

## Chapter 27 WATER AND SEWERS\*

**\*Charter references:** Duties of city clerk regarding water and sewers, serial section 37; city council powers, serial section 65; power of city to regulate, serial section 76; sewer construction in general, serial section 261 et seq.

**Cross references:** Administration, Ch. 2; buildings and building regulations, Ch. 5; flood damage prevention, Ch. 11; housing, Ch. 14; streets, sidewalks and other public places, Ch. 23; zoning, Ch. 28.

Art. I. In General, §§ 27-1--27-25

Art. II. Water, §§ 27-26--27-70

Art. III. Wastewater System, §§ 27-71--27-105

Art. IV. Rates and Charges, §§ 27-106--27-113

### ARTICLE I. IN GENERAL

Secs. 27-1--27-25. Reserved.

### ARTICLE II. WATER

#### Sec. 27-26. Definitions.

Unless context indicates otherwise, the following words and phrases used in this article have these meanings: *Connection costs* means the costs and expenses incidental to the premises for the installation, connection, and maintenance of the water connection from the premises to the water main. The owner shall pay all costs and expenses incurred in the installation, connection and maintenance of the water connection. The owner shall also indemnify the city from any loss or damage that may directly or indirectly occur from the installation of the water connection.

*Department* means Department of Public Services/Water Division.

*Premises* means each lot, parcel of land, or building having any direct or indirect connection to the city's water distribution, storm sewer, or sanitary sewer systems.

*Water connection* means that part of the water distribution system beginning at the shutoff valve in the public right-of-way and extending to the premises.

*Water main* means that part of the water distribution system located within easement lines or streets designed to supply more than one (1) water connection.

(Code 1977, § 2.20; Ord. No. 2003-3, § 1, 4-8-03)

**Cross references:** Definitions and rules of construction generally, § 1-2.

#### Sec. 27-27. Department head; responsibilities.

The water department shall be headed by the superintendent of the water department. The department shall be responsible for the construction, operation and maintenance of city water mains and connections and other facilities pertaining to the water distribution system. It shall have charge of the pumping of water into and through the city water distribution system.

(Code 1977, § 1.127)

#### Sec. 27-28. Service connections.

Application for water connections shall be made to the department on forms prescribed and furnished by it. Water connections and water meters shall be installed in accordance with rules and regulations of the department and upon payment of the required connection fee and meter installation fee. All meters and water connections shall be the property of the city. Connection fees shall not be less than the cost of materials, installation and overhead attributable to such installations.

(Code 1977, § 2.21)

#### Sec. 27-29. Turning on water service.

No person, other than an authorized employee of the department, shall turn on or off any water service, except that a licensed plumber may turn on water service for testing his work (when it must be immediately turned off) or upon receiving a written order from the department; provided, that upon written permit from the department, water may be turned on for construction purposes only, prior to the granting of a certificate of occupancy for the premises, and upon payment of the charges applicable thereto.

(Code 1977, § 2.22)

#### Sec. 27-30. Water meters.

All premises using water shall be metered, except as otherwise provided in this Code. No person except a department employee shall break or injure the seal or change the location of, alter or interfere in any way with any water meter.

(Code 1977, § 2.23)

#### Sec. 27-31. Access to meters.

The water department shall have the right to shut off the supply of water to any premises where the department is not able to obtain access to the meter or outside reading device. Any qualified employee of the department shall, at all reasonable hours, have the right to enter the premises where such meters or outside reading devices are installed for the purpose of reading, testing, removing or inspecting same. No person shall hinder, obstruct or interfere with such employee in the lawful discharge of his duties in relation to the care or maintenance of such water meter or outside reading device.

(Code 1977, § 2.24)

**Sec. 27-32. Reimbursement for damage.**

Any damage which a meter may sustain resulting from carelessness of the owner, agent or tenant or from neglect of either of them to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water or steam backing from a boiler, shall be paid by the owner of the property to the city on presentation of a bill therefor; and in cases where the bill is not paid, the water shall be shut off and shall not be turned on until all charges have been paid to the city.

(Code 1977, § 2.25)

**Sec. 27-33. Meter failure.**

If any meter shall fail to register properly, the water department shall estimate the consumption on the basis of former consumption and bill accordingly.

(Code 1977, § 2.26)

**Sec. 27-34. Inaccurate meters.**

A customer may require that his water meter be tested. The test shall be witnessed by the customer or customer's agent. If the meter is found accurate or slow, a charge of ten dollars (\$10.00) will be made. If the meter is found defective, it shall be repaired or an accurate meter installed, and no charge shall be made for repair or replacement.

(Code 1977, § 2.27)

**Sec. 27-35. Accuracy required.**

A water meter shall be considered accurate if, when tested, it registers not to exceed two (2) percent more or two (2) percent less than the actual quantity of water passing through it. If a meter registers in excess of two (2) percent more than the actual quantity of water passing through it, it shall be considered "fast" to that extent. If a meter registers in excess of two (2) percent less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.

(Code 1977, § 2.28)

**Sec. 27-36. Bill adjustment.**

If a water meter has been tested at the request of a consumer and shall have been determined to register "fast" the city shall credit the consumer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by such consumer, within the three (3) months prior to the test, and if a meter so tested is determined to register "slow," the department may collect from the consumer a sum equal to the percent "slow" multiplied by the amount of all the bills incurred by the consumer for the prior three (3) months. When the department on its own initiative makes a test of a water meter, it shall be done without cost to the consumer, other than his paying the amount due the city for water used by him as above provided, if the meter is found to be "slow."

(Code 1977, § 2.29)

**Sec. 27-37. Hydrant use.**

No person, except an employee of the city in the performance of his duties, shall open or use any fire hydrant except in case of emergency, without first securing a written permit from the department and paying such charges as may be prescribed.

(Code 1977, § 2.30)

**Sec. 27-38. Lawn sprinkling.**

The city manager, subject to approval by the commission, may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for firefighting. No such regulation, limitation or prohibition shall be effective until twenty-four (24) hours after the publication thereof in a newspaper of general circulation in the city. Any person violating any such rule or regulation shall, upon conviction thereof, be punished as prescribed in section 1-18 of this Code.

(Code 1977, § 2.31)

**Sec. 27-39. Additional regulations.**

The city manager may make and issue additional rules and regulations concerning the water distribution system, connection thereto, meter installations and maintenance, connection and meter installation fees, hydrants and water mains and the appurtenances thereto, not inconsistent herewith. Such rules and regulations shall be effective upon approval by the city council. The rules and regulations now in effect shall continue until changed in accordance with this section.

(Code 1977, § 2.32)

Sec. 27-40. Injury to facilities.

No person, except an employee of the city in the performance of his duties, shall willfully or carelessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the city water distribution system.

(Code 1977, § 2.33)

Sec. 27-41. City well pollution.

It shall be unlawful for any person to construct or maintain, or permit to be constructed or maintained, within a radius of two hundred (200) feet from any of the municipal water wells within the city from which the city draws its water supplies, any source of possible contamination or pollution to such wells.

(Code 1977, § 2.34)

Sec. 27-42. Water system pollution.

It shall be unlawful for any person to do any act, or to allow to be done any act, that may contaminate or pollute or contribute to the contamination or pollution of the water supply wells or water system of the city.

(Code 1977, § 2.35)

Sec. 27-43. Adoption of cross-connection rules by reference.

That certain document, copies of which are on file in the office of the city clerk, in the city, consisting of the Water Supply Cross Connection Rules of the Michigan Department of Public Health, being R 325.431 to R 325.440 of the Michigan Administrative Code is hereby adopted by reference.

(Code 1977, § 2.36)

Sec. 27-44. Inspection of possible cross-connections.

It shall be the duty of the water department 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 reinspections based on potential health hazards involved shall be as established by the water department and as approved by the state department of public health.

(Code 1977, § 2.37)

Sec. 27-45. Right of employees to enter property, obtain information; effect of refusal.

The representative of the water department shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the city for the purpose of inspecting the piping system or systems thereof for cross-connections. On 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.

(Code 1977, § 2.38)

Sec. 27-46. Disconnection of service for violations.

The water department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of sections 27-43 through 27-47 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 has been eliminated in compliance with the provisions of sections 27-43 through 27-47.

(Code 1977, § 2.39)

Sec. 27-47. Label for unsafe water; ordinance to be supplementary; violations.

(a) The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by sections 27-43 through 27-47 and by the state and city 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

(b) The provisions of sections 27-43 through 27-47 do not supersede the state and city plumbing codes, but is supplementary to them.

(c) Any person found guilty of violating any of the provisions of sections 27-43 through 27-47, or any written order of the water department, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to the penalty provided for in section 1-18 of this Code.

(Code 1977, § 2.40)

Sec. 27-48. Fireline-sprinkler systems.

All fireline or fire sprinkler services shall be equipped with a fireline meter or with a detector check valve with a branch meter. Detector check valves complete with fittings required for setting of branch meter by the department shall be

furnished and installed by the customer at the time of original fireline or fire-sprinkler installation or when modifications to an existing system are made, including that required by the cross-connection control regulations. All branch meters will be furnished and installed by the department. The department shall be reimbursed by the customer for purchase price plus overhead for branch meters larger than one and one-half (1 1/2) inches in size.  
(Code 1977, § 2.40(c))  
Secs. 27-49--27-70. Reserved.

### ARTICLE III. WASTEWATER SYSTEM\*

\***Editor's note:** Ord. No. 91-7, § 1, adopted March 12, 1991, repealed Art. III, §§ 27-71--27-84, which pertained to sewers and derived from Code 1977, §§ 2.41--2.53. Section 2 enacted provisions which have been designated as Art. III, §§ 27-71--27-97. See the Code Comparative Table.

#### Sec. 27-71. Purpose and scope.

(a) *Purpose.* The purpose of this chapter is to establish standards, rules and regulations with respect to the use of the POTW; to provide for charges for connection and use of the system and to prevent the pollution of the environment.

(b) *Scope.*

(1) This chapter shall apply to the city and to persons outside the city who, by contract or agreement with the city, discharge into the POTW. Another municipality that discharges into the POTW shall adopt an ordinance which is substantially identical to sections 27-71 through 27-97 of this chapter and which is approved by the city as being sufficiently identical.

(2) This chapter provides for the regulation of discharges into the POTW through the issuance of permits to significant industrial users and through enforcement of the chapter's requirements against all dischargers into the POTW. This chapter authorizes monitoring and enforcement activities and requires discharger reporting.

(Ord. No. 91-7, § 2, 3-12-91; Ord. No. 99-4, § 1, 3-16-99)

#### Sec. 27-72. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings described in this section unless the context in which they are used specifically indicates otherwise:

*Act* means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

*B.O.D. (biochemical oxygen demand)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter.

*Building sewer* means any and all pipes connecting a premises to a public sanitary sewer or storm sewer for the purposes of conveying sewage or storm water of any kind from that premises' pipes to the sanitary sewer or storm sewer.

*Bypass* means the intentional diversion of waste streams from any portion of a user's treatment facility.

