pond, ditch, lake or other body of surface or ground water.
18. NPDES Permit – Shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.
19. Normal Domestic Sewage – Shall be sewage resulting from a normal household with a flow of 333 gallons per day and containing 0.57 pounds per day of BOD and suspended solids.
20. Person – Shall mean any individual, firm, company, municipality, association, society, corporation or group discharging any wastewater to the treatment works.
21. pH – Shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.
22. Pretreatment – Shall mean the treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.
23. 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 flow conditions, normally prevailing in public sewers, with no particle greater than $\frac{1}{4}$ inch in any dimension.
24. Private Sewer – Shall mean a sewer which is not owned by the Village.
25. Public Sewer – Shall mean a sewer which is owned and controlled by the Village and will consist of the following components:
 - a. Collector Sewer – Shall mean a sewer whose primary purpose is to collect wastewater from individual point source discharges.
 - b. Interceptor Sewer – Shall mean a sewer whose primary purpose is to convey wastewaters from collector sewers to the sewage treatment plant.
 - c. Forcemain – Shall mean a pipe in which wastewater is carried under pressure.
 - d. Pumping Station – Shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.
26. Sanitary Sewer – Shall mean a sewer which carries sanitary and industrial wastes only, and to which storm, surface and ground water are not intentionally or legally admitted.
27. Sewage – Shall mean the combination of liquid and solid wastes from residences, commercial buildings, industrial plants, institutions and governmental edifices (including polluted cooling water). The three most common types of sewage are:
 - a. Sanitary Sewage – Shall mean the combination of liquids and solid waste discharged from toilet and other sanitary plumbing facilities resulting from human habitation.
 - b. Industrial Sewage – Shall mean a combination of liquid and solid waste discharged from any industrial establishment, resulting from any trace or process carried on in that establishment. (This shall include the wastes from pretreatment facilities and polluted cooling water but is separate and distinct from sanitary sewage from employees).
 - c. Combined Sewage – Shall mean a combination of waste including sanitary sewage, industrial sewage and intentionally admitted storm water, infiltration and inflow.
28. Shall – Is mandatory; May is permissive.
29. Slug – Shall mean any discharge of sewage or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than 30 minutes, more than three times the average 24-hour concentration of flows during normal operation and shall adversely affect the treatment works.

30. Storm Sewer – Shall mean a sewer for conveying storm water, ground water, or unpolluted water from any other source and to which sewage is not intentionally admitted.
31. Suspended Solids – Shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.
32. Total Solids – Shall mean the sum of suspended and dissolved solids.
33. Toxic Amounts – Shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism, will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of PL 92-500.
34. Treatment Works – Shall mean all devices and systems used in the storage, treatment, recycling and reclamation of wastewater including intercepting sewers, outfall sewers, and wastewater collection systems.
35. Unpolluted Water – Shall mean water of quality equal to or better than the effluent criteria in effect, or water than would not cause violation of receiving water quality standards and would not be benefited by discharge to the treatment works.
36. Wastewater- Shall mean water polluted with sanitary sewage, industrial sewage, combined sewage or any other substance which when contained in wastewater must be removed or diluted to a substantial degree before such wastewater can be reclaimed for discharge to a water course or reused.
37. Water Course – Shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
38. Control Manhole – Shall consist of a structure built on a sewer service through which sewage passes and can be sampled and will permit flow measurements taken.
39. Residential User – A user of the treatment works whose premises or building is used primarily as a domicile for one or more persons and whose wastes originate from normal living activities of its inhabitants.
40. Commercial User – A use of the treatment works engaged in the purchase or sale of goods or services or the transaction of business.
41. Institutional User – A use of the treatment works involved in a social, charitable, religious, educational or other special purpose activity.
42. Governmental User – A Federal, State or local governmental user of the treatment works which has an executive, legislative, judicial, administrative or regulatory activity.
43. Industrial User –
 - a. Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:
 - Division A. Agriculture, Forestry and Fishing
 - Division B. Mining
 - Division D. Manufacturing
 - Division E. Transportation, Communications, Electric, Gas and Sanitary Services

Division I. Services

- (1) In determining the amount of a user's discharge for purposes of industrial costs recovery, the grantee may exclude domestic wastes or discharges from sanitary conveniences.
- (2) After applying the sanitary waste exclusion in subparagraph (1) of this paragraph (if the grantee chooses to do so), dischargers in the above divisions that have a volume exceeding 25,000 gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from residential users. The grantee, with the Regional Administrator's approval, shall define the strength of the residential discharges in terms of parameters including, as a minimum, BOD and SS per volume of flow.
- b. Any governmental use 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.

