

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 30
REGULATING THE DISPOSITION OF WASTE, USE OF PUBLIC &
PRIVATE SEWERS & DRAINS**

AN ORDINANCE REGULATING THE DISPOSITION OF WASTES, USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM AND PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

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SECTION 100 - DEFINITIONS

For the purpose of this ordinance the following words, phrases and abbreviations shall have the meanings set out below unless the context specifically indicates otherwise. Throughout the ordinance the verb "shall" indicates mandatory action, "may" indicates permissible action, and "will" is simple future.

101. APPROVING AUTHORITY shall mean the St. Ignace Township Board or its duly authorized agent or representative.

102. BOD (abbreviation for Biochemical Oxygen Demand) shall mean the quantity of oxygen used in the oxidation of organic matter under standard laboratory procedures in 5 days at 20° C., expressed in milligrams per liter as determined according to the most recent edition of Standard Methods for the Examination of Water and Wastewater.

103. BUILDING DRAIN shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning 5 feet (1.52 meters) outside the inner face of the building wall.

104. BUILDING SEWER shall mean the extension from the building drain to the public sewer or other place of disposal. (Also called HOUSE CONNECTION or SERVICE CONNECTION.)

105. **COMBINED SEWER** shall mean a sewer intended to receive both wastewater and storm or surface water.
106. **EASEMENT** shall mean an acquired legal right for the specific use of land owned by others.
107. **FLOATABLE OIL** shall mean oil, grease or fat in a physical state in which it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free from floatable oil if it is properly pretreated, and the wastewater does not interfere with the collection system.
108. **GARBAGE** shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
109. **GROUND GARBAGE** shall mean garbage which has been shredded to the degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than 1/2-inch (12.7 mm.) in any dimension.
110. **INDUSTRIAL WASTES** shall mean the wastewater from industrial processes or trade, as distinct from sanitary sewage.
111. **NATIONAL CATEGORICAL PRETREATMENT STANDARD OR PRETREATMENT STANDARD.** Any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of industrial users.
112. **NATURAL OUTLET** shall mean any outlet (including storm sewers and combined sewer overflows) into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
113. **NORMAL DOMESTIC STRENGTH WASTE** shall mean a liquid waste that is generated by a typical residence with the assumed concentrations of 200 mg/1 BOD, 240 mg/1 suspended solids, and 30 mg/1 ammonia.
114. **NPDES PERMIT** (National Pollutant Discharge Elimination System Permit) shall mean the licensing method used to maintain effluent quality standards by the Department of Natural Resources when authorizing the discharge of liquid pollutant into a surface water of the State, and includes monitoring requirements and maximum contaminant levels for the discharge.
115. **PARTS PER MILLION** (also **MILLIGRAMS PER LITER**) as a weight-to-volume ration. (To calculate pounds per million gallons multiply parts per million by 8.345.)
116. **PERSON** shall mean any individual, partnership, firm, group, company, association, corporation, or society.
117. **pH** shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

118. **PRETREATMENT OR TREATMENT** is the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a publically owned wastewater facility. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 CFR Section 403.6(d).
119. **PUBLIC SEWER** shall mean a common sewer controlled by a governmental agency or a public utility.
120. **SANITARY SEWAGE** (Also **NORMAL DOMESTIC STRENGTH WASTE**) shall mean any combination of liquid and water-carried wastes discharged from sanitary plumbing facilities, which has waste concentrations equivalent to normal domestic strength waste.
121. **SANITARY SEWER** shall mean a sewer that carries liquid and water-borne wastes from residences, industrial plants, commercial buildings, and institutions together with minor quantities of groundwater, storm water and surface waters that are not admitted intentionally.
122. **SEWAGE** shall mean the spent water of a community. (The term **WASTEWATER** is preferable.)
123. **SEWER** shall mean a pipe or conduit that carries wastewater or drainage water.
124. **SLUG** shall mean any discharge of water or wastewater which, for any length of time greater than 15 minutes, exceeds five times the average twenty-four hour concentration of any particular constituent or the average rate of flow during normal operation, and which will adversely affect the collection system or performance of the wastewater treatment works.
125. **STANDARD METHODS** shall mean the methods used in the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Associations.
126. **STORM DRAIN** (also **STORM SEWER**) shall mean a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.
127. **STORM WATER RUNOFF** shall mean that portion of rainwater that is drained into the sewers.
128. **SUSPENDED SOLIDS** 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. It is referred to as non-filterable residue.
129. **UNPOLLUTED WATER** shall mean water of a quality equal to or better than the effluent criteria in effect, or water that would not cause violation of water quality standards and which would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