*Categorical Pretreatment Standards (also "FCPS")* means national pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into a POTW by a specific category of industrial users described in such standards. Categorical pretreatment standards include the following categorical standards and those which are hereafter promulgated by USEPA, along with amendments to the existing or hereafter promulgated standards:

EPA Effluent Guidelines and Standards for Dairy Products (40 CFR 405);

EPA Effluent Guidelines and Standards for Grain Mills (40 CFR 406);

EPA Effluent Guidelines and Standards for Canned and Preserved Fruits and Vegetables (40 CFR 407);

EPA Effluent Guidelines and Standards for Canned and Preserved Seafood (40 CFR 408);

EPA Effluent Guidelines and Standards for Sugar Processing (40 CFR 409);

EPA Effluent Guidelines and Standards for Textiles (40 CFR 410);

EPA Effluent Guidelines and Standards for Cement Manufacturing (40 CFR 411);

EPA Effluent Guidelines and Standards for Feedlots (40 CFR 412);

EPA Effluent Guidelines and Standards for Electroplating (40 CFR 413);

EPA Effluent Guidelines and Standards for Organic Chemicals (40 CFR 414);

EPA Effluent Guidelines and Standards for Soaps and Detergents (40 CFR 417);

EPA Effluent Guidelines and Standards for Fertilizer Manufacturing (40 CFR 418);

EPA Effluent Guidelines and Standards for Petroleum Refining (40 CFR 419);

EPA Effluent Guidelines and Standards for Iron and Steel Manufacturing (40 CFR 420);

EPA Effluent Guidelines and Standards for Nonferrous Metals (40 CFR 421);

EPA Effluent Guidelines and Standards for Phosphate Manufacturing (40 CFR 422);

EPA Effluent Guidelines and Standards for Steam Electric Power Generating (40 CFR 423);

EPA Effluent Guidelines and Standards for Ferroalloy Manufacturing (40 CFR 424);

EPA Effluent Guidelines and Standards for Leather Tanning and Finishing (40 CFR 425);  
EPA Effluent Guidelines and Standards for Glass Manufacturing (40 CFR 426);  
EPA Effluent Guidelines and Standards for Asbestos Manufacturing (40 CFR 427);  
EPA Effluent Guidelines and Standards for Rubber Processing (40 CFR 428);  
EPA Effluent Guidelines and Standards for Timber Products (40 CFR 429);  
EPA Effluent Guidelines and Standards for Pulp, Paper and Paper Board (40 CFR 430);  
EPA Effluent Guidelines and Standards for Builders Paper and Board Mills (40 CFR 431);  
EPA Effluent Guidelines and Standards for Meat Products (40 CFR 432);  
EPA Effluent Guidelines and Standards for Metal Finishing (40 CFR 433);  
EPA Effluent Guidelines and Standards for Offshore Oil and Gas Extraction (40 CFR 435);  
EPA Effluent Guidelines and Standards for Mineral Mining and Processing (40 CFR 436);  
EPA Effluent Guidelines and Standards for Pharmaceutical Manufacturing (40 CFR 439);  
EPA Effluent Guidelines and Standards for Ore Mining and Dressing (40 CFR 440);  
EPA Effluent Guidelines and Standards for Paving and Roofing Materials (40 CFR 443);  
EPA Effluent Guidelines and Standards for Paint Formulating (40 CFR 446);  
EPA Effluent Guidelines and Standards for Ink Formulating (40 CFR 447);  
EPA Effluent Guidelines and Standards for Gum and Wood Chemicals Manufacturing (40 CFR 454);  
EPA Effluent Guidelines and Standards for Pesticides Chemicals Manufacturing (40 CFR 455);  
EPA Effluent Guidelines and Standards for Explosives Manufacturing (40 CFR 457);  
EPA Effluent Guidelines and Standards for Carbon Black Manufacturing (40 CFR 458);  
EPA Effluent Guidelines and Standards for Photographic Processing (40 CFR 459);  
EPA Effluent Guidelines and Standards for Hospitals (40 CFR 460);  
EPA Effluent Guidelines and Standards for Inorganic Chemicals (40 CFR 415);  
EPA Effluent Guidelines and Standards for Coil Coating (40 CFR 465);  
EPA Effluent Guidelines and Standards for Porcelain Enameling (40 CFR 466);  
EPA Effluent Guidelines and Standards for Aluminum Forming (40 CFR 467);  
EPA Effluent Guidelines and Standards for Copper Forming (40 CFR 468);  
EPA Effluent Guidelines and Standards for Electrical and Electronic Components (40 CFR 469);  
EPA Effluent Guidelines and Standards for the Battery Manufacturing Point Source Category (40 CFR 461);  
EPA Effluent Guidelines and Standards for Plastics Molding and Forming (40 CFR 463);  
EPA Effluent Guidelines and Standards for Nonferrous Metals Forming and Metal Powders (40 CFR 471);  
EPA Effluent Guidelines and Standards for Metal Molding and Casting (40 CFR 464).

*City* means the City of Jackson.

*City director* means the director of sewage treatment facilities or other person designated by the city manager to exercise control over the city collection system and the POTW treatment plant.

*C.O.D.* means chemical oxygen demand or the measure of the oxygen consuming capacity of inorganic and organic matter present in water or wastewater, expressed as the amount of oxygen consumed from a chemical oxidant in a specified test; it does not differentiate between stable and unstable organic matter, and thus does not necessarily correlate with B.O.D.

*Code* means the Code of the City of Jackson.

*Collection system* means all of the common sewers, lift stations, pumps, and other equipment of the city and of a municipality which has a contract with the city for discharge to the POTW treatment plant which are primarily installed to receive wastewater and pollutants directly from users for transmission to the POTW treatment plant.

*Combined sewer* means any sewer designed or intended to receive both storm water and sewage.

*Construction* means any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises, if such equipment will in any way actually or potentially affect the quality or quantity of discharges or the measurement or analysis of a discharge.

*Daily average* means the sum of the concentrations of a constituent for the measurement period divided by the number of days on which the discharge was sampled and analyzed in such period. The concentrations which are added are single numbers for single days for all days for which analyses are obtained (whether by the user or the city), but such concentrations may be based upon a sample or samples taken over either all or part of that day and upon single or multiple analyses for that day as determined by the city. Sampling for daily average shall be twenty-four-hour flow proportioned composite samples except that a minimum of four (4) grab samples shall be taken in lieu of a twenty-four-hour flow proportioned composite sample for a single day for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. If it is not feasible to obtain a flow proportioned composite sample, a time proportioned composite sample or a minimum of four (4) grab samples may be used in lieu of the flow proportioned composite sample, if the user demonstrates to the city director that representative samples will be obtained.

*Daily maximum* means the concentration which shall not be exceeded on any single calendar day. Sampling for daily maximum shall be a twenty-four-hour flow proportioned composite sample except that a minimum of four (4) grab samples shall be taken in lieu of a twenty-four-hour flow proportioned composite sample for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. If it is not feasible to obtain a flow proportioned composite sample, a time proportioned composite sample or a minimum of four (4) grab samples may be used in lieu of the flow proportioned composite sample if the user demonstrates to the city director that a representative sample will be obtained.

*Discharge* means the introduction of pollutants into the POTW which is either intentional or unintentional.

*Domestic user* means a user that discharges only domestic wastes or wastes from sanitary conveniences.

*Existing source* means any source which is not a new source as defined in this section.

*Garbage* means solid wastes from domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

*Groundwater* means water which is pumped or otherwise captured from the ground and which is not used in a process. Mere treatment of groundwater is not use in a process.

*Interceptor sewer lines* means those lines whose basic function is to collect wastewater from two or more separate trunk sewer lines and to transport such wastewater to the POTW treatment plant.

*Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (i) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and, (ii) therefore is a cause of a violation of any requirement of the NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.

*Major user* means any user of the POTW that (i) has a discharge to the POTW of twenty-five thousand (25,000) gallons or more per average work day, or (ii) discharges or has the potential to discharge any toxic pollutant as defined pursuant to Section 307 of the Act, or chlorinated dibenzo dioxins or chlorinated dibenzo furans, or (iii) is found by the city director to potentially have significant impact, either singly or in combination with other users, on the POTW, or (iv) is subject to a FCPS, or (v) discharges wastewater which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW.

*MDNR* means the department of natural resources of the State of Michigan or its successor.

*mg/l* means milligrams per liter, or ppm.

*ug/l* means micrograms per liter, or ppb.

*New source* means:

(1) Any building, structure, facility, or installation from which there is or may be a discharge, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge at an existing source; or
- c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of b. or c. of this section but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- a. Begun, or caused to begin, as part of a continuous on-site construction program:
  1. Any placement, assembly, or installation of facilities or equipment; or
  2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

*Nondomestic user* means a user other than a domestic user.

*NPDES permit* means a permit issued pursuant to the national pollution discharge elimination system for the discharge of wastewater into the surface waters of the state.

*Organic chemicals* means compounds composed of carbon and hydrogen or their derivatives which are manmade or by-products of manmade or natural substances which include, but are not limited to, synthetic fibers, plastics, rubber, medicinals, solvents, surface-active agents, pesticides, and other agricultural chemicals and lubricating oil additives or other petroleum derivatives.

*Pass through* means a discharge which exists the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

*Person* means any individual, firm, municipality, company, association, society, corporation, partnership, or group, including their officers and employees who have responsibility for or actual involvement in the matters regulated by this chapter.

*pH* means the negative logarithm of the concentration of hydrogen ions in grams per liter of solution.

*Pollutant* means any material which is discharged to the POTW or is proposed for discharge to the POTW. The term also includes properties of such materials such as pH and heat.

*POTW* means the treatment works, as defined by Section 212 of the Act, which are owned by the city and the collection system. The term also means the city or its authorized representative. This term includes any devices, processes, and systems used by or for the city in the storage, treatment, recycling, or reclamation of wastewater or sludge from the treatment works or the collection system.

*POTW treatment plant* means the POTW exclusive of the collection system.

*Premises* means each lot or parcel of land, or building, having any connection, direct or indirect, to the POTW.

*Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in sewage or a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes, or by other means, except as prohibited by 40 CFR Section 403.6(d) and (e) as amended.

*Severe property damage* means substantial physical damage to property, damage to the treatment facilities of a user which causes them to become all or partially inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

*Significant industrial user* means: (i) All industrial users subject to categorical pretreatment standards; and (ii) Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

*Slug discharge* means a discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

*Source* means any building, structure, facility, vehicle, or installation from which there is or may be a discharge to the POTW.

*State director* means the executive secretary of the water resources commission of the State of Michigan.

*Storm sewer* means a sewer intended to carry only storm waters, surface runoff, street wash waters, and drainage of waters which are not wastewater.

*Suspended solids (S.S.)* means solids that either float on the surface of, or in suspension in, wastewater and which can be removed by standard laboratory procedures.

*TKN (total Kjeldahl Nitrogen)* means the measure of the total ammonia nitrogen present in wastewater after any organic nitrogen present has been converted to ammonia nitrogen under standard digestive procedures and expressed in milligrams per liter.

*Upset* means an exceptional incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards or other limits applicable to the user because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

*USEPA* means the United States Environmental Protection Agency or its successor.

*User* means a person who discharges into the POTW and a municipality whose collection system discharges into the POTW.

*Wastewater* means water discharged to the POTW by a user which may or may not contain other pollutants.

(Ord. No. 91-7, § 2, 3-12-91; Ord. No. 99-4, § 2, 3-16-99; Ord. No. 2003-4, § 1, 4-8-03)

#### Sec. 27-73. Management; regulations.

(a) *Management of the POTW.* The POTW shall be and remain under the management, supervision, and control of the city. The city may employ a city director to administer the facility and may employ such others as the city deems advisable to carry out the management and operation of the POTW. The city may make such rules, orders, or regulations as deemed advisable and necessary to assure the management and operation of the POTW.

