

PART 109: ORDINANCE 1

SEWER & WATER ORDINANCE

AN ORDINANCE REGULATING THE SEWER AND WATER DEPARTMENT; PRIVATE WATER SUPPLY AND WASTEWATER DISPOSAL FACILITIES; PUBLIC WATER SUPPLY, DRAINAGEWATER, AND WASTEWATER DISPOSAL FACILITIES; THE INSTALLATION OF CONNECTIONS, EXTENSIONS, AND IMPROVEMENTS TO THE SYSTEM; AND THE USE OF SAID SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN LENOX TOWNSHIP, COUNTY OF MACOMB, STATE OF MICHIGAN.

THE LENOX TOWNSHIP ORDAINS:

Section 1. INTRODUCTION

1.01 Short Title

This Ordinance shall be known and cited as the "Sewer and Water Ordinance".

1.02 Purpose

The purpose of this Ordinance is to promote the safety, public health, and general welfare of the present and future residents of the Township by:

- A. Regulating, controlling, and safeguarding the supply of water; and
- B. Providing for the proper disposal of wastewater, as free as possible from unnecessary infiltration, by methodical planning for present or future connection to the wastewater disposal system of the Township.
- C. Regulating and controlling the grading of land for drainage purposes, including the regulation of soil erosion and sedimentation caused thereby, to avoid, as much as possible, the inordinate drainage of land onto land owned by others or the inordinate blocking of drainage from land owned by others.

1.03 Statutory Requirements

This Ordinance is intended to aid the Township in complying with various Public Laws and Contracts, including (but not limited to) the following:

- A. Michigan Act 98, Public Acts of 1913 as amended - an act providing for the supervision and control by the State over water works systems and sewerage systems including the submission of plans and specifications for same and the issuance of construction permits thereof;
- B. The Contract for Wastewater Disposal Service between the Township and the County of Macomb.

1.04 Scope

This Ordinance shall apply to all sewer, drainagewater, and/or water facilities located outside of any building that are presently connected to, or will be expected to be connected to, the Township Sewer and/or Water System. This ordinance is not intended to cover sewer and/or water facilities inside of any buildings, since these facilities are to be regulated by the Township Plumbing and Building Codes. This Ordinance is intended to repeal provisions of any existing ordinances or Township regulations that are in conflict with this Ordinance. Where this Ordinance imposes a greater restriction than is imposed by existing provisions of other laws, ordinances, or regulations, the provisions of this Ordinance shall control.

The provisions of this Ordinance shall be deemed incorporated in, and a part of, every agreement or contract to furnish water supply or wastewater and/or drainagewater disposal service to any customer. Any person being furnished such services shall be bound by such provisions.

Section 2. DEFINITIONS

2.01 For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- A. Words used in the present tense include the future tense; and those in the singular include the plural, unless the context clearly indicates the contrary.
- B. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- C. The word or term not interpreted or defined by this SECTION shall be used with a meaning of common or standard utilization.

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

"Biochemical Oxygen Demand" (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

"Board" shall mean the Township Board of Trustees elected to represent the Township. "Building" shall mean any structure, including a mobile home dwelling unit and manufactured building that requires wastewater disposal service or a supply of potable water.

"Building Drains" shall mean those parts of the lowest horizontal piping of a building drainage system that receives the discharge from soil, waste, and other wastewater drainage pipes inside the walls of the building and conveys it to the building service sewer which begins at a point four (4) feet outside of the outer face of the building wall.

"Building Official" means the person appointed by the Township Board to assist with and / or manage the Township's Building Department.

"Building-Service Sewer (Drainagewater)" shall mean any drainagewater pipe extension from a public stormwater drain which is intended to receive groundwater seepage from building foundation drains or other drainage from building sites and which is intended to serve a single responsible owner. The building service sewer extends to a point four (4) feet outside the outer face of the building wall.

"Building-Service Sewer (Wastewater)" shall mean a customer's privately maintained wastewater disposal sewer pipe that extends from a point of connection with his building sewer (four (4) feet outside of his building) to a point of connection with the public sanitary sewer.

"Building-Service Water Supply Pipe" (sometimes called "Water Service") shall mean a customer's privately maintained water supply service pipe that extends from a point of connection with his building water piping (four (4) feet outside of his building) to a point of connection with the public watermain.

"Capital Expenditures" shall mean those expenditures (including principal and interest) that are considered amortizable over a period of time in excess of one year (1) and which are made for those additions to, or improvements of, the system, having long operating usability capable of serving future users as well as present users.

"Classes of Users" shall mean the division of wastewater customers by waste characteristics and process or discharge similarities. The distinct classes are:

- a. "Residential" which shall include all dwelling units such as detached, semi-detached, and row houses, mobile homes, garden and standard apartments, and permanent multi-family dwellings. (Transit lodging, considered commercial in nature, is not included.)
- b. "Commercial" which shall include transit lodging, retail and wholesale establishments, or places engaged in selling merchandise for personal, household, or industrial consumption, and/or rendering services to others.

c. "Institutional" which shall include social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions, and similar institutional users.

d. "Governmental" which shall include legislative, judicial, administrative, and regulatory activities of Federal, State and local governments, such as courthouses, police and fire stations, city halls, and similar governmental users.

e. "Industrial" which shall include (a) any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of twenty-five thousand (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; and Division I - Services.

(1) In determining the amount of a user's discharge for purposes of industrial cost recovery, the Township may exclude domestic wastes or discharges from sanitary conveniences.

(2) After applying the sanitary waste exclusion in subparagraph (1) of this paragraph (if the Township chooses to do so), dischargers in the above divisions that have a volume exceeding twenty-five thousand (25,000) GPD or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in twenty-five thousand (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 Township, 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.

(3) Any nongovernmental user of a publicly owned treatment works that discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases, in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

(4) All commercial users of an individual system constructed with grant assistance under section 201(h) of the Act (Public Law 92-500) and Federal Regulation 40CFR 35.918(a)(3). "Combined Sewer" shall mean a sewer intended to receive both wastewater and drainagewater.

"Combined Sewer" shall mean a sewer intended to receive both wastewater and drainage water. "Condominium Unit" shall mean that portion of the condominium project designed and intended or separate ownership and use, as described in the master deed regardless of whether it is intended for residential, office, industrial, business, recreational, or any other type of use.

"Compatible Pollutant" shall mean biochemical oxygen demand, 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 removals 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).

"Customer" shall mean the person responsible for payment of water supply and/or wastewater disposal service charges.

"Customer Water Supply Outlet" shall mean either the outlet on the customer side of a "stop valve" near the public easement or public right-of-way line (in the case of a supply for a single building) or on the customer side of a master water meter where the Township has allowed the use of a master water meter to serve special types of customers.

"Department" shall mean the Sewer and Water Department of the Township.

"Developer" shall mean a person (i.e. any individual, firm, company, association, school district, society, corporation, or other legal entity) who intends to develop land (called the Development) by making one or more land Improvements (as described under the definition for "Improvements" or "Site Improvements").

"Development", "Project" or "Developer's Project" shall mean the entire land area that is being developed (or proposed for development) by a developer.

"Ditch" or "Drainage Swale" shall mean an open channel or graded depression used to transport water, groundwater, surface water runoff, or drainagewater from any source.

"Drainage Facilities" or "Drainage Water Facilities" shall mean any storm sewers or storm drains, including facilities designated as County Drains, which receive water from one (1) or more properties.

"Dwelling Unit" shall mean a building, or a unit thereof, which is occupied by one (1) or more persons as a residence (with a single set of culinary facilities) intended for a single family.

"Easement" shall mean an acquired legal right for the specific use of land owned by others. "Floatable Oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

"Foundation Drain Service Pipe" shall mean a conveyance pipe that receives only foundation drain groundwater seepage, exclusive of directly and intentionally introduced surface water run-off.

"Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

"Grease" shall mean a group of substances, including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils, and certain other nonfatty materials which are extractable by the laboratory procedures outlined in "Standard Methods for the Examination of Water and Wastewater."

"Improvements" or "Site Improvements" shall mean such additions, operations, acts of construction, or changes affecting land that increase the value, utility, or habitability of the Site, including but not limited to: site grading; drainagewater sewers, culverts, or drains; sanitary sewers; wastewater disposal facilities; water supply piping; water supply facilities; gas piping; oil piping; television cable; electric power supply wiring; telephone wiring; roadway surfacing or paving; parking lot paving; driveways; bridges; lakes, ponds, or lagoons; sidewalks; and/or other appropriate appurtenant items.

"Incompatible Pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including nonbiodegradable dissolved solids.

"Industrial Wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from sanitary sewage.

"Infiltration" shall mean the water entering a sanitary sewer system, including building drains, 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.)

"Inflow" shall mean the water discharged into a sanitary sewer system, including building drains, from such sources as, but not limited to, roof leaders, cellar, yard 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, catch basins, storm waters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltration.)

"Lot" shall mean a measured portion of a parcel or tract of land that is described and whose location is established in a recorded plat.

"Mains" or "Watermains" as applied to the Water Supply Facilities and Connections thereto, shall mean any water supply conveyance pipe larger than two (2) inches in diameter.

"Major Contributing Industry" shall mean an industry that: (1) has a flow of twenty-five thousand (25,000) gallons or more per average work day; (2) has a flow greater than five percent (5%) of the flow carried by the municipal system receiving the waste; (3) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of PL92-500 of 1972; or (4) has a significant impact, whether singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.

"Michigan Department of Environmental Quality (MDEQ)" means the state agency that regulates water supply and certain wastewater disposal facilities in the state, regulates discharge of wastewater and drainage water to the natural outlets of the waters of the state and provides various rules and regulations to control the discharge and regulates the modification of most watercourses of the state, and/or controls the construction of wastewater disposal facilities in the state.

"Monitoring Manhole" shall mean a structure on a building service sewer suitable for housing such necessary meters and other appurtenances on a building service sewer to facilitate observation, sampling, and measurement of the wastes.

"Natural Outlet" shall mean a watercourse, pond, ditch, lake, or other body of surface or groundwater that receives drainagewater from any source.

"Non-resident" shall mean any person living outside the corporate limits of the Township. "NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of storm water associated with the construction activities to the navigable waters of the United States, pursuant to Section 402 of PL92-500.

"Normal Domestic Sewage" shall mean wastewater from a residence that, when analyzed, shows a daily average concentration (strength) that meets the current state guidelines.

"Operation and Maintenance Costs" shall mean all costs, direct and indirect, necessary to operate the Sewer and Water System, including all ordinary and necessary expenses of administration, operation, and maintenance, which shall include expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

"Parcel" shall mean a continuous quantity of land in the possession of or owned by or recorded as the property of the same person or persons.

"Person" shall mean any individual, firm, company, association, society, corporation, or other legal entity.

"pH" shall mean the reciprocal of the logarithm of the hydrogen-ion concentration, in gram atoms per liter, in a given solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

"Phenolic Compounds" shall mean hydroxy derivatives of benzene as described in "Standard Methods of Wastewater Analysis."

"Plat" shall mean a map or chart of a subdivision of land as defined in Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.), as amended.

"Private Sanitary Sewer" shall mean a building-service sewer (wastewater) that serves more than one (1) building, unit or lot.

"Private Wastewater Disposal System" shall mean any Septic Tank with sub-surface soil absorption facilities, Wastewater Treatment Facilities, or similar methods of wastewater disposal that may be approvable by the Macomb County Health Department and/or the Michigan Department of Environmental Quality.

"Private Watermain" shall mean a building service water supply pipe that serves more than one (1) building, unit or lot.

"Private Water Supply System" shall mean any system by which potable groundwater is withdrawn and supplied to premises which may be approvable by the Macomb County Health Department and/or the Michigan Department of Environmental Quality.

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all pSECTIONS will be carried freely under the flow conditions normally prevailing in public sanitary sewers, with no pSECTION greater than one-half (1/2) inch in any dimension.

"Public Road Frontage" shall mean the average width (in linear feet) of the public road frontage land; where a parcel of land is other than rectangular, the frontage shall be the quotient obtained by dividing the area of the public road frontage land by one hundred fifty (150) feet; where a land parcel is on a corner (i.e., it abuts two (2) public roads), the public road frontage shall be one hundred fifty (150) feet less than the sum of the frontages on both public roads.

"Public-road-frontage Land" shall mean the front one hundred fifty (150) feet (i.e., to a depth of one hundred fifty (150) feet perpendicularly from the public road right-of-way line, as specified for that road by the Macomb County Road Commission) of a parcel of land abutting an existing public road.

"Public Sanitary Sewer" shall mean a sewer that collects (or is intended to collect) wastewater from more than one (1) building, user or premises and is, therefore, intended to be located in public easements or public rights-of-way and is required to receive the approval and issuance of a construction permit from the Water Division of the Michigan Department of Environmental Quality.

"Public Storm Sewer" or "Public Drain" shall mean a common sewer or drain that collects (or is intended to collect) drainage water (surface or ground) from more than one (1) user or premises which is located in a public easement or public right-of-way and is controlled by the Macomb County Drain Commissioner, Road Commission of Macomb County, Michigan Department of Transportation, Department of Public Works or another governmental agency. For the purposes of this Chapter, the only "Public Sewer or Public Drains" located in easements dedicated to the Township that are considered owned, operated and maintained by the Department of Public Works are those that serve the Township owned properties or facilities.

"Public Watermain" shall mean a water main that serves (or is intended to serve) more than one (1) building, user or premises and is, therefore, intended to be located in public easements or public rights-of-way and is required to receive the approval and issuance of a construction permit from the Water Division of the Michigan Department of Environmental Quality. The service pipe extending from a public water main to a customer water supply outlet shall also be considered "Public".

