TOWNSHIP OF ROSS

COUNTY OF KALAMAZOO, STATE OF MICHIGAN

ORDINANCE NO. 179

ADOPTED: June 10, 2008

EFFECTIVE: September 1, 2008

SEWAGE DISPOSAL SYSTEM ORDINANCE RATES, USAGE, REGULATIONS, MANDATORY CONNECTION AND ENFORCEMENT

An Ordinance of the Township of Ross to regulate and control the construction, installation, extension, service connection and operation of public sewer mains and public sewer service within said township under the jurisdiction of the Gull Lake Sewer and Water Authority; to regulate discharge into public sewer mains; to provide for service charges for persons utilizing such public sewer system; to provide for penalties for the violation of such ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF ROSS,

KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION 1

TITLE

This Ordinance shall be known as the SEWAGE DISPOSAL SYSTEM ORDINANCE: RATES, USAGE, REGULATIONS, MANDATORY CONNECTION AND ENFORCEMENT.

SECTION 2

PURPOSE, OBJECTIVES & FINDINGS

Purpose: It is hereby determined to be desirable and necessary for the public health, safety, and welfare of the Township of Ross (hereinafter "Municipality") being served with public sewer service by the Gull Lake Sewer and Water Authority under Act 233 of 1955, as amended, Act 185 of 1957, as amended, and Act 7 of 1967, as amended, and in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended, and

of existing agreements between the parties, to establish an ordinance to regulate the construction, operation and maintenance of the Public Sewer System.

Findings Re: Public Health, Safety and Welfare. The Municipality hereby determines that the Public Sewer System is immediately necessary to protect and preserve the public health, safety and welfare of the Municipality. This determination is based upon the express determination of the State Legislature set forth in Section 12752 of the Michigan Public Health Code, which reads as follows:

> "Sec. 12752. Public sanitary sewer systems are essential to the health, safety, and welfare of the people of the state. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety, and welfare; presents a potential for ill health, transmission of disease, mortality, and economic blight; and constitutes a threat to the quality of surface and subsurface waters of this state. The connection to available public sanitary sewer systems at the earliest, reasonable date is a matter for the protection of the public health, safety, and welfare and necessary in the public interest which is declared as a matter of legislative determination."

Findings Re: Measure of Sewer Use by Metering of Water Supply. The Municipality hereby finds that the metering of domestic water supply is the best available technology and preferred method for measuring with relative precision the discharge to and the use of the Public Sewer System. However, the Municipality recognizes that the cost for the implementation, use and maintenance of this technology is often high especially for the residential users of the Public Sewer System. To the extent practicable, the Municipality will seek to use and require metering for measuring discharges to and use of the Public Sewer System. The Municipality declares, as its goal, the eventual use of metering of domestic water supply for all users of the Public Sewer System at the time when (a) all or substantially all Users of the Public Sewer System are connected to a public water supply system and/or (b) in the opinion of the Municipality, the cost for using and maintaining the metering technology is practical and cost effective for residential users of the Public Sewer System. In the interim, the Municipality finds that the use of a flat-rate User Charge based upon Units is a valid, cost effective, and practical method for measuring use of the Public Sewer System, particularly with respect to detached single family residential users.

SECTION 3

OPERATION

Management, Operation and Maintenance. The management, operation and maintenance of the System shall be under the supervision and control of the Gull Lake Sewer and Water Authority. The Gull Lake Sewer and Water Authority, in performing all of its duties and obligations hereunder and pursuant to the aforementioned contract, is acting as agent for the Municipality. In this regard, the Authority may employ such person or persons in such capacity or capacities as it deems advisable and may make such rules, orders and

regulations as it deems advisable and necessary to assure the efficient establishment, maintenance and collection of rates and charges, and to assure the efficient management and operation of the System.

SECTION 4

DEFINITIONS

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

Accessory Buildings: shall mean subordinate related building(s), less than the size of the main building except as to stables, barns, or other agricultural building(s), use of which is incidental to the use of the main building.

Authority: shall mean the Gull Lake Sewer and Water Authority, acting as agent for the Municipality.

Authority Board: shall mean the governing body of the Authority under Act 233 of 1955, as amended, created by the Townships of Richland, Ross, Barry and Prairieville.

Basin: shall mean the portion of a Grinder Pump System that collects wastewater from the home, storing it until sufficient volume exists to engage the pump to discharge domestic sewage from the home to the Lateral Main.

BOD Biochemical Oxygen Demand: shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees Centigrade, expressed in milligrams per liter (mg/l).