(b) *Standards, rules, and regulations.* The standards, rules, and regulations established in or pursuant to this chapter are for the preservation of the public health, safety and welfare, and to fulfill the obligations of the city with respect to state and federal law and all rules and regulations adopted pursuant thereto.

(Ord. No. 91-7, § 2, 3-12-91)

#### Sec. 27-74. Wastewater disposal.

(a) *Wastewater discharges to natural outlets.* It shall be unlawful to discharge without an NPDES permit to any natural outlet within the city, or in any area under its jurisdiction, either directly or through a city storm sewer.

(b) *Wastewater disposal.* Except as provided in this article, 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.

(c) *Private system required.* All houses, buildings, or properties which are required by other authority to have sanitary or industrial wastewater facilities and are located where the POTW is not available or required as specified by the provisions of paragraph (f) of this section, shall be equipped at the owner's expense, with suitable wastewater facilities connected to a private wastewater disposal system which complies with the provisions of this section, and all applicable requirements of the State of Michigan Department of Public Health and Jackson County Sanitation Code.

This section shall not apply to any private system which discharges to the POTW or which discharges directly to a natural outlet by authority of a separate NPDES permit and in compliance with applicable state and federal laws.

(d) *Sanitary operation required.* The owner or operator of any private wastewater disposal facilities shall operate and maintain same in a sanitary manner at all times in accordance with applicable state requirements and at no expense to the city. Such facilities shall be subject to inspection by the city at reasonable times.

(e) *Further requirements.* No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by health officials or other applicable authorities.

(f) *Connection to wastewater sewer required.* The owner of any house, building, or property which is used for human occupancy, employment, recreation, or other purposes, and abutting on any street, alley, or right-of-way in which the POTW is available, is required at the owner's expense to install suitable wastewater disposal facilities therein, and to connect such facilities directly to the POTW in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that the POTW is within two hundred (200) feet (61 meters) of the property line, or if required by the Jackson County Health Department. Any septic tanks, cesspools, or similar wastewater disposal facilities shall, upon connection of toilet facilities to the POTW, be emptied of wastes and refilled with suitable material to prevent collapse. This subsection shall not apply to any persons served by a privately constructed, owned, operated, and maintained wastewater sewer and wastewater treatment facility which discharges directly to a natural outlet in accordance with the provisions of this chapter and applicable state and federal laws. (Ord. No. 91 -7, § 2, 3-12-91)

Sec. 27-75. Building sewers and connections.

(a) *Connection permits.*

(1) No unauthorized person shall uncover, use, alter, disturb, or make any connections with the POTW or a storm sewer, nor shall any person discharge any substance into the POTW or storm sewer without possessing a valid connection license of a class appropriate to the use of the premises and the discharges to the POTW therefrom. All persons presently using the POTW shall be deemed to possess a valid connection license.

(2) There shall be three classes of licenses for connections to the POTW: Class I--residential users; Class II--commercial users; and Class III--industrial users. In all cases, the owner shall make application on a form furnished by the city for a license of the applicable class to connect to the POTW or storm sewer. The application shall be supplemented by such wastewater information as required by the city to administer this article. A license and inspection fee in an amount determined by rate resolution of the city council shall be paid to the city at the time an application is filed.

(3) The city may deny a connection license if the application for license shows that the anticipated discharges will:

- a. Be harmful to the POTW or storm sewer,
- b. Violate provisions of this chapter,
- c. Violate the State of Michigan National Pollution Discharge Elimination System (NPDES) permits,
- d. Violate Michigan Department of Environmental Quality (MDEQ) standards,
- e. Violate any state or county department of health environmental compliance standards, or
- f. In any other way hamper the operations of the POTW or storm sewer.

The city may require, as a condition to granting such license, that the applicant enter into an agreement set forth in section 27-76(f) of this Code.

(4) The city shall not issue a connection license for any applicant unless there is sufficient capacity, not legally committed to other users, in the POTW or storm sewer to convey and adequately treat the quantity and quality of wastewater which the required connection will add to the POTW or storm sewer. The city may allow such license if there are legally binding commitments to provide the needed capacity.

(5) A violation of a connection license is a violation of this chapter.

(b) *Connection costs.* The owner shall pay all costs and expenses incidental to the building sewer installation and connection to the POTW or storm sewer and all costs and expenses incidental to the building sewer installation, connection, and maintenance to the sewer main. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer or storm sewer.

(c) *Separate connections required.* A separate and independent building sewer shall be provided for every building, except that where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer in the front building may be extended to the rear building and the whole considered as one (1) building sewer. The city assumes no responsibility for damage caused by or resulting from any single building sewer which serves two (2) buildings.

(d) *Existing building sewers.* Existing building sewers may be used for connection with new buildings only when they are found, on examination and test by the city, to meet the requirements of this chapter.

(e) *Building sewer design.* The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of the building sewer shall conform to the building and plumbing code or other applicable requirements of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF shall apply.

(f) *Building sewer elevation.* Whenever practicable, the building sewer shall be brought to a building at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the POTW or storm sewer, as the case may be, wastewater carried by such building drain shall be lifted by an approved means and discharged to a building sewer draining to the POTW or storm sewer.

(g) *Conformance to applicable codes.*

(1) The connection of a building sewer into the POTW or storm sewer shall conform to the requirements of the building and plumbing code or other applicable requirements of the city or the procedures set forth in appropriate specifications of the ASTM or the WPCF. The connections shall be made gas-tight and water-tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the city before installation.

(2) The connection of a surface runoff or groundwater drain to a storm sewer or natural outlet designed to transport surface runoff or groundwater drainage shall conform to the requirements of the applicable building code or other applicable requirements of the city. The connection of any such drain to the POTW under a use permit shall conform to the requirements specified by the city as a condition of approval of such use permit.

(h) *Connection inspection.* The applicant for a connection license shall notify the city when such sewer or drainage connection is ready for inspection prior to its connection to the POTW or storm sewer, and upon payment of any fees required by the city, inspection and testing as deemed necessary by the city, and as required by city building or plumbing codes shall be conducted.

(i) *Excavation guards and property restoration.* 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 in a manner satisfactory to the city.

(Ord. No. 91 -7, § 2, 3-12-91; Ord. No. 2003-5, § 1, 4-8-03)

#### Sec. 27-76. Discharges.

(a) *Discharge prohibitions.* The regulations contained in this section are generally intended to: (1) prohibit the discharge to the POTW of wastewater which may cause interference or could have detrimental effects on the physical structures or operating personnel of the POTW, or on the general public, and (2) restrict the discharge to the POTW of stormwater, groundwater (contaminated and uncontaminated), and non-contact cooling water.

(b) *Prohibited discharges.* No user shall discharge, cause to be discharged, or allow to be discharged into the POTW any of the following:

(1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, pollutants with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit sixty (60) degrees Centigrade), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ATSM Standard D-93-79 or D-93-80k (incorporated by reference, see section 260.11) or a Setaflash Closed Cup Tester, using the test method specified in ATSM Standard, D-3278-78 (incorporated by reference, see section 260.11) and pollutants which cause an exceedance of ten (10) percent of the lower explosive limit (LEL) at any point within the POTW.

(2) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute or chronic health and safety problems for workers.

(3) Pollutants which cause or may cause corrosive structural damage to the POTW but in no case wastewater with pH lower than 5.0 or higher than 10.0.

(4) Solid or viscous pollutants in amounts which could cause or do cause either obstruction to flow or interference in the POTW.

(5) Any pollutant, including oxygen-demanding pollutants, released in a discharge at a flow rate and/or pollutant concentration which will cause or may cause interference in the POTW.

(6) Pollutants which may cause or do cause:

a. Impairment of the strength or durability of structures in the POTW.

b. Restriction of hydraulic capacity of structures in the POTW.

c. Unsafe conditions to personnel in the inspection or maintenance of structures of the POTW or unsafe conditions to the general public, with respect to the collection system.

(7) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees Centigrade (one hundred four (104) degrees Fahrenheit) unless the state director, upon request of the POTW, approves alternate temperature limits.

(8) Pollutants which cause or may cause pass through or interference, including petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that cause or may cause interference or pass through.

(9) Any pollutants which exceed the limitations set forth in a categorical pretreatment standard.

(10) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance.

(11) Any pollutant introducing colors not removed in the treatment process, such as but not limited to, dye wastes and vegetable tanning solutions.

(12) Any unpolluted water, non-contact cooling water, stormwater, groundwater (contaminated and uncontaminated), or surface water, unless separate POTW facilities are available and identified for such discharges.

(13) Any radioactive wastes in harmful quantities as such quantities are defined by applicable state and federal regulations.

(14) Any solvent extractables (grease, fat, oil) in excess of a daily average of fifty (50) mg/1.

(15) Any grease, oil, or other pollutants that will become solid or viscous at a temperature of sixty (60) degrees C. or below after being discharged into the POTW.

(16) An insoluble substance retained by a standard No. 8 sieve or having any dimension greater than one-half (1/2) inch (1.27cm).

(17) Insoluble substances having a specific gravity greater than 2.65.

(18) Improperly shredded garbage.

(19) Sludge which results from a treatment process unless the city director has determined that it is amenable to treatment by the POTW without application of unusual means or expense.

(20) Discharges greater than the following concentrations of specific pollutants are prohibited:

TABLE INSET:

	Daily Maximum (24-Hour Composite)
BOD	250 mg/l
Total Suspended Solids	250 mg/l
Total Phosphorus	10 mg/l
COD	500 mg/l
TKN	40 mg/l

TABLE INSET:

Compound	4-Day Daily Average	Daily Maximum	Instantaneous Maximum (grab)
Inorganics			
Total Arsenic, ug/l	54	220	870
Total Cadmium, ug/l	8.2	33	240
Total Chromium, ug/l	3,900	4,900	7,000
Hexavalent Chromium, ug/l*	110	250	490
Total copper, ug/l	300	700	1,400
Total Cyanide, ug/l*	66	240	530
Total Lead, ug/l	170	680	11,000
Total Mercury, ug/l	ND (1)	ND (1)	ND (1)
Total Molybdeum, ug/l	180	720	450,000
Total Nickel, ug/l	200	800	5,000
Total Selenium, ug/l	39	160	3,100
Total Silver, ug/l	33	130	1,100
Total Zinc, ug/l	1,600	3,300	5,800
Organics			

Benzene, ug/l*	7.9	32	5,400
Toluene, ug/l*	29	120	5,200
Ethylbenzene, ug/l*	12	48	9,700
Xylene, ug/l*	20	80	14,000
Pentachlorophenol, ug/l*	120	480	11,000
Polychlorinated biphenyls, ug/l*	ND (2)	ND (2)	ND (2)
Tetrachloroethylene, ug/l*	120	480	1,200
Trichloroethylene, ug/l*	680	2,700	11,000
2, 3, 7, 8-Tetrachlorodibenzo-p-dioxin*	ND (3)	ND (3)	ND (3)
2, 3, 7, 8-Tetrachlorodibenzofuran*	ND (3)	ND (3)	ND (3)
Total Phenols (EPA 420.1)	180	720	2,000

NOTES

(1) Non-detectable per U.S. EPA Method 245.1; any detectable sample would indicate exceedance.