130. **USER** shall mean any individual, partnership, firm, group, company, association, corporation, or society served by the wastewater system.

131. **WASTEWATER** shall mean the spent water of a community. With reference to source, it may be a combination of the liquid and water-borne wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and storm water that may be present.

132. **WASTEWATER FACILITIES** shall mean the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastewater and to dispose of the effluent.

133. **WASTEWATER SERVICE AREA** shall mean that area which is served by the wastewater system operated by the Township of St. Ignace.

134. **WASTEWATER TREATMENT WORKS** shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge.

SECTION 200 - REQUIRED USE OF PUBLIC SEWERS

This ordinance pertains to all wastewater generators within the wastewater service area of St. Ignace Township.

201. **WASTE DISCHARGES PROHIBITED.** It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner on public or private property within the service area of any St. Ignace Township wastewater system any animal or human excrement, garbage or objectionable waste.

202. **WASTEWATER DISCHARGES PROHIBITED.** It shall be unlawful to discharge into any natural outlet within the wastewater system area any wastewater or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this ordinance.

203. **UNAPPROVED ON-SITE SYSTEMS.** Except as hereinafter provided. It shall be unlawful to construct or maintain within the wastewater system area any non-Health Department approved, on-site treatment and disposal system, such as a privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

204. **PUBLIC SEWER CONNECTION.** The owner or owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes and situated within the wastewater system area on any street, alley or right-of-way in which there is located a public sanitary sewer is hereby required at the expense of the owner or those owners, to install suitable toilet facilities therein and to connect those facilities directly with the proper public sewer in accordance with the provisions of this ordinance within ninety days after the date of an official notice to do so, provided that the public sewer is within two hundred feet (61 meters) of the building.

205. **ALLOWABLE ON-SITE SYSTEMS.** On-site disposal shall be allowed for all wastewater generators who do not have a public sewer within 200' of the property line and who have a construction permit from the Michigan Department of Public Health.

SECTION 300 - BUILDING AND CONNECTIONS

301. **SEWER PERMIT REQUIREMENTS.** No person or persons shall uncover, make any connections with, or opening into, use, alter or disturb any public sewer or appurtenance to a sewer without first obtaining a written permit from the Approving Authority. No connection to the wastewater system shall be made unless it is officially determined that the system capacity is available.
302. **SEWER PERMIT APPLICATIONS.** There shall be two classes of building sewer permits:
- (a) for industrial service, and
 - (b) For non-industrial service. In either case, the owner(s) or his agent shall make application on a special form furnished by the Approving Authority. The permit application shall be supplemented, at the owners expense, by any plans, specifications, or other information requested by the Approving Authority. A permit and inspection fee of ten dollars (\$10.00) for a residential or commercial building sewer permit and twenty-five (\$25.00) for an industrial building sewer permit shall be paid to the Approving Authority at the time the application is filed.
303. **CONNECTION COSTS.** All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner or owners. The owner or owners shall indemnify the Approving Authority for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
304. **BUILDING SEWER REQUIREMENT.** A separate and independent building sewer shall be provided for every building discharging wastewater.
305. **USE OF OLD BUILDING SEWER.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Approving Authority, to meet all requirements of this ordinance.
306. **BUILDING SEWER CONSTRUCTION.** The size, slope, alignment, materials and construction of a building sewer and the methods to be used in excavating, placing of pipe, jointing, testing and backfilling shall all conform to the requirements of the building and plumbing codes and to other applicable rules and regulations of the Approving Authority. Wastewater facilities shall also conform to the provisions of the Water Pollution Control Federation Manual of Practice No. 9 Design and Construction of Sanitary and Storm Sewers and "10-States Standards".
307. **SEWER ELEVATION.** Whenever possible, the building sewer shall be brought to a building at a level below the level of the basement floor. In a building in which any building drain is too low to permit gravity flow into the public sewer, the wastewater carried by that low building drain shall be lifted by a pump or other approved means and discharged into the building sewer.
308. **CLEARWATER SOURCES NOT ALLOWED.** No person(s) shall connect downspouts, foundation drains, area-way drains, sump pumps or other surface runoff or groundwater to a building sewer or to a building drain which in turn is connected directly or indirectly to a public sewer, unless the connection is approved by the Approving Authority for the purpose of disposal of polluted surface drainage.