"Replacement Costs" shall mean all costs, direct and indirect, necessary to restore the Sewer and Water Systems to their original operating condition, including the costs of all equipment, accessories, or appurtenances which are necessary during the service life of said systems.

"Resident" shall mean any person living within the corporate limits of the Township.

"Roof Leader" or "Downspout" shall mean a drain or pipe that conducts stormwater from the roof of a structure downward to the ground for disposal into a stormwater drain or onto the ground as surface water runoff.

"Sanitary Sewage" shall mean wastewater discharged from the sanitary conveniences of dwellings or other buildings and places in which sanitary conveniences are used or installed.

"Sanitary Sewer" or "Wastewater Sewer" shall mean a sewer, together with appurtenances, that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, stormwater, and/or surface waters that are not admitted intentionally.

"Services", as applied to the Water Supply Facilities and connections thereto, shall mean any water supply conveyance pipe outside of a building, two (2) inches in diameter or smaller.

"Sewage Forcemain" or "Forcemain" shall mean a wastewater conveyance pipe that carries wastewater under pressure.

"Sewer" shall mean a pipe or conduit that carries wastewater or drainagewater.

"Significant Industrial User" shall mean an industry that will contribute greater than 10 percent of the design flow or design pollutant loading of the municipal system receiving the waste.

"Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds (for any period of duration longer than fifteen minutes, more than five times the average twenty-four (24) hour concentration of flows during normal operation and/or adversely affects the collection system and/or performance of the wastewater treatment works.

"Standard Methods" shall mean the laboratory procedures set forth in the latest edition at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater," as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, or methods acceptable to the United States Environmental Protection Agency.

"Stop Valve" or "Curb Stop" shall mean the valve placed on a building service water supply pipe, which is located at a customer water supply outlet.

"Stormwater Drain", "Storm Drain" or "Storm Sewer" shall mean a watercourse or a sewer intended for the conveyance of water, groundwater, surface water runoff, drainage water, or other unpolluted water from any source.

"Superintendent" shall mean the person appointed by the Board to manage the Lenox Township Department of Public Works.

"Surcharge" shall mean a charge for BOD, suspended solids, or other measurements of wastewater strength when such strength is in excess of the strength of normal domestic sewage.

"Surface Water Runoff" or "Stormwater" shall mean that part of rainfall or melting snowfall that reaches the stormwater drain as runoff from natural land surfaces, building roofs or pavements.

"Suspended Solids (SS)" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

"Tabulation Of Quantities" shall mean a list of construction items as usually used in the underground and pavement construction industry (e.g., as used by the Michigan Department of Transportation) and compatible with the Township construction specification items together with the quantity of each item planned to be constructed.

"Total Project Cost of Construction" shall mean the entire cost of construction, including costs of engineering, layout, inspection, administration, legal services, bonding costs, contingencies, and other related incidental costs.

"Township" shall mean the Lenox Township, County of Macomb, State of Michigan.

"Township Engineer" shall mean the staff engineer or the consulting engineer representing the Township in this position.

"Trunk Sanitary Sewer" shall mean a sanitary sewer fifteen (15) inches and larger in diameter.

"Trunk Watermain" shall mean a watermain twelve (12) inches and larger in diameter.

"Underdrain Pipe" or "Edge Drain Pipe" shall mean a perforated pipe installed underground for the specific purpose of lowering a high groundwater condition or draining a granular subbase by receiving groundwater seepage and conveying it to a stormwater drain.

"Unpolluted Water" or "Drainagewater" shall mean water of a quality equal to, or better than, the effluent criteria currently in effect (as specified by the Michigan Department of Environmental Quality), or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the Township sanitary sewers and wastewater disposal system provided.

"User" shall mean the owner and/or occupants of any premises connected with and/or using any of the facilities operated by the Department.

"Wastewater" or "Sewage" shall mean the spent water of a community including liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surfacewater, and stormwater that may not be intentionally present.

"Wastewater Disposal Facilities" or "Wastewater Facilities" shall mean any part, or all, of the property, structures, equipment, sewers, materials, and/or appurtenances attached to (or intended to be attached to) the Facilities required to collect, carry away, and dispose of domestic and industrial wastes.

"Wastewater System Benefit Fee" shall mean a fee to be paid by an applicant for wastewater disposal service, which is intended to cover the applicant's fair share portion of the cost of presently existing and proposed future capital improvements to the wastewater disposal system such as buildings, structures, interceptors and trunk sewers (portions not assessed to benefited frontage), wastewater treatment and/or pumping facilities, master Township wastewater disposal meters, etc., for a specific building use. The charge shall be determined by units of potential capacity demand (hereinafter called "Capacity Units") which this specific building use imposes on the wastewater disposal system. A single capacity unit will be considered equal to the demand imposed by an average single-family dwelling unit.

"Wastewater Treatment Works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "Waste Treatment Plant" or "Wastewater Treatment Plant (WWTP)", "Water Pollution Control Plant (WPCP)", or "Sewage Treatment Plant (STP)".

"Water Supply Facilities" shall mean any part, or all, of the property, structures, equipment, mains, pipes, materials, meters, and/or appurtenances attached to (or intended to be attached to) the Municipal potable water supply conveyance Facilities that runs from the point of supply for the Township to its points of use (customer water supply outlets).

"Water System Benefit Fee" shall mean a fee to be paid by an applicant for water supply service, which is intended to cover the applicant's fair share portion of the cost of presently existing and proposed future major capital improvements to the water supply facilities, such as master township water supply meters, buildings, structures, arterial supply mains and appurtenances (portion not assessed to benefited frontage), booster pumping facilities, storage facilities, etc., for a specific building use. The charge shall be determined by units of potential capacity demand (hereinafter called "capacity units") that the specific type of building use imposes on the water supply system. A single water capacity unit will be considered equal to the capacity demand imposed by an average single-family dwelling unit.

"Watercourse" shall mean a natural or artificial open channel for the passage of water either continuously or intermittently.

Words or terms not interpreted or defined by this section shall be used with a meaning of common or standard usage.

Section 3. ORGANIZATION AND OPERATION OF THE SEWER AND WATER DEPARTMENT**3.01 General**

The Water Supply Facilities, the Township owned Storm Sewer and Drains, and the Wastewater Disposal Facilities, including all equipment, property, and employees in connection therewith, shall be known as the Lenox Township Sewer and Water System and shall be operated under one department known as the Lenox Township Department of Public Works. This Department shall be under the authority and control of the Township Board.

3.02 Superintendent

The Township Board (or the Board) shall appoint a Superintendent of the Department of Public Works to manage the System and the Department. The Superintendent, in turn, shall hire such other employees with the approval of the Board as may be necessary for the proper operation of the Department. The Superintendent shall have direct responsibility and authority to control the operation of the Department and the maintenance of the System and shall supervise the installation of connections, extensions, and improvements to the System as authorized by the Board, or as financed by someone other than the Township; and he shall be responsible for assuring that the provisions of this Ordinance are enforced.

3.03 Accounting

The Township Treasurer shall be responsible for all money received for the operation of the System and shall keep an accurate separate account for the Department.

3.04 Improvements

Any connections to, extensions of, or changes in, the sewer and water system for which the Township participates in any degree in the cost thereof, shall be made only upon approval of the Board. Requests for determination of reasonable and logical special assessment districts for extensions of the Sewer and/or Water System shall be addressed to the Board which will thereupon consider same and advise the petitioners of its decision. If a special assessment district is to be initiated, the Board shall stipulate the amount of the cost to be borne by the petitioners and the amount, if any, to be borne by the Sewer and Water System.

3.05 Fee

Fees and charges for the various benefits and services described herein shall be established by (and may from time to time be modified by) Resolution of the Township Board, any provisions contained herein notwithstanding.

3.06 Emergency Restrictions

The Board may by resolution, upon finding the existence of an emergency, establish rules and regulations restricting the use of the water supply system during the period of the emergency when it is imperative to the public well-being and preservation of the water supply system, that certain uses of water, not essential to the health, welfare, and safety of the Township be restricted. The rules and regulations may include, but are not limited to, restrictions on water use to preserve adequate water pressure for fire protection purposes. Such rules and regulations shall be effective immediately upon publication of same in a newspaper of general circulation within the Township and shall remain effective for the duration of the emergency or ninety (90) days, whichever is less; provided that nothing contained herein shall preclude the Board from extending the application of the rules by further resolution should the emergency continue for more than ninety (90) days. Violation(s) of the rules and regulations promulgated pursuant to these emergency powers shall constitute violation(s) of this Ordinance.

The Township shall have the right to shut off and discontinue the supply of water to any premises (or disconnect such premises from the water supply system, the drainagewater disposal system, or the wastewater disposal system of the Township) upon violation by the user of the system of any provisions of this Ordinance; or in the event of non-payment, when due, of water supply and/or wastewater disposal charges. Whenever the water is turned off from any premises because of any such violations, it shall not be turned on again until the owner or occupant has corrected such violations and has paid a "turn-on charge" (see current rate fee schedule as set by the Board) to cover the expenses caused by such disruption and return of service.

3.07 Interruption Liabilities

The Township shall not be held liable for any failure or deficiency in the supply of water to consumers, whether occasioned by shutting off the water to make necessary repairs or connections, or for any other cause.

3.08 Unpaid Balances

Charges for water supply and/or wastewater disposal service shall constitute a lien on the property served, and if not paid within six months after the due date, the amount of the deficiency shall be certified by the Township Treasurer on or before March 1st of each year, which amount shall be placed on the next general tax roll to be collected as a part of the general Township taxes.

3.09 Service Fees

No free service shall be furnished by the Department to any person, nor to any public or governmental agency. The Township shall pay to the Department account for all water supply and/or wastewater disposal services provided to it or any of its departments, except water supply furnished through fire hydrants, at the established current rates for such services.

3.10 Receiving Fund

All revenues of the sewer and water systems shall be set aside, as collected, and deposited in a separate depository account in a bank duly qualified to do business in Michigan; said account shall be designated "Department of Public Works System Receiving Fund" (hereinafter referred to as the "Receiving Fund"). Said Receiving Fund Revenues shall be periodically transferred from the Receiving Fund in the manner, and at the times, as follows:

- A. Out of the revenues of the Receiving Fund there shall first be set aside, quarterly, into a separate account designated the "Operation and Maintenance Fund" (hereinafter referred to as the "O&M Fund") a sum sufficient to provide for payment of the next quarter's anticipated expenses of the sewer and water system as are considered necessary to preserve the same in good repair and working order; such expenses include operation, maintenance, and administration of each system plus payments made for wastewater disposal and water supply purchase. For budgeting and rate-setting purposes, accounting records that identify sewer system expenses separately from water system expenses shall be kept. The Township Board shall set rates and charges to the effect that : (1) water supply system rates and charges are sufficient to cover the portion of O&M costs caused by the water supply system customers; and (2) wastewater disposal system rates and charges are sufficient to cover the portion of O&M costs caused by the wastewater disposal system customers. To this end, the Superintendent shall annually analyze the past year's costs for each system and recommend a separate budget for each system for the ensuing year to the Board. All O&M funds placed in these accounts shall remain in these accounts and be used solely for O&M costs. If the analysis of the past year (or the budget for the ensuing year) including the look-back adjustment, according to billable flows and number of customers, indicates any deficiency (or surplus) between revenues and costs in either system, the Board shall sufficiently increase (or decrease) the rates and charges for that system so as to eliminate said deficiency (or surplus exceeding fifteen percent of the O&M costs). The rates and charges shall be in proportion to the costs incurred to provide services to each user.

- B. Out of the revenues remaining in the Receiving Fund after provision has been made for the Operation and Maintenance Fund, there shall next be established and maintained a separate depository account, to be designated "Contract Payment Fund," which shall be used solely for the payment of the Township's monetary contractual obligations, including the current principal and interest due on outstanding bonds. There shall be deposited in said fund, after the requirements of the Operation and Maintenance Fund have been met, such sums as shall be necessary to pay said contractual obligations when due. Should the revenues of the system prove insufficient for this purpose, such revenues may be supplemented by any other funds of the Township legally available for such purpose.
- C. Out of the revenues remaining in the Receiving Fund thereafter, there shall next be established and maintained a depository account designated "Replacement Fund" which shall be used solely for the purpose of making major repairs and replacements to the system, if needed. There shall be set aside into said fund, after provision has been made for the Operation & Maintenance Fund and the Contract Payment Fund, such revenues as the Township Board shall deem necessary for this purpose.
- D. There shall next be established and maintained an "Improvement Fund" for the purpose of making improvements, extensions, and/or additions to the system. There shall be deposited into said fund, after providing for all of the foregoing funds, such revenues as the Township Board shall determine.
- E. Any money remaining in the Receiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds have been met, may, at the option of the Township Board, be transferred to the Improvement Fund or used in connection with any other project of the Township reasonably related to the purposes of the system.
- F. All monies belonging to any of the foregoing funds, or accounts, may be kept in one bank account, in which event the monies shall be allocated to the appropriate accounts on the books and records of the Township in the manner above set forth.

3.11 Fee Schedule Updates

The Township Board shall periodically review the schedule of charges required by this Ordinance and shall amend them as necessary to obtain revenues fully sufficient to provide for the expenses of the administration and operation and maintenance of the system, and to provide for the payment of monetary contractual obligations of the system.

3.12 Construction Materials

The size, location, and/or materials of construction to be used for the Water Supply, Drainagewater, and Wastewater Disposal Systems (including all Building Service Leads) shall be as indicated on the current adopted Township Standard Detail Sheets and made a part of this Ordinance. The Standard Detail Sheets may be periodically amended and/or modified separately from, and without changing the effectiveness of, the main body of this Ordinance.

