

**ORONOKO CHARTER TOWNSHIP  
COUNTY OF BERRIEN  
STATE OF MICHIGAN**

**SEWER USE AND ENFORCEMENT ORDINANCE**

**ORDINANCE NO. 74**

An Ordinance to provide regulations and enforcement for persons located in Oronoko Charter Township using the Village of Berrien Springs, Michigan sanitary sewer collection and treatment system.

**CHARTER TOWNSHIP OF ORONOKO ORDAINS:**

**SECTION 1            TITLE**

This Ordinance shall be known and cited as the *Oronoko Charter Township Sanitary Sewer Collection and Treatment Ordinance*.

**SECTION 2            PURPOSE**

Oronoko Charter Township, in order to promote public health, safety, convenience and welfare of inhabitants, has entered into a *Wastewater Service Agreement* with the Village of Berrien Springs, Michigan, dated September 29, 2009 for the purpose of providing continued wastewater services to persons in Oronoko Charter Township. The *Wastewater Service Agreement* grants to the Village of Berrien Springs, Michigan a franchise to transact a municipal sewer service utility business within Oronoko Charter Township and consents to the occupation and use of the public ways within the Township for sewer mains, lift stations, metering equipment and associated equipment. Further, to fulfill the obligations imposed by the Franchise Oronoko Charter Township hereby adopts this Ordinance pertaining to sewer use regulations and enforcement, and rates and fees charged by the Village of Berrien Springs, Michigan. All customers present and future, within Oronoko Charter Township and outside the municipal boundaries of the Village receiving service from the Village of Berrien Springs, Michigan through the Village of Berrien Springs, Michigan sanitary sewer collection and treatment system shall be subject to the provisions herein, as amended from time to time as a condition of the service provided.

### **SECTION 3            DEFINITIONS**

As used in this Ordinance, the following terms have the respective meanings set forth below:

BOD means biochemical oxygen demand or 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 means 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 means the extension from the building drain to the public sewer or other place of disposal.

Combined sewer means any sewer receiving both stormwater and sewage.

Commercial wastes means the liquid or water - carried wastes from commercial establishments or those concerns engaged in buying, selling or exchanging goods and / or services.

Department: shall mean the Department of Public Works of the Village of Berrien Springs, Michigan.

Garbage means the waste from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Industrial wastes means the liquid or water - carried wastes from industrial processes, as distinct from sanitary sewage.

mg / l means milligrams per liter.

Natural outlet means any outlet into a watercourse, pond ditch, lake or other body of surface water or groundwater.

pH means the logarithm of the reciprocal of the hydrogen ion concentration in grams per liter of solution.

Person: shall mean any individual, sole proprietorship, limited or general partnership firm, joint venture, trust, incorporated organization, association, limited liability company, joint stock company, institution, corporation, public benefit corporation, governmental authority or either entity or organization organized or existing under any law.

Properly shredded garbage means garbage that has been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in the public sanitary or combined sewer, with no particle larger than one - half inch in any dimension.

Public sewer means a sewer that is controlled by the Village.

Sanitary sewage means the liquid or water - carried waste discharged from the sanitary conveniences of dwellings, including apartment houses, hotels and office buildings.

Sanitary sewer means a sewer to which stormwaters are not intentionally admitted.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewer means a pipe or conduit for carrying sewage.

Storm drain and storm sewer mean any drain or sewer, either natural or artificial, which is intended expressly for the conveyance of stormwater and uncontaminated industrial wastes.

Stormwater means that part of precipitation which reaches the sewers as runoff from the natural land surface, building roofs or pavements or as groundwater infiltration.

Suspended solids means 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 in accordance with standard laboratory procedure.

Superintendent: shall mean the Superintendent of the Department of Public Works of the Village of Berrien Springs, Michigan.

System: shall mean the sanitary sewage collection system, including without limitation, force, sewer mains, gravity sewer mains, laterals lift stations, metering equipment operated and maintained by Village.

Township: shall mean the Charter Township of Oronoko, Michigan and any agent thereof.

Uncontaminated industrial wastes means wastewater which has not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.

Village: shall mean the Village of Berrien Springs, Michigan and any agent thereof.