(2) Non-detectable per U.S. EPA Method 608; any detectable sample would indicate exceedance.

(3) Non-detectable per U.S. EPA Method 625; any detectable sample would indicate exceedance.

\* Composite to be based on average of four grab samples collected at appropriate intervals over 24 hours (i.e., in lieu of time-based automatic composite sampler).

\*\* Based on discharge of any or all of the following phenolic compounds: 2-Chlorophenol, 4-Chlorophenol, 2, 4 - Dichlorophenol, 2, 4-Dimethylphenol, 2-Methylphenol, 4-Methylphenol, 2 -Nitrophenol, 4-Nitrophenol, and Phenol, Discharge of other phenolic compounds is prohibited except as specifically authorized.

(c) *Trucked wastes.* No wastes or wastewater shall be discharged by any user or person into the POTW from a vehicle which transported the waste or wastewater to the point of discharge, unless such discharge is approved in writing prior to the discharge by the city director. No wastes or wastewater shall be discharged by any user if such waste or wastewater was at any time transported by a vehicle (such as a tank truck) from its point of generation prior to discharge to the POTW, unless such discharge is approved in writing prior to the discharge by the city director. The city director may specify which location must be used and any other terms and conditions for such discharges, including a requirement for a use permit.

(d) *Categorical pretreatment standards.* A user shall comply with all categorical pretreatment standards and any other pretreatment requirements established under 307(b), 307(c), or 402(b)(8) of the Act that are applicable to that user. If a categorical pretreatment standard and another limit contained in this chapter regulate the same pollutant, then the more restrictive of the two (2) shall apply.

(e) *Future conditions.* Future conditions imposed on the city by government agencies with proper jurisdiction may require subsequent amendment of these regulations by the city. Where federal or state promulgated pretreatment standards require limits on parameters not covered in this regulation or limits more stringent than those specified in the regulation, the state or federal limits shall have precedence and take effect with respect to the applicable user on the later of: (1) their promulgation date, or (2) the date specified for compliance with such standards.

(f) *Special agreements.* Nothing in this section shall be construed as preventing a special agreement between the city and any user, which may be in the form of a use permit, whereby wastewater otherwise prohibited by this section is accepted into the POTW and other special arrangements are made between the city and any user. The special arrangements may include, but are not limited to, pollutant concentration discharge limitations different than those provided in this section. The city shall not be obligated to enter into a special agreement but may do so in its discretion. A special agreement shall not create any vested rights or property rights for the user. A special agreement shall not create rights to discharge to the POTW which the user would not have in the absence of a special agreement. The special agreement may be terminated or modified at will by the city. Provisions relating to termination or modification of a special agreement may be more fully set forth in the special agreement. As a condition to the issuance of or entry into a special agreement, the city shall require the user to sign an acknowledgement and acceptance of the provisions of this subsection. Any such agreement or arrangement may contain provisions for the user to pay a surcharge to the city. A violation of the terms of any such special agreement shall be a violation of this chapter, punishable as provided in section 1-18 of the Code.

(g) *Reserved right of revision.* The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW.

(Ord. No. 91 -7, § 2, 3-12-91; Ord. No. 99-4, § 3, 3-16-99)

Sec. 27-77. Dilution.

No discharger shall increase the use of potable or process water in any way, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment before discharge to the POTW to achieve compliance with the standards set forth in this chapter.

(Ord. No. 91 -7, § 2, 3-12-91)

Sec. 27-78. Inspections.

(a) *Authority of inspectors.* Authorized representatives of the city exhibiting proper credentials and identification shall be permitted at all reasonable times to enter all user's properties and the property of contract municipalities for the purposes of inspection, observation, measurement, sampling, and testing in connection with the administration of and in accordance with the provisions of this chapter.

(b) *Safety rules of user.* While on the property of the user, the authorized representatives of the city shall observe all reasonable safety rules applicable to the premises established by the user.

(c) *Other inspection.* Inspection by state or federal representatives pursuant to law shall not relieve a user from inspection by city representatives, and inspection by the city representatives shall not relieve any user from compliance with lawful inspection by state and federal representatives.

(Ord. No. 91 -7, § 2, 3-12-91)

Sec. 27-79. Sampling and analyses.

(a) *Wastewater sampling and analyses.*

(1) The prohibitions and restrictions in section 27-76, or as set forth in a special agreement (which may be a use permit), shall apply at the point where wastewater and pollutants are discharged or caused to be discharged into the POTW and required pretreatment shall be effected before such point is reached.

(2) All measurements, tests, and analyses of the characteristics of the discharge shall be determined in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, most current American Society for Testing Material (ASTM), and E.P.A. - approved procedures contained in 40 CFR, Part 136, or any validated methods from recognized authority in cases where the above referenced procedures are not available or do not apply to the characteristic involved, or another method accepted by the city.

(b) *Significant industrial user sampling and analyses.* Unless otherwise modified by a use permit, the following shall apply:

(1) Subject to events beyond the control of the significant industrial user, significant industrial users shall sample or cause to be sampled their discharge by composite flow proportioned sampling. Samples must be obtained whenever the user is discharging and for all days on which the user discharges. The flow proportioned composite sampler shall be programmed for a minimum of one hundred (100) sampling events per day based on the average permitted flow per day. Dilution is prohibited (see section 27-77). The significant industrial user shall submit a written description of the specific sampling method, sampling equipment, and sampling location to the city director and obtain the approval of the city director. For users with a new source, this approval shall be obtained prior to commencement of the discharge. Significant industrial users discharging as of the effective date of this section shall obtain such approval within ninety (90) days of such effective date.

(2) Significant industrial users may elect to not perform self-monitoring, in which case the city may obtain samples using composite flow proportioned sampling or may contract with an independent firm for such sampling. Samples must be obtained whenever the user is discharging and for all days on which the user discharges. The flow proportioned composite sampler shall be programmed for a minimum of one hundred (100) sampling events per day based on the average permitted flow per day. Dilution is prohibited (see section 27-77). The significant industrial user shall pay a sampling fee to the city to fully reimburse the city for such sampling, including administrative and overhead costs. If the city contracts with an independent firm for such sampling, the significant industrial user shall fully reimburse the city for amounts paid by the city to such firm.

(3) The significant industrial user shall provide equipment at its facility to properly preserve and store up to thirty-five (35) consecutive daily samples, whether or not that user is performing the sampling.

(4) A sample shall be taken and preserved and stored at the significant industrial user's facility for every day on which a discharge occurs. At least ten (10) daily samples shall be analyzed each calendar month. Daily samples for alternate days on which a discharge occurs shall be analyzed unless the city specifies to the significant industrial user, no later than the fifth (5th) day after the end of the calendar month, which days five (5) of the samples must be analyzed for that calendar month. If the significant industrial user discharges for less than ten (10) days in a calendar month, then the number of samples shall equal the number of days on which there is a discharge.

(5) Samples shall be analyzed at the sole cost of the significant industrial user. If a significant industrial user does its own sampling or causes its samples to be taken, then such user shall submit the samples to a laboratory (which may be the significant industrial user's own laboratory) approved by the city for analysis. If the significant industrial user utilizes its own laboratory, that significant industrial user shall send a split sample to an independent laboratory at least quarterly as a quality control check. If a significant industrial user does its own sampling and/or analysis, the city may also take and have analyzed up to four (4) daily composites or up to four (4) grabs per day for up to four (4) days

at the sole cost of the significant industrial user in any calendar month. If the city takes the samples, the city, in its sole discretion, may analyze the samples in its own laboratory or contract with an independent laboratory for the analysis.

(6) The date when a sample is taken, start time, stop time, sample location, sampler programming information, and persons involved in the sampling shall be recorded by the significant industrial user if the significant industrial user is self-monitoring.

(7) Flow measurements shall be taken to record the daily discharge volume.

(8) All analytical results for the month shall be submitted to the city by the fifteenth (15th) day of the following month if the significant industrial user does self-monitoring. The city shall provide copies of analytical results for a significant industrial user if the city performs the monitoring.

(9) The city shall be provided with splits of any sample taken by a significant industrial user if the city requests a split sample. A significant industrial user shall be provided with splits of any sample taken by the city if the significant industrial user requests a split sample within seven (7) days after the sample is taken. Split samples shall be provided at the time the sample is taken, if possible.

(10) A significant industrial user (who is performing self-monitoring) or the city (if the significant industrial user is not performing self-monitoring) shall contract with an independent company to maintain, repair, and calibrate the sampling and flow measurement equipment and instruments used to monitor that significant industrial user. Such maintenance, repair, and calibration shall be performed as necessary so that monitoring data is accurate and representative, but in no event less frequently than twice in a calendar year at reasonable intervals. The city, in any event, may inspect and test a significant industrial user's flow meters at reasonable times.

(c) *Other users.* The city director may require any other user to install a suitable control structure and necessary measuring and sampling devices to facilitate the observation, sampling, and measurement of the quantity, composition, and concentrations of discharges to the POTW. Such structure and devices shall be constructed and installed at the user's expense in accordance with plans submitted to the city director, and shall be maintained by the user so as to be safe and accessible during all reasonable times and so as to provide accurate and representative monitoring data. If the user fails to install such a structure and devices, or maintain them, the city may do so at the expense of the user.

(d) *Removal of samples and data.* The city director or the city director's authorized representative shall have the right to take and remove samples of wastewater and pollutants discharged into the POTW and make copies of other data and materials concerning the same inspected during an entry upon the user's property. If the city requests that the user make photocopies of documents, the city shall give the user at least twenty-four (24) hours' notice of such a request, but this notice requirement does not affect the rights of the city to immediately copy data or other materials. Upon the written request of such user, split samples will be provided.

(e) *Authority to require submission of samples.* The city director may require any user to submit one (1) or more representative samples of the wastewater discharged or which it proposes to discharge into the POTW.

(f) *Failure to permit access or removal of samples and other data.* In the event a user refuses to permit access to an authorized city representative or permit such representative to obtain, take, and remove samples and make copies of other data pursuant to (b) of this section, the city may:

(1) Order the termination of the discharge of wastewater to the POTW.

(2) Order the user to permit access within a time certain.

(3) Issue a citation for a violation of this regulation.

(g) *New installation of pretreatment facilities.*

(1) *Notices.* The user or its authorized agent shall notify the city director in writing within five (5) days after the completion of a new installation of pretreatment facilities of the time it intends to commence operation thereof. The user shall notify the city director of when start-up of such facilities will occur, the time, and the person who will conduct any tests to be performed. The pretreatment facilities shall not be placed in regular operation until such tests have been conducted to establish that the discharges will be in compliance with this chapter.

(2) *Tests by users.* A representative of the city shall be permitted to witness the tests upon prior written request.

The cost of the tests shall be paid by the user of the facilities.

(Ord. No. 91-7, § 2, 3-12-91; Ord. No. 99-4, § 4, 3-16-99)

#### Sec. 27-80. Reports.

(a) *Surveillance report required.* The city director, by written order, may require any non-domestic user to submit periodic reports on forms provided by the city which shall include information on the quality and quantity of wastewater and pollutants discharged into the POTW. Said report shall include the volume of wastewater and concentration of pollutants, and be related to pretreatment standards as shall be required by the city director. The names of all person(s) responsible for operating and maintaining any pretreatment equipment, pretreatment processes, or responsible for wastewater management at the user's facilities shall be listed in said report with a brief description of each person's duties. The city director may also require additional information from such users as to materials or substances which may cause interference or pass through.