3.13 Inspection

All water supply pipe, drainagewater sewers and drains, and wastewater sewers that are expected to be connected with the Township Sewer and Water System shall be installed under the detailed inspection of the Superintendent or his representatives.

3.14 Operating Year

The Department of Public Works shall be operated on the basis of an operating year commencing on July 1st and ending on June 30th.

3.15 System Capacities

Pursuant to the current "Wastewater Disposal Agreement" between the County of Macomb and the Lenox Township and the "Macomb County Wastewater Disposal District Construction and Service Agreement" among the County of Macomb, the Township of Chesterfield, the Lenox Township, and the Village of New Haven, no sanitary sewer connections to the system will be permitted when the available capacity is reached.

Section 4. WATER SUPPLY FACILITIES

4.01 Private Water Supply Facilities

- A. When a public watermain system or community well water supply system is not available under the provisions of this Ordinance, a building service water supply pipe shall be connected to a private well system complying with the provisions of this Ordinance.
- B. Before applying for a building permit for any building where a private water supply well system is contemplated, the owner shall first obtain a written permit for a private water supply well system from the Macomb County Health Department. For all proposed developments (except in the case of a single family dwelling unit), the developer shall include all necessary construction details for the private water supply well system in the plans, specifications for the development as well as any other information considered pertinent by the Township Engineer as outlined in the related ordinance. A plan review and administration fee in the amount set by the Board shall be paid to the Township at the time the application for plan review is filed. The Applicant for any private water supply well system shall

be encouraged to locate his building service water supply pipe on the side of his building on which the public watermain, to which he will connect in the future, is likely to be located. In most instances, this will be on the street side of his building.

- C. Approval to construct a private water supply well system shall not become effective until the Applicant has obtained a permit for same from the Macomb County Health Department and, thereafter, the Township. Upon this approval from the Township, the Applicant shall pay a construction observation fee, as set by the Board, covering the cost of construction observation for the installation of the building service water supply pipe from the building to the well. The building shall not be occupied until the building service water supply pipe has been approved in writing by the Macomb County Health Department and the Superintendent or his representative. The Superintendent shall be allowed to provide construction observation of the work at any stage of construction, and in any event, the permittee shall notify the Superintendent when the work is ready for final approval and before any underground portions are covered.
- D. The type, capacity, location, and layout of private water supply well systems and associated building service water supply pipes shall comply with all requirements of the Macomb County Health Department and/or the State of Michigan.

4.02 Building Service Water Supply Pipe and Connections

- A. It shall be unlawful for any person to tap any watermain or pipe of the water supply system, or to insert therein any corporation stop or any other fixture or appliance, or to alter or disturb any supply pipe, corporation stop, stop valve (curb stop), gate valve, hydrant, water meter, or any other attachment being part of the water supply system without first obtaining a written permit from the Superintendent.
- B. No person shall, install any building service water supply pipe or watermain; or connect or disconnect any such building service water supply pipe with, or from, the mains or supply pipes of the water supply system, or with, or from, any other building service water supply pipe now, or hereafter, connected with said system; or make any repairs, additions to, or alterations of, any such building service water supply pipe; or any other fixture or attachment connected with any such pipe without first obtaining a permit for such improvements. Any person desiring to do any of the above shall make application on a form furnished by the Township. Except in the case of a single family dwelling unit site, the permit application shall be supplemented by any plans, specifications, or other information considered pertinent as outlined in this (and any other related) ordinance. A plan review and administration fee and a construction observation fee, as set by the Board, shall be paid to the Township at the time the application is filed.

- C. A separate and independent building service water supply pipe shall be provided for every building and premises; except, where one building stands at the rear of another on an interior lot and no watermain is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building service water supply pipe may be extended to the rear building and the whole considered as one service, but the Township does not assume any obligation or responsibility for damage caused by, or resulting from, any such single connection aforementioned. In cases where water service is intended to be supplied to more than one customer in a building having several customers, water service may be supplied by either of the following methods: (a) By installing a separate building service water supply pipe, with separate stop valve on each line, for each user; or (b) by installing one (1) supply pipe for the building with an inside meter bank that provides a separate supply pipe and meter for each user. Meter reading indicators shall be provided for each user, regardless of which method of supply is used.
- D. The Superintendent, or his representatives, shall have the authority at all reasonable hours to enter upon any premises where water is furnished from the Township water supply system for the purpose of meter reading, meter removal, shut-off of individual water supply pipes, or inspection and testing of all pipes and fixtures connected with said water supply system. Any person refusing or neglecting to make repairs when so ordered by authority of this Ordinance shall be deemed guilty of violation of this Ordinance and liable to prosecution thereof.
- E. The permittee for the installation of a building service water supply pipe shall notify the Superintendent when such pipe is ready to be installed. All excavations for building service water supply pipe installation shall be guarded with barricades and lights so as to protect the public from hazard. All trench safety requirements must be followed.
- F. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored to its original condition in a manner satisfactory to the Superintendent. For 2" or smaller meters, the Department of Public Works shall install, or cause to be installed, outside remote water meter reading devices. Such meter reading devices shall be installed as part of the water service connection charge. However, the meter and the remote meter reading device shall be, and shall remain, the property of the Township.
- G. Water meters shall be installed for every building or premises supplied with water by the Township. Any damage to said meter resulting from the failure of the owner, lessee, or occupant to properly protect same shall be assessed against such water customer. No person shall tamper with or remove the meter, or interfere with the reading thereof.

- H. The owner or occupant of any building or premises entitled to the use of water from the Township water supply system shall not supply water to any other person except upon written permission of the Superintendent, nor shall he permit unnecessary waste of water. Under emergency conditions, as determined by the proper authorities, and upon notification in an appropriate manner, lawn sprinkling or other non-essential use of water may be banned entirely and any service may be restricted if the public health, safety, or general welfare is in danger.
- I. When any building is removed, all building service pipes shall be abandoned up to the public main. This work shall be made according with the current Township standards by the property owner's or developer's contractor at no cost to the Township and as directed by the Superintendent.
- J. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Township and abutting on any street or Right Of Way in which there is now located or may in the future be located a public watermain of the Township, is hereby required at the owner's expense to install suitable facilities therein, and to connect such facilities directly with the proper public watermain in accordance with the provisions of this ordinance within six (6) months after date of official notice to do so, provided that said public watermain is within one hundred (200) feet of the property line.

4.03 Water Supply Cross-Connection Rules

- A. The Lenox Township hereby adopts, by reference, the Water Supply Cross-Connection Rules of the Michigan Department of Environmental Quality being R-325.431 to R-325.440 of the Michigan Administrative Code.
- B. It shall be the duty of the Lenox Township Department of Public Works to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Lenox Township Department of Public Works and as approved by the Michigan Department of Environmental Quality.
- C. The representative of the Lenox Township Department of Public Works shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply system of Lenox Township for the purpose of inspecting the piping system, or systems thereof, for cross connections. Upon request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

- D. The Lenox Township Department of Public Works is hereby authorized and directed to discontinue water service, after reasonable notice to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.
- E. The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination, as specified by this ordinance and by the State and Township adopted plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

- F. This ordinance does not supersede the State Plumbing Code, or the Lenox Township adopted Plumbing Code, but is supplementary to them.

Section 5. DRAINAGEWATER AND WASTEWATER DISPOSAL FACILITIES

5.01 Use of Public Sewers - When Required

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Township or in any area under the jurisdiction of the Township, except in the pursuit of a normally accepted farming, gardening, or Township-approved sanitary landfill practice, any human or animal excrement, garbage, or objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Township, or in any area under the jurisdiction of said Township, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with this ordinance.
- C. Except as hereinafter provided in this ordinance, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Township and abutting on any street or Right-Of-Way in which there is now located or may in the future be located a public sanitary sewer of the Township, is hereby required at the owner's expense to install suitable

toilet facilities therein, and to connect such facilities directly with the proper public sanitary sewer in accordance with the provisions of this ordinance within six (6) months after date of official notice to do so, provided that said public sanitary sewer is within one hundred (200) feet of the property line.

- E. The Superintendent or any of his agents bearing proper credentials and identification shall have the power and authority at all hours to enter upon any premises or easement for the purpose of inspection, observation, measurement, sampling and/or testing pertinent to the discharge to the sewer system in accordance with the provisions of this ordinance.
- F. While performing the necessary work on private properties, the Superintendent, or the Superintendent's representative, shall observe all safety rules applicable to the premises, and the owner shall be held harmless for injury or death to the Township employees. The Township shall indemnify the owner against loss or damage to his property by township employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions.

5.02 Private Wastewater Disposal Facilities.

- A. Where a public sanitary sewer or community wastewater disposal system is not available under the provisions of this Ordinance, a building service sewer may be connected to a private wastewater disposal system complying with the provisions of this Ordinance.
- B. Before applying for a building permit for any building where a private wastewater disposal system is contemplated, the owner shall first obtain a written permit for a private Wastewater Disposal System from the Macomb County Health Department. For all proposed developments (except in the case of a single-family dwelling unit site) the developer shall include all necessary construction details for the private wastewater disposal system in the plans and specifications for the development, as well as, any other information considered pertinent by the Township Engineer as outlined in this ordinance. A plan review and administration fee, in the amount set by the Board, shall be paid to the Township at the time the application for plan review is filed. The Applicant for any private wastewater disposal system shall be encouraged to locate his Building Service Sewer on the side of his building on which the public sanitary sewer, to which he will connect in the future, is likely to be located. In most instances, this will be on the street side of his building.

- C. Approval to construct a private wastewater disposal facility shall not become effective until the Applicant has obtained a permit for such private wastewater disposal facility from the Macomb County Health Department. Upon approval by the Township, the Applicant shall pay a construction observation fee, as set by the Board, covering the cost of construction observation for the installation of the building service sewer from the building to the private Wastewater Disposal System. The building shall not be occupied until the private Wastewater Disposal System and the building service sewer have been approved in writing by the Macomb County Health Department and Superintendent or his representative, respectively. The Superintendent shall be allowed to observe the work at any stage of construction, and, in any event, the permittee shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered.
- D. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Township. But, in the event of failing facilities as determined by Macomb County Health Department and within six (6) months of the time that a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection in compliance with this ordinance shall be made to said public sewer after the date of official notice to do so. And any septic tanks and similar private wastewater disposal facilities shall be cleaned of sludge, filled with suitable material and abandoned as approved by the Macomb County Health Department at no expense to the Township.
- E. The type, capacity, location and layout of a private wastewater disposal system and associated building service sewer shall comply with all requirements of the Macomb County Health Department and/or the State of Michigan. No permit shall be issued for any private wastewater disposal facility employing subsurface soil absorption facilities where the area of the lot is less than the minimum required lot size per the current Township Zoning Ordinance. No septic tank or cesspool outlet shall be permitted to discharge directly or indirectly to any natural outlet.

5.03 Site Grading for Surface Water Runoff

- A. Except for agricultural purposes, it shall be unlawful for any person to change the drainage pattern of any land by excavating, grading, or filling without first obtaining a written permit thereof from the Building Department.

- B. Prior to applying for a Building Permit for land grading where no building is proposed, the person desiring to perform land grading shall make an application for such work on a form furnished by the Township. Such application shall be supplemented by any plans, specifications or other information considered pertinent by the Township Engineer for such work as outlined in this ordinance. A plan review-administration fee and/or a construction inspection fee, as specified in this ordinance, shall be paid to the Township at the time the application is filed. The plan shall be prepared in accordance with the Engineering and Construction Standards adopted by the Township. If the site is incorporated in a recorded subdivision plat, recorded condominium plan, mobile home park, or other multi-building site for which an overall grading plan has been submitted and approved (and no changes from that plan are proposed), a plan will not be required under this Section. Additionally, if the site is proposed for a single family dwelling in an area which does not have an approved overall grading plan as described above, a plan will not be required under this Section. In these cases, a plot plan shall be submitted to the Building Official under a separate Building Permit review for conformance with the Engineering and Construction Standards.
- C. The plans shall be reviewed by the Township Engineer to determine that proposed site grading is proper according to the requirements of the Engineering and Construction Standards and that drainage from abutting properties is not obstructed and that downstream properties will not be adversely affected by runoff from subject property. The Township Engineer shall provide a recommendation to the Township Board for final determination.
- D. After approval of the plan by the Township Board, but before a Building Permit is issued by the Building Department, the applicant shall provide the Township with a guarantee for the satisfactory completion of the work as shown on the approved plan. Such guarantee shall be in the form of cash, certified check or in the form of a surety bond or irrevocable letter of credit acceptable to the Township. The amount of the deposit shall be set by the Township based on the estimated construction cost of the site improvement as approved by the Township Engineer. The Township shall release funds from the deposit as the site improvements are completed and accepted by the Township. The site shall be filled and/or graded in conformity with the grades established on the plan approved by the Township Board. Before the Township can grant acceptance of the site improvements, a grading survey prepared and sealed by a Professional Engineer or Professional Surveyor, licensed in the State of Michigan, shall be submitted to the Building Department verifying that site grading has been performed in accordance with the approved plan.