Wastewater means the same as, or is equivalent to sanitary sewage.

Watercourse means an open, natural channel in which a flow of water occurs either continuously or intermittently.

#### **SECTION 4            REGULATIONS AND REQUIREMENTS.**

- (a) The operation, maintenance, alteration, repair and management of the system shall be under the supervision and control of the Village. The Village may employ such persons in such capacities as it deems advisable to carry on the efficient management and operation of the system and may make such rules, orders and regulations as it deems advisable and necessary to ensure the efficient management and operation of the system, including the fixing and collecting of charges for use of the system.
- (b) No free service shall be furnished by the system to any person, public or private, or to any public agency or instrumentality.
- (c) No person shall construct any drain or sewer connecting or emptying into any of the public sewers or drains belonging to the Village or Township until written permission of the Village is first had and obtained, and then only in conformity with the orders and directions and under the supervision of the Village.

The application for the permit to make such connections shall be filed in the office of the Village Clerk, or as otherwise directed by the Village, and must be signed by the owner of the premises to be drained or by his duly authorized agent. The application shall contain a statement of the purposes for which the permit is desired, and the permit shall be issued only for such purposes. No additions or alterations in any of the pipes, fixtures or a house drain, drain, sewer, strainer or cesspool connecting with any public sewer or drain shall be made until a new application is made for that purpose and a written permit is granted by the Village. The private drains and sewers shall enter such public sewers and drains under and according to the personal supervision and inspection of the Village and no person shall connect any private drain or sewer with any public sewer or drain at any other place than that fixed and designated for that purpose in the construction thereof and only after having made application and receiving a permit as provided in this division.

- (d) All private drains and sewers to be made by individuals draining their premises and leading into any public street, lane, alley or sewer easement in the Township and connecting with any public sewer or drain shall be of such size, dimensions and materials and shall be constructed and laid as directed by the Village;

- (e) No person shall be permitted to connect any drain or sewer from the person's premises with any drain or sewer made by one or more persons connecting with any public sewer or drain in any public street, lane or alley without the written consent of the proprietor and without first having filed an application and having a written permit from the Village as provided in this division.

No person shall make or connect a sink, drain, cesspool or sewer leading into any other drain or sewer connecting with any public sewer or drain without placing a sufficient strainer at the head of it.

- (f) No person shall deposit or cause to be deposited any substance in any of the public drains or sewers in the Township which shall clog or obstruct the sewers or drains. In addition to the penalty fixed by this Code, the person so obstructing and clogging such drains and sewers shall pay all expense of cleaning and repairing such drains and sewers, to be recovered in the name of the Village against such person before any proper court.
- (g) No person shall uncover or excavate under or around any public drain or sewer laid in the Township for any purpose whatsoever, without the written consent of the Village and then only in conformity with the orders and directions and under the supervision and subject to the approval of the Village.
- (h) No person shall make any excavation for sewer or drain purposes without properly guarding the excavation by day and by placing around the excavation, at night barricades, warning lights and other suitable precautions in such manner and number as will give notice of danger.
- (i) When a drain or sewer shall be obstructed so as to become, in the opinion of the Village a nuisance, it shall give notice to the person using the drain or sewer to repair such drain or sewer. If the sewer or drain is not forthwith repaired, the Village shall cause the necessary repairs to be made and charged to the person connected with such drain or sewer, as a special assessment against the premises of the person connected with such drain or sewer, as a special assessment, and levied and collected in the same manner as special assessments.
- (j) No person, after the effective date of the ordinance from which this division derives, shall be allowed to construct any drain or sewer connecting or emptying into any private drain or sewer connecting or emptying into the storm sewer, for any purpose other than for carrying off surface water.

