

25.000

**WASTEWATER ORDINANCE
CITY OF GAYLORD, MICHIGAN**

Ord. Amend. Eff. September 17, 2006; further amend. ord. eff. Dec. 12, 2010

25.001

Sec. 5401. **DEFINITIONS.**

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

B.O.D. (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 Degrees C., expressed in milligrams per liter.

BASE CHARGE shall mean a charge levied on each user of the System based upon such user's User Class.

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 (5) 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.

CAPITAL FEE shall mean:

1. An initial fee levied on all new connections to the System, and/or
2. A one time fee levied on a user when there is a) a change in usage of premises which changes the otherwise applicable Equivalent Unit Factor or b) an increase in the square footage of a building or buildings.

(ord. amend. eff. Oct. 15, 2000)

CITY shall mean the City of Gaylord, Michigan.

CITY COUNCIL shall mean the City Council of the City.

C.O.D. or CHEMICAL OXYGEN DEMAND shall mean the oxygen consuming capacity of inorganic and organic matter present in wastewater.

COMMERCIAL USER shall mean any user whose premises are used to offer services and/or products such as gasoline stations, restaurants, hotels, motels, warehouses, private clubs, theaters, retail and wholesale stores.

COMBINED SEWER shall mean a sewer receiving both surface runoff and sewage.

COMMODITY CHARGE shall mean the charge levied on each user of the System based upon usage.

CONNECTION FEES shall mean an initial fee levied on all new connections to the system.

DEBT RETIREMENT ALLOCATION shall mean that portion of the charges levied to users of the System which is allocated to the servicing and repayment of indebtedness associated with the construction of the System.

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

EQUIVALENT UNIT FACTOR shall mean the multiplier used to determine the Capital Fee to be levied upon a user based upon the type of use and size of the premises being served, pursuant to Section 5404B.

EQUIVALENT RATIO shall mean the ratio assigned each user of the System based upon the user class to establish the various user class base charge.

FEDERAL CATEGORICAL PRETREATMENT STANDARD shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

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.

FLOOR DRAIN shall mean any drain located in the floor of any garage, basement or shop of any structure from any user class.

FRONTAGE OR AREA FEES shall mean an initial fee levied before connection to the System for properties which:

1. Have never had sewer service previously; and
2. Where a sewer main is presently installed to service the premises.

Properties in which special assessments have been levied for the cost of utility construction are exempt from these fees.

GOVERNMENTAL USER shall mean any Federal, State, or Local governmental user of the System.

GRAB SAMPLE shall mean a sample taken at a given place and at a given time.

GROUNDWATER DISCHARGE PERMIT shall mean a permit issued under the authority of Act 245, Public Acts of 1929, as amended, being Sections 323.1 through 323.13 of the Compiled Laws of the State of Michigan.

HIGH EFFICIENCY WATER SOFTENER shall meet NSF/ANSI 44 efficiency requirements, including a salt efficiency of at least 3,350 grains of capacity per pound of regenerant salt and a water efficiency of at least 1,000 grains of capacity per 5 gallons of regeneration water.
(ord. amend. eff. Dec. 12, 2010)

HOLDING TANK WASTE shall mean any waste from holding tanks or vessels and generated from chemical toilets, campers, trailers, or septic tanks.

INDUSTRIAL USER shall mean any profit seeking enterprise which discharges trade or process waste.

INDUSTRIAL WASTES shall mean the liquid wastes from industrial, manufacturing processes, trade or business as distinct from sanitary sewage.

INSPECTION FEE shall mean the fee levied for inspection purposes by Wastewater Treatment Plant personnel.

INSTITUTIONAL USER shall mean school, hospital, churches, nursing homes, or like user.

LAND ACQUISITION COSTS shall mean costs associated with the acquisition of some right, title or interest in land deemed necessary for the efficient operations and future operations of the System.

MG/L shall mean milligrams per liter and represents a unit of concentration of water or wastewater constituent used in reporting the results of water or wastewater analysis.

NATURAL OUTLET shall mean any outlet into a water course, pond, ditch, lake or other body of surface or ground water.

NORMAL DOMESTIC STRENGTH WASTEWATER shall mean a sewage or other wastewater effluent with B.O.D. of 300 milligrams per liter or less, suspended solids of 300 milligrams per liter or less, and total nitrogen of 40 milligrams per liter or less.

NPDES PERMIT shall mean a permit issued pursuant to the National Pollution Discharge Elimination System prescribed in P.L. 92-500.