- E. It shall be unlawful for any person to interfere with, modify, or obstruct the flow of surface water across any property in any manner different from the approved site grading plan.
- F. During periods of the year when weather conditions make finish grading of a residential lot unfeasible, a Temporary Certificate of Occupancy may be issued. However, prior to issuance of a Temporary Certificate of Occupancy, a surety bond, letter of credit, or cash deposit in an amount set by the Township will be required to insure the completion of the grading and submittal of a Final Grade Certificate. Prior to issuance of a Final Certificate of Occupancy, approval of construction as shown on the approved site grading plan shall be obtained from the Township. Upon completion of the work and approval thereof, all monies, bonds, or letters of credit may be returned to the owner.
- G. All buildings having foundation drains shall direct the flow from such foundation drains into a storm sewer by means of an underground enclosed conveyance pipe. No building permit for any building having a basement shall be issued, unless the plans for such building indicate a building service sewer (drainagewater) with drainage to a storm sewer.
- H. Runoff from building roof drainagewater shall be piped to a point five (5) feet away from the outside walls of any building. As an alternative to the piping, splash blocks that are five (5) feet in length may be used. For multiple family residential, commercial and industrial buildings, where parking areas are adjacent to the building roof drainage water outlet locations, roof drainage may be directed to a storm sewer by means of an underground enclosed conveyance pipe.

5.04 Building Service Sewers and Connections

- A. No person shall uncover, make any connections with or opening into, use, alter, or disturb any sewer or appurtenance thereof without first obtaining a written permit from the Township. There shall be two (2) classes of sewer construction permits:
 - (1) for residential and commercial service, and
 - (2) for service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a form furnished by the Township. Except in the case of a single dwelling unit site, the permit application shall be supplemented by any plans, specifications, or other information considered pertinent by the Township Engineer. A plan review and administration fee and/or a construction observation fee, as set by the Board, shall be paid to the Township at the time the application is filed.

- B. A separate and independent building service sewer minimum of six (6) inches in diameter shall be provided for every building or premises; except, where one building stands at the rear of another on an interior lot and no public sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The front building service sewer may be extended to the rear building and the whole considered as one (1) building service sewer; The Township and Superintendent may also allow more than one (1) building per building service sewer where, in their judgment, the sewer system's operation and maintenance is benefited by such an exception. In this case, a manhole shall be provided at each building connects to the service sewer and the size of the building service sewer may be increased. The Township does not assume any obligation or responsibility for damage caused by, or resulting from, any such single connection aforementioned. Sanitary sewage and industrial sewage shall not be combined in a single building service sewer, but shall require separate building service sewers.
- C. No person shall make connection of roof downspouts, foundation drains, yard or area drains, or other sources of surface runoff or groundwater to a building service sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the Township for purposes of disposal of polluted surface drainage. Footing drain groundwater shall be directed to stormwater drain.
- D. The Permittee for the building service sewer (drainage water and/or wastewater) shall notify the Superintendent when the building service sewer is ready to be installed. All excavations for building service sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. All current Michigan Occupational Safety and Health Administration (MIOSHA) trench safety requirements must be followed. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored to its original condition in a manner satisfactory to the Superintendent.
- E. All sanitary sewer connections shall be made gastight and watertight, which condition shall be verified by appropriate testing and inspection, including the use of television inspection. Such testing and inspection shall be paid for by the permittee.
- F. Contractors who expect to install building service sewers connecting to the public sewers of Lenox Township shall be registered by the Township. To become eligible for registration with Lenox Township, a contractor must be licensed by the State of Michigan Department of Licensing and Regulation in one of the following categories: (1) Master plumber, (2) Drain Layer Contractor (Class A or B), (3) Residential Builder, or (4) Maintenance and Alteration Contractor (Trade Code D or L).

- G. To be registered with the Township, an eligible contractor must annually comply with the following requirements:

1. Registration Fees Requirement

A contractor shall pay an initial filing fee as indicated in the Schedule of Fees and Charges, which will include the registration fee for the first calendar year, or any part thereof. If he desires to renew his registration, he shall do so during the month of December by paying a registration-renewal fee as indicated in the Schedule of Fees and Charges, which will include the registration fee for the subsequent calendar year, or any part thereof.

2. Insurance Requirement

While a contractor is registered, he shall procure and maintain insurance, with the Township named as co-insured, covering the items listed below:

a. *Comprehensive General Liability Insurance* - The contractor shall procure and maintain during the life of his registration period *Comprehensive General Liability Insurance* - such insurance is intended to protect the Insured from claims, any/or all of which may arise out of, or result from, the contractor's operations in the Township during this registration-period. The insurance is further intended to cover all of the contractor's operations, including the operations of any subcontractor or any person that is directly, or indirectly, employed by the contractor and/or his subcontractor. Such insurance shall also include coverage for explosion, collapse, and/or underground damage. The claims from which the Insured is to be protected include the following:

1. Claims for damages because of bodily injury, sickness, disease, or death of any person other than the contractor's employees. The limits of liability for bodily injury, including death, shall be one million dollars (\$1,000,000) per occurrence.

2. Claims for injury or destruction of tangible property, including loss of use resulting thereof. The limits of liability for property damage shall be one hundred thousand dollars (\$100,000) per occurrence and two hundred thousand dollars (\$200,000) aggregate limit.

- b. *Comprehensive Motor Vehicle Liability Insurance* - The Contractor shall provide this insurance in an amount not less than two hundred fifty thousand dollars (\$250,000) for each person and five hundred thousand dollars (\$500,000) per occurrence for bodily injury, including accidental death; and one hundred thousand dollars (\$100,000) for property damage for each occurrence. The policy shall include coverage for owned, non-owned, and hired motor vehicles.
- c. Workmens Compensation Insurance

3. Surety Bond Requirement

For each period for which the contractor expects to be registered, he shall furnish the Township with a five-thousand-dollar (\$5,000) Surety Bond that will be payable to Lenox Township in the event that said contractor:

- a. Fails to satisfactorily complete any building service sewer connections;
- b. Fails to restore his construction site to the condition that existed prior to commencement of his work; or
- c. Fails to abide by any other conditions listed on his registration application.

4. ROW -- Work Requirement

To perform any construction within road rights-of-way, the contractor shall obtain the necessary permits for same from the Road Commission of Macomb County (RCMC) and/or the Michigan Department of Transportation (MDOT).

5. Registration Revocation

The Township reserves the right to revoke any contractor's registration, at any time, for any one of the following reasons:

- a. If the contractor violates Lenox Township Ordinances, Construction Standards and/or Specifications.
- b. If the contractor refuses to restore his construction area, to the condition that existed prior to his construction operations, within Thirty (30) days after starting work.

5.05 Use of Public Sewers

A. No person shall discharge, or cause to be discharged, any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water into any sanitary sewer.

B. Groundwater, stormwater, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural watercourse outlet approved by the Township Engineer and other appropriate regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, upon approval of the Township Engineer, to a storm sewer or natural watercourse outlet.

C. No person shall discharge, or cause to be discharged, any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by the interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
3. Any waters or wastes having a pH lower than 5.5 or higher than 8.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
4. Solid or viscous substances (such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders) in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities.
5. Any wastewater which is in excess of the limitations imposed under the contract between the Township and Macomb County which includes by reference the limitations imposed by the Detroit Water and Sewerage Department (DWSD) for the Detroit Wastewater Disposal System or any substance that may cause a violation to the NPDES permit requirements.

D. The following described substances, materials, waters, or waste shall be limited in discharges to the public sanitary sewer to concentrations or quantities that will not harm either the sewers, wastewater treatment process, or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Township Engineer may set limitations lower than the limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. The Township Engineer will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors.

The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer are as follows:

1. Wastewater having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius).
2. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
3. Wastewater from industrial plants containing floatable oils, fat, or grease.
4. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the Township Wastewater Disposal Outlet exceeds the limits established by the Township Engineer for such materials.
6. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Township Engineer.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Township Engineer in compliance with applicable State or Federal regulations.
8. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
10. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
11. Any waters or wastes causing damaging effects such as:
 - a. Chemical reactions, either directly or indirectly, with the material of construction to impair the strength of durability of sewer structures and/or appurtenances.
 - b. Mechanical action that will destroy or damage the sewer structures and/or appurtenances.
 - c. Restriction of the normal inspection or maintenance of the sewer structures and/or appurtenances.
 - d. Limitation of the effectiveness of the wastewater treatment process.
 - e. Danger to public health and safety.

Any waste will be considered deleterious (and prohibited) that may cause damaging effects, as stated above, or that does not conform to the limitations stated under specific chemical pollutants.

Compatible wastes which are discharged by industrial or commercial users in concentrations in excess of domestic sewage will be sampled, analyzed, and treated at costs to be borne by the permittee. No costs shall be assessed unless the concentrations are greater than those found below:

<u>Waste</u>	<u>Concentration</u>
Suspended Solids	300 mg/l
BOD	300 mg/l
Hexane soluble (total grease) in supernatant liquid after 4 hours' settling	100 mg/l
Floating oil	100 mg/l
Phenolic compounds	1.0 mg/l
Total solids	2,000 mg/l (daily average) 20,000 mg/l (any sample)

When the concentrations in the wastes exceed the above limits, the consumer shall pay a surcharge in accordance with the Schedule of Charges set by the Board.

Limits of specific chemical pollutants for discharge to sewers:

<u>Soluble Incompatible Pollutants</u>	<u>Limits</u>
Antimony	2.0 mg/l
Arsenic	1.0 mg/l
Cadmium	2.0 mg/l
Chromium, Hexavalent (CR+6)	5.0 mg/l
Chromium (Total)	25.0 mg/l
Cyanide (Total)	1.0 mg/l
Ethyl Hexyl Phthalate	100 parts per trillion
Iron	1,000.0 mg/l
Lead	1.0 mg/l
Mercury	None Detectable
Nickel	5.0 mg/l
Phosphorus	13.0 mg/l
Polychlorinated Biphenyls	None Detectable
Selenium	1.0 mg/l
Silver	1.0 mg/l
Sulfides	10.0 mg/l
Thallium	0.1 mg/l
Zinc	7.3 mg/l
H ₂ S, SO ₂ (Total)	10.0 mg/l
Explosive Substances	None Detectable
Combustibles	None Detectable
Radioactive Waste	100 Micro c/l
Toxic Gases	None Detectable

If the waste meets the United States Occupational and Health Agency standards, as described in subpart G "Occupational Health and Environmental Control, 29 CFR 1910" it shall be deemed to be free of toxic gases.

General Conditions**Limits**

Grease or oil that solidifies or becomes viscous at 50 Degrees Fahrenheit or above	None Detectable
PSECTION Size	1/2" in any dimension
Specific Gravity of Suspended Solids	1.2 Maximum
Temperature	150 Degrees
Fahrenheit pH	5.5-9.0
Toxic or Irritating Substances	None Detectable

If the waste meets the United States Occupational and Health Agency standards, as described in subpart G "Occupational Health and Environmental Control," it shall be deemed to be free of toxic or irritating substances.

The wastes shall not contain any toxic wastes in violation of Section 307 (a) of the Clean Water Act.

E. If any waters or wastes are discharged or are proposed to be discharged to the public sanitary sewers, which waters contain the substances or possess the characteristics enumerated hereinbefore and which in the judgment of the Township Engineer may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Reject the wastes,
2. Require pretreatment to an acceptable condition for discharge to the public sanitary sewers,
3. Require control over the quantities and rates of discharge, and/or
4. Require an additional payment to cover the added cost (of handling and treating the wastes) not covered by existing wastewater disposal service charges.
5. Require that industrial wastes not be connected to sewer lines carrying sanitary sewage.

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 Township Engineer.

F. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Township Engineer, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Township Engineer and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain

records of the dates and means of disposal, which are subject to review by the Superintendent. Any removal and hauling of the collected materials must be performed by currently licensed waste disposal firms.

- G. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, in accordance with Federal Pretreatment Standards 40 CFR, part 403, they shall be maintained continuously in satisfactory and effective operation by the Owner at his expense.
- H. The owner of any property serviced by a building service sewer carrying industrial wastes shall install a monitoring manhole in the building service sewer. Such structure shall be accessibly and safely located and shall be constructed in accordance with plans and specifications approved by the Township Engineer. The structure 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.
- I. 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 the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Township Engineer.
- J. No statement contained in this SECTION shall be construed as preventing any special agreement or arrangement between the Township and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Township for treatment, provided there is no impairment of the function of or deterioration to the sanitary sewage collection system and treatment works by reason of the admission of such wastes and no extra costs are incurred by the approving authority without recompense by the Applicant.
- K. Damages to public sewers, appurtenances, pumping stations, the wastewater plant, or treatment processes arising from harmful wastewaters shall be assessed to the permittee. Such assessments shall constitute a lien on the property. The Township Board reserves the right to discontinue service to any person, firm, or corporation for gross and repeated violations of this Ordinance, after written notice has been given and a public hearing has been called by the Board at which the person, firm, or corporation has been given an opportunity to show cause why his right to service should not be discontinued.

- L. Should any industrial user (as defined in this Ordinance and Federal Regulation 40 CFR, section 35.905) commence discharge to the treatment works during the 30 year industrial cost recovery period, then an Industrial Cost Recovery System shall be developed and implemented pursuant to this Ordinance and Federal Regulation 40 CFR, section 35.928.
- M. The document entitled "Lenox Township Non-Residential Wastewater Discharge Control Ordinance" numbered 3-2005 adopted by Lenox Township April 4, 2005 is hereby adopted by reference. This ordinance shall be adopted separately and shall be administered and used as if it were a separate ordinance.

5.06 Access to Premises and/or Easements

- A. The Superintendent or any of his agents bearing proper credentials and identification shall have the power and authority at all reasonable hours to enter upon any premises or easement for the purpose of inspection, observation, measurement, sampling, and/or testing pertinent to the discharge to the sewer system in accordance with the provisions of this ordinance.
- B. While performing the necessary work on private properties, the Superintendent or the Superintendent's representative shall observe all safety rules applicable to the premises and the owner shall be held harmless for injury or death to the Township employees, and the Township shall indemnify the owner against loss or damage to his property by Township employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions.