- (k) The complete sewage disposal system of the Township shall be and remain under the management, supervision and control of the Village which may employ or designate such persons in such capacities as the Village deems advisable to carry out the efficient management and operation of the system, subject, however, to the rights, powers and duties in respect thereto which are reserved by law to the Village.
- (l) The Superintendent and other duly authorized Village employees bearing proper credentials and identification shall be permitted to enter upon properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with this division. Any person who applies for and / or receives sewer services from the Village under this division shall be deemed to have consented to inspections pursuant to this section, including entrance upon that person's property at reasonable times to make inspections under this division.
- (m) Any person found to be violating any section 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 or at the expiration of the period of time stated in such notice, permanently cease all violations. Any person who shall continue any violation beyond the time limit provided shall be guilty of a violation of this division.
- (n) The Superintendent is authorized to bring any appropriate action in the name of the Village, either at law or in equity, as may be necessary or desirable to restrain or enjoin any public nuisance, to enforce any of the sections of this division, and in general to carry out the intents and purposes of this ordinance.
- (o) The standards and regulations established in this ordinance are deemed to be the absolute minimum consistent with the preservation of the public health and safety and to fulfill the obligations with respect to state and federal law and all rules and regulations adopted pursuant thereto. The discharge into any sewer of any substance which exceeds the limitations contained in this ordinance or which in any manner fails to conform is hereby declared to be a public nuisance and a violation of this ordinance.
- (p) 1. Any person, upon written application in the Superintendent's office within 90 days after the effective date of the ordinance from which this division derives, who shows, for the activity being conducted or operated, that compliance with provisions of this ordinance would either be impossible or constitute an undue hardship because of time limitations may be granted a variance by the Superintendent for a reasonable time, not to extend beyond two years from the effective date of the ordinance from which this division derives, at

which date all variances shall terminate and after which date no new variances will be granted.

2. Any variance granted by the Superintendent may be granted on the condition that the person receiving it shall submit plans for the installation of preliminary treatment facilities to the Superintendent within six months from the date of the granting of the variance and shall make reports to the Superintendent periodically as to the progress being made toward compliance with provisions of this ordinance. A variance shall not be granted under this section where the person applying is causing a public nuisance or other injury to the general public, and any such variance shown to have been granted under these circumstances shall be immediately terminated. Any variance granted under this section shall not be construed to relieve the person who shall receive it from any liability or penalties imposed by other law for the commission or maintenance of a nuisance.
- (q) 1. Except as provided herein, no person shall discharge or cause to be discharged any of the following described matter, material or wastes into a sanitary sewer:
- (i) Any liquid or vapor having a temperature higher than 140 degrees Fahrenheit.
  - (ii) Any water or wastes which may contain more than 50 mg / liter of animal or vegetable fat, oil or grease.
  - (iii) Any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas.
  - (iv) Any grease, oil or other substance that will become solid or viscous at temperatures between 32 degrees and 140 degrees Fahrenheit.
  - (v) Any garbage that has not been properly shredded.
  - (vi) Any mineral oil or grease, ashes, cinders, sand, mud, plastics, wood, paunch manure, straw, shavings, metal, glass, rags, feathers, asphalt, tar, manure or any other solid or viscous substance capable of causing obstruction to the flow of sewers or other interference with the proper operation of the sewage works.
  - (vii) Any waters or wastes having pH lower than 6.0 or higher than 8.8 or having any other corrosive properties capable of

causing damage or hazard to structures, equipment and personnel of the treatment works.

- (viii) Any waste flow or batch discharge in excess of the following:
  - a. 0.4 mg / liter of zinc as Zn.
  - b. 0.0 mg / liter of total chromium as Cr.
  - c. 0.0 mg / liter of cadmium as Cd.
  - d. 0.0 mg / liter of copper as Cu.
  - e. 0.0 mg / liter of cyanide as CN.
  - f. 0.0 mg / liter of nickel as Ni.
  - g. 0.0 mg / liter of phenol.

Any discharge of phosphorous, ammonia, nitrates, sugars or other nutrients or wastewaters containing them shall be limited to the extent necessary to prevent adverse effects on treatment processes or the stimulation of growths of algae, weeds and slimes which are or may become injurious to the water supply, recreational use of water, fish, wildlife and other aquatic life.