309. **BUILDING SEWER CONNECTION.** The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Approving Authority. All connections shall be made gas-tight and watertight and shall be verified by property testing. Any deviation from the prescribed procedures or materials must be approved by the Approving Authority before installation.

310. **CONNECTION APPROVAL.** An applicant for a building sewer installation shall notify the Approving Authority when the building sewer is ready for inspection and connection with the public sewer. The connection and testing shall be made under the supervision of the Approving Authority or his representative.

311. **CONSTRUCTION SAFETY.** All excavation for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Sidewalks, streets, parkways and other public property disturbed in the course of the work of installing a building sewer shall be restored in a manner satisfactory to the Approving Authority.

312. **CONNECTION CHARGE.** The Approving Authority may levy a connection charge upon the application for connection of a building sewer to the public sewer. The amount of this charge shall be determined by a resolution adopted by the Approving Authority. The amount shall be paid by the owner or owners of the building served by the building sewer.

SECTION 400 - USE OF THE PUBLIC SEWERS

401. **SANITARY SEWERS.** No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, surface drainage or cooling water to any sanitary sewer, except that storm water runoff from limited areas, which may be polluted at times, may be discharged into the public sewer by permission of the Approving Authority.

402. **INSPECTIONS.** Authorized persons of the Approving Authority may make inspections within the wastewater system area for sump pump connections to public sewers and illegal downspout connections. Violations shall be reported to the Approving Authority.

403. **STORM SEWERS.** Storm water other than that exempted under Section 401, and all other unpolluted drainage shall be discharged to such sewer specifically designated as storm sewers or to natural outlets approved by the Approving Authority. Unpolluted industrial cooling water or process water may be discharged, on approval of the Approving Authority, to a storm sewer or natural outlet.

404. **PROHIBITIONS AND LIMITATIONS.** Discharge of various substances, materials, waters, or wastes to the sewer system shall be limited to concentrations or quantities which in the judgment of the Approving Authority will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the groundwater, will not otherwise endanger life, limb, public property, and will not constitute a nuisance. The Approving Authority may set limitations more restrictive than the limitations established in the regulations below if, in its own opinion, such limitation established in the regulations below if, in its opinion, such limitations are necessary to meet the above prohibitions. In forming its opinion as to the acceptability of a particular waste being discharged to the sanitary sewer, the Approving Authority will have sole discretion, but 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 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 150 degrees Fahrenheit (65 degrees Celsius).
2. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
3. Gasoline, benzine, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
4. Water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singularly or by interaction with other wastes, to injure or interfere with any waste treatment process, to constitute a hazard to humans or animals, or to create a toxic effect in the receiving waters of the wastewater treatment works or exceed the standard in the National Categorical Pretreatment Standard. This prohibition of toxic pollutant will conform to Section 307(a) of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended.
5. Wastewater from industrial plants containing floatable oil, fat or grease.
6. Solid or vicious substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, sand, mud, straw, shavings, metal, glass, rags, manure, hair and fleshing, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
7. Garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewer from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places.
8. Water or wastes containing objectionable or toxic substances in concentrations that would result in the composite wastewater at the wastewater treatment works exceeding the limits established by the Approving Authority.
9. Water or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority.
10. Water or wastes having a pH lower than 6.0 or having other corrosive properties capable of causing damage or hazard to structures, equipment or personnel of the wastewater facility.
11. Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Approving Authority in compliance with State and Federal regulations.
12. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
13. Water or wastes containing substances which are not amendable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment site effluent cannot meet the requirements of the Approving Authority's NPDES Permit.