(1) *Mandatory report.* The city director shall notify forthwith each significant industrial user that it is required to file surveillance reports.

(2) *Initial report.* Each non-domestic user which has been notified of its obligation to file surveillance reports shall file an initial report within sixty (60) days from the date such notice is served upon said user.

(3) *Monthly reports.* Each non-domestic user so notified by the city director may be required to file monthly surveillance reports by the fifteenth (15th) day of the following month for the preceding month.

(4) *Quarterly reports.* Each non-domestic user required to submit quarterly surveillance reports shall submit the same before January 31, April 30, July 31, and October 31 of each year for the quarter ending on the last day of the preceding month.

(5) *Semi-annual reports.* Semi-annual surveillance reports shall be submitted in June and December each year, for the preceding six (6) calendar months, commencing in 1991.

(6) *Report on changed discharge.* Each significant industrial user shall promptly notify the city director in advance of any substantial change in the volume or character of pollutants in its discharge, including the hazardous wastes for which the non-domestic user has submitted initial notification under subparagraph (4) of this section.

(7) *Signature on reports.* The surveillance reports referred to in this section shall be signed as follows:

a. By a responsible corporate officer, if the user submitting the reports is a corporation. A responsible corporate officer means (i) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. By a general partner or proprietor if the user submitting the reports is a partnership or sole proprietorship respectively.

c. By a duly authorized representative of the individual designated in paragraph a. or b. if:

1. The authorization is made in writing by the individual described in (7)a. or b.;

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

3. The written authorization is submitted to the city director.

d. If an authorization under (7)c. of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of (7)c. must be submitted to the city director prior to or together with any reports to be signed by an authorized representative.

(b) *Notice of exceedance or significant industrial user status.* All non-domestic users shall promptly notify the city, in advance if possible, of a discharge which exceeds a limit in this chapter or which may convert the user into a significant industrial user. Where a change in discharge may convert the user into a significant industrial user, such user shall promptly submit an application for a permit to the city.

(c) *Emergency or accidental discharges.* All non-domestic users shall report to the city director as soon as possible any discharges which are known to exceed the limits established by this chapter, in a use permit, in any other special agreement, in a FCPS, or in any other applicable law or regulation.

(1) *Notice.* Such notice shall be given in advance whenever possible and contain available information regarding the intended or accidental discharge, volume, duration, constituents, loading and concentrations, and such other available information as may be necessary to determine what impact such discharge may have on the POTW.

(2) [ *Emergency contact point.* ] The following is the emergency contact point which may be used to convey such information:

City Director:

(517) 788-4075

(3) *Posting of permit and accidental discharge information.* All non-domestic users shall post a clearly legible set of instructions in the area where the user manages wastewater so that the report and notice requirements of this section are made known and are available to the user's employees. Such users shall also post the user's permit along with these instructions if the user holds a permit. Such users shall instruct their employees on the reporting and notice requirements of this section.

(4) *Slug discharges.* The city director may, by written notice to a user, require that the user prepare and implement a slug control plan. Such plan shall be submitted to the city director for approval as specified in the written notice. The plan shall contain at least the following:

a. Description of discharge practices including non-routine batch discharges;

b. Description of stored materials;

c. Procedures for immediately notifying the city director of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days;

d. Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(d) *Notification regarding wastes which are otherwise hazardous.* Any non-domestic user that discharges to the POTW any substance which, if disposed of other than by discharge to the POTW, would be a hazardous waste under 40 CFR 261 or under the rules promulgated under the Michigan Hazardous Waste Management Act ("Michigan Rules") shall notify the city director, the USEPA Region V waste management division director, and the chief of the waste management division of the Michigan Department of Natural Resources of such discharge. The notice shall be given by February 19, 1991, except that for discharges of such substances which commence after August 23, 1990, the notice shall be given within one hundred eighty (180) days after the discharge first occurs. The notice shall be in writing and shall include the name of the hazardous waste set forth in 40 CFR 261 or the Michigan rules and type of discharge (continuous, batch, or other). If the non-domestic user discharges more than one hundred (100) kilograms

of such waste per calendar month to the POTW, the notice shall also contain the following information to the extent such information is known and readily available to the non-domestic user:

- (1) An identification of the hazardous constituents contained in the wastes.
- (2) An estimation of the mass and concentration of such constituents in the discharge during that calendar month.
- (3) An estimation of the mass of constituents expected to be discharged during the following twelve (12) months.

Notification under this subsection need be submitted once for each hazardous waste discharged. Notification under this subsection is not required for pollutants already reported under self-monitoring by non-domestic users under FCPS reporting requirements. A non-domestic user is exempt from notification under this subsection during a calendar month in which the non-domestic user discharges no more than fifteen (15) kilograms of hazardous wastes unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). In the case of a new regulation which first regulates a substance as a hazardous waste after August 23, 1990, notification under this subsection shall be made within ninety (90) days of the effective date of such regulation. In any notice submitted under this subsection, the non-domestic user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree the user has determined to be economically practical.

(e) *Reports by the city director re users affected by FCPS.* The city director shall notify all non-domestic users that might be subject to FCPS of such fact and of any applicable requirements under 204(b) and 405 of the Act and Subtitles C and D of the Federal Resource Conservation and Recovery Act.

(f) *Reports by users re FCPS.* Within one hundred eighty (180) days after the effective date of a FCPS, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later, existing non-domestic users subject to such FCPS which currently discharge or are scheduled to discharge into the public sewer or the POTW shall submit reports to the city director required by 40 CFR 403.12(b), as amended. At least ninety (90) days prior to commencement of discharge, new sources and non-domestic users that become subject to a FCPS subsequent to the promulgation of an applicable FCPS shall submit the reports to the city director requested by 40 CFR 403.12(b), as amended. Within ninety (90) days following the date for final compliance with applicable FCPS or, in the case of a new source, following commencement of the discharge into the POTW, any non-domestic user subject to FCPS shall submit the reports to the city director required by 40 CFR 403.12(d), as amended. In addition, any non-domestic user subject to a FCPS, after the compliance date of such FCPS, or, in the case of a new source, after commencement of the discharge into the public sewer or POTW, shall submit the periodic reports to the city director required by 40 CFR 403.12(e), as amended.

(g) *Maintenance of records.* Any non-domestic user subject to the sampling, analysis, or reporting requirements in this chapter, including reports under 40 CFR 403.12, as amended, shall maintain copies of the reports and records pertaining to those reports. Such reports and records shall be retained by such user, and by the city if such reports and records have been submitted to the city, for at least three (3) years. This period shall be extended during the course of any unresolved litigation regarding the discharges of the user or the POTW pretreatment program or when requested by the city director, the state director, or USEPA. All non-domestic users who have records regarding their generation, treatment, storage, or disposal of hazardous waste or solid waste shall maintain such records for such period and make them available to the city for inspection and copying, subject to the provisions contained in section 27-82, Confidential information. The terms "hazardous waste" and "solid waste" shall have the same definition as provided in the Michigan Hazardous Waste Management Act, as amended, and rules promulgated thereunder. (Ord. No. 91-7, § 2, 3-12-91; Ord. No. 99-4, § 5, 3-16-99)

#### Sec. 27-81. Permit regulations.

(a) *Permit application.* A significant industrial user must have a use permit to discharge to the POTW. A significant industrial user shall apply for the permit within thirty (30) days after receipt of a blank application from the city. To establish whether a non-domestic user should be classified as a significant industrial user, non-domestic users shall file a permit application with the city which will consist of the following information, to the extent required in the permit application.

- (1) Name, address, and location of the user.
- (2) Whether the user is a corporation, partnership, proprietorship, or some other entity (if so, what type of entity), and the name of the person(s) responsible for discharges by the user.
- (3) Standard industrial classification (SIC) number according to the Standard Industrial Manual, Bureau of the Budget, 1972, as amended.
- (4) Discharge constituents and characteristics including, but not limited to, toxic pollutants as determined by bona fide chemical and biological analyses. Sampling and analyses shall be performed in accordance with procedures established by the U.S. Environmental Protection Agency and contained in 40 CFR, Part 136, as amended.
- (5) Time and duration of discharges.
- (6) Average daily and instantaneous peak discharge flow rates in gallons per day, including daily, monthly, and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the city director.
- (7) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers, and other relevant equipment by size, location and elevation.
- (8) Description of activities, facilities, and plant processes on the premises including all materials which are or may be discharged to the POTW.
- (9) Nature and concentration of any pollutants in the discharge limited by this chapter, together with a statement regarding whether or not compliance is being achieved with this chapter on a consistent basis and, if not, whether

additional operation and maintenance activities and/or additional pretreatment is required for the user to comply with this chapter.

(10) Each product produced by type, amount, process or processes, and rate of production, where relevant to a FCPS.

(11) Type and amount of raw materials utilized (average and maximum per day), including copies of material safety data sheets.

(12) A list of all environmental permits and a copy of each such permit held by the user applicable to the site to which the use permit applies.

(13) All permit applications shall be signed by the person described in 27 -80(a)(7).

(14) In the case of new sources, the applicant shall supply estimated expected information to the extent actual data is not available. New sources who will be significant industrial users shall submit a complete permit application at least ninety (90) days prior to the commencement of its discharge to the POTW.

(b) *Permit issuance (significant industrial users)*. The city director shall evaluate the application and data furnished by the user and may require additional information from the user to complete the application. Within one hundred twenty (120) days after the submission of a complete application, the city director shall make a determination as to whether the applicant is a significant industrial user. If not, the city director shall so notify the applicant. For a significant industrial user, the city director shall issue or deny a permit subject to terms and conditions provided herein.

(c) *Permit term*. A significant industrial user permit shall be issued for a term not to exceed five (5) years. The city director may issue the permit for a shorter period. A permittee shall apply for reissuance of a permit by submitting a complete application at least one hundred eighty (180) days prior to the expiration of the existing permit. If a permittee complies with the preceding sentence, the existing permit shall continue until final action is taken by the city director on the application for renewal.

(d) *Permit modifications*. The city director shall have the right to amend any permit issued hereunder in order to (1) assure compliance by the POTW with applicable laws, regulations, and the POTW NPDES permit, (2) account for substantial changes in discharges by the user, (3) account for new information concerning the pollutants discharged by the user, (4) reflect changes in federal or state laws and regulations or in city ordinances, (5) in the event there are operational changes at the POTW that, as determined by the city director, require revision of the permit, or (6) modify or terminate any special agreement provision contained in a permit. The user shall be informed of any changes in the permit at least thirty (30) days prior to the effective date of change, unless a shorter time is necessary to meet applicable law or to protect human health or the environment.

(e) *Permit conditions*. User permits shall specify no less than the following:

(1) Schedule of fees and charges.

(2) Limits on the average and maximum wastewater constituents and characteristics.

(3) Limits on average and maximum rate and time of discharge and/or requirements for flow regulation and equalization.

(4) Requirements for installation and maintenance of inspection and sampling facilities.

(5) Requirements for installation and operation of discharge flow monitors.

(6) Special conditions as the city director may require under particular circumstances for a given discharge, including sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedules.

(7) Compliance schedules.

(8) Requirements for submission of special technical reports or discharge reports where different from those prescribed by this chapter.

(9) Requirement for notification to the city of a discharge which exceeds a limit in the permit, of changes in the discharge which result in the discharge of a pollutant not described in the permit application, or in amounts in excess of the maximum described in the permit application.

