

25.0200

**SEWER USAGE AND ADMINISTRATION ORDINANCE  
TOWNSHIP OF GRAND HAVEN, MICHIGAN  
ord. no. 180 eff. Feb. 20, 1993**

An Ordinance to regulate and control the use of public and private sewers, sewer systems, and drains; to regulate and control the installation and connection of building sewers; to regulate and control the discharge of waters, and wastes into the public sewer system; to provide for the health, safety and general welfare of the peoples of the Charter Township of Grand Haven; to provide for the administration of this Ordinance; to prescribe penalties for the violation of this Ordinance; and to provide for conflicts with other Ordinances and regulations.

THE TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN  
ORDAINS:

25.0210

**CHAPTER 1: TITLE AND DEFINITIONS**

25.0211

**Sec. 1.1 TITLE**

This Ordinance shall be known and may be cited as the "Charter Township of Grand Haven Sewer Usage and Administration Ordinance".  
(ord. no. 180 eff. Feb. 20, 1993)

25.0212

**Sec. 1.2 RULES APPLYING TO TEXT**

The following rules of construction shall apply to the text of this Ordinance.

1. The particular shall control the general.
2. Except with respect to the definitions which follow in Section 1.4, the headings which title a chapter, section, or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
3. The word "shall" is always mandatory and not discretionary, the word "may" is permissive.
4. Unless the context clearly indicates to the contrary: (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
5. Words imparting masculine gender shall apply to feminine and also to firms, associations, partnerships, joint ventures, corporations, trust, and

municipal or public entities.

6. The word "person" includes a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or a combination of any of them as well as a natural person.
7. The word "Township" means the Charter Township of Grand Haven, Ottawa County, Michigan.
8. The words "Township Board" mean the Township Board of the Charter Township of Grand Haven.  
(ord. no. 180 eff. Feb. 20, 1993)

**25.0213      Sec. 1.3      WORDS NOT DEFINED**

For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.  
(ord. no. 180 eff. Feb. 20, 1993)

**25.0214      Sec. 1.4      DEFINITIONS**

Unless the context specifically indicates otherwise, the following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them:

1. **Authority:** The word "Authority" means the Grand Haven-Spring Lake Sewer Authority.
2. **BOD<sup>5</sup>:** (denoting Biochemical Oxygen Demand). The abbreviation "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C expressed parts per million by weight or in milligrams per liter.
3. **Building Drain:** The phrase "Building Drain" means that part of the lowest horizontal piping of a drain system which receives discharge from drainage pipes inside the walls or a building and conveys it to and is connected with the Building Sewer. The Building Drain shall be deemed to end five (5) feet outside the inner face of the building wall.
4. **Building Sewer:** The phrase "Building Sewer" means the extension of the Building Drain which begins five (5) feet outside the inner face of the building wall and continues to the Public Sewer or other place of disposal.
5. **COD:** (denoting Chemical Oxygen Demand). The abbreviation "COD" means the quantity of oxygen utilized in the chemical oxidation of organic

and inorganic matter under standard laboratory procedure at 20° C, expressed in parts per million by weight or in milligrams per liter.