14. Water or wastes which, by interaction with other waste or wastes in the public sewer system, release obnoxious gases, which interfere with the collection system or create a condition deleterious to structures and treatment processes.
15. Material(s) which exert(s) or cause(s):
 - a. Unusual BOD, SS (suspended solids) or ammonia requirements in such quantities as to constitute a significant load on the wastewater treatment works.
 - b. Unusual flow volumes of concentrated wastes constituting "slugs" as defined herein.
 - c. Unusual concentrations of inert suspended solids (such as fuller's earth, lime slurries and lime residues) or dissolved solids (such as sodium sulfate).
 - d. Excessive discoloration (such as dye wastes and vegetable tanning solutions).

405. **VARIANCES.** Variance at its sole discretion may be issued upon application to the Approving Authority by a wastewater system user whereby wastes of unusual strength or character, either before or after pretreatment, may be accepted by the Approving Authority, provided there is not impairment of the functioning of the sewage disposal works or damage to the sewers or treatment facilities or receiving waters by reason of the admission of such wastes, and no extra costs are incurred by the Approving Authority without recompense by the person requesting admission of said waste into the sewage works.

SECTION 500 - INDUSTRIAL WASTES DIRECTED TO PUBLIC SEWERS

501. **INDUSTRIAL WASTE DISCHARGE CHARACTERIZATION.** Within three (3) months after the passage of this ordinance, each person who discharges industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent information relating to the quantity and characteristics of the wastes to be discharged into the wastewater works.

Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial waste shall prepare and provide to the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

502. **EXTENSION.** When it can be demonstrated that circumstances exist which would create an unreasonable burden on a person to comply with the schedule imposed by Section 501, a request for an extension of time may be presented for the consideration of the Approving Authority.

503. **ACCEPTANCE OF INDUSTRIAL WASTE.** If any waters or wastes are discharged or proposed to be discharged into the public sewers, and those waters or wastes contain substances or possess characteristics enlisted in Section 404 and which, in the judgment of the Approving Authority, may have a harmful effect upon the wastewater works, processes, equipment or

receiving waters, or which otherwise might create a hazard to life or health, or constitute a public nuisance, the Approving Authority may:

1. Reject the wastes
2. Require pretreatment to an acceptable condition for discharge into the public sewers
3. Require control over the quantities and rates of discharge, or
4. Require payment in addition to existing taxes or sewer charges to cover the added cost of handling and treating the wastes.

504. CONTROL MANHOLE(S). Each person discharging industrial wastes into a public sewer shall construct and maintain one or more manholes or access points to facilitate observation measurement and sampling of his wastes, including domestic wastewater. Control manholes and access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Approving Authority.

Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be a type acceptable to the Approving Authority.

Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at this expense, and shall be maintained in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority before the beginning of construction.

505. FLOW METERING. The volume of flow used for computing industrial waste collection and treatment charges shall be the metered water consumption of the wastewater system user as shown in the records of meter readings maintained by the owner except as noted in Section 2406.

506. RATE RELIEF. In the event that a wastewater system user discharging industrial waste into the public sewers produces evidence satisfactory to the Approving Authority that more than ten percent (10%) of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the Approving Authority and the wastewater system user.

507. WASTEWATER SAMPLING. Devices for measuring the volume of waste discharged may be required by the Approving Authority if that volume cannot be otherwise determined or estimated. Metering devices shall be installed, owned and maintained by the person discharging the waste. After approval and installation, the metering devices may not be removed or altered without the consent of the Approving Authority.

Samples shall be collected in a manner to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical, electric or electronic equipment acceptable to the Approving Authority.

Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority at all times.

Every care shall be exercised in the collection of samples to insure their preservation in a state similar to what it was at the time the sample was taken.