Section 6. PROCEDURE FOR REQUESTING APPROVAL FOR A CONSTRUCTION PERMIT FOR SITE GRADING AND/OR EXTENSIONS OR POTENTIAL CONNECTIONS TO THE SEWER AND/OR WATER SYSTEM

6.01 Any person (hereinafter referred to as the Applicant) desiring to do site grading, or to install extensions to the Sewer and/or Water System, or to install Building Service Sewers and/or Building Service Water Supply Pipe (which now, or in the future, will be expected to drain to, or connect to, the Township Sewer and/or Water System) shall follow the provisions set forth in the Land Development Ordinance, "Procedure for Procurement of a Construction Permit for Site Improvements and/or Public Utilities."

Section 7. FEES AND CHARGES

7.01 General

A. Any person desiring a Water Supply Service Connection and/or a Wastewater Disposal Service Connection for any building or development shall first make application thereof. The application shall be accompanied by payment of all applicable fees and charges.

B. The fees and charges that may be applicable for a Water Supply Service Connection include:

- (1) A Water Lateral Benefit Fee;
- (2) A Water System Development Fee;
- (3) Connection Charges; and
- (4) Construction observation charges.

C. The fees and charges that may be applicable for a Wastewater Disposal Service Connection include:

- (1) A Sewer Lateral Benefit Fee;
- (2) A Wastewater System Development Fee;
- (3) Connection Charges; and
- (4) Construction Observation charges.

D. The fees and charges that may be applicable for Water Supply Service include:

- (1) Water Supply Service Charge;
- (2) Special Charge for Late Payment;
- (3) Delinquent Account Service Charge; and
- (4) Turn-off/Turn-on Fee.

E. The fees and charges that may be applicable for Wastewater Disposal Service include:

- (1) Wastewater Disposal Service Charge;
- (2) Surcharge;
- (3) Non-residential Monitoring Charge;
- (4) Special Charge for Late Payment; and
- (5) Delinquent Account Service Charge.

7.02 Water Lateral Benefit Fee and Sewer Lateral Benefit Fee.

A. Intent and Policy - It is the policy of the Township:

1. That public watermain and public sanitary sewer shall be extended through and across all Developers' Projects, including a Mobile Home Park Project, a School Project, a Commercial Project, and an Industrial Project. Such extensions shall be extended along the entire frontage of all developments according to the Township's current master plan and constructed / designed according to the current Township standards and policies. All expenses for the extension of these trunk utilities shall be the responsibility of the developer with the exception of specific items which the Township Board may choose to participate in accordance with current policies.
2. That before a building, Mobile Home Park (MHP), or other Development is allowed to connect to either the public watermain or the public sanitary sewer, the landowner shall pay his fair share of the cost of said Utility across his existing public-road-frontage land. No landowner shall get a free public watermain or a free public sanitary sewer.
3. That a landowner and/or Developer will be deemed to have paid his fair share of the cost of said Utility if: (a) his entire existing public-road-frontage land area to be served by the Utility was included in a Special Assessment District for said Utility (under procedures specified in Michigan Act 188 of 1954, as amended); or (b) he otherwise has paid at least 50% of the cost of the Utility across his entire existing public-road-frontage land; or (c) he installs (or otherwise pays 100% of the cost of) the Utility along half of his existing public- road-frontage land; or (d) he has paid a Lateral Benefit Fee to the Township for said Utility; or (e) another party has paid the equivalent of his Lateral Benefit Fee(s) under a Special Agreement. A Lateral Benefit Fee is applicable unless condition (a), (b), (c), or (e) is effective.

4. That trunk watermains and trunk sanitary sewers should be installed under Special Assessment District (SAD) procedures outlined in Michigan Act 188 of 1954, as amended. And that such SAD should be limited to the public-road-frontage land area as defined herein.
5. That for such SAD the trunk watermain and/or the trunk sewer assessment rates per front foot will be limited to the Lateral Benefit Fee Charge-rates (per foot) that are in effect on the date of the determination of the necessity of the SAD Project.
6. That the Township Sewer and Water Department Improvement Fund will assume the costs of the trunk watermain and/or trunk sanitary sewer that are in excess of the above-noted assessable cost limitation.
7. That when the Township deems it necessary to, and does, arrange for the installation of a trunk watermain or a trunk sanitary sewer along a public road without benefit of SAD proceedings, the Township shall then establish a Lateral Benefit Fee (LBF) obligation for all public-road-frontage land benefited thereby; and such LBF obligation shall be paid (or obligated by a Lateral Benefit Fee and Tax Lien Agreement) for the owner's entire public road frontage land -- when the owner thereof (or his assigns) applies for a water supply connection and/or a sanitary sewer connection for such land.
8. That, because the Township does sometimes pay for such Utilities along some land (e.g., crossings of public roads and rivers, sides of corner land parcels, opposite side of Township boundary-line roads, etc.) for which no remuneration may be collectible, the applicable Lateral Benefit Fee shall be paid to the Township even if the Utility has been installed and/or paid for by someone other than the Township.
9. That the Water Supply System and the Wastewater Disposal System have been developed for the good, welfare, safety, and use of the residents of the Township. The Systems may be connected to by Non-resident Users, provided these Users will: (a) obtain a resolution from the Municipality in which the property requiring the connection is located approving such connection; (b) for Water Supply Service, obtain written permission from the City of Detroit approving such connection; or for Wastewater Disposal Service, obtain written permission from the County of Macomb approving such connections, (c) take reasonable steps and appropriate actions to disconnect from the Township's System(s) when similar services can be provided by the Municipality in which the property

is located; and (d) pay 1.5 times all Water Supply and/or Wastewater Disposal Service Charges (except for the Wastewater Disposal Surcharge fees). Non-resident Users shall pay the same Wastewater Disposal Surcharge as Resident Users. All fees and charges paid by Non-resident Customers are non-refundable except that the Non-resident Customer is afforded the same Appeal provisions as Resident Customers.

B. Lateral Benefit Fees

1. A Lateral Benefit Fee is intended to cover about half of the Total Project Cost of an average-sized public watermain or public sanitary sewer that runs along a landowner's public-road frontage.
2. The Water Lateral Benefit Fee and the Sewer Lateral Benefit Fee shall each be determined as follows:
 - a. First, ascertain the Chargeable Length (in linear feet) of public-road frontage for which the Fee is to be paid. The Chargeable Length shall be the length of the site's public-road frontage for which no prior assessment or Lateral Benefit Fee was paid. This Chargeable Length can be reduced if the Developer has installed (i.e. paid 100% of the cost thereof) the Utility along some of his existing public-road-frontage land; in this event, subtract two-times such length from the Chargeable Length previously determined.
 - b. Second, apply the applicable Lateral Benefit Fee Charge-rate in accordance with the Schedule of Fees and Charges set by the Board.

C. Installment Payment of Lateral Benefit Fee(s)

When an Applicant for water supply service or wastewater disposal service cannot pay the Lateral Benefit Fees) in full upon application for same, he may request approval of the Township Board to pay said charges in installments. If the Township grants approval for the installment payment, the Applicant shall execute a Lateral Benefit Fee and Tax Lien Agreement which shall be in a form on file with the Township Sewer and Water Department. The Agreement shall provide for (a) the filing of a lien against the property and (b) the payment of the fee over a ten year period with interest not exceeding eight percent per annum on the unpaid balance. Payments shall be made in equal annual installments, with the first installment thereof due upon application. Future installments may be paid in full to the Township Treasurer, at any time, with interest accrued to the date of payment. If an installment is not paid when due, the same shall be deemed delinquent, and there shall be collected thereon, in addition to

interest as above provided, a Delinquent Account Service Charge at the rate specified in the "Schedule of Rates and Charges" adopted by the Board for each month or fraction thereof, that the same remains unpaid before being reported to the Township Board for Assessment upon the Township tax roll.

For the purpose of granting authority, the Township Board hereby authorizes and directs: (1) that the Township Supervisor, Clerk, or Treasurer execute the above cited Fee and Tax Lien Agreement for, and on behalf of, the Township; (2) that the collection and administration of accounts under such agreement shall be administered by the Township Treasurer's Office; and (3) the Township Treasurer shall appropriately report any delinquency in payment of principal and interest in order that the same may be properly recorded as a tax deficiency according to said Agreement. The Township Board shall have the right to withhold the property from a tax sale and, instead, maintain the above noted one and one-half percent per month Delinquent Account Service Charges.

For the Lateral Benefit Fee and Tax Lien Agreement, an Applicant may be considered to be any person who has a fee title interest in said property, whether or not it be encumbered by a mortgage.

7.03 Reserved

7.04 Water System Development Fee and/or Wastewater System Development Fee

- A. "Water System Development Fee" is a Fee to be paid by an Applicant for Water Supply Service that is intended to cover the Applicant's fair share portion of the cost of presently existing and future capital improvements required for the Water Supply Facilities. Those improvements may include Master Township Water Supply Meters, buildings, structures, arterial supply mains and appurtenances (portions not assessed to benefited frontage), Booster Pumping Facilities, Storage Facilities, and so forth. The Fee is related to the Applicant's specific building and is determined by units of potential capacity demand (hereinafter called "capacity units") that this specific building use is expected to impose on the Water Supply System.
- B. A "Wastewater System Development Fee" is a Fee to be paid by an Applicant for Wastewater Disposal Service that is intended to cover the Applicant's fair share portion of the cost of presently existing and future capital improvements required for the Wastewater Disposal System. Those improvements may include buildings, structures, interceptors and trunk sewers (portions not assessed to benefited frontage), Wastewater Treatment and/or Pumping Facilities, Master Township Wastewater Disposal Meters, and so forth. The Fee is related to the Applicant's specific building and is determined by units of potential capacity demand

(hereinafter called "capacity units") that this specific building use is expected to impose on the Wastewater Disposal System.

- C. Any building or premises, for which a connection to the Township Water Supply System and/or to the Township Wastewater Disposal System is required, shall be charged a Water System Development Fee and/or a Wastewater System Development Fee respectively.
- D. If a connection is required for an existing building or premises, the fee shall be paid upon application for such connection. If a connection is required for a new building, the fee shall be paid before a building permit is issued.
- E. The amount of either the Water System Development Fee or the Wastewater System Development Fee shall be based on a capacity unit factor system wherein a single family dwelling unit shall be considered one capacity unit. The total amount of either the Water System Development Fee or the Wastewater System Development Fee for a building use other than a residential dwelling unit use shall be computed as follows:
 - 1. Determine the total number of capacity units to be charged for such building by referring to the Table of Capacity Unit Factors set by the Board. In no case shall the number of capacity units for any building be less than one.
 - 2. Multiply the above noted total whole-number of capacity units times the Charge Rate for the applicable System Development Fee (per capacity unit) set forth in the Schedule of Fees and Charges set by the Board.

7.05 Connection Charges

Any person requesting connection to the Water Supply System and/or the Wastewater Disposal System shall first make application to Lenox Township for such connection(s) and pay all applicable fees due upon application.

- A. Water Supply System Connection Charges
 - 1. The charges for the Water Supply Service Connection will normally cover the cost of installation of the water meter, the connection at the watermain, and the installation of the service pipe from the Main to the stop box at the public Right-of-way line. From this point to Applicant's building, the Applicant shall pay all costs of the installation of the service pipe. Such installation shall be done under inspection by a representative of the Sewer and Water Department. The Applicant shall pay for the cost of such inspection according to the schedule set by the Board.

2. The Township may allow and/or require the Applicant to provide and pay for the service connection and the service pipe from the watermain to the Right-of-way line. In this event, the Applicant will only be charged for his Meter Installation and the applicable inspection costs.

B. Wastewater Disposal System Connection Charges

1. The charges for the Wastewater Disposal System Service Connection are intended to cover the cost of the connection at the sewermain and the cost of installation of the Service Sewer from the main to the public Right-of-way line. From this point to Applicant's building, the Applicant shall pay all costs of installation of the building service sewer. Such installation shall be done under inspection by a representative of the Sewer and Water Department. The Applicant shall pay for the cost of such inspection according to the schedule set by the Board.
2. The Township may allow and/or require the Applicant to provide and pay for the service connection and the service pipe from the sewermain to the Right-of-way line. In this event, the Applicant will not have to pay a Wastewater Disposal System Connection Charge, but shall pay for the applicable inspection costs.

7.06 Construction Observation Charges for a Developer's Project

- A. Developers are required to pay for the cost of construction observation of utilities installed by their Contractors. The basis of the fee to be paid to Township shall be the actual cost to the Township plus the current administration and overhead expense of such costs. For the determination of cost to the Township for services provided, other than contract services such as the Township Engineer or the Township Attorney, the cost shall be considered the actual gross payroll cost per hour times the number of hours expended times a factor of 1.3.
- B. The fee shall be deducted from the amount of the deposit set forth in the Schedule set by the Board. If the fee so determined above exceeds the amount of the deposit, the Applicant shall make up such deficiency forthwith, or the project may be stopped until an adequate additional cash deposit is made.