6. **Combined Sewer:** The phrase "Combined Sewer" means a public sewer receiving both storm, surface and groundwaters, and wastewater.
7. **EPA:** The abbreviation "EPA" means the United States Environmental Protection Agency.
8. **Garbage:** The work "Garbage" means solid wastes from the preparation, cooking, and dispensing of food and the handling, storage, and sale of produce.
9. **Industrial Waste:** The phrase "Industrial Waste" means liquid waste from industrial processes.
10. **Natural Outlet:** The phrase "Natural Outlet" means any outlet into a watercourse, pond, ditch, or other body of surface or groundwater.
11. **Normal Sanitary Sewage:** The phrase "Normal Sanitary Sewage" means wastewater having a strength which is less than: (i) two hundred (200) parts per million (1,000,000) of biochemical oxygen demand or (ii) two hundred fifty (250) parts per million (1,000,000) by weight of suspended solids.
12. **Public Sewer:** The phrase "Public Sewer" means a sewer owned or controlled by the Township as well as the portion of any sewer owned or controlled by any other public body corporate which is located within the Township boundaries.
13. **Sanitary Sewer:** The phrase "Sanitary Sewer" means a public sewer which carries wastewater and in which storm, surface, and groundwaters are not intentionally admitted.
14. **Sewer:** The word "Sewer" means a pipe or conduit carrying wastewater and/or storm, surface, and groundwater.
15. **Storm Sewer or Storm Drain:** The phrases "Storm Sewer" or "Storm Drain" shall mean a public sewer which carries storm, surface, and groundwaters but excludes wastewater.
16. **Uncontaminated Industrial Process Water:** The phrase "Uncontaminated Industrial Process Water" shall mean wastewater which does not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.

17. **User:** The word "User" shall mean any person who contributes, causes, or permits the contribution of wastewater into a public sewer.
18. **Wastewater:** The word "Wastewater" shall mean water carried waste from residences, business buildings, industrial establishments, and/or other premises together with such infiltration as may be present.
19. **Wastewater System:** The phrase "Wastewater System" shall mean the Wastewater Treatment Plant, all facilities of the Authority, and the Township for collecting, sampling, monitoring and pumping waste water, and all facilities for collecting, sampling, monitoring or pumping wastewater that are owned or controlled by any other public body corporate whose wastewater is treated by the Wastewater Treatment Plant.
20. **Wastewater Treatment Plant:** The phrase "Wastewater Treatment Plant" shall mean the Authority Wastewater Treatment Plant, 1525 Washington Street, Grand Haven, Michigan.
21. **Watercourse:** The word "Watercourse" shall mean a channel in which a flow of water occurs either continuously or intermittently.  
(ord. no. 180 eff. Feb. 20, 1993)

**25.0220 CHAPTER 2: PURPOSE AND POLICY**

**25.0221 Sec. 2.1 PURPOSE AND POLICY**

This Chapter sets forth uniform requirements for users of the wastewater system and enables the Township and the Authority to protect public health in conformity with all applicable local, state, and federal laws relating thereto. The objectives of this Ordinance are:

1. To prevent the introduction of pollutants into the wastewater system which will interfere with its normal operation or contaminate the resulting municipal sludge;
2. To prevent the introduction of pollutants into the wastewater system which do not receive adequate treatment in the Wastewater Treatment Plant, and which will pass through the wastewater system into receiving waters or the atmosphere or otherwise to be incompatible with the wastewater system;
3. To meet the requirements of the EPA and Michigan Department of Natural Resources.  
(ord. no. 180 eff. Feb. 20, 1993)

**25.0230 CHAPTER 3**

**Sec. 3.1 DISCHARGE OF WASTEWATER**

The discharge or depositing of waste and wastewater shall be restricted and regulated as follows:

1. No person shall place, deposit, or discharge any waste or wastewater upon any public or private property in the Township.
2. No person shall discharge to any natural outlet in the Township any wastes or wastewater unless such discharge is specifically permitted and approved in writing by the state, county, or other governmental agency having jurisdiction.
3. No person shall construct, maintain, or use any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater unless the same is specifically permitted and approved in writing by the state, county, or other governmental agency having jurisdiction.
4. For reasons of public health, any structure in which wastewater originates lying within the Township shall be connected to any available sanitary sewer or combined sewer within eighteen (18) months after (i) written notice is given to the owner by certified mail by the Township of availability of a sanitary sewer or combined sewer and (ii) compliance with any notice or other requirements specified by state law. For purposes of this subsection, a sanitary sewer or combined sewer shall be considered to be available when it is located in a right of way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the property in question and passes not more than two hundred (200) feet at the nearest point from a structure in which wastewater originates. For purposes of this subsection, the phrase "structure in which wastewater originates" shall mean a building in which toilet, kitchen, laundry, bathing, or other facilities that generate wastewater are used or are available for use for household, commercial, industrial, or other purposes. If the structure in which wastewater originates has not been connected to an available sanitary sewer or combined sewer within such eighteen (18) month period, then the Township shall proceed in accordance with applicable state law to require connection to be made forthwith. In so proceeding, the Township shall have the rights and remedies provided in the applicable state law, as well as all rights and remedies provided by this Ordinance.
5. All discharges of waste or wastewater and actions by or against a user in relation thereto shall be subject to the requirements and provisions of the Authority's rules and regulations, as well as the provisions of this Ordinance. (ord. no. 180 eff. Feb. 20, 1993)