- (ix) Any paints, oil, lacquers, thinners or solvents, including any waste containing a toxic or deleterious substance, in sufficient quantity to impair the sewage treatment process or constitute a hazard to employees working in the sewer system and treatment plant.
- (x) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (xi) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant or by the sewer maintenance division.
- (xii) Any excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions, or any unusual chemical oxygen demand, chlorides, sulfates or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- (xiii) Any radioactive wastes or isotopes of such half - life or concentrations as may exceed limits established by applicable state or federal regulations.
- (xiv) Waste from any individual sewage disposal system except at the sewage treatment plant. However, wastes from any individual sewage disposal system may be disposed of



directly into a sanitary sewer upon entering into an agreement with the Village, which agreement shall specify the site of disposal, sewage disposal charge and such other conditions as may be required to satisfy the Village sanitation and health requirements. For the purpose of this subsection, the term "individual sewage disposal system" is defined to include every means of disposing of industrial, commercial, household, domestic or other water - carried sanitary waste or sewage other than a public sanitary sewer.

- (xv) Any sludge, precipitate or congealed substance resulting from industrial or commercial process or resulting from the pretreatment of the person's wastewater or air pollutants.
2. No grease, oil or sand from industry, commerce or dwelling shall be accepted in the sanitary sewage disposal system.
- (r) The admission into the public sanitary sewers of any waters or wastes (i) having a five day biochemical oxygen demand greater than 300 mg / liter, (ii) containing more than 300 mg / liter of suspended solids, (iii) having an average daily flow greater than one percent of the average daily sewage flow of the Village, (iv) containing more than ten mg / liter of iron as Fe, or (v) containing a total phosphate content in excess of 40 mg / liter shall be subject to the review and approval of the Superintendent.
  - (s) Where necessary pursuant to this division, in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:
    - (1) reduce the biochemical oxygen demand to 300 mg / l and the suspended solids to 300 mg / l;
    - (2) control toxic or deleterious substances; and
    - (3) control the quantities and rates of discharge of such waters or wastes

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the review and approval of the Superintendent who may seek review by the appropriate state agency. No construction of such facilities shall be commenced until the review has been completed and the proposed preliminary treatment facilities approved by the Superintendent.

- (t) Where preliminary treatment facilities are provided for any wastes or waters pursuant to this division, they shall be maintained continuously, in

satisfactory and effective operation, by the owner at his expense. Any person required to utilize preliminary treatment facilities shall, upon the request of the public works Superintendent, submit to the public works Superintendent records of samplings taken from waste discharges.

- (u) When required by the Superintendent, the owner or other person in occupancy or under control of any property served by a building sewer carrying industrial wastes or commercial wastes shall install one or more suitable monitoring manholes in the building sewer to facilitate observation, sampling and measurement of wastes. Such manholes, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manholes shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- (v) All measurements, tests and analyses of the characteristics of waters and wastes made pursuant to this ordinance shall be determined in accordance with Standard Methods for the Examination of Water and Sewage and shall be determined at the control manhole or upon suitable samples taken at the control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point in which the building sewer is connected.
- (w) No statement contained in this ordinance shall be construed as preventing any special agreement or arrangement between village and any person whereby any waste of unusual strength or character may be accepted subject to payment by the person receiving the service.
- (x) All specific conditions of this ordinance are to apply at the point where wastes are discharged into a public sanitary sewer, and all chemical and / or mechanical corrective treatment must be accomplished to practical completion before this point is reached.
- (y) No person shall discharge waters or wastes or cause waters or wastes to be discharged into any storm sewer or natural or artificial watercourse, other than stormwater or uncontaminated industrial wastes, except upon special agreement or arrangement with the Superintendent, who may seek review by the appropriate state agency.
- (z) No 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.

## SECTION 5                    RATE AND CHARGES

- a.     The rate and charges shall be as set forth in the Wastewater Service Agreement between the Township and the Village.  Additionally, the Village shall have the right to shut off service to any premises for which charges are more than three months delinquent, and such service shall not be re - established until all delinquent charges and penalties and a turn on charge to be specified by the Village council have been paid.  Further, such charges and penalties may be recovered by the Village through court action.
  
- b.     The charges for sewer services which are under the provisions of section 21 of Public Act No. 94 of 1933 (MCL 141.121), made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six months, the Village official in charge of the collection thereof shall certify annually, on March 1 of each year, to the Village tax assessing officer, the fact of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Village taxes against such premises are collected and the lien thereof enforced.  However, where notice is given that a tenant is responsible for such charges and service no further service shall be rendered such premises until a cash deposit as specified by the Village council shall have been made as security for payment of such charges and service.
  