7.07 Water Supply Service Charges and/or Wastewater Disposal Service Charges

- A. Upon being furnished a water supply service connection and/or a wastewater disposal service connection for any building, a Customer shall begin payment of service charges for same. The service charges are intended to pay for such items including (but not limited to) the customer's share of the following: an allowance for debt service cost not otherwise covered; meter reading; billing; collecting; accounting; auditing; water meter maintenance. the Township's purchase of a water supply and/or a wastewater disposal service from others; the Township's obligation for Industrial Waste Control (IWC) charges; fire-protection and main-rupture water; unaccounted-for water use; unaccounted-for sewage flow, including infiltration and/or inflow; miscellaneous engineering services; and/or other remaining operation, maintenance, and overhead expenses of the systems.
- B. The charges for Water Supply Service and/or Wastewater Disposal Service shall consist of a monthly base-charge, plus a use-charge based on water consumption. Except as otherwise provided herein, the volume of water consumption shall be measured by a water meter that is owned, operated, and controlled by the Department. For wastewater disposal service, the charges already reflect the fact that all water consumed does not necessarily reach the Wastewater Disposal System. However, since lawn watering, car washing, pool filling, etc. may represent an inordinate amount of water consumption that does not enter the Wastewater Disposal System, the consumption-based charges for Wastewater Disposal Service for a Dwelling Unit shall be limited by using either actual water consumption or 5,000 cubic feet per dwelling unit per quarterly billing period, whichever is less.
- C. The monthly base-charge shall be applied to every building connected to the Water Supply System and/or the Wastewater Disposal System, whether the building being serviced is occupied or not.
- D. The Department reserves the right to bill customers either monthly or quarter-annually at its discretion.
- E. The Customer shall pay the Water Supply Service Charges and/or the Wastewater Disposal Service Charges in accordance with the Schedule set by the Board.

7.08 Surcharge

For Users that exceed the allowable range of concentration for BOD; SS; Phosphorus; Fat, Oil and Grease or other pollutants, a surcharge will be charged by the City of Detroit to the Township (through the County of Macomb). An additional fee will be added by the Township to cover its administrative expenses. The Township will then pass on this surcharge to the local users that are contributing other than normal domestic sewage.

The City of Detroit Surcharge is based on the added cost of handling and treating the over-limit discharge of compatible waste and assesses monitoring and surveillance fees when the limits of incompatible wastes, as defined in the Detroit ordinance, are found to be exceeded. Such surcharges shall be uniform throughout the system and in accordance with a schedule to be published whenever conditions require updating. Such surcharges shall be applicable on the basis of samples taken at the control manhole (or its equivalent) of each industrial and commercial user.

7.09 Special Charges for Late Payment of Service Charges

- A. Whether a customer is billed monthly or quarterly for Water Supply and/or Wastewater Disposal Service Charges, payment for said bill is due by a due date that is indicated on said bill. If payment is not received by the Sewer and Water Department (or its agents) by office-closing time on said due date, the customer shall be assessed a Special Charge for such non-payment; the amount of the Special Charge shall be five percent of the amount of the current period's billing. Furthermore, if any bill is left unpaid for more than 30 days after the due date, a Delinquent Account Service Charge will be added to the Special Charge until the bill is paid. The Delinquent Account Service Charge will be determined as set forth in the "Schedule of Fees and Charges" adopted by the Board.
- B. Should the bill be left unpaid for more than 30 days from the due date, the customer's water supply service (or wastewater disposal service) may be terminated. When water supply and/or wastewater disposal service is terminated, the Superintendent shall not resume service to this customer until all charges (including Special Charges, Delinquent Account Service Charges, and a Turn-off/Turn-on Fee as set by the Board) are fully paid.
- C. Charges for water supply and/or wastewater disposal services shall be a lien upon the premises served as provided by statute. Whenever a bill for water supply and/or wastewater disposal service remains unpaid more than 30 days after the due date, the Township Clerk may file with the Register of Deeds for the County of Macomb, a Statement of Lien Claim. This Statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Township claims a lien for this amount as well as for all charges for water supply and wastewater disposal service rendered subsequent to the period covered by the bill.

If the consumer of water and user of wastewater disposal service is not the owner of the premises, and the Clerk has notice of this, then notice shall be mailed to the owner of the premises, if his address is known to the Clerk, whenever such bills remain unpaid for a period of more than 30 days after the due date.

The failure of the Clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for unpaid water supply and/or wastewater disposal service charges, either under the provisions of the following paragraph "D" or through any other method permitted by law.

- D. Property subject to a lien for unpaid water supply and/or wastewater disposal service charges shall be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as in the case of the foreclosure of statutory liens. The Township Attorney is authorized and directed to institute such proceedings, at the request of the Township Treasurer, in the name of the Township, in any court having jurisdiction over such matters, against any property for which the bill has remained unpaid for more than 30 days after the due date.

Alternatively, the unpaid water supply and/or wastewater disposal service charges may be certified to the tax assessor and assessed against the premises served, and collected or returned in the same manner as other county or municipal taxes are certified, assessed, collected, and returned, as provided by statute.

- E. Methods of enforcing payment of water supply and/or wastewater disposal service charges are cumulative and the use of any method does not preclude the use of any other method allowed by law nor does it waive any rights existing under an alternative method.

Section 8. ENFORCEMENT AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE

8.01 Any person who violates the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding five hundred dollars or ninety (90) days in the Macomb County Jail, or both.

8.02 If any section, paragraph, clause, or provision of this Ordinance is for any reason held to be invalid, or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 9. VARIANCES

9.01 Except for the service charges for water supply service and/or wastewater disposal service, the Township Board may authorize a variance from the provisions of this Ordinance when it determines that undue hardship may result from strict compliance with specific provisions or requirements of this Ordinance. In granting any variance, the Board may prescribe other conditions that it deems necessary or desirable for the public interest. No variance shall be granted unless the Township Board finds:

- A. There are special circumstances or conditions affecting the situation such that a strict application of the provisions of this Ordinance would deprive the Applicant of reasonable use of his property;
- B. That the variance is necessary for the preservation and enjoyment of the substantial property right of the Applicant;
- C. That the granting of the variance will not be unduly detrimental to the public welfare or injurious to other property in the Township.

9.02 Any person may apply for such variance by requesting same in writing, stating fully and clearly the reasons for the request, including any supplemental information and data which he believes may aid in the analysis of the proposed request.

Section 10. APPEAL PROCEDURE

If any Customer of the Water Supply and/or Wastewater Disposal Systems believes any Fees or Charges to be incorrectly charged or if a Customer has another grievance, he/she may apply for a review of such Fees or Charges to the Township Board, provided:

- A. The request is made within eighteen (18) months after payment of the Fees or Charges:

- B. The Customer shall submit a written statement to the Township Board stating his request together with documentation supporting his position. Within sixty (60) days after the receipt of this request a hearing will be scheduled before the Township Board.
- C. The Customer agrees to pay the higher Fees or Charges if the result of the review indicates this to be appropriate.

Section 11. EFFECTUATION

11.01 All other Resolutions or Ordinances of the Township, or parts thereof, in conflict with the provisions of this present Ordinance are, to the extent of such conflict, hereby repealed.

11.02 This Ordinance shall become effective immediately upon its publication in a newspaper of general circulation in the Lenox Township.

**SEWER & WATER ORDINANCE
SCHEDULE OF FEES AND CHARGES**

AS OF OCTOBER 21, 2008

Section 1. CHARGE-RATES FOR WATER LATERAL BENEFIT FEE, SEWER LATERAL BENEFIT FEE

- A. The Water Lateral Benefit Fee Charge-Rate shall be twenty five dollars (\$25.00) per foot of Chargeable Length.
- B. The Sewer Lateral Benefit Fee Charge-Rate shall be eighty five dollars \$85.00 per foot of Chargeable Length.

Section 2 CHARGE-RATES FOR WATER SYSTEM DEVELOPMENT FEE AND WASTEWATER SYSTEM DEVELOPMENT FEE

- A. The Charge Rate for the Water System Development Fee shall be \$500.00 per each Capacity Unit as determined by referring to Table I entitled "Table of Water System Development Fee and Wastewater System Development Fee Capacity Unit Factors" following this Section.
- B. The Charge Rate for the Wastewater System Development Fee shall be \$1,200.00 per each Capacity Unit as determined by referring to Table I entitled "Table of Water System Development Fee and Wastewater System Development Fee Capacity Unit Factors" contained in this Section.
- C. When the capacity unit factor in Table I refers to thousand square feet, it shall mean the gross floor area of all floors of the building (including the basement floor) as measured from outside of wall to outside of wall.
- D. Any individual premise may have several usage areas, as defined in the Table. The square footage of any area of use shall be calculated by measuring the distance from center to center of the walls forming the boundary of the area designated for that particular use.
- E. The usage assigned to circulation areas (i.e. space required for subdivisions of space such as corridors, elevator shafts, escalators, stairs on fire towers, stairwells, elevators, public lobbies and public vestibules) shall be determined by considering the use of the areas to which the circulation areas offer access. The capacity unit factor assigned to any circulation area shall be equal to the largest capacity unit factor of all the areas to which it offers access.

TABLE 1
TABLE OF WATER SYSTEM DEVELOPMENT CHARGE AND WASTEWATER
SYSTEM DEVELOPMENT CHARGE CAPACITY UNIT FACTORS

<u>BUILDING USE</u>	<u>CAPACITY UNIT FACTORS</u>
ALL RESIDENTIAL	1.0 per dwelling unit
GROUP A Factory-Industrial (exclusive of Industrial Wastes); Warehouse; Airport Repair or Storage; Bowling Alley; Church	0.1 per 1,000 square feet plus Office Areas, Food Service-Dining and/or Bar Facilities at their respective factors
GROUP B School; Public Swimming Pool, incl. Shower and Dressing Areas and fenced-in Area of Outside Pools; Theatre; Furniture Store; Auto Dealer, incl. Auto Repair and Service Garage; Mobile Home Park or Multiple Dwelling Community Building (incl. tenant convenience laundry facilities)	0.2 per 1,000 square feet
GROUP C Country Club; Bank; Barber Shop; Camera Shop; Laundry or Cleaners (Pick-up Station); Clothing, Shoe, Drapery, Drug, Jewelry, Variety or Department Store; Other Stores not listed elsewhere in Table; Office Building; Convent; Convalescent, Rest, or Senior Citizen Home; Hotel; Motel	0.5 per 1,000 square feet plus Food Service-Dining and/or Bar Facilities at their respective factors
GROUP D Grocery Store; Party Store; Meat Market; Produce Market; Beauty Shop; Fraternal Organization; Rental Hall; Veterinary	1.0 per 1,000 square feet
GROUP E Laundry or Cleaners (Except Pick-up Station)	1.5 per 1,000 square feet
GROUP F Food Service-Dining Facilities (without Alcoholic Beverages); Hospital	2.5 per 1000 square feet (minimum of 2.0 units)

<p>GROUP G Food Service-Dining and/or Bar Facilities (with Alcoholic Beverages); Car Washing Facility; Laundry (Self-service Automatic)</p>	<p>5.0 per 1,000 square feet</p>
<p>GASOLINE SERVICE STATION</p>	<p>2.0 per Station plus Car Washing Facilities at its Factor when provided</p>
<p>INDUSTRIAL WASTE PRODUCING BUSINESS OR OTHER USE NOT COVERED IN TABLE</p>	<p>To be set by Township Engineer based on Similar Water or Sewer Use History</p>

- F. The total number of capacity units assigned to a particular usage on any individual premises, as computed from the Table, shall be the nearest whole number. Any fractional portion of a unit equal to 0.5 or more of one unit shall be considered as one additional unit.
- G. For building uses other than residential, the amount of potential demand upon which the Table of Capacity Unit Factors is based is the rate of flow of water consumption. For the Water Supply System, the relative factors should be compared on the basis of peak-day water consumption during the year when full occupancy is experienced. For the Wastewater Disposal System, the relative factors should be compared on the basis of peak-day water consumption during the year (but not including the months of June, July, August, and September) when full occupancy is experienced.

Section 3 WATER SUPPLY SYSTEM AND WASTEWATER DISPOSAL SYSTEM CONNECTION CHARGES

- A. The Water Supply System Connection Charge (WSSCC) includes charges for the Connection, the Service installation from the public watermain to the ROW or, easement line, the Meter and Remote Reader installation, and the inspection of the Applicant's Service pipe outside of the ROW or easement line.

The total amount of the WSSCC depends on whether the Township, or the Applicant, provides the connection and service pipe from the public watermain to the ROW or easement line. In either case, the Applicant must pay for the Meter and Remote Reader installation (based on the size of Meter) and the inspection for pipe outside of the ROW or easement line.

If the Township provides the connection and service pipe from the public watermain to the ROW or easement line, the Applicant must pay only an additional Service Installation fee (based on the size of the service pipe).

On the other hand, if the Applicant provides the connection and service pipe from the public watermain to the ROW or easement line, the Applicant must pay only an additional inspection fee of said installation.

The WSSCC is summarized as follows (2008-2009):

Service &/or Meter Size	Meter, Remote Reader & Inspection	Service Installation in ROW	Observation fee for Service Installation in ROW*
3/4-inch	\$350	\$1,770	\$75
1-inch	\$350	\$1,880	\$75
1.5-inch	\$550	\$2,270	\$75
2-inch	\$690	\$2,860	\$75
Over 2-inch	**	**	\$75

*Only if Applicant provides the Service Installation in the ROW

**1.15 times the actual cost thereof

- B. The Wastewater Disposal System Connection Charge (WDSCC) includes charges for the Connection, the building service sewer from the public sewer to the ROW or easement line, and the inspection of the Applicant's building service sewer outside of the ROW or easement line.

The total amount of the WDSCC depends on whether the Township, or the Applicant, provides the connection and service pipe from the public sewer to the ROW or easement line. In either case, the Applicant must pay for the inspection of the building service sewer outside of the ROW or easement line, as follows: \$75 for a single-family dwelling unit; or 1.15 times the actual inspection costs for other building types.

If the Township provides the connection and service pipe from the public sewer to the ROW or easement line, the Applicant must pay an additional fee (based on the size of the service pipe), as follows: 1.15 times the cost thereof for a service sewer larger than (6) six-inch.

On the other hand, if the Applicant provides the connection and service pipe from the public sewer to the ROW or easement line, the Applicant must pay only an additional \$75 for inspection of said installation.