508. MONITORING CHANGES. The Approving Authority may, at its opinion, install structures and equipment, and perform the measuring and sampling called for above. In that case, all structures and equipment shall be considered part of the wastewater treatment works, and the costs of construction and maintenance shall be included in the service charge to the industrial user.

509. PRETREATMENT. When, in the opinion of the Approving Authority and in accordance with Title 40, Part 403 of the Code of Federal Regulations pursuant to Section 307 (b) of the Clear Water Act, as amended, and other applicable state and federal regulations, pretreatment is required to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment facility, the person so discharging shall provide, at his expense, the pretreatment facilities that the Approving Authority may deem necessary to render his waste acceptable for discharge into the public sewer.

Upon the promulgation of the National Categorical Pretreatment Standards for a particular subcategory, the Pretreatment Standard, if more stringent than limitations imposed under this Ordinance for sources in the subcategory, shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance. The Approving Authority shall notify all affected users of the applicable reporting requirements.

510. INTERCEPTORS. Grease, oil and sand interceptor devices shall be provided by the user, at his expense when, in the judgment of the Approving Authority, such devices are necessary for the proper handling of liquid wastes as described in this ordinance, or any flammable wastes, sands or other harmful ingredients. Such interceptors shall not be required for private dwellings. All interceptors shall be located so as to be easily accessible for cleaning and inspection. In the maintenance of the interceptors, the user shall be responsible for the proper removal and disposal by appropriate means of the captured material, and shall keep records of the dates and means of disposal. The records are subject to review by the Approving Authority. Any removal and handling of the collected materials not performed by the user's personnel must be performed by licensed waste disposal firms.

511. MEASURING AND TESTING. All measurements, tests and analysis of the characteristics of the water and wastes to which reference is made in this ordinance shall be determined in accordance with Title 40, Part 136, of the Code of Federal Regulations and in accordance with the latest edition of Standard Methods for Examination of Water and Wastewater. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

Determination of the character and concentration of the industrial wastes shall be made by the person discharging them. The Approving Authority may also make its own analysis of the wastes, and these determinations shall be binding as a basis for treatment service charges.

512. PLAN REVIEW. Plans, specification and any other pertinent information relating to proposed flow equalization pretreatment or processing facilities shall be submitted for review by the Approving Authority before the start of construction, if the effluent from those facilities is to be discharged into the public sewers.

SECTION 600 - POWER AND AUTHORITY OF INSPECTORS

601. **RIGHT OF ENTRY.** Duly authorized agents of the Approving Authority, bearing proper credentials and identification, shall be permitted to enter such properties as may be necessary for the purpose of inspecting, observing, measuring, sampling and testing to determine compliance with the provisions of this ordinance. They shall have no authority to inquire into any process beyond that point having direct bearing on the kind and source of discharge to the sewers, waterways or facilities for wastewater treatment.

602. **SAFETY.** While performing the necessary work on private premises, investigators shall observe all the safety rules applicable to the premises established by the user.

603. **RIGHT TO ENTER EASEMENTS.** Duly authorized agents of the Approving Authority, bearing proper credentials shall be permitted to enter all private properties through which the Approving Authority has duly negotiated easements, for the purpose of repair and maintenance of any portion of the wastewater works lying within the easement, subject to the terms, if any, in the agreement.

SECTION 700 - DAMAGE OR TAMPERING WITH WASTEWATER FACILITIES

701. **WILLFUL, NEGLIGENT OR MALICIOUS DAMAGE.** No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the wastewater facility.

SECTION 800 - VIOLATIONS AND PENALTIES

801. **WRITTEN NOTICE OF VIOLATION.** Any person found to be violating any provision of this Ordinance except Section 701 above shall be served by the Approving Authority with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The ceasing of violation will not absolve the violator of liability for any violation occurring prior to such cessation.

802. **ACCIDENTAL DISCHARGE.** Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a fine, pay the amount to cover damages as established by the Approving Authority.