- c.     In addition, the Village shall have the right to shut off sewer service to any premises for which charges for sewer service are more than three months delinquent, and such service shall not be re-established until all delinquent charges and penalties and a turn on charge, to be specified by the council, have been paid.  Further, such charges and penalties may be recovered by the Village by court action.
  
- d.     *Special permit required.* No sewer tap or sewer connection shall be made unless a special permit is first secured from the Village.  No such special permit shall be issued by the Village unless a fee for making the sewer connection accompanies the application for the special permit.
  
- e.     *Debt service / capacity charge.* In order to defray the proportional share of the cost of sewage treatment facilities, lift stations and trunk lines, there shall be charged a debt service / capacity charge based on the actual or equivalent water meter size required to serve the building as established from time to time by resolution of the Village.  An existing user requesting larger water services for a meter shall be charged the rate difference between the existing meter and the larger meter to cover the proportional

share of the increased sewer capacity. No refunds will be made for a reduction in meter size or use.

- f. *Sewer lateral stub fee.* In order to defray the cost of constructing the sewer lateral stubs which benefit the individual property owners, there shall be a sewer lateral stub fee as established from time to time by resolution of the Village council, unless the construction was previously paid by the property owner or the construction of the sewer lateral stub was paid as a part of a special assessment. If a sewer lateral stub does not exist or the property owner requests the replacement of an existing sewer lateral stub, there shall be no sewer lateral stub fee, and the property owner is responsible for the construction cost of the sewer lateral stub or sewer stub replacement, including the cost of the connection to the main sewer line and the restoration of pavement and property.
- g. *Extensions of main sewer lines.* No extension of main sewer lines shall be allowed without prior approval from the Village. All costs associated with any main sewer line extension shall be the responsibility of the property owner benefitted thereby, in proportion to the benefit derived.

## **SECTION 6                    CREATION AND ENFORCEMENT OF LIEN**

The provisions of MCL 123.161 through 123.167, inclusive, are hereby adopted by reference as a part of this Ordinance, pursuant to MCL 42.23.

## **SECTION 7                    VIOLATION**

Any person who violates any provision of this Ordinance upon conviction shall be guilty of a misdemeanor, punishable by a fine of not more than one hundred dollars (\$100.00) and costs of prosecution or imprisonment for not more than ninety (90) days or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur, shall constitute a separate offense.

In addition to any remedy available, the Village shall have the right to shut off and discontinue the supply of water to any property and / or customer for non - payment of any fee and / or charge herein. Water services so discontinued shall not be restored until all sums due and owing are paid, together with all fees and charges as determined by the Village. All delinquent fees and charges may be recovered through court action.

**SECTION 8            SAVING UPON INVALIDITY**

If one or more sections, provisions, phrases or words of this Ordinance are declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, this Ordinance is declared to be severable.

**SECTION 9: EFFECTIVE DATE**

This Ordinance shall take effect upon publication of its enactment as required by statute.

**SECTION 10: PUBLICATION OR POSTING**

The Township Clerk shall certify to the adoption of this Ordinance and cause the same to be posted or published as required by law.

**MOTION TO ADOPT ORDINANCE**

Proposed by Board member Trustee Zielke  
Supported by Board member Trustee Kerlikowske  
Roll Call:

- Ayes:            Trustee Kerlikowske, Treasurer Hill, Clerk Renton, Trustee Riess, Trustee Zielke, Supervisor Hildebrand.
- Nays:            None.
- Abstain:        None.
- Absent:         Trustee Hildebrand.

**ORDINANCE DECLARED ENACTED**

ORONOKO CHARTER TOWNSHIP

By: \_\_\_\_\_  
Ernest Hildebrand, Supervisor

and

By: \_\_\_\_\_  
Suzanne Renton, Clerk

The foregoing Ordinance was enacted by the Oronoko Charter Township Board of Trustees, Berrien County, State of Michigan on the 14<sup>th</sup> day of February, 2012 and approved by its Supervisor and Clerk on said date.

First Reading: January 10, 2012  
Second Reading: February 14, 2012  
Publication of Notice: February 22, 2012