C. Connection and/or Service Inspection Charges for a Developer's Project

1. For purposes of covering the cost (plus 15% thereof) of construction inspection of water services, sewer services, private watermains, and private sewers, the Applicant shall pay the actual cost (plus any administration costs) but at minimum a cash deposit to the Township as follows:

- a. Deposit for a construction cost est. less than \$1,000 \$75.00
- b. Deposit for a construction cost est. from \$1,000 to \$10,000 \$250.00
- c. Deposit for a construction cost est. from \$10,000 to \$100,000 7% of Const. Cost
- d. Deposit for a construction cost est. over \$100,000 5% of Const. Cost

2. If and when the cost of the inspection plus 15% thereof becomes greater than the above-noted deposit, the Applicant shall make an additional deposit as determined by the Superintendent.

Section 4. WATER SUPPLY SERVICE CHARGES AND WASTEWATER DISPOSAL SERVICE CHARGES

A. The Service-charges for water supply service and wastewater disposal service shall consist of the sum of a Base-charge plus a Use-charge (based on water consumption).

1. The Base-charge shall be paid in accordance with the following schedule:

Monthly Base Charge					
	when only one of the services is furnished		when both of the services are furnished		
Type of Service	Water	Sewer	Water	Sewer	Total
	Residential Customers (per Dwelling unit)				
3/4" or 1" meter	\$6.00	\$6.00	\$4.00	\$4.00	
	Non-Residential Customers (per meter, based on size)				
1" meter and smaller	\$6.00	\$6.00	\$4.00	\$4.00	\$8.00
1-1/2" meter	\$12.00	\$12.00	\$8.00	\$8.00	\$16.00
2" meter	\$24.00	\$24.00	\$16.00	\$16.00	\$32.00
3" meter	\$42.00	\$42.00	\$28.00	\$28.00	\$56.00
4" meter	\$75.00	\$75.00	\$50.00	\$50.00	\$100.00
6" meter	\$168.00	\$168.00	\$112.00	\$112.00	\$224.00
8" meter	\$288.00	\$288.00	\$192.00	\$192.00	\$384.00

The above-noted residential Base-charge-rates notwithstanding, when two or more dwelling units can be billed and collected as a single customer, a credit against the Base-charge-rate will be given for each dwelling unit in excess of the first one; the amount of said credit will be \$1.50 per dwelling unit per month for either one of the services (i.e., \$3.00 per dwelling unit per month when both services are furnished).

All multiple dwelling developments, including but not limited to mobile home and/or manufactured home communities shall pay a monthly base charge based upon the number of water meters for those developments. The per-dwelling unit base charge shall be multiplied by the number of water meters servicing those developments.

2. The Use-charges shall be based on the amount of water supplied to a building as measured by a water meter maintained by the Township. The Use-charge rate for wastewater disposal has already been adjusted downward to recognize the fact that all water entering a building does not necessarily flow into the Township's sewers. The Use-charges shall be based on the Use-charge rates as follows:
 - a. For water supply service, the Use-charge rate shall be \$28.50 per Thousand Cubic Feet of water use (2008-2009).
 - b. For wastewater disposal service, the use-charge rate shall be \$25.30 per Thousand Cubic Feet of water use (2008-2009).

If a sewer customer is not connected to the Township Water Supply System and, if it is not possible to install a meter on the customer's water supply pipe, the Wastewater Disposal Use-charge shall be based on a minimum of 14,000 cubic feet of water use per capacity unit per year.

3. For Users that exceed the allowable range of concentration for BOD; SS; Phosphorus; Fat, Oil and Grease, or other pollutants, a Surcharge will be charged by the City of Detroit to the Township. A Fee amounting to 15 percent of this Surcharge will be added by the Township to cover its Administrative Expenses. The Township will then pass on this Surcharge to the Users that are contributing other than normal domestic sewage. This Surcharge is calculated by the following formula:

$$Cs, = Ds + 0.15 Ds$$

Cs = A surcharge for wastewater of excessive strength

Ds = City of Detroit Surcharge x number of pounds

City of Detroit Surcharge Rates

<u>Waste</u>	<u>Dollars Per Pound</u>
Suspended Solids	0.0099
BOD	0.1200
Phosphorus	1.2960
Fat, Oil and Grease	0.0410

The City of Detroit Surcharge is based on the added cost of handling and treating the over-limit discharge of compatible waste and assesses Monitoring and Surveillance Fees when the limits of incompatible wastes, as defined in the Detroit Ordinance, are found to be exceeded. Such Surcharges shall be uniform throughout the system and in accordance with a schedule to be published whenever conditions require updating. Such Surcharges shall be applicable on the basis of samples taken at the control manhole (or its equivalent) of each User.

Section 5: CONSTRUCTION WATER USAGE AND SEWER CLEANING COST DEPOSIT

- A. The Superintendent shall be responsible for establishing and publishing fair rates and deposits to cover the cost of construction Water Usage and Sewer Cleaning expense.

Section 6: CONTRACTOR REGISTRATION FEES

Initial Filing Fee is	\$50.00
Registration Renewal Fee is	\$25.00

Refer to Section 5.04 Building Service Sewers and Connections Item G of this ordinance for further requirements.

Section 7: DELINQUENT ACCOUNT SERVICE CHARGES

- A. When invoices are tendered for any of the charges listed in this Schedule, the invoice will normally indicate a due date. If an invoice does not indicate a due date, the due date will be considered the date which occurs thirty (30) days after the date of the invoice. For Delinquent Account Service Charges, the due date will be considered the date which occurs thirty (30) days after the application of such Delinquent Account Service Charge.

There shall be a delinquent account service charge added to any account left unpaid by the due date. The amount of the Delinquent Account Service Charge will be determined by monthly applying a one percent (1%) per month rate, times any amount left unpaid in the account by the due date, including Delinquent Account Service Charges left unpaid. The application of the Delinquent Account Service Charge shall be made on the day following the due date, and an additional Delinquent Account Service Charge shall be made on the same date of each subsequent month thereafter until the account is paid in full.

PART 109: ORDINANCE 2

WATER RESTRICTION ORDINANCE

THE TOWNSHIP OF LENOX, MACOMB COUNTY, MICHIGAN, ORDAINS:

SECTION 1: Preamble.

This Ordinance is to provide for the public health, safety and welfare of the citizens of Lenox Township to ensure restriction on water consumption during emergencies; the method and notification of such declaration; the water use restrictions; irrigation system restrictions; and to provide for penalty for failure to comply, so to ensure the supply of pressure demand for water is not endangered, or conditions within the water system of Lenox Township are such that action needs to be taken.

SECTION 2: Determination of Emergency: Emergency Regulations.

The Township Supervisor, or his designee, is hereby authorized to declare a water supply emergency whenever he determines any of the following conditions exist:

- A. An existing or anticipated drought condition;
- B. Loss or reduction in volume and/or pressure in water supply from the Detroit Water and Sewerage Department (DWSD);
- C. Failure of anyone or more parts of the supply system;
- D. Any condition that may result in a threat to the public health due to potential or documented contamination associated with low water pressure;
- E. Any condition that may reduce the Fire Department's available water supply to fight fires;
- F. Requests by the Detroit Water and Sewerage Department or Michigan Department of Environmental Quality to place restrictions on the system;
- G. Any use by system customers that adversely impacts peak water use between the hours of 5:00 AM and 11 :00 PM est. which could adversely affect future water supply charges and fees;
- H. Any use by system customers that adversely affects the Township's compliance with terms of its DWSD water contract.

SECTION 3: Notification of Emergency; When Effective.

- A. A water supply emergency shall exist when the Township Supervisor or his designee has caused a declaration of such emergency to be publicly announced by placing it on the Lenox Township reader board signs, placing it on Lenox Township's Website, placing it, when practical, over the appropriate cable television channel, placing it on the Lenox Township's telephone message machine, and, where practical, placing it on the radio or television. The Township Supervisor shall make a record of each date, time, and methods of such declaration. Irrespective of such methods of declaration, a water supply emergency shall be deemed to exist for any person who has received a direct written notice of such declaration.
- B. A declaration of water supply emergency shall include the effective date and time of such emergency, which may be immediate; the period of time during which such emergency shall be in effect, which may be for 24 hours per time, and until such further notice; and the types of outdoor water usage which are prohibited, which may include all outdoor uses involving DWSD water except fire protection; and may permit certain uses on alternating days or during restricted hours.

SECTION 4: Non-Emergency Water Use Restrictions, Irrigation System Restrictions.

- A. A property which is connected to the municipal water system is hereby restricted to irrigating during the following days and times between May 15 and October 1:
- (1) A property with an even-numbered address shall only be allowed to irrigate on even- numbered dates within a month;
 - (2) A property with an odd-numbered address shall only be allowed to irrigate on odd- numbered dates within a month;
 - (3) A property with a newly seeded or sodded lawn and any trees, shrubs and bushes may be, for the first 21 days after planting, irrigated as often as required for growth.

SECTION 5: Violations and Penalties.

A person who violates this SECTION shall be deemed responsible for a civil infraction and will be assessed a fine not to exceed \$500 for each violation. In this regard, a new violation shall be assessed for each day that a violation occurs.

SECTION 6: Any Section Herein that is in Conflict is Hereby Repealed.**SECTION 7: Effective Date.**

The terms and provisions of this ordinance are deemed to be an emergency ordinance which shall become effective upon publication and adoption.

PART 109: ORDINANCE 3

WASTEWATER DISCHARGE ORDINANCE DELEGATION AGREEMENT
CITY OF DETROIT - LENOX TOWNSHIP

THIS AGREEMENT is made this 4th day of May, 1992, between the CITY OF DETROIT, a municipal corporation organized under the laws of the State of Michigan, by its BOARD OF WATER COMMISSIONERS (hereinafter referred to as the "BOARD"), and Lenox Township, a public body corporate under the laws of the State of Michigan.

WITNESSETH:

WHEREAS, the City of Detroit through the Detroit Water and Sewerage Department ("DWSD") operates a publicly-owned treatment works ("POTW"), as defined at 40 C.F.R. Part 403.3 (o), presently located at 9300 West Jefferson in the City of Detroit, which treats wastewater or waste and storm water discharged into the wastewater collection system of the City of Detroit to which Lenox Township contributes;

WHEREAS, an Amended Consent Judgement was entered in United States District Court, Civil Action Numbers 77-71100 and 80-71614, which provided that all counties, communities and agencies under contract with the City of Detroit for sewage treatment services enact, or cause to be enacted, and to diligently enforce a sewer use and industrial waste control ordinance that is consistent with, and at least as stringent as, the sewer use and/or industrial waste control ordinance of the City of Detroit;

WHEREAS, on September 30, 1985; the Michigan Department of Natural Resource approved the Industrial Pretreatment Program for the City of Detroit and designated the City of Detroit as the Control Authority throughout the POTW's service area, which includes Lenox Township in accordance with the Federal Regulations, 40 C.F.R. Part 403 (General Pretreatment Regulations) and Part 21 of the Rules (MAC R323.2162) of the Michigan Water Resource Commission and has continuing approval authority over said program;

WHEREAS, the DWSD, as the operator of the POTW, the recipient of, and the responsible party for compliance with, the terms and conditions of the National Pollutant Discharge Elimination System ("NPDES") Permit Number as issued by the Michigan Water Resource Commission to the DWSD, and as Control Authority, must have authority and enforcement rights over Industrial Users and Their discharges with the entire service area in order to promptly and effectively fulfill its legal obligations under the NPDES permit, 40 C.F.R. Part 403, MAC R323.2162, and as Control Authority;

WHEREAS, execution of this agreement is in furtherance of the health, safety and general welfare of the residents of Lenox Township.

NOW, THEREFORE, in consideration of the promises and the covenants herein made, the parties agree as follows:

1. **Delegation.** Lenox Township hereby delegates and assigns the right, privilege and authority to administer and enforce the industrial pretreatment provisions of its applicable wastewater ordinance, as amended, to the BOARD with all necessary powers attendant to that administration and enforcement, including but not limited to the power to adopt rules and regulations for purposes consistent with said ordinances, and federal and state pretreatment standards, statutes, rules, regulations and requirements, and the BOARD is hereby designated the duly authorized representative of Lenox Township for such purposes under the powers of said ordinance, which administration and enforcement would otherwise be the responsibility of the Lenox Township.
2. **Discharge Limits.** At all times, Lenox Township shall through local ordinances enact and keep current discharge limitations no less stringent than those of the DWSD. DWSD shall provide Lenox Township with Detroit's current wastewater ordinances or a model of the adopted current wastewater ordinances and discharge limitations and any amendments thereto as they become effective.
3. **DWSD Commitments.** The Detroit Water and Sewerage Department will:
 - A. **Industrial User Identification.** Maintain a current listing of all known Industrial Users that may be subject to local, state and federal laws, rules and regulations applicable to wastewater discharge into a municipal sewage and treatment system. A file of data sufficient for the DWSD to perform its responsibilities will be maintained on each Industrial User in accordance with the applicable ordinance. Such data shall be available for review and inspection by the duly authorized representatives of Lenox Township and County of Macomb, provided such representatives shall at all times maintain the confidentiality of any data reviewed. Public inspection shall be available, except as otherwise protected by proprietary laws, rules and regulations.
 - B. **Permits.** Prepare, issue, administer and revoke an industrial waste discharge permit consistent with DWSD Enforcement Response Plan (ERP), 40 C.F.R. Part 403 and National and Local Pretreatment Standards and Requirements for each user requiring a permit pursuant to Lenox Township ordinance requirements.
 - C. **Wastewater Contributions.** Deny or condition new or increased contributions of pollutants or changes in the nature of pollutants to the waste collection System by Industrial Users. The term "Industrial User" shall mean those users defined in Section 1.02 of Lenox Township Ordinance No. 01-88 passed on 11-5-87 as may be amended from time to time as defined in 40 C.F.R. Part 403.