**25.0232            Sec. 3.2            PRIVATE SEWAGE DISPOSAL**

Private sewage disposal shall be restricted and regulated as follows:

1.     If a house, building or other premises used for human occupancy, employment, recreation or other purpose is not connected to a sanitary sewer or a combined sewer, then the building sewer shall be connected to a private wastewater disposal system permitted and approved by the County Health Department and, where appropriate the State Health Department and/or State Department of Natural Resources.
2.     At such time as connection is made to a sanitary sewer or a combined sewer, all septic tanks, cesspools and similar private wastewater disposal facilities shall be disconnected and abandoned.
3.     All persons shall operate and maintain private wastewater disposal facilities in a safe and sanitary manner at all times at no cost to the Township.
4.     This section shall not be constructed to preclude additional requirements that may be imposed by the Authority, or state or county government, or to excuse compliance with such requirements.

**25.0240            CHAPTER 4: SEWERS AND CONNECTIONS**

**25.0241            Sec. 4.1            BUILDING SEWERS AND CONNECTIONS**

All building sewers, building drains and connections to the public sewer shall be restricted and regulated as follows:

1.     No person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit therefore from the Township. No connection shall be made to a public sewer which will result in the discharge of industrial waste without the prior written approval of the Authority. No building sewer shall be covered until after it has been inspected and approved as being adequate and acceptable construction, size, and location by the Township.
2.     The owner shall be responsible, at his cost and expense, for the installation, connection and maintenance of the building sewer to its connection with the public sewer.
3.     Application for a permit to connect to the public sewer shall be made on appropriate forms provided by the Township. The application shall be supplemented by such plans, specifications, or other information as the

Township shall reasonably require. The Township Board shall establish permit and inspection fees by resolution. Such permit and inspection fees shall be paid at the time the application is filed. The Township may refuse to grant a permit to connect if the Township shall determine the Public Sewer System, the Wastewater Treatment Facilities, or the Treatment Plant do not have adequate capacity or capability to accommodate the proposed connection.

4. A separate and independent building sewer shall be provided for each building or premises, provided that where one building or premises stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building or premises through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear buildings or premises.
5. Old building sewers may be used in connection with new buildings and premises only when they are found on inspection by the Township to be of adequate construction, size, and location.
6. The size, slope, alignment, materials of construction of buildings or premises, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back filling the trench, shall conform to the requirements of the Township building and plumbing codes.
7. Whenever possible, the building sewer shall be brought to a building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by a building drain shall be lifted by a pump or other suitable device provided by the Township and discharged to the building sewer. The cost of such pump or other suitable device shall be paid by the sewer customer. Such pump or other suitable device shall be maintained in good condition and repair by the sewer customer and the sewer customer shall pay all charges and expenses for the operation of the pump or other suitable device.
8. The connection of the building sewer into the sanitary sewer shall conform to the requirements of the Township building and plumbing codes or other applicable rules and regulations of the Township, and the procedures set forth in appropriate specifications of the American Society for Testing and Materials and the Water Pollution Control Federation Manual of Practice No. 9, all as amended from time to time. All such connections shall be made gastight and watertight. Any deviation from these prescribed procedures and materials must be approved by the Township before installation.
9. The applicant for a sewer construction permit shall notify the Township when the building sewer is ready for inspection and connection to the public sewer.