- c. All commercial users of an individual system constructed with grant assistance under section 201(h) of the Act and this subpart. [See 35.918(a)(3)].

Sec. 2 USE OF PUBLIC SEWERS

1. No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water. The Village shall required the removal of unpolluted waters from any wastewater collection or treatment facility if such removal is cost-effective and is in the best interest of all users of those facilities.
2. Storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the Village.
3. No person shall place, deposit or permit to be deposited in any unsanitary manner of public or private property within the jurisdiction of the authority, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this Ordinance and the NPDES Permit.
4. No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this Ordinance and NPDES Permit No. MI0028398.
5. No personal shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater except as hereinafter provided.
In the event any existing private sewage system shall, in the opinion of the Village Council, become a hazard to health, safety, or general welfare of any persons or property, then the owner thereof shall be required, at his expense, to install suitable sewage facilities therein, and to connect such facilities directly with the property public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so.
Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system in accordance with the specifications of the Tuscola County Health Department and the Village Health Officer.
The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.
In the event that the owner of the property, upon which the same is located, shall fail to abandon and correct upon reasonable notice a private sewage disposal system, then and in such case, the Village may do so, and charge the cost thereof to the property owner and to the occupant of said property, and such charges shall become a debt, collectible as such.
6. Within four (4) months from the time a collector sewer becomes available (within 50 feet of the property line) to any person, such person shall make connection. Such connection, however, shall be subject to the review and approval of the Village and shall be contingent upon the availability of capacity in all downstream sewers, pump stations, forcemains and the sewage treatment plant including compatible pollutant capacity.
7. No person shall discharge or cause to be discharged to any public sewer, any wastes which would interfere with the operation or performance of the treatment works. Specifically, the following wastes shall not be introduced into the treatment works:
 - a. Wastes which create a fire or explosion hazard in the treatment works.
 - b. Wastes which will cause corrosive structural damage to treatment works, but in no case with a pH lower than 6.0.
 - c. Solid or viscous wastes in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the treatment works.
 - d. Wastes at a flow rate and/or pollutant discharge rate (slugs) which are excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.
8. Treatment Authority Management, whenever necessary, with regard to discharge or proposed discharge of industrial wastes into any sewer, shall have the right to:

- a. Require new industries or industries with significant increase in discharge to submit information on wastewater characteristics and obtain prior approval for discharges.
 - b. Reject the wastes in whole or in part for any reason deemed appropriate by the Village.
 - c. Require pretreatment of such wastes to within the limits of normal sewage as defined.
 - d. Require control of flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works.
 - e. Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.
9. Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the Rules and Regulations adopted by the United States Environmental Protection Agency (USEPA) and published in the Federal Register, June 2w6, 1978, and any more stringent requirements established by the Village, and any subsequent Federal Guidelines and Rules and Regulations. (As specific pretreatment levels are established, they should be incorporated into this section).
 10. Plans, specifications and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the Village and no construction of such facilities shall be commenced until approval in writing is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspection by the Village to determine that such facilities are being operating in conformance with applicable Federal, State and local laws and permits. The owner shall maintain operating records and shall submit to the Village a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against the Village monitoring records.
 11. The Village may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flow characteristics. Such measurements, test and analysis shall be made at the users' expense. If made by the Village, an appropriate charge may be assessed to the user as established by the Village.
 12. The owner of any property services by a building sewer carrying industrial wastes or other non-residential wastewater may be required by the Village to install a control manhole together with such necessary meters and other appurtenances in the building to facilitate observation, sampling and measurement of the wastes. Such structures, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Village. The structures shall be installed by the owner at this expense and shall be maintained by him so as to be safe and accessible at all times.
 13. The strength of wastewaters shall be determined, for periodic establishment of charges provided for in this ordinance, from samples taken at the aforementioned structure at any period of time and of such duration and in such manner as the Village may elect, or, at any place mutually agreed upon between the user and the Village. Appropriate charges for sampling and analysis may be assessed to the user at the option of the Village, The results of routine sampling and analysis by the user may also be used for determination.
 14. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with latest edition of "Standard Methods", except for applications for NPDES Permits and reports thereof which shall be conducted in accordance with rules and regulations adopted by the USEPA, published in the Federal Register October 16, 1973 (38 CFR 20758), and any subsequent revisions subject to approval by the Village.
 15. Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Village and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, to be gastight, watertight and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
 16. Users of the treatment works shall immediately notify the Village of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.
 17. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual

strength or character may be accepted by the Village for treatment. In all such cases the provisions set forth herein in the sewage rate ordinance will be governing factors in any contracts entered into.

Sec. 3. 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 Village.
2. After the permit for a service connection has been granted and before the connection is made, the owner shall pay a permit fee for tapping the public sewer and for that portion of the building sewer situated between the property line and public sewer as established by the Village.
3. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building.
4. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Village, to meet all requirements of this Ordinance.
5. The building sewer shall be polyvinyl chloride (PVC) or acrylonitrile-butadiene-styrene (ABS) pipe with solvent weld joints. Wall thickness shall be Schedule 40 with all materials conforming to ASTM D-2661, D-2665, and D-1785. An approved transition device shall be installed between the asbestos cement sewer service and the PVC or ABS building sewer.
6. The size and slope of the building sewer shall be subject to the approval of the Village, but in no event shall the diameter be less than four (4) inches, if cast iron is used, nor less than six (6) inches if pipe of other material is used. The slope of such building sewer shall be not less than one-eighth (1/8) inch per foot if six inch or larger diameter pipe is used, and one-quarter (1/4) inch slope per foot if four inch diameter pipe is used.
7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with property curbed pipe and fittings.
8. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer, the cost to be borne by the property owner.
9. All joints and connections shall be gastight and watertight, utilizing premium rubber joints conforming to the requirements of ASTM Des. C-425.
10. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Village. Pipe laying and backfill shall be performed in accordance with good practice, except that no backfill shall be placed until the work has been inspected.
11. The connection of the building sewer into the public sewer shall be made only at a wye branch provided for that purpose.

Sec. 4. PROTECTION FROM DAMAGE

1. 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 sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Sec. 5. POWER AND AUTHORITY OF INSPECTORS

1. Agents of the Village, the Michigan Department of Natural Resources and the United States Environmental Protection Agency shall be permitted to enter all properties for purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance.

Sec. 6 PENALTIES

1. In the event of nonpayment of any charges made by the Village to users of the treatment works, such charge is hereby made a lien upon the corresponding lot, parcel of land or premises serviced by the treatment works, and if the same is not paid when due and payable, it shall be certified to the Village, who shall place same on the tax duplicate as a tax lien or assessment against such lot or parcel of land with

interest and penalties allowed by law and be collected in the same manner and at the same time as other taxes are collected.

2. Any person violating the provision of this Ordinance shall be subject to a penalty of \$500 per violation. Each day that such violation continues shall constitute a separate and distinct offense. In addition, any user whose violating discharge causes downstream damages shall be liable totally for all expenses incurred to repair such damages.

Sec. 7. VALIDITY

1. All provisions of this Ordinance and limits set herein shall comply with any applicable State and/or Federal requirements now, or projected to be in effect.
2. All previous ordinances or parts of ordinances inconsistent with any of the provisions of this Ordinance are hereby repealed.
3. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of the Ordinance which can be given effect without such invalidated parts.

This Ordinance enacted by the Village Council of the Village of Fairgrove, Michigan, at a regular meeting held at the Council Chambers in said Village on the 2nd day of July, 1979.

Yeas	5
Nays	0
Absent	1

ADOPTED July 2, 1979.

VERNON F GEHRLS, PRESIDENT

I, Barbara Lou Aldrich, Clerk of the Village of Fairgrove, do hereby certify that the above Ordinance is a true and correct copy of an Ordinance passes by the Village Council of the Village of Fairgrove, Tuscola County, Michigan, at a regular meeting on the 2nd day of July, 1979

In Testimony Whereof, I have hereunto set my hand and the seal of the Village of Fairgrove this 2nd day of July, 1979.

CLERK

BARBARA LOU ALDRICH,