(10) Statement of duration (no more than five (5) years).

(11) Statement regarding transferability.

(12) Statement of applicable civil and criminal penalties for violation of discharge limitations, pretreatment requirements, and compliance schedules.

(13) Other conditions, as determined by the city director, necessary to assure compliance with this chapter and other applicable laws.

(f) *Permit fees*. Significant industrial users shall pay use permit fees to the city in amounts to reimburse the city for its costs of processing the application, in administering the permit once it is issued, and in processing renewal applications. These fees shall be determined by the city director.

(g) *Permit revocation*. The city director may revoke a permit during its term or deny a permit renewal if:

(1) The permittee has failed to comply with any condition of the permit.

(2) The permittee fails, in the permit application or during the permit issuance process, to disclose fully all relevant facts, or the permittee misrepresents any relevant fact at any time.

(3) The city director determines that the permitted discharge endangers human health or the environment and the threat can only be abated by revocation of the permit.

(4) A change in any condition that requires either a temporary or permanent reduction or elimination of the discharge.

(5) The permittee is in default, after having received written notice of such default, in the payment of fees or other amounts owed to the city related to wastewater matters.

(6) Noncompliance by the permittee with any provisions of this chapter.

Upon revocation of its permit, a user shall immediately terminate its discharge to the POTW.

(h) *Compliance with permit.* A user shall comply with all of the provisions of its permit. A violation of any provision of a permit is a violation of this chapter, subject to the penalty, damage, surcharge, and other enforcement provisions of this chapter.

(i) *Limitations of permit transfer.* Significant industrial user permits are issued to a specific user for a specific operation at a specific location and are not assignable to another user or transferable to any other location without prior written approval of the city director. The city director shall approve a use permit transfer and make the necessary minor modifications to the use permit to show the transferee as the permittee, if the following conditions exist:

(1) The transferor has not violated any provision on the use permit or of this chapter during the six-month period preceding the date of the transfer.

(2) As of the date of the transfer, there are no unpaid charges or fees due to the city from the transferor related to use of the POTW.

(3) The application for the use permit filed by the transferor remains the same with respect to the discharge, facilities, and activities of the transferee, except as to the identity of the discharger.

(4) The transferor provides written evidence to the city director that a copy of the use permit has been provided to the transferee.

(Ord. No. 91 -7, § 2, 3-12-91; Ord. No. 99-4, § 6, 3-16-99)

#### Sec. 27 -82. Confidential information.

The following confidentiality provisions shall apply:

(1) All information and data submitted to the city relating to matters regulated in this chapter are presumed not to be confidential. Information submitted by a user shall be clearly marked on each page as to the portion or portions considered by the user to be confidential and accompanied by a written explanation of why the user considers the information confidential. Mere marking of a page as "confidential" does not necessarily mean that the information on that page must be kept confidential.

(2) Information furnished to the city on the volume or characteristics of wastewater or pollutants discharged or proposed to be discharged into the POTW shall be available to the public or other governmental agency without restriction. When requested by a user furnishing information, the portions of the information submitted which may disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit, and/or the pretreatment programs; provided, however, all such information shall be available for use by the state, any state agency or the city in judicial review or enforcement proceedings involving the user furnishing the information. The city shall notify a user, who has requested and is entitled to confidentiality for information furnished by the user to the city, that the city has sent such confidential information to another governmental agency that has made a written request for it.

(3) Where a user has mass-based limits as allowed by certain categorical pretreatment standards on a production basis, the production data necessary to determine compliance must also be provided by the user to the city, and be available to the public. Where application of the combined waste stream formula is necessary to apply categorical pretreatment standards to a user, the flow measurements and other data used in the calculation must be provided by the user to the city, and be available to the public.

(4) Observations made by city inspectors are subject to the confidentiality provisions of this section as if they were in writing if the user specifies in writing to the city the observations made by the city inspector for which the user seeks confidentiality.

(Ord. No. 91 -7, § 2, 3-12-91)

#### Sec. 27 -83. Pretreatment.

(a) *General standards for pretreatment.* In the event a user discharges or proposes to discharge wastewater or pollutants to the POTW which are prohibited by this chapter, the city director may take any or all of the following steps:

(1) Issue an order pursuant to section 27 -87.

(2) Impose surcharges as specified in section 27 -85. The obligations of a user under (b) and (c) and any order concerning same, shall be subject to the terms of (d).

(b) *Pretreatment.* Any user subject to an order to pretreat shall prepare a plan to effect and achieve the pretreatment of its discharge so that the same shall comply with its final order. Such plan shall be submitted to the city director within a reasonable period specified in the final order. The plan shall be prepared in accordance with good engineering practices and shall state whether construction is necessary as well as identify the measures which may be implemented without construction. The plan shall contain a schedule of compliance for the completion of each of the various phases necessary to implement full pretreatment, which schedule must be first approved by an order of the city director.

(c) *Pretreatment compliance.*

(1) *Schedule of compliance.* The schedule of compliance shall consist of one (1) or more remedial measures, including enforceable timetables for a sequence of actions or operations leading to compliance with a pretreatment standard, or other limitation prohibition or standard.

(2) *Steps or phases.* The following steps or phases shall be included in the schedule of compliance, where applicable and appropriate:

a. Retention of a qualified engineer and/or consultant.

b. Completion of any engineering or scientific investigations or surveys deemed necessary.

c. Preparation and submission of a preliminary plan to achieve pretreatment.

- d. Preparation of plans and specifications, working drawings, or other engineering or architectural documents which may be necessary to effect pretreatment.
- e. Establishment of a date to let any contract necessary for any construction.
- f. Establishment of completion dates for any construction necessary.
- g. Establishment of a date to accomplish full pretreatment pursuant to the final order.
- h. Establishment of separate timetables for a phase or unit in the event a phase or unit of construction or implementation may be effected independently of another phase or unit.

(3) *Amendment.* The order shall be subject to amendment, change, or revocation, provided notice of such action shall be served upon the user in the same manner as in the original order and subject to the same procedure for review and appeal.

(d) Federal categorical pretreatment standards ("FCPS").

(1) *Inclusion in standard.* If a FCPS is promulgated for a subcategory under which a user believes itself to be included, the user or the city director may request within sixty (60) days after the promulgation date of the appropriate state or federal official a written certification to the effect that the user does or does not fall within that particular subcategory. Such request shall be made and reviewed in accordance with the procedures set forth in 40 CFR 403.6(a), as amended.

(2) *Compliance date.* A user to which a promulgated FCPS applies shall achieve compliance with such standard within the time period provided for in 40 CFR 403.6(b), as amended.

(Ord. No. 91 -7, § 2, 3-12-91)

#### Sec. 27 -84. Containment facilities.

Each non-domestic user that uses or stores liquid material on its facilities shall provide a storage or use area on its facilities which is capable of containing the liquid material so that, in the event of an accident, liquid material cannot escape therefrom by gravity through private sewers or otherwise into the POTW in an amount which would result in a prohibited discharge. The city director may order the non -domestic user to take interim measures for emergency containment if circumstances so require.

(Ord. No. 91 -7, § 2, 3-12-91)

#### Sec. 27 -85. Surcharges.

(a) *Generally.* Users exceeding:

(1) The limitations established by section 27-76 where no order or permit has been issued to that user, or

(2) The limits contained in a pretreatment order or use permit applicable to that user,

shall be subject to the imposition of one (1) or more surcharges as provided by this section.

(b) *Applicability of surcharge.* Any such user shall be liable for the imposition of a surcharge to reimburse the POTW for any costs or expenses (direct or indirect) it may incur in handling or treating such discharge (or which may be imposed upon the city) where the exceedance of such limits causes or contributes to such costs or expenses.

(c) *Determination of surcharge.* The city director shall calculate the amount of the surcharge to be assessed against such user.

(d) *Criteria of surcharge.* The amount of the surcharge may be based upon at least the following:

(1) The volume of the discharge,

(2) The length of time such discharge occurred,

(3) The composition of such discharge,

(4) The nature, extent, and degree of success the POTW may achieve in minimizing or mitigating the effect of such discharge,

(5) The toxicity, degradability, treatability, and dispersal characteristics of such discharges,

(6) Costs incurred by the city to treat the discharges, including sludge handling and disposal.

(7) Fines and penalties imposed on the city. The surcharge may also include the city's costs of defense (including actual attorneys' fees, consultant fees, and sampling and analytical fees) of actions brought or threatened against the city by the state or federal government or third parties.

(8) Any damages to the POTW or damages imposed upon the city by the state or federal government or third parties.

(9) Such other factors as the city director deems appropriate under the circumstances.

(Ord. No. 91 -7, § 2, 3-12-91)

#### Sec. 27 -86. Powers of the city director.

The city director is hereby empowered to, either directly or through others:

(1) Supervise the implementation of this chapter.

(2) Institute actions against all users violating this chapter and, with the city attorney, institute necessary legal proceedings to prosecute violations of this chapter and compel the prevention and abatement of violation of these regulations or nuisances arising therefrom.

(3) Review the plans for pretreatment equipment, submitted by users.

(4) Make inspections and tests of existing and newly installed, constructed, reconstructed, or altered pretreatment equipment to determine compliance with the provisions of this chapter.

(5) Investigate complaints of violations of this chapter and make inspections and observations of discharges. Record such investigations, complaints, inspections, and observations.

(6) Issue orders requiring compliance with this chapter.

- (7) Propose the imposition of civil penalties for violations of this chapter.
  - (8) Determine surcharges to be levied pursuant to this chapter.
  - (9) Recommend to the city attorney the institution of proceedings in a court of competent jurisdiction to compel compliance with the provision of this chapter or any determination or order which may be promulgated or issued pursuant to these regulations.
  - (10) Perform other actions necessary or advisable for the management and operation of the POTW and the enforcement of this chapter and other applicable laws and regulations.
- (Ord. No. 91 -7, § 2, 3-12-91)

Sec. 27-87. Orders.

- (a) *Generally.* Whenever the city director has determined that any user has violated this chapter or other applicable laws or regulations which the city is authorized to enforce, the city director may issue an order to take actions deemed appropriate by the city director under the circumstances.
  - (b) *Types of orders.* The following orders may be issued by the city director:
    - (1) *Immediate cease and desist.* An order to immediately cease and desist from discharging any wastewater or pollutant which presents or may present imminent or substantial endangerment to the health or welfare of persons or the environment, or could cause interference with the operation of the POTW. Such order shall be final and in effect until a hearing, if requested, is concluded and a final decision is made by the city manager pursuant to this chapter. If a hearing is requested, it shall be held as soon as reasonably possible, but not to exceed five (5) calendar days after the date the request for a hearing is received by the city manager. Such hearing will be held only if requested by the user.
    - (2) *Order to cease discharge within a time certain.* The city director may issue an order to show cause why an order to cease discharge by a certain time and date should not be issued. Such order may also contain such conditions as deemed appropriate by the city director. Non-payment of use permit fees and noncompliance with any term of a use permit shall constitute sufficient cause for an order to cease discharge within a time certain.
    - (3) *Order to effect pretreatment.* The city director may issue an order to show cause why a user should not be required to pretreat.
    - (4) *Order to perform affirmative actions.* The city director may also issue an order to users subject to this chapter to require such user to perform any action required of it under this chapter, including, but not limited to, the following:
      - a. Submit samples.
      - b. Install sampling or monitoring equipment.
      - c. Submit reports.
      - d. Permit access for inspection, sampling, tests, monitoring, and investigations.
      - e. Install and operate pretreatment equipment.
      - f. Reduce or eliminate a discharge or pollutants in a discharge.
      - g. Payment of use permit fees.
  - (c) *Content of orders.* Any order issued by the city director shall contain the facts and reasons and grounds for its issuance, and the remedial action ordered as well as the time within which such action shall be taken. No such order shall be deemed insufficient, however, for inconsequential errors and omissions in the facts and reasons and grounds for the order. If any user deems the content of the order to contain insufficient information, it may ask the city director for additional information. Multiple orders may be issued simultaneously or in combination as a single order by the city director with respect to a single user.
- (Ord. No. 91 -7, § 2, 3-12-91)

Sec. 27-88. Citations.