The connection shall be made under the supervision of the Township. No backfill shall be placed until the work has been inspected and approved by the Township.

10. The basement floor level of all new structures from which it is anticipated that wastewater or industrial wastes shall emanate shall be at such level that the wastewater and wastes can flow by gravity to any sanitary sewer in the adjoining street connected with an invert eight (8) feet below the centerline of the street. The building sewer shall have a minimum drop from its commencement point to the invert of one-sixteenth (1/16th) inch per lineal foot. In the alternative, a pump or other suitable device shall be installed and maintained as provided in Subsection 7 of this Section to lift the wastewater or industrial wastes to the level of the sanitary sewer. An acceptable wastewater outlet facing the street where a sanitary sewer is available, or is proposed to be made available, shall be provided in all new structures. For the purpose of easily locating the building sewer, the installer of the building sewer shall also provide a ferrous metal stake located directly above the building sewer, beneath the ground but not deeper than six (6) inches below the final grade and located within five (5) feet of the property line and the street in which the sanitary sewer main is located.
11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored to their prior condition.
12. The owner shall indemnify and hold the Township and its employees, agents, and representatives free and harmless from any and all liability or responsibility for all injury, loss or damage that may result directly or indirectly from the installation, connection, and maintenance of the building sewer.  
(ord. no. 180 eff. Feb. 20, 1993)

**25.0242            Sec. 4.2            USE OF PUBLIC SEWERS**

The use of public sewers shall be restricted as follows:

1. No person shall discharge or cause to be discharged to any sanitary sewer any storm water, surface water, or groundwater. If an industry makes adequate provision for the disposal of its industrial wastes other than by discharging such wastes into the public sewer, and if such disposal is approved by the Michigan Department of Natural Resources, the Authority and all other governmental agencies having jurisdiction, then the Township may, by resolution, excuse such industry from depositing its industrial wastes into the public sewer.



2. Storm water, groundwater, surface water, and all other unpolluted drainage shall be discharged only to combined sewers, storm sewers, dry wells or a natural outlet. The discharge of cooling water or uncontaminated industrial process water to a natural outlet shall only be permitted when permitted and approved in writing by the state, county or other governmental agency having jurisdiction.
  
3. No person, who is required by the Authority, pursuant to its rules and regulations, as amended, to have a discharge permit shall discharge or cause to be discharged any wastewater or waste unless such permit is currently in force and the discharge is in full compliance with all conditions or restrictions which are contained in such permit. In addition, no person shall discharge or cause to be discharged any wastewater or waste which (i) prevents effective operation of the wastewater system, (ii) will pass through the Wastewater Treatment Plant or otherwise be incompatible with the Wastewater Treatment Plant, (iii) is prohibited by any federal or state law, rule, regulation, permit requirement, or standard which is applicable to the Authority or the Wastewater System, or (iv) is prohibited by the Authority's rules and regulations. With respect to such wastewater or waste, the Township and/or the Authority shall have the option to:
  - A. Reject the waste or wastewater;
  - B. Require satisfactory pretreatment as provided in the Authority's rules and regulations; and/or
  - C. Require, pursuant to the provisions of this Ordinance and/or the Authority's rules and regulations, the payment of extra charges to the Township and/or the Authority to pay for the added costs of handling and treating the waste or wastewater.
  
4. The Township shall have the right, at any time, by resolution to exclude from the Wastewater Treatment Plant all or a portion of the industrial waste or wastewater of Township customers, provided, however, that no such action shall be taken by the Township until it shall have first determined that such action is necessary in order to permit non-industrial waste or wastewater in the Township to be treated by the wastewater Treatment Plant.  
(ord. no. 180 eff. Feb. 20, 1993)

**25.0243            Sec. 4.3            DILUTION**

Except as expressly authorized under applicable categorical Pre-Treatment Standards, no user shall increase the use of potable or process water nor mix separate waste streams for the purpose of diluting a discharge, or otherwise dilute a discharge in any way, as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in the Ordinance.