- D. Inspections and Surveillance. Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable National and Local Pretreatment Standards and Requirements as may be imposed by the Board or Lenox Township and the County of Macomb.
- E. Discharge Limitations. From time to time, establish discharge limitations, numerical and otherwise, as required for the proper operation of the system and compliance with its NPDES permit, approved programs, and federal, state and local laws, rules and regulations.
- F. POTW Spill Protection. Require Industrial Users to install containment facilities to protect the POTW from accidental spills or critical or hazardous materials in accordance with ordinance requirements.
- G. Administrative Action. Subject to the terms and conditions of the ERP adopted by the DWSD pursuant to 40 C.F.R. Part 403 and incorporated herein by reference, utilize administrative actions against the Industrial Users to bring about corrective actions in the event of a finding of noncompliance with local, state or federal laws, rules and regulations as pertains to the user's discharge. DWSD shall notify Lenox Township, in writing, addressed to the Township Supervisor of Lenox Township of all formal administrative actions, including notices of all hearings. Lenox Township is invited to have a representative appear and be heard at the hearings. The DWSD shall make the final decision on the contents of any resulting conciliation agreement or order issued. In the event Lenox Township does not agree with the contents of any conciliation agreement or order issued by DWSD in the course of any administrative action, the Township shall notify DWSD of the basis of its disagreement, and the parties hereto shall enter into discussions for the purposes of resolving any differences. DWSD will inform Lenox Township of its finding of any noncompliance.
- H. Legal Action. In the event the DWSD determines that the discharger's noncompliance has reached a point where legal action is required or where legal action is expressly provided for by the DWSD's ERP, conduct that legal action in its own name to enforce the local ordinance. Upon instituting such legal action, the DWSD shall provide a copy of the Complaint to Lenox Township. Lenox Township may initiate action that is not in conjunction with the DWSD. Upon instituting such legal action, Lenox Township shall provide a copy of the Complaint to DWSD. Both parties shall cooperate in providing any necessary and requisite assistance to each other for the filing and prosecution of the legal action. Nothing in this delegation agreement shall be construed to preclude or prohibit either party to this agreement from participating in legal action initiated pursuant to this paragraph.

- I. Removal Credit. To the extent authorized by law, in its capacity as operator of a publicly-owned treatment works, DWSD will, upon implementation of a Removal Credit Program for Industrial Users covered by federal categorical standards, be responsible for the issuance or non-issuance of removal credits. DWSD shall establish criteria which are uniform throughout the service area, and which are to be applied and interpreted in a uniform manner in each municipality, including the City of Detroit, by which the issuance or non-issuance of removal credits shall be determined and shall maintain a record of all applications and action for removal credits for Industrial Users located within Lenox Township, the DWSD shall notify, in writing, the City or Village Manager or Township Supervisor of Lenox Township of the receipt of such application and the steps to be taken in the administration of that application. Representative(s) of Lenox Township shall have the right to participate in any hearings, conferences or meetings pertaining to the application.
- J. Variations. To the extent authorized by law, be the sole controlling and issuing agency for variations from the standards and requirements which it promulgates. Variations from federal categorical limits shall only be issued by DWSD or any other agency to the extent they comply with applicable federal law. The DWSD will establish criteria for variations and guidelines that are uniform throughout its service area, and which are to be applied and interpreted in a uniform manner in each municipality including the City of Detroit, by which the determination of the permits of the variation request shall be guided. DWSD shall maintain a record of all variation requests, which record shall be available for inspection by the County of Macomb or any municipal member of a Sewage Disposal System located within Macomb County. Upon receipt of a variation request from an Industrial User located within the Township, DWSD shall notify the Township Supervisor, in writing, of the receipt of such request and the steps which will be taken in the administration of the request. Representative(s) of the Township shall have the right to attend and participate in hearings, conferences or meetings related to the variation request. Variations from entirely local standards which do not affect the POTW or exceed the DWSD's or any federal or state limitations in which the DWSD has no involvement and which do not affect the DWSD's interest may be issued solely by the local jurisdiction. The DWSD shall receive notice of any such variation within seven (7) days of issuance.

4. **Lenox Township Commitments.** Lenox Township will:
- A. **Cooperation.** Cooperate with reasonable requests from the DWSD in meeting its commitments under this agreement and as the duly-authorized Control Authority.
 - B. **Industrial User List.** Annually provide the DWSD a list of nonresidential accounts on the anniversary date of this agreement.
 - C. **Non-Interference.** Refrain from any action or steps which could, directly or indirectly, cause the POTW to violate its NPDES permit or its approved Pretreatment Program.
5. **Costs.** The DWSD's costs to conduct its activities under this agreement shall be borne by and recovered through charges collected from Industrial Users as defined by appropriate rate formulas and existing or future contracts between the parties. The billings for such services will be billed through the contracting agency for collection from the users. Payments from the users shall be forwarded to the DWSD by the contracting agency. The County of Macomb, the City, Village or Township shall not be responsible for payment of monthly billings of direct charges properly billed to any Industrial User who does not pay the charges billed to its account. The cost of enforcement of non- DWSD's requirements (requirements more stringent than those imposed by DWSD's Wastewater Discharge Control Ordinance) shall be borne by the originating agency. Nothing contained in this paragraph shall be construed to alter the responsibilities of Lenox Township under any existing sewer use contract.
6. **Successors.** This agreement shall inure to the benefit of and be binding upon the respective parties hereto, their successors and assigns.
7. **Effective Date.** This agreement shall take effect upon its approval and execution by the respective parties hereto.
8. **Applicable Law.** This agreement should be governed by and construed in accordance with the provisions of all applicable federal, state and local laws and regulations.
9. **Captions.** Captions to paragraphs and subparagraphs of this agreement have been included solely for the sake of convenient reference and are entirely without substantive effect.
10. **Counterparts.** This agreement may be executed in any number of counterparts, and each such counterpart hereof shall be deemed to be an original instrument, but all counterparts shall together constitute but one agreement.

11. **Termination.** This agreement may be terminated by joint action of all parties or by an individual party not less than one (1) year after its notice thereof in writing to all parties. Provided, however, that termination by an individual party shall not take effect if the result would be to put either party in violation of state or federal law, and applicable rules, regulations, standards or requirements.
12. **Notice.** Whenever notice is required to be provided in this agreement to Lenox Township or to DWSD, a copy of such notice shall be sent to the County of Macomb in care of _____*_____.
13. **Addendum.** Attached hereto and made a part hereof is Addendum A relating to specific conditions unique to Lenox Township, if applicable.

{The executed "agreement" is available at the Township Clerk's Office. This Ordinance/agreement is maintained with its original section and subsection headings to provide consistent references with the original agreement.}

PART 109: ORDINANCE 4

Temporary Construction Dewatering Activities Ordinance

THE TOWNSHIP OF LENOX ORDAINS:

SECTION 1: Purpose.

The Township of Lenox hereby determines that it is necessary to regulate temporary dewatering activities of construction projects in the Township for the protection of the public health, safety and general welfare based upon an evaluation of the characteristics of the Township's geology, soils, glacial land systems, aquifer characteristics of the glacial drift, seasonal water table depths, domestic and commercial well locations, transmissivity of glacial deposits and groundwater recharge rates.

SECTION 2: Definitions.

- A. *Temporary Construction Dewatering:* shall mean artificially lowering the groundwater table to facilitate underground construction, whether by means of pump and discharge, pump and recharge, well points, deep wells, horizontal wells, frozen trench, or other methods.
- B. *Dewatering Plan & Procedure:* shall mean a document prepared by a professional engineer licensed in the State of Michigan setting forth the method proposed for temporary construction dewatering of a construction site and including the process and procedures that shall be followed by the contractor to minimize the potential adverse impact on adjacent groundwater wells and surface water bodies.

SECTION 3: Mapped Characteristics.

The following mapped characteristics illustrate the evaluation conducted by the Township of Lenox in determining that this Ordinance was necessary to protect groundwater wells and surface water bodies from the potential adverse impacts of temporary construction dewatering. Appendices A through G are hereby made part of this Ordinance:

- A. Quaternary Geology of Lenox Township
- B. Glacial Land Systems of Lenox Township
- C. Aquifer Characteristics of Glacial Drift in Lenox Township
- D. Depth to Seasonal High Water Table in Lenox Township
- E. Groundwater Recharge in Lenox Township
- F. Glacial Deposits Transmissivity in Lenox Township
- G. Well Locations in Lenox Township

SECTION 4. Findings and Scope.

The Township of Lenox has studied the natural characteristics of the community's glacial geology, soils, water table depths, domestic and commercial well locations, and slow rate of groundwater recharge. Based on this evaluation of the natural characteristics of the township, as represented on Maps A through G of this Ordinance dated October 23, 2008, the Township of Lenox finds that it is necessary to regulate temporary construction dewatering operations throughout all areas of the township where sand seams provide the primary source for domestic water wells and surface water bodies. Construction projects where temporary construction dewatering is proposed involving installation of water mains, storm sewers, and sanitary sewers deeper than 12 feet, shall adhere to the requirements of this Ordinance for the approval of a dewatering plan, implementation of temporary construction dewatering operations, monitoring of dewatering impacts, mitigation of adverse ground water impacts, and suspension of temporary construction dewatering operations when found to be necessary for the protection of the public welfare.

SECTION 5. Fundamental Requirements.**A. *Temporary Construction Dewatering:***

- (1) If soil borings indicate that the static groundwater is higher than the elevation at which proposed construction work will take place, whether determined by initial soil borings or observed during construction, so that it will be necessary to dewater an area to continue construction, then a written dewatering plan and procedure shall be submitted to the Township by the applicant's Licensed Professional Engineer and approved by the Township Engineer prior to commencement of dewatering operations.
- (2) If groundwater is encountered during construction, the contractor shall contact Lenox Township immediately, documenting the need to dewater prior to any further construction.
- (3) If temporary construction dewatering plan and procedures are not submitted, or not adhered to following approval, the Township shall take action to suspend dewatering activities at the project until an acceptable procedure has been submitted and approved.
- (4) Should the Township determine that temporary construction dewatering being implemented by the contractor is causing an adverse impact to a well or lowering the ground water table causing a surface Irrigation pond to become adversely impacted, the contractor shall be required to provide potable drinking water to the household or business and suspend temporary construction dewatering activities until an acceptable procedure had been developed.

B. *Dewatering Plan Requirements:* The following plan elements shall be set forth within a written dewatering plan and procedure:

- (1) The number, location and depth of monitoring wells proposed upgradient of groundwater flow or installed in close proximity to the nearest property boundary.
- (2) Protection for all flush mount or above ground wells to prevent small children or animals from falling into the well.
- (3) Precautions to minimize generator noise and disturbance to surrounding residential areas consistent with the Township's current noise level standards.
- (4) Depth to which the ground water levels are proposed to be temporarily lowered.
- (5) Procedures to monitor dewatering so as to minimize dewatering depth.
- (6) Proposed temporary construction dewatering method, such as pump and discharge, pump and recharge, well points, deep wells, horizontal wells, or frozen trench method.
- (7) Method of disposal of ground water pumped from the dewatering operation. Pumped water shall be monitored to prevent erosion, flooding or other hardship or nuisance down gradient of the site. Approved discharge water must be directed to an established drainage course and shall be filtered using best management practices for sediment control before and after the water leaves the construction site and before entering a receiving wetland or water body, in accordance with an approved Soil Erosion and Sedimentation Control permit.
- (8) Frequency of recording water levels in the monitoring wells and pumping wells to NAVD'88 datum during the temporary dewatering operation and after project completion until groundwater has resumed to the preconstruction static level.
- (9) The construction of permanent construction dewatering wells shall not be permitted.
- (10) Certification by the applicant that the dewatering plan and procedure has been designed to mitigate adverse impact to adjoining or off-site properties during and after operations.

SECTION 6: Exempt Activities.

- A. Any activity that is exempt under Public Act Number 368 of 1978, as amended, shall be exempt from the provisions of this ordinance, including but not limited to construction of a single well of less than two (2) inches in diameter and not more than twenty-five (25) feet deep.
- B. A private well that is the source of potable water for a residence, business, farm, school, or similar use shall be exempt under the provisions of this Ordinance.
- C. Municipal projects that are constructed by Lenox Township that are anticipated to have no adverse impact.

SECTION 7: Violation and Penalties.

A violation of any provision of this Ordinance shall constitute a misdemeanor. Any person, firm, corporation, partnership or other entity who violates, disobeys, omits, neglects or refuses to comply with a provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00), or imprisonment in the County Jail for a period not to exceed thirty (30) days, or both such fine and imprisonment at the discretion of the Court. Each and every day, during which such violation continues, shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

In addition, the Township Board, or any member thereof, or the Prosecuting Attorney for the County of Macomb, may institute injunctive proceedings to prevent or enjoin any violation of the provisions of this Ordinance. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

SECTION 8: Severability.

This Ordinance and the various parts, sections, subsection, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional, invalid or unenforceable for any reason by a Court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof, irrespective of the fact that anyone or more parts, sections, subsection, phrases, sentences or clauses be declared invalid.

SECTION 9: Relationship To Other Laws And Ordinances.

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by governmental authority through legislation, rule or regulation, the more restrictive regulations or those which impose the higher standards shall govern.

SECTION 10: Effective Date.

This Ordinance shall take effect seven (7) days following the publication of a notice of adoption as provided by law (Publish date: February 25, 2009 - Effective date: March 4th, 2009).

SECTION 11: Adoption.

This Ordinance was adopted by the Lenox Township Board at a regular meeting thereof held on the 2nd day of February, 2009.