- (a) *Civil citations (notices of violation).* The city director may issue a civil citation with or without an order against any user deemed to be in violation of this chapter and determine the civil administrative penalty, if any, to be imposed.
  - (b) *Service.* The citation shall be served upon the user either by personal delivery or by first class mail addressed to such user, except that an immediate cease and desist order may be written or oral, and may also be served by telephone.
  - (c) *Content of citation.* The citation shall specify the following:
    - (1) Date and time of issuance.
    - (2) Date(s), time(s), and place(s) of violation, the nature of the violation, the substances discharged, where ascertainable, and the volume of such discharge, where applicable.
    - (3) Reference to the pertinent section of this chapter under which the violation is charged.
    - (4) Reference to the pertinent section of this chapter establishing penalties for the violation.
    - (5) The amount of the penalty, if any.
    - (6) The right of the alleged violator to present to the city director written explanations, information, or other materials in answer to the citation, including any defenses.
  - (d) *Notice to municipality.* Any citation issued pursuant to this section upon any user within the corporate limits of any contract municipality shall be served upon such municipality in the manner provided in paragraph (b) of this section and such municipality shall be given notice, also in the manner provided in paragraph (b) of this section, of all meetings, hearings, and proceedings subsequently conducted pursuant to such citation and such municipality is hereby granted the full and complete right to participate therein as an Amicus Curiae. This right to participate as an Amicus Curiae is also afforded such municipality through any appeal under this chapter taken by the affected user.
- (Ord. No. 91 -7, § 2, 3-12-91)

Sec. 27-89. Informal conference.

An informal conference with the city director may be requested in writing, on a form provided by the city, by any user deeming itself aggrieved by any notice of violation, civil citation, order, surcharge, penalty, or action on a permit by the city director within five (5) calendar days after the notice of violation, civil citation, order, notice of a surcharge, penalty or action on a permit has been served upon such user. The purposes of the informal conference are to discuss the matter by which the user deems itself aggrieved and to attempt to reach a settlement of the matter agreeable to the user and the city. The city director is not required to reach any conclusion or provide a decision as a result of an informal conference. If such a request is received, the city director shall hold the informal conference within ten (10) calendar days of receipt of the request. A user is not required to request or participate in an informal conference as a pre-condition to requesting and participating in a hearing under section 27-90, nor is a user required to request or participate in a hearing under section 27-90 as a pre-condition to requesting and participating in an informal conference. If a hearing is held under section 27-90, such hearing is not an appeal from an informal conference. (Ord. No. 91-7, § 2, 3-12-91)

Sec. 27-90. Hearings.

- (a) *Right to hearing.* A hearing before a hearing officer may be requested in writing, on a form provided by the city, by any user deeming itself aggrieved by any notice of violation, civil citation, order, surcharge, penalty, or action on a permit by the city director within thirty (30) calendar days after the notice of violation, civil citation, order, notice of a surcharge, penalty, or action on a permit has been served upon such user. If an informal conference has not been requested by the user, such request shall be made within fifteen (15) calendar days of service. A hearing fee of two hundred fifty dollars (\$250.00) must accompany any request for a hearing filed under this section. If a hearing is not demanded within the time period provided herein, the action taken by the city director shall be deemed final. In the event such a hearing is demanded, the action shall be suspended until the hearing is completed; provided, however, that immediate cease and desist orders issued pursuant to this chapter shall not be suspended.
- (b) *Selection of hearing officer.* The city shall appoint the hearing officer who shall be a person who is not employed by the city or the user and who has training and experience appropriate to the subject of the hearing.
- (c) *Time.* The hearing shall be promptly scheduled to commence at the earliest practicable date, but not later than thirty (30) days after receipt of the request unless extended by mutual written agreement.
- (d) *Content of request for hearing.* Any written request for a hearing shall be signed by the user requesting the hearing or by a duly authorized officer, agent, or attorney, shall be directed to the city director, and shall contain the following:
- (1) The name and address of the user requesting the hearing.
  - (2) A copy of the notice of violation, order, or the notice of any surcharge, penalty, or action on a permit.
  - (3) A statement of the defenses and issues to be raised at the hearing.
- (e) *Procedure for conduct of hearing.* Hearings on any notice of violation, order, notice of surcharge, penalty, or action on a permit issued by the city director shall be conducted under the procedure set forth in this section.
- (1) *Rules.* Hearings shall be informal and need not be conducted according to the strict technical rules relating to evidence and witnesses.
  - (2) *Oral evidence.* Oral evidence shall be taken only on oath or affirmation.
  - (3) *Hearsay evidence.* Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence.
  - (4) *Admissibility of evidence.* Any relevant evidence shall be admitted if it is the type of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.
  - (5) *Exclusion of evidence.* Irrelevant and unduly repetitious evidence shall be excluded.
  - (6) *Rights of parties.* At the hearing, each party shall have the following rights:
    - a. To call and examine witnesses on any matter relevant to the issues of the hearing.
    - b. To introduce documentary and physical evidence.
    - c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing.
    - d. To impeach any witness regardless of which party first called him to testify.
    - e. To rebut adverse evidence.
    - f. To representation of his or her choice.
  - (7) *What may be noticed.* In reaching a decision, official notice may be taken either before or after submission of the case for decision of any fact which may be judicially noticed by the courts of this state.
  - (8) *Inspection of the premises.* The hearing officer may inspect any building or premises involved in the hearing.
  - (9) *Record.* A record of the proceedings shall be made by tape recording. A transcript of the proceedings shall be made available to all parties upon request and upon payment by the requesting party of the costs of transcription.
  - (f) *Decision of hearing officer.* The hearing officer shall review the evidence and within fifteen (15) days after the close of the hearing, issue a written recommendation to the city manager that the manager either uphold, modify, or reverse the action or decision of the city director.
  - (g) *Form of decision/decision of city manager.* The recommendation shall contain proposed findings of fact, a proposed decision on each of the points raised by the user, and an explanation of the reasons for the proposed decision. The city manager shall review same and shall issue a final written decision on the matter within fifteen (15) days of receipt of the recommendation. A copy of the decision of the city manager shall be delivered personally or sent by first class mail to the user.
  - (h) *Effective date of decision.* The effective date of the decision shall be as stated therein.

(i) *Judicial review.* Appeals from the decision of the city manager shall be made to a court of competent jurisdiction as provided by law.

(j) *Costs.* If the city director's action is upheld by the city manager, then the user shall pay to the city all of the costs incurred by the city in holding the hearing, including, but not limited to, hearing officer fees and transcription and recording costs, and all of the city's costs of enforcement, including, but not limited to, the city's sampling and analytical costs. If the city director's action is partially upheld or is reversed, then the city manager may apportion those costs between the city and the user in an equitable manner. Under the first two (2) sentences of this subparagraph, the user who has paid a two hundred fifty dollar (\$250.00) hearing fee shall receive a credit for that amount but no refund of any part of the two hundred fifty dollar (\$250.00) hearing fee shall be given. The user's liability for costs under this paragraph, plus fines and penalties imposed on such user, shall not exceed the maximum aggregate fines that could be imposed on the user under section 27-88(a).

(Ord. No. 91 -7, § 2, 3-12-91)

Sec. 27-91. Penalties for violation.

(a) *Continuing offense.* Each and every day, or portion thereof, of any violation of this chapter or a use permit or a final order issued under this chapter by any user shall constitute a separate and new violation by such user and shall be punishable as herein provided for administrative, civil and criminal penalties.

(b) *Surcharges.* In addition to prosecution and the imposition of penalties for violations, a user violating this chapter, a use permit, or a final order shall be subject to one (1) or more surcharges in accordance with this chapter.

(c) *Administrative municipal civil penalties.* Any user violating this chapter, a use permit, or a final order is subject to a municipal civil penalty to be determined and assessed by the city director not to exceed one thousand dollars (\$1,000.00) per day per violation. The city director, in calculating the amount of the penalty, shall consider the frequency of violations by the user, the impact on the POTW and human health and the environment of the violation, the magnitude of the violation, and other factors deemed appropriate by the city director.

(d) *Violation constitutes a public nuisance.* Violations of this chapter, a use permit, or a final order are hereby declared to constitute a public nuisance.

(e) *Civil judicial relief.* The city director is hereby empowered, with the city attorney, to institute legal proceedings in a court of competent jurisdiction for the abatement of any nuisance, and to seek relief for violations of this chapter, a use permit, or a final order. The city director may seek temporary or permanent injunctive relief, damages, penalties, costs, and such other relief as a court may order. The city director may also seek collection of surcharges and penalties which the user has not paid.

(f) *Judicial municipal civil infraction penalties.* In any action brought by the city against a user for violation of this chapter, a use permit, or a final order, a court of competent jurisdiction may impose a municipal civil infraction penalty of up to one thousand dollars (\$1,000.00) per day per violation.

(g) *Criminal penalties.* Any user who violates any provision of this chapter or a use permit or a final order issued under this chapter, shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-18 of this Code.

(h) *Cumulative remedies.* The imposition of a single penalty, fine, order, damage, or surcharge upon a user for a violation of this chapter, a use permit, or a final order shall not preclude the imposition by the city or a court of competent jurisdiction of a combination of any or all of such sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable statutory limitations on penalty amounts. A criminal citation and prosecution of a criminal action against a user shall not be dependent upon or held in abeyance during any civil, judicial, or city administrative proceeding, conference, or hearing regarding such user.

(i) *Vandalism.* No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the POTW. Any person who violates this subsection shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-18 of this Code. The notice provisions of section 27-88 shall not apply to this subsection.

(j) *Lien for charges and fees.* If a charge or fee due from a user under this ordinance or due under other ordinances or resolutions of the city for or in connection with use of the POTW, including use permit fees, is not paid when due, the amount due may be certified to the tax assessor and assessed against the lot or parcel of land upon which is situated the premises served and collected or returned in the same manner as municipal taxes against real estate are certified, assessed, collected, and returned, and shall be a lien upon such lot or parcel of land coordinate with the lien of such municipal taxes from the time of certification to the tax assessor.

(Ord. No. 91 -7, § 2, 3-12-91; Ord. No. 99-4, § 7, 3-16-99)

Sec. 27-92. Publication of significant violators.

The POTW shall publish, once per year in the largest daily newspaper in the city, a public notice of users which, at any time during the previous twelve (12) months, were in significant violation of federal, state, or city pretreatment standards or requirements. For the purposes of this section, a user is in significant violation if its violation(s) meet one (1) or more of the following criteria:

(1) Chronic violation of discharge limits, defined here as those in which sixty-six (66) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements taken during a six-month period equal or exceed the product of the daily average maximum limit

or the average limit times the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the POTW believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(5) Violation, by ninety (90) days or more after the schedule date, of a compliance schedule milestone contained in a permit or enforcement order, for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within thirty (30) days of the due date;

(7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations which the POTW considers to be significant.