O, M, & R ALLOCATION shall mean that portion of the charges levied to users of the System which is allocated to payment of the costs of operation, maintenance, replacement and administration of the System.

OPERATION AND MAINTENANCE COSTS shall mean all costs, direct and indirect, necessary to provide adequate wastewater collection and treatment on a continuing basis to conform with all federal, state and local wastewater management requirements, and to assure optimum long-term management of the sewage works. Operation and maintenance costs shall include replacement costs.

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

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

PROPERLY SHREDED 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 public sewers, with no particle greater than $\frac{1}{4}$ 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 COSTS shall mean expenditures during the service life of the System to replace equipment, appurtenances and accessories necessary to maintain the intended performance of the System.

RESIDENTIAL USER shall mean any dwelling unit used as a domicile which discharges waste with flows and loads characteristic of normal domestic strength wastewater.

SANITARY SEWER shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

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

SEWAGE TREATMENT PLANT shall mean any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS shall mean all facilities for the collection, pumping, treating and disposing of sewage.

SEWER shall mean a pipe or conduit for carrying sewage.

SEWER SERVICE CHARGES shall mean all charges levied on a user of the System.

SHALL is mandatory; **MAY** is permissive.

SLUDGE shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration of flows during normal operations.

SLUG shall mean any discharge of water, sewage or industrial waste which in concentration of any given waste component or in quantity of flow exceeds for any period of time longer than 15 minutes more than five times the average 24 hours concentration or quantity of flow during normal discharge. Flow shall not exceed 100 GPM above the normal flow.

STANDARD INDUSTRIAL CLASSIFICATION (S.I.C.) shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

STORM SEWER shall mean a sewer receiving or intended to receive only surface and runoff waters.

SURCHARGE shall mean rates and charges for users having a wastewater of greater strength than normal domestic sewage.

SUPERINTENDENT shall mean the Wastewater Treatment Plant Superintendent of the City of Gaylord, or his authorized deputy, agent or representative.

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.

SYSTEM shall mean all facilities of the City and all subsequent additions including all sewers, pumps, lift stations and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

USER CLASS shall mean the type of user connected to the System including but not limited to, residential, industrial, commercial, institutional, and governmental.

WATERCOURSE shall mean a channel in which a flow of water occurs, either continuously or intermittently.
(amend. by ord. no. 1988-2 eff. Mar. 23, 1988)

25.002

Sec. 5402. **USE OF PUBLIC SEWERS REQUIRED.**

1. It shall be unlawful for any person to place, deposit, or permit to be deposited upon public or private property within the City of Gaylord, any human or animal excrement, garbage, or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the City of Gaylord, or in any area under the jurisdiction of the City of Gaylord, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with all subsequent provisions of this Ordinance.
3. Except as hereinafter provided, it shall be unlawful to construct or maintain

within the City of Gaylord any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

4. The Owner of all houses, buildings, structures, tenements, or improvements used for human occupancy, employment, recreation, or other purposes, situated within the City of Gaylord 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 required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer and to make such connections to storm sewers as are necessary in accordance with the provisions of this Ordinance. Such connections shall be made within ninety (90) days of official notice to do so. Provided, however, that the requirements of this act shall apply provided that the public sewer is within two hundred (200) feet of the property line. Storm sewer connections shall be required as designated by the Superintendent of Public Works.

A control manhole constructed and installed in accordance with the municipal standards adopted by the City Council or as otherwise set forth by the City Manager, shall be and is required on all commercial and industrial buildings, structures and improvements. The location of such control manhole shall be approved in advance of construction and installation by the City Manager, or his authorized deputy, agent or representative.

5. The Superintendent may require each person who does apply for or receives any sewer service, or through the nature of his business or enterprise creates a potential problem with compliance with this Ordinance, to file the material listed below and/or to do or perform the matters listed below, to-wit:
 - a. A written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged, with its present or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of wastes.
 - b. A plan map of the building, works, or complex, with each outfall to the surface waters, the sanitary sewer, storm sewer, natural water course, or underground waters noted, described, and the waste stream identified.
 - c. A sample test, and report with the Superintendent and appropriate State agencies on the appropriate characteristics of wastes on a schedule, at locations, and according to methods approved by the Superintendent.
 - 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. 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. Maintained records and reports on the final disposal of specific liquid, solid, sludges, oils, radioactive materials, solvents, or other wastes.
 - g. A report on alteration of or intent to alter an industrial process so as to include or negate a process waste or potential waste, provided, however, said alteration shall be submitted in writing to the Superintendent, who shall have final approval on such change.
6. Discontinuance of Sewer Service - Any person who shall discontinue his City water service for any reason, shall not thereafter be permitted the use of City sewer service.
 7. Sewer service shall not be available to new customers unless they also use City water service.
 8. Residential floor drains from garages or accessory buildings shall not be connected to the City sewer system.
 9. Commercial, industrial and manufacturing floor drains will adhere to the State Plumbing Code specifications. The City may require certain mandates to meet unusual circumstances at the discretion of the Superintendent. These may include the Control Manhole specified in subparagraph 4., above.
 10. Basement drains shall not be connected to the City sewer system.
(amend. by ord. no. 1988-2 eff. Mar. 23, 1988, rev. eff. Dec. 12, 1993)