(ord. no. 180 eff. Feb. 20, 1993)

**25.0244      Sec. 4.4      DISCLOSURE**

All nondomestic users proposing to connect to or contribute wastewater or waste to the wastewater system shall submit such information as the Township and/or the Authority shall reasonably request on their processes and wastewater before connecting to or contributing to the wastewater system. All existing nondomestic users connected to or contributing to the wastewater system shall promptly submit such information on their processes and wastewater as the Township and/or the Authority shall reasonable request. The information submitted shall be sufficient for the Township and the Authority to determine the impact of the user's discharge on the wastewater system and the need for pretreatment and shall be signed by an authorized representative of the user. Without limiting the generality of the foregoing disclosure requirements, the information which may be required pursuant to this Section may include any or all of the information required pursuant to the Authority's rules and regulations, or to applicable state or federal law.

(ord. no. 180 eff. Feb. 20, 1993)

**25.0245      Sec. 4.5      PRELIMINARY TREATMENT FACILITIES**

Where the waste or wastewater is required to be pretreated by the provisions of this Ordinance and/or and Authority's rules and regulations, the user shall provide, at his expense, such preliminary treatment as required pursuant to the Authority's rules and regulations and/or shall be necessary to reduce the objectionable characteristics or constituents of the waste or wastewater or control the quantities and rates of discharge of the waste or wastewater so that the wastewater system can operate effectively and in conformance with all federal and/or state laws, rules, regulations, permit requirements, or standards which are applicable to the wastewater system plans specifications, and other pertinent information relating to the proposed preliminary treatment facilities shall be prepared and submitted by a registered engineer for approval by the Township and the Authority, and no construction of such facilities shall be commenced until approval is given in writing by both the Township and the Authority. Review of the submitted plans, specifications and other information shall be completed within a reasonable time. Where preliminary treatment is required by this section, and the user is already discharging waste or wastewater into the wastewater system, then the user shall, at the request of the Township and/or the Authority, agree to a compliance schedule which shall specify by date those items which are to be accomplished by the user to complete all necessary preliminary treatment facilities and to bring the waste and wastewater being discharged into compliance with all requirements of this Ordinance and the Authority's rules and regulations.

Where preliminary treatment facilities are provided for any wastewater or waste, such facilities shall be maintained continuously in satisfactory and effective operation by

the user at his cost. The person operating and maintaining such facilities shall, at the request of the Authority and/or the Township, submit to the requesting party records or true copies thereof of the samplings taken from wastewater and waste discharged and such other reports and information as shall be necessary to assess and assure compliance with this Ordinance.  
(ord. no. 180 eff. Feb. 20, 1993)

**25.0246      Sec. 4.6      GREASE, OIL, AND SAND INTERCEPTORS**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Authority or the Township's Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients. Notwithstanding the foregoing, interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Authority and/or the Township and shall be located so as to be readily accessible for cleaning and inspection. All grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. Such interceptors shall be of substantial construction, watertight, and equipped with easily-removable covers which, when bolted in place, shall be gastight and watertight. All grease, oil, and sand interceptors shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times. Nothing contained in this Section shall limit the affect or excuse full compliance with other provisions of this Ordinance or of the Authority's rules and regulations, including, without limitation, any limitation on or prohibition against introduction of wastes into the wastewater system, any pretreatment requirements, and/or any permitting requirements.  
(ord. no. 180 eff. Feb. 20, 1993)