(Ord. No. 91 -7, § 2, 3-12-91)

Sec. 27 -93. Upset; liability, responsibility, etc.

(a) *Upset liability.* In the event of an upset, the user shall not be liable for the fines, imprisonment, or civil penalties provided for in this chapter, but the user is still liable to the city for surcharges and damages. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof by clear and convincing evidence.

(b) *Conditions necessary for a demonstration of upset.* A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

(3) The user has submitted the following information to the POTW within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days:

a. A description of the discharge and cause of noncompliance;

b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;

c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(c) *User responsibility in case of upset.* The user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards and other applicable limits upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(d) *Net/gross and FCPS.* A user may apply to the city director for an adjustment in a FCPS to reflect the presence of pollutants in the user's intake water in accordance with 40 CFR 403.15, as amended. In the event such an adjustment is made, the adjusted FCPS shall apply, provided the adjustment will not result in interference or pass through.

(Ord. No. 91 -7, § 2, 3-12-91)

Sec. 27 -94. Bypass regulations.

(a) *Bypass notice.*

(1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW if possible, at least ten (10) days before the date of the bypass.

(2) A user shall submit oral notice of an unanticipated bypass that exceeds applicable categorical pretreatment standards and other applicable limits to the POTW within twenty-four (24) hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(b) *Prohibition of bypass.* Bypass is prohibited, and the POTW may take enforcement action against a user for a bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and,

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and,

(3) The user submitted notices as required under paragraph (a) of this section.

(c) *POTW approved bypass.* The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three (3) conditions listed in paragraph (b) of this section.

(Ord. No. 91 -7, § 2, 3-12-91)

Sec. 27-95. Falsifying information.

It is unlawful for any person to knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, a use permit (or any other special agreement), or a final order, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this chapter. A violation of this section is a misdemeanor punishable as provided in section 1-18 of this Code.

(Ord. No. 91-7, § 2, 3-12-91)

Sec. 27-96. Conflict with existing ordinances.

All existing ordinances or parts of ordinances in conflict herewith are hereby repealed.

(Ord. No. 91-7, § 2, 3-12-91)

Sec. 27-97. Savings provision.

The invalidity of any section, clause, or provision in this chapter shall not affect the validity of any other part of this chapter which may be given effect without reliance upon any such invalid part or parts.

(Ord. No. 91-7, § 2, 3-12-91)

Secs. 27-98--27-105. Reserved.

#### ARTICLE IV. RATES AND CHARGES

Sec. 27-106. Basis of charges.

All water service shall be charged for on the basis of water service made available or water consumed as determined by the meter installed by the city at the premises of water and wastewater service customers. All wastewater user charges shall be based on the user's connection and use permit classification, readiness to serve and actual use of the wastewater facilities or contractual obligations for a level of use in excess of current actual use and any surcharges or other charges imposed in this article. The use of the city's wastewater facilities shall be determined by actual measurement and analysis in accordance with provisions of section 27-81, of each user's wastewater discharged, to the extent such measurement and analysis is considered by the manager to be feasible and cost effective. Where measurement and analysis is considered not feasible or cost effective, determination of each user's use of the facilities shall be based on the quantity of water used whether purchased from the city utility or obtained from a private source. No free water service or wastewater service shall be furnished to any person.

(Code 1977, § 2.72)

Sec. 27-107. Water rates.

(a) The rates to be charged for water service shall remain in effect until changed by resolution of the city council from time to time, and when so changed shall be published at least once in a newspaper of general circulation within the city and no change in rates shall become effective until ten (10) days after such publication. The city council shall, by resolution, establish water rates estimated to be sufficient to provide for the payment of any and all indebtedness, to provide for the expense of administration, operation and maintenance of the water facilities as are necessary to preserve the facilities in good repair and working order, and to build up a reasonable reserve for equipment and replacement thereof. Provided, however, the city manager may review water rates on an annual basis and cause same to be increased to compensate for the rate of inflation (inflationary increase); further provided, that said inflationary increase shall not exceed the rate of inflation for the calendar year immediately preceding the increase. As used herein, "rate of inflation" shall be determined by the Consumer Price Index for the United States as defined and officially reported by the United States Department of Labor or its successor agency. An inflationary increase for water rates may be in addition to any other water rate increase approved by the city council as provided herein.

(b) Upon the city manager making a determination that an inflationary increase to the water rates is necessary, he/she shall so notify the city council and cause the revised water rates to be published pursuant to the requirements of subparagraph (a).

(Code 1977, § 2.73; Ord. No. 97-2, § 1, 3-4-97)

Sec. 27-108. Wastewater service charges.

(a) Charges for wastewater services shall be levied on all premises having any sewer connection with the public wastewater facilities. The wastewater service charges shall remain in effect until changed by resolution of the city council from time to time, and when so changed shall be published at least once in a newspaper of general circulation within the city and no change in service charges shall become effective until ten (10) days after such publication. The city council shall, by resolution, establish service charges estimated to be sufficient to provide for the payment of any and all indebtedness, to provide for the expense of administration, operation and maintenance of the wastewater facilities as are necessary to preserve the facilities in good repair and working order, and to build up a reasonable reserve for equipment and replacement thereof. Service charges shall be revised by the city council as necessary to meet the system's expenses and to insure that all user classes pay their proportionate share of operation, maintenance and equipment replacement. Provided, however, the city manager may review wastewater service charges on an annual basis and cause same to be increased to compensate for the rate of inflation (inflationary increase); further provided, that said inflationary increase shall not exceed the rate of inflation for the calendar year immediately preceding the increase. As used herein, "rate of inflation" shall be determined by the Consumer Price

Index for the United States as defined and officially reported by the United States Department of Labor or its successor agency. An inflationary increase for wastewater service charges may be in addition to any other wastewater service charge increase approved by the city council as provided herein.

(b) Upon the city manager making a determination that an inflationary increase to the wastewater service charges is necessary, he/she shall so notify the city council and cause the revised wastewater service charges to be published pursuant to the requirements of subparagraph (a).

(c) The city shall make annual contributions from the user charges to an equipment replacement fund in order to maintain the reserve for equipment replacement. In determining the amount of the annual contribution, the city shall take into consideration the projected life of the wastewater treatment plant equipment including vehicles, and the projected life of the city pumping station equipment. If any of the equipment replacement fund is spent before the projected life of the equipment, the sinking fund factor used to compute the annual contributions to the fund must be reviewed and adjusted to compensate for the loss in principal.  
(Code 1977, § 2.74; Ord. No. 97-3, § 1, 3-4-97)

#### Sec. 27-109. Outside wastewater service.

Users of the city's wastewater service who are located outside the corporate limits of the city and who are served by the city's wastewater facilities shall pay for such service at rates sufficient to cover their proportionate share of all applicable operation, maintenance and replacement costs of the wastewater facilities in accordance with the Federal Clean Water Act. They shall also pay costs determined by the city by rate resolution or by the terms of a service contract to cover nonoperating costs such as capital or depreciation costs for the wastewater facilities, including the use of their proportionate share of use or allocated use of the existing wastewater facilities.  
(Code 1977, § 2.75)

#### Sec. 27-110. Service to city.

The city shall pay the same water and wastewater user charges for service to it as would be payable by a private customer for the same service. All such charges for service shall be payable when due from the current funds of the city or from the proceeds of taxes which the city, within constitutional limits, is hereby authorized and required to levy in amounts sufficient for that purpose.  
(Code 1977, § 2.76)

#### Sec. 27-111. Billing.

Charges for all water service and wastewater service shall be billed by the water department and collected by the city treasurer. The city council shall, by resolution, establish billing procedures whereby not less than approximately one-third of all water and wastewater service accounts become due each month. All meter readings shall be scheduled for reading at least every third month and bills shall be rendered prior to the first day of the month following the meter reading, which bills shall be payable and may be paid without penalty up to and including the twentieth day of the month following the month of the billing, and shall thereafter be subject to a ten (10) percent penalty. Water consumption recorded by detector check branch meters shall be billed and collected annually at the commodity rates in effect for each individual account. Billings will be adjusted for water consumed during fires.  
(Code 1977, § 2.77)

#### Sec. 27-112. Collection.

The manager is authorized to enforce the payment of charges for water service to any premises by discontinuing the water service to such premises and to enforce the payment of charges for wastewater service to any premises by discontinuing either the water service or the wastewater service, or both, to such premises and a civil action may be instituted by the city against the customer for recovery of such amounts. The charges for water service and wastewater service which, under the provisions of Act No. 94 of the Public Acts of Michigan of 1933 (MCL 141.101 et seq., MSA 5.2731 et seq.), as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute such lien; and the manager shall, on April thirtieth and September thirtieth of each year, certify all unpaid charges for such services furnished to any premises which as of these dates have remained unpaid for a period of six (6) months, to the city assessor, who shall enter the lien on the next city tax roll against the premises to which the services shall have been rendered, and the charges shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon such roll and the enforcement of the lien for the taxes. In cases where the city is properly notified in accordance with Act No. 94 of the Public Acts of Michigan of 1933 (MCL 141.101 et seq., MSA 5.2731 et seq.), as amended, that a tenant is responsible for water or wastewater service charges, no such service shall be commenced or continued to such premises until there has been deposited with the manager a sum sufficient to cover three (3) times the average quarterly bill for such premises as estimated by the manager. Where the water service to any premises is turned off to enforce payment of water service charges or wastewater service charges, the water service shall not be recommenced until all delinquent charges have been paid and a deposit as in the case of tenants is made, and there shall be a water turn-on charge of an amount established from time to time by city council rate resolution. In any other case where, in the discretion of the manager, the collection of charges for water or wastewater services may be difficult or uncertain, the manager may require a similar deposit. Such deposits may be applied against any delinquent water or wastewater service charges and the application thereof shall not affect the right of the city to turn off the water service and/or wastewater service to any premises for any delinquency thereby satisfied. No such deposit shall bear interest and such deposit, or any remaining balance thereof, shall be returned to the customer making the same when the customer shall discontinue receiving

water and wastewater service. The customer shall notify the city, in writing, of the forwarding address where the deposit, or any remaining balance thereof, shall be mailed. The failure of a customer to notify the city of their forwarding address within six (6) months of termination of service shall result in the deposit, or other remaining balance thereof, being forfeited by the customer.  
(Code 1977, § 2.78)

Sec. 27-113. Billing disputes.

(a) Customers of water and/or sewer service may contest their water and/or sewer bills by contacting a customer service representative at the water department at least ten (10) days before the due date of the bill. If a resolution of the dispute is not resolved from that contact, a customer wishing to further contest a bill must, not more than ten (10) days after the due date of the bill, request a personal hearing with the billing supervisor.

(b) This hearing shall be scheduled as soon as is practicable after the request is made; shall be informal; and shall consist of a review of the amount of the bill, the recent usage history of the premises, and any other relevant matter which, in the opinion of the billing supervisor, may assist in the resolution of the dispute.

(c) At the close of the hearing, the billing supervisor, based upon the information reviewed at the informal hearing, shall either find the bill to be proper or adjust the bill.

(Code 1977, § 2.85)