25.003

Sec. 5403. PRIVATE SEWAGE DISPOSAL.

1. Where a public sanitary sewer or combined sewer is not available under Sec. 5402, the building sewer shall be connected to a private sewage disposal system complying with the provisions as set forth hereinafter.
2. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the City Clerk. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee shall be paid to the City Treasurer at the time the application is filed.
3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in

any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Superintendent.

4. The type, capacities, location, and layout of a private sewage disposal system shall comply with the recommendations of the Department of Public Health of the State of Michigan. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twelve thousand (12,000) square feet. 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 to a property served by a private disposal system, a direct connection shall be made to the public sewer in compliance with this Ordinance, within one hundred twenty (120) days of such availability, and any septic tanks, cesspools and similar private sewage disposal facilities shall be cleaned of sludge and filled with material deemed suitable by the Superintendent.
6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
7. The requirements contained in this article shall be construed so as not to limit or interfere with additional requirements that may be imposed by the Health Officer.
(amend. by ord. no. 1988-2, eff. Mar. 23, 1988, rev. eff. Dec. 12, 1993)

25.004

Sec. 5404. CONNECTIONS WITH SEWERS; FEES; USAGE RATES.

1. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Clerk.
2. The Owner or his agent shall make application on a special form furnished by the City. The permit shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. All connections fees, capital fees, sewer frontage fees and area fees, as established by resolution of the City Council shall be paid in full to the City Treasurer at the time of filing the application and prior to the receipt of any service to the premise, unless other payment arrangements are approved by City Council.
3. All rates for sewer service, including base charges, capital fees, commodity charges, connection fees, frontage fees, area fees, and any other applicable fees or charges shall be determined by the City Council, by resolution. The City Council shall determine such rates annually. Rates and charges for premises located outside the territorial boundaries of the City shall be two

times the rates specified by Council resolution for property within the territorial boundaries of the City.

4. The rates for usage of the sewer system of the City shall be based upon metered water usage.
 - a. When establishing the rates and charges for the use of the wastewater system, the City Council shall give due consideration to the need of revenues to meet operation, maintenance and replacement costs and debt retirement.
 - b. Debt Retirement Allocation shall be established by resolution of the City Council to ensure sufficient revenues to make required payments of interest, principal and reserves.
 - c. Rates and charges for users having a wastewater of greater strength than normal domestic sewage will incur an additional surcharge. The surcharge shall be established by resolution of the City Council.
 - d. All unpaid sewer fees and charges shall become a lien upon the premises or lands served, in accordance with the provisions of MCL 123.162; said lien may be enforced in accordance with the provisions of MCL 123.163.
 - e. Sewer fees will be billed according to the meter reading or estimate on approximately the fifteenth (15th) day of each month. All sewer bills shall be due and payable on or before the tenth (10th) day of the month following the month in which the bill was mailed. Any and all sewer bills not paid by the said tenth (10th) day of the month shall be considered delinquent and a three (3%) percent delinquency charge shall be added thereto. Sewer bills that are delinquent shall be cause for discontinuance of sewer service in addition to any other remedies provided by this Ordinance or any other law, statute, rule or regulation. (Amended by ord. eff. Feb. 27, 1995)
 - f. The City shall provide such notifications as required by law or deemed appropriate by the City Council, to the users of the sewer service, detailing O, M, and R allocation and Debt Retirement Allocation for the System.
 - g. All sewer system services provided by the City shall be paid for by the Owner of the premises served. There will be no free service provided.
8. The City Council may review the rates for sewer service and, if warranted, may by resolution, adjust the rates as necessary to meet the O, M, and R expenses.