803. **PENALTY FOR VIOLATIONS.** Any person, partnership, or corporation, or any officer, agent or employee thereof that shall violate this Ordinance shall upon conviction thereof, pay a fine of not more than \$500.00 together with the costs of prosecution. In default of payment of such fine and costs, said violator shall be imprisoned in the County Jail for a period of not to exceed thirty (30) days. Each day in which any continuing violation is continued beyond the aforementioned notice time limit shall be deemed a separate offense.

804. LIABILITY FOR LOSSES. Any person violating any provision of this Ordinance shall become liable to the Approving Authority for any expenses, loss or damage occasioned by reason of such violation which the Approving Authority may suffer as a result thereof.

SECTION 900 - ADMINISTRATIVE APPEALS - BOARD OF APPEALS

901. So provisions of the Ordinance may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of this section, the Township Board shall serve as a Wastewater Board of Appeals. The duty of such Board shall be to consider appeals from the decision of the Township Supervisor and to determine, in particular cases, whether any deviation from strict enforcement will violate the intent of the order or jeopardize the public health or safety.

902. An informal hearing before the Township Supervisor may be requested in writing by any user or contractee deeming itself aggrieved by any citation, order, charge, fee, surcharge, penalty or action within ten days after the date thereof, stating the reasons therefore with supporting documents and data.

The informal hearing shall be scheduled at the earliest practicable date, but not later than five (5) days after receipt of the request, unless extended by mutual written agreement. The hearing shall be conducted at a place designated by the Supervisor.

903. Appeals from orders of the Supervisor may be made to the Township Board, acting as a Board of Appeals, within thirty (30) days from the date of any citation, order, charge, fee, surcharge, penalty or other action. Such appeal may be taken by any person aggrieved. The appellant shall file a Notice of Appeal with the Supervisor and with the Board, specifying the ground thereof. Prior to a hearing, the Supervisor shall transmit to the Board a summary report of all previous action taken. The final disposition of the appeal shall be in the form of a resolution, either reversing, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the Board must concur.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the Board may reverse or affirm, in whole or in part, or may make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end have all the powers of the official from whom said appeal is taken. The decision of said Board shall be final.

The Board of Appeals shall meet at such times as the Board may determine. Meetings shall be open to the public in accordance with applicable laws. The Board shall adopt its own rules of procedure and keep a record of its proceedings, showing findings of fact, the action of the Board, and the vote of each member upon each questions considered. The presence of three (3) members shall be necessary to constitute a quorum.

The Board of Appeals may prescribe the sending of notice of such persons as it deems to be interested in any hearing by the Board.

904. All charges for service, penalties, fees or surcharges outstanding during any appeal process shall be due and payable to the Township. Upon resolution of any appeal, the Township shall

adjust such amounts accordingly; however, such adjustments shall be limited to the previous one year's billing unless otherwise directed by court order.

905. If an informal or formal hearing is not demanded within the periods specified herein, such administrative action shall be deemed final. In the event either or both such hearings are demanded, the action shall be suspended until a final determination has been made, except to Immediate Cease and Desist Orders issued pursuant to this Section.

906. Appeals from the determination of the Board of Appeals may be made to the Circuit Court for the County of Mackinac within twenty (20) days as provided by law. Such appeals shall be governed procedurally by the Administrative Procedures Act of the State of Michigan (1979 P.A. No. 306, MCLA 24.201 et seq). All findings of fact, if supported by the evidence, made by the Board shall be conclusive upon the Court.

SECTION 1000 - VALIDITY

1001. REPEAL OF CONFLICTING ORDINANCE. All ordinances or parts of ordinances or regulations in conflict with this ordinance are hereby repealed.

1002. VALIDATION CLAUSE. Invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other section, clause, sentence, or provision of this ordinance which can be given effect without the invalid part or parts.

SECTION 1100 - EFFECTIVE DATE

1101. DATE EFFECTIVE. This ordinance shall take effect and be in force from and after the 9th day of May, 2002.

1102. DATE OF ENACTMENT. Passed and adopted by the Township Board of the Township of St. Ignace in the County of Mackinac and the State of Michigan on this 9th day of May, 2002.