**25.0247      Sec. 4.7      SAMPLING FACILITIES**

When required by the Township and/or the Authority to assure adequate monitoring and control of the waste or wastewater discharge, the user of any building or premises served by a building sewer shall install a suitable control vault or station in the building sewer to facilitate observation, sampling, and measurement of the waste or wastewater being discharged. Such control vault or station shall be equipped by the user with a suitable composite sampler and continuous flow recorder. Such vault or station shall be accessible and safely located and shall be constructed in accordance with plans approved in writing by the Authority. Such vault or station shall be installed by the user at his cost and shall be maintained by him so as to be safe and accessible at all times. The person operating and maintaining such facilities shall, at the request of the Authority or the Township, submit to the requesting party records or true copies thereof of the wastewater or waste discharged and such other reports and information as shall be necessary to assess and assure compliance with this Ordinance and with the Authority's rules and regulations.  
(ord. no. 180 eff. Feb. 20, 1993)

**25.0248            Sec. 4.8            INDUSTRIAL SURVEILLANCE FEE**

With respect to all users that are required to maintain preliminary treatment facilities or sampling facilities pursuant to the provisions of this Ordinance and/or the Authority's rules and regulations, the Township, acting itself or through the Authority, shall institute a program pursuant to which Township or Authority personnel, as the case may be, periodically check and assess, through the taking of their own samplings, the accuracy and completeness of the sampling records and other reports and information provided to the Township and the Authority. The cost and expense incurred by the Township in conducting this program of periodic review or having the Authority conduct the program on its behalf shall be recovered from an industrial surveillance charge to be established by the Township or the Authority from time to time by resolution. The amount of this charge shall be determined for each sewer customer or class of sewer customers to which it applies and shall be billed by the Township as part of each affected sewer customer's periodic sewer billing.

If, based upon such review, the Township or the Authority determines that the sampling records or other reports and information provided to it/them by a user are not substantially accurate, the Township and/or the Authority may institute such sampling, laboratory analysis, and other procedures as are determined necessary to accurately sample and measure the waste and wastewater being discharged. All expenses and charges incurred by the Township itself or by the Authority for such sampling, review, and analysis shall be charged by the Township or the Authority to the affected sewer customer.

(ord. no. 180 eff. Feb. 20, 1993)

**25.0249            Sec. 4.9            SURCHARGES**

All nondomestic users of the public sewers shall pay a surcharge for the discharge of wastewater or waste containing more BOD<sub>5</sub>, COD, Phosphorus, or Suspended Solids than the threshold amount, with the exception that a surcharge can be made for either BOD<sub>5</sub> or COD, whichever is the greater dollar cost, but not for both.

The threshold for and amount of such surcharge shall be established periodically by the Authority. The surcharge shall be calculated and billed quarterly by the Township as part of the affected sewer customer's periodic sewer billing.

(ord. no. 180 eff. Feb. 20, 1993)

**25.02410            Sec. 4.10            PRETREATMENT STANDARDS**

Upon the promulgation of any final federal or state pretreatment standards or discharge limits for a particular industrial category or subcategory, such standards or limits, if more stringent than the requirements of this Ordinance or the Authority's

rules and regulations, shall be automatically incorporated as part of this Ordinance, shall be considered to supersede the requirements thereof, and shall become effective when specified by the promulgating agency. The Authority, on behalf of the Township, shall notify all affected users of the applicable standards or limits. (ord. no. 180 eff. Feb. 20, 1993)

**25.02411      Sec. 4.11      PRETREATMENT COMPLIANCE REPORTING**

Users shall submit reports to the Authority as required by or pursuant to its rules and regulations. Upon request by the Township a user shall provide a copy of any such report to the Township. (ord. no. 180 eff. Feb. 20, 1993)

**25.02412      Sec. 4.12      CONTAINMENT FACILITIES**

When required by the Township and/or the Authority to assure adequate protection for the wastewater system from accidental spills of critical or hazardous materials, the user shall develop and submit to the Township and the Authority an adequate spill prevention plan as required by the subject to the provisions of the Authority's rules and regulations. The adequacy of such plan shall be determined by the Authority. The Township and/or the Authority may require, as part of such plan, that the user provide, at his expense, suitable containment facilities within a time period specified by the Township and/or the Authority. Plans, specifications and other pertinent information relating to the proposed containment facilities shall be prepared and submitted for approval by the Authority, and no construction of such facilities shall be commenced until approval by the Authority is given in writing. Such containment facilities shall be maintained continuously in satisfactory condition by the user at his cost.