5. All costs and expense incident to the installation and connection of and to any sewer shall be borne by the owner, who shall indemnify the City for any loss or damage that may directly or indirectly be occasioned by the installation of any such sewer.
6. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Ordinance.
7. The size, slope, alignment, and materials of construction of sewers, and the methods used in excavating, placing of pipes, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code, municipal standards established by City Council, or other applicable rules and regulations of the City of Gaylord. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in the appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
8. 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, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
9. 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 which is connected directly or indirectly to a public sanitary sewer.
10. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, the municipal standards established by City Council, or the procedures set forth in the appropriate rules and regulations and specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
11. The applicant for a sewer permit (building or storm sewer) shall notify the Superintendent when such sewer is ready for inspection and connection to the public sewer. Such connection shall be made under the supervision of the Superintendent or his representative.
12. All excavations for 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.
13. These regulations are limited in scope and apply only to sewer service lines

from the interior walls of all structures serviced running to the street right-of-way lines.

14. Sewer pipe size shall be as established and set forth in the municipal standards adopted by the City Council.
15. Sewer pipe shall normally be laid in a true and straight line. When following a curve or to change direction, straight sections of the pipe shall not deviate at the joints more than 4 degrees from a straight line.
16. Slope or grade of pipe shall not be less than 1/8 inch per foot with the flow generated toward the sewer main.
17. Plastic, cast iron and other materials approved in the municipal standards established by City Council are acceptable as pipe materials for service line construction.
18. All pipe joints shall be glued or gasketed in such manner to provide a watertight joint. Mortar joints are not allowed except at the connection with the sewer main.
19. All construction shall be performed in a craftsmanlike manner and be subject to the approval of the Superintendent.
20. No connection to the system will be permitted unless there is capacity available in all downstream sewers, lift stations, force mains, and the wastewater treatment plant, including the capacity for treatment of B.O.D. and suspended solids.
(amend. eff. July 10, 1978; further amend. by ord. no. 1980-4 eff. Mar. 3, 1980; by ords eff. Sept. 28, 1980; May 4, 1981; July 5, 1982; Jan. 1, 1984; Apr. 1, 1985; Mar. 3, 1986; Apr. 14, 1986; by ord. no. 1988-2 eff. Mar. 23, 1988; July 11, 1988; ord. further amend. eff. Mar. 1, 1992, rev. eff. Dec. 12, 1993)

25.004A

Sec. 5404A. DELINQUENT CHARGE, REFUSAL OF SERVICE; DUTIES OF LANDLORD.

1. The City may refuse to furnish sewer service to any premises as to which there is an unpaid sewer charge for sewer service previously furnished to that premises, regardless of the identity of the residents of said premises during the time said unpaid sewer charge was incurred.
2. Any landlord of premises being furnished with sewer service, as to which an affidavit has been filed pursuant to MCL 123.165, shall notify the City of any change in the identity of tenants, termination of tenancy, or vacation of premises by tenants within seven (7) days before the same occurs.
(amend. by ord. eff. Jan. 9, 1989; by ord. eff. Feb. 13, 1989)

25.004B**Sec. 5404B. CAPITAL FEES FOR NEW SERVICES.**

1. A capital fee shall be charged for all new construction or connections to the System; when there is a change in usage of premises which changes the otherwise applicable Equivalent Unit Factor; or when there is an increase in the square footage of a building or buildings.
2. A minimum of one Residential Equivalent Unit Factor will be charged for all new construction or change of use in premises.
3. Capital fees collected shall be maintained in a separate account and utilized for future capital improvements.
4. Capital fees must be paid in full upon application for new connection or zoning permit and prior to any actual connection unless other payment arrangements are approved by the City Council.
5. Capital fees assessed shall be based on the primary use of the business and the total square footage the business occupies, including any accessory use.
6. Capital fees for new construction or change in usage of a premise shall be assessed based on the Table of Equivalent Unit Factors established annually by resolution of the City Council.
7. If a use is not listed in the Table of Equivalent Unit Factors the developer will be required to submit verifiable information regarding the estimated consumption of water annually, which will be used to calculate the Equivalent Unit Factor before a zoning permit will be issued.
8. Construction of developments which contain more than one separate and distinct business shall be assessed capital fees based on the Equivalent Unit Factor of each use.
9. Capital fees when there is an increase in the square footage of a building shall be assessed based on the Table of Equivalent Unit Factors established annually by resolution of the City Council and the Equivalent Unit Factor assigned to the individual business.
10. In the case of any existing business which wishes to increase the square footage of a building but which does not have an Equivalent Unit Factor assigned because information needed to calculate the Equivalent Unit Factor was not available at the time the Table of Equivalent Unit Factors was adopted, the developer will be required to provide the information necessary to calculate the Equivalent Unit Factor before a Zoning Permit shall be issued.
11. Existing developments which contain more than one separate and distinct business which does not have an Equivalent Unit Factor assigned because

information regarding the annual water consumption of each business was not available at the time the Table of Equivalent Unit Factors was adopted, shall be assessed capital fees for any increase in square footage of a building based on the Equivalent Unit Factor for new construction.

12. EXCEPTIONS:

a. Property that has come within the jurisdiction of the City of Gaylord through a contract pursuant to Public Act 425 of 1984 or through annexation, between the dates of November 17, 1994 and November 17, 1996, will be exempt from payment of Capital Fees, except for the following:

1. A redevelopment of the property that results in a change in usage of the premises which changes the otherwise applicable Equivalent Unit Factors under Section 5404B.3, above; or an increase in the square footage of a building or buildings on the property that increases total square footage by more than fifty (50%) percent.

2. Development of vacant property.

b. Developments already in progress of construction at the time that this amendment becomes effective shall be exempt from Capital Fees. Progress of construction for purposes of this Ordinance and amendment shall be that an approved site plan has been duly approved by the Planning Commission, if necessary, for the entire project and a proper zoning permit has been obtained by the developer for such construction. No partial construction or phased construction activities will be considered exempt unless continuous construction activity is occurring at a particular site.

13. Capital fees will be credited for all existing properties based upon their existing use and square footage at the time that this amendment becomes effective.

(ord. amend. eff. Oct. 15, 2000, further amend. by ord. eff. Sept. 17, 2006)

25.005

Sec. 5405. USE OF PUBLIC SEWER.

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

2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the

Superintendent, to a storm sewer, a combined sewer or natural outlet. Additional approvals may also be required by appropriate State regulatory agencies and may affect approval or non-approval by the Superintendent.

3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - a. Any gasoline, naphtha, fuel oil, kerosene toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, stoddard solvents, sulfides or other flammable or explosive solid, liquid or gas.
 - b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in such quantity (either single or by interaction with other wastes) to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant. Toxic waters and wastes prohibitions will be consistent with the provisions of Section 307 (a) of the Clean Water Act.
 - c. Any waters or wastes having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to any structures, equipment, and personnel of the sewage works.
 - d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, entrails, feathers, glass, hair and fleshings, laundry, metal, mud, paper dishes, cups, milk containers, etcetera either whole or ground by garbage grinders, paunch manure, plastics, rags, sand, shavings, straw, tar, towels, unground garbage, and whole blood.
 - e. Any waters or wastes containing substances at concentrations greater than those listed on the Federal Categorical Pretreatment Standards for a particular subcategory. If the Federal Standard is more stringent than limitations proposed under this Ordinance for sources in that subcategory, the Federal Standards shall immediately supersede the limitations imposed under this Ordinance. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR Section 403.12.
4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a

nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as quantities of the subject wastes in relation to flows and velocities of flow in the sewers, materials of construction of the sewers, nature of the sewage treatment process, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors, as listed below:

- a. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).
- b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 ppm; or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit.
- c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor 3/4 horsepower or greater shall be subject to review and approval of Superintendent.
- d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- e. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding the limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- f. Any radioactive wastes or isotopes of such half-life or concentration as may exceed the limits established by the Superintendent in compliance with State or Federal Regulations.
- g. Materials which exert or cause:
 1. Unusual concentrations of 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).
 2. Excessive discoloration (such as but not limited to dye wastes, vegetable tanning solutions).
 3. Unusual volume of flow or concentration of wastes constituting "slug" as defined herein.
- h. Waters or wastes containing substance which are not amenable to

treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirement of other agencies having jurisdiction over discharge to receiving waters.

i. Pollutant limitations on wastewater discharges:

Arsenic	0.30 mg/l
B.O.D./5	350 mg/l
Cadmium	0.06 mg/l
Chloride	200 mg/l
Chloroform	0.002 mg/l
C.O.D.	600 mg/l
Copper	1.5 mg/l
Cyanide	0.5 mg/l
Formaldehyde	0.000000 mg/l
Hexavalent Chromium	0.1 mg/l
Iron	1.5 mg/l
Lead	0.3 mg/l
Mercury	0.02 mg/l
Nickel	0.3 mg/l
Nitrogen - Total	40 mg/l
Oil, Grease	100 mg/l
Phenol	0.3 mg/l
Total Phosphorus	100 mg/l
Sodium	150 mg/l
Suspended Solids	400 mg/l
Trivalent Chromium	5.0 mg/l
Zinc	5.0 mg/l