In the case of an accidental spill, the user shall give such notice and take such other actions as required by the Authority's rules and regulations. (ord. no. 180 eff. Feb. 20, 1993)

**25.02413      Sec. 4.13      ANNUAL PUBLICATION**

The Township or the Authority shall annually publish in the Grand Haven Tribune a list of the users which significantly violated any National Categorical Pretreatment Standard promulgated by the EPA or which otherwise has been determined by the Authority to be in significant noncompliance during twelve (12) previous months. This notification shall also summarize any enforcement actions taken against the user during the same twelve (12) months. In addition, a list of all industrial users which were the subject of enforcement proceedings pursuant to this Ordinance and/or the Authority's rules and regulations during the twelve (12) previous months, shall be published annually by the Township and/or by the Authority in the Grand Haven Tribune. This notification shall summarize the enforcement actions taken against

those users which during the previous twelve (12) months had violations that remained uncorrected forty-five (45) or more days after notification of noncompliance; or which have exhibited a pattern of noncompliance over the twelve (12) month period, or which involves failure to accurately report noncompliance. (ord. no. 180 eff. Feb. 20, 1993)

**25.02414      Sec. 4.14      PROTECTION FROM DAMAGE**

No unauthorized person shall enter or maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, equipment, or other part of the wastewater system. (ord. no. 180 eff. Feb. 20, 1993)

**25.02415      Sec. 4.15      INSPECTION**

The Township and its employees and agents, and the Authority and its employees and agents, when bearing proper credentials and identification, shall be permitted, with or without advance notice, to enter in and upon buildings and premises as may be necessary for the purposes of inspection, surveillance, measurement, sampling and testing to determine compliance with this Ordinance, or to take any actions reasonably necessary to protect the wastewater system or the health, safety and welfare of employees of the Wastewater Treatment Plant or the public. (ord. no. 180 eff. Feb. 20, 1993)

**25.02416      Sec. 4.16      LEGAL ACTION**

If any person discharges wastewater or waste into the wastewater system contrary to the provisions of this Ordinance, the Township, or the Authority on its behalf, may commence an action for appropriate legal and/or equitable relief. (ord. no. 180 eff. Feb. 20, 1993)

**25.02417      Sec. 4.17      EMERGENCY ACTION**

Notwithstanding any other provision of this Ordinance, the Authority and/or the Township may, for good cause shown, suspend the wastewater treatment service to a user when it appears to the Authority and/or the Township, as the case may be, that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, interferes with the operation of the wastewater system, or violates any pretreatment limits imposed by this Ordinance. Any user notified suspension of wastewater treatment service shall, within a reasonable period of time as determined by the Authority and/or the Township whichever has given the notice, cease all discharges. In the event of failure of the user to comply voluntarily with the suspension order within the specified time, the Township, or the Authority on its behalf, may commence judicial proceedings immediately thereafter to compel the user's

compliance with such order. The Township and the Authority shall reinstate the wastewater treatment service and terminate judicial proceedings upon proof by the user of the elimination of the non-complying discharge or conditions creating the threat of imminent or substantial danger as set forth above.  
(ord. no. 180 eff. Feb. 20, 1993)

**25.02418      Sec. 4.18      FALSIFICATION OF INFORMATION**

Any person who knowingly makes any false representation, statements, or certification in any application, report, record, plan, or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring or sampling device shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding ninety (90) days, or both.  
(ord. no. 180 eff. Feb. 20, 1993)