5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Sec. 4., which immediately precedes this Section, and which in the judgment of the Superintendent, may have a deleterious effect in any way upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to like or constitute a public nuisance, the Superintendent may:

- a. Reject the wastes.
- b. Require pretreatment to an acceptable condition for discharge to the public sewers.
- c. Require control over the quantities and rates of discharge.
- d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes, sewer charges, under the provisions of Sec. 10, this article.

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

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

6. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes 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. Examples of businesses requiring such interceptors are restaurants; food service industries and preparation businesses or institutions; auto, truck and service repair facilities; car and truck washes; industries utilizing moldings and casting equipment; quick lubes, muffler and brake shops; industrial operations; garages; etc. This listing is not intended to be inclusive of all businesses requiring such interceptors. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. Provision for spill containment equal to 150% of storage shall be provided when hazardous or toxic materials are stored. Approval of storage facilities shall be made by the Superintendent prior to usage and shall provide adequate means to prevent the materials from entering the wastewater system. A written procedure for handling spillage may be required by the Superintendent as he deems necessary.
7. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the owner's expense.
8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying commercial, governmental, institutional, or industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of all wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by said owner so as to be safe and accessible at all times.
9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in 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 provided for, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

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

10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial, commercial, institutional, or governmental concern whereby their waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the concerned enterprise.
(amend. by ord. no. 1988-2 eff. Mar. 23, 1988)

25.005A Sec 5405A. **HIGH EFFICIENCY WATER SOFTENER REQUIREMENT**

1. All new and replacement water softeners installed in structures connected to the City of Gaylord municipal sanitary sewer shall be high efficiency, meeting the requirements of NSF/ANSI 44 for high efficiency water softeners, as defined in Section 5401 DEFINITIONS of this ordinance, and shall provide recharge based upon demand.
2. In accordance with the Michigan Plumbing Code, the property owner shall secure all permits required to install a new or replacement water softener.

(ord. amend. eff. Dec. 12, 2010)

25.006 Sec. 5406. **PROTECTION FROM DAMAGE OR UNLAWFUL INTERFERENCE.**

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. Such conduct shall be considered disorderly conduct and a violation of the provisions of this section subjecting such person to immediate arrest.
(amend. by ord. no. 1988-2 eff. Mar. 23, 1988)

25.007 Sec. 5407. **POWERS AND AUTHORITY OF INSPECTORS.**

1. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or facilities for waste treatment.
(amend. by ord. no. 1988-2 eff. Mar. 23, 1988, rev. eff. Dec. 12, 1993)

25.008 Sec. 5408. **PENALTIES.**

1. Any person found to be violating any provision of this Ordinance except those set forth in 5406 above shall be served by the City with written notice which states the nature of the alleged violation and provides a reasonable time limit for the satisfactory correction thereof. The offender shall, within the

period of time stated in the notice, permanently cease all violations.

2. Any person who shall continue any violation beyond the time limit provided for in the written notice aforesaid in Sec. 1, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to all penalties provided in Section 1104 (12.028 et seq.) of the Gaylord Ordinance Code.
(amend. by ord. no. 1988-2 eff. Mar. 23, 1988)

25.009 Sec. 5409. **REPEALED ORDINANCES OR PARTS THEREOF.**

1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
(amend. by ord. no. 1988-2 eff. Mar. 23, 1988)

25.010 Sec. 5410. **APPEAL.**

1. Any person who deems himself aggrieved by the provisions, application or enforcement of the terms of this Ordinance shall have the right to be heard before the City Council. Such person shall make written request to be heard by filing a written request therefore with the City Clerk, which written request shall reasonably specify the manner in which or reasons why the person deems himself aggrieved and shall state facts in support thereof. Upon the filing of such a written request the City Clerk shall place the matter on the agenda for the next regular City Council Meeting and give reasonable notice to the person filing the same of the date, time and place at which the matter will be heard by the City Council. After considering the matter, the City Council may take whatever action, if any, it determines to be appropriate in regard to the matter.
(amend. by ord. no. 1988-2 eff. Mar. 23, 1988)

Ordinance amended effective February 13, 2000; further amended effective October 15, 2000; further amend. by ord. eff. Sept. 17, 2006.