**25.02419      Sec. 4.19      RECOVERY OF COSTS**

Any user violating any of the provisions of this Ordinance, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the wastewater system, shall be liable to the Township and/or the Authority for any expense, loss, or damage caused by such violation or discharge. The Township and/or the Authority shall bill the user for the costs incurred by the Township and/or the Authority, as the case may be, for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this Ordinance enforceable as provided herein and also by appropriate legal action.  
(ord. no. 180 eff. Feb. 20, 1993)

**25.02420      Sec. 4.20      PUBLIC NUISANCE**

Any violation of this Ordinance is hereby declared to be a public nuisance per se. Accordingly, the Court shall, by injunction, order such nuisance abated and the user shall be adjudged guilty of maintaining a nuisance per se.  
(ord. no. 180 eff. Feb. 20, 1993)

**25.02421      Sec. 4.21      CONFLICTS**

Where provisions of any state or Authority law, rule or regulation or any other part of this Ordinance impose greater restrictions or higher standards than contained in this Ordinance, then the provisions of such law, rule, regulation, or other part of this Ordinance shall control.  
(ord. no. 180 eff. Feb. 20, 1993)

**25.0250            CHAPTER 5: PENALTIES AND MISCELLANEOUS PROVISIONS**

**25.0251            Sec. 5.1            VIOLATIONS**

Any person, firm, or corporation which violates the provisions of this ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this ordinance shall be a civil fine of not less than fifty dollars (\$50.00), plus costs and other sanctions. Increased civil fines may be imposed for repeated violations of this ordinance by a person, firm, or corporation. A "repeat violation" of this ordinance is a second or subsequent violation of this ordinance committed by a person, firm, or corporation within six (6) months of a prior violation of this ordinance, and for which the person, firm, or corporation admits responsibility or is determined to be responsible. The sanction for a violation of this ordinance which is a first repeat violation shall be a civil fine of not less than two hundred fifty dollars (\$250.00), plus costs and other sanctions. The sanction for a violation of this ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than five hundred dollars (\$500.00), plus costs and other sanctions. The Township Supervisor, Township Superintendent (Township Manager), the Township Director of Public Works, the Assistant Director of Public Works, and the Township Attorney are authorized to issue municipal civil infractions citations for violations of this ordinance.

(ord. no. 180 eff. Feb. 20, 1993; amend. by ord no. 220, eff. June 11, 1995; amend. by ord. no. 363 eff. Dec. 1, 2002)

**25.0252            Sec. 5.2            ADMINISTRATIVE LIABILITY**

No officer, agent, or employee of the Township or the Authority or member of the Township Board or the Authority Board shall render himself or herself personally liable for any damage that may occur to any person as a result of any acts, decisions, or other consequence or occurrence arising out of the discharge of their duties and responsibilities pursuant to this Ordinance.

(ord. no. 180 eff. Feb. 20 1993)

**25.0253            Sec. 5.3            SEVERABILITY**

This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

(ord. no. 180 eff. Feb. 20, 1993)

**25.0254            Sec. 5.4            RULES AND REGULATIONS**

The Township may, from time to time, adopt by resolution rules and regulations



governing operational, maintenance, and technical matters relating to the public sewer system. Violation of any such rule or regulation shall constitute a violation of this Ordinance and shall be subject to the penalties and other remedies hereinbefore prescribed in this Ordinance.

(ord. no. 180 eff. Feb. 20, 1993)

**25.0255      Sec. 5.5      REPEAL**

All Ordinances in conflict herewith in whole or in part are hereby repealed to the extent of such conflict. Ordinance No. 89 is specifically revoked in its entirety.

(ord. no. 180 eff. Feb. 20, 1993)

**25.0256      Sec. 5.6      EFFECTIVE DATE**

This Ordinance was approved and adopted by the Township Board on January 11, 1992 and shall take effect thirty (30) days after its publication in the Grand Haven Tribune.

ADOPT: Jan. 11, 1993

PUBLISH: Jan. 21, 1993

EFFECT; Feb. 20, 1993