Building Sewer: shall mean the pipe extension from the building or structure to the Public Sewer or other accepted place of disposal.

Claimant: shall mean a property owner that claims that a Sewage Disposal System Event as defined in Public Act 170 of 1964, as amended, caused damage to the owner's property, a physically injured individual who claims that a Sewage Disposal System Event caused the physical injury, or a person making such a claim on behalf of a property owner or physically injured individual. Claimant includes a person that is subrogated to a claim of a property owner or physically injured individual as described in this definition.

Classes of Users: shall mean the division of sanitary sewer customers into classes by similar process or discharge flow characteristics as follows, as required by EPA:

> Residential user - shall mean any individual home or dwelling unit, including accessory building(s), mobile homes, apartments, condominiums, and multi-family dwelling units, etc., that discharges only Domestic Sewage.
>
> Commercial user - shall mean any retail or wholesale business engaged in selling merchandise or a service that discharges only Domestic Sewage.

Institutional user - shall mean any educational, religious or social organization such as a school, church, nursing home, hospital or other institutional user that discharges only Domestic Sewage.

Governmental user - shall mean any federal, state, or local government office of governmental facility that discharges only Domestic Sewage.

Industrial user - shall mean any user of the System which is identified in the Standard Industrial Classification Manual, 1972, under Divisions A, B, D, E, or I, excluding those users already identified in one of the other classes. A user may also be excluded from the "Industrial User" class if it is determined that such user will discharge only Domestic Sewage.

Appendix A shall apply in determining the applicable Connection Fee and User Fee of all of these "classes of users".

Combined Sewer: shall mean a sewer receiving both surface run-off and Domestic Sewage.

Compatible Pollutant: shall mean those pollutants which the wastewater System is or may be designed to reduce or remove from wastewater in accordance with its NPDES permit.

Connection Fee: shall mean the charge imposed by the Municipality to regulate the connection of a Building Sewer, either directly or indirectly, to the Public Sewer System. This fee represents (a) the proportional cost attributable to each Structure in which Sanitary Sewage Originates to regulate access to the Public Sewer System and ensures that sufficient capacity exists to accommodate the additional use without overburdening the Public Sewer System or adversely affecting the Municipality's ability to provide service to the Public Sewer System's existing and future customers; and (b) the benefit to the owner of a Structure in which Sanitary Sewage Originates derived from the connection to the Public Sewer System including, but not limited to, eliminating or reducing the risk of failure of private Sewage Disposal Facilities and the contamination of groundwater. See also Direct Connection and Indirect Connection.

Control Manhole: shall mean a publicly accessible manhole required for certain connections to the Public Sewer System, to allow access by public officials and their agents to sample and test for restricted constituents that may be deleterious to the System.

Debt Retirement Fee: shall mean charges imposed for the purpose of paying costs of retiring contracted debt, including principal, interest and administrative costs of retiring the debt incurred for acquisition and construction of the Public Sewer.

Direct Connection: shall mean the connection of the Building Sewer directly to the Public Sewer System in a manner such that the premises served by the Building Sewer utilizes the existing collection, transportation and treatment components of the Public Sewer System.

Director: shall mean the Director of the Gull Lake Area Sewer and Water Authority or the Authority Board's authorized representative.

Domestic Sewage: shall mean the liquid wastes from all habitable or occupied buildings, structures and residences and shall include human excreta and wastes from sinks, lavatories, bathtubs, showers, laundries and all other water-carried wastes of organic nature either singly or in combination thereof.

Full Special Assessment: shall mean the formal special assessment levied by the Municipality within a Sewer Special Assessment District upon a premise or property for the benefit of public sewer service, provided the assessment applicable to the property allowed for the connection of at least one (1) Single Family Residential Equivalent Unit.

Garbage: shall mean solid wastes from the domestic and commercial preparation, cooking, dispensing, storage and handling of food, and from the handling, storage and sale of produce.

Gravity Sewer: shall mean wastewater pipe or conduit so laid that the force of gravity causes wastewater within said conduit to flow.

Gravity System: shall mean the publicly-owned gravity Service Lead which provides the connection between the privately-owned Building Sewer and the Public Sewer System. A diagram of a typical Gravity System and the connection of a premise thereto is attached to this Ordinance as Appendix B.

Grinder Pump System: shall mean the publicly-owned grinder pump, Basin, controls and pressure discharge pipe, including all control boards, controls, floats, pumps, and appurtenances thereto which provides the connection between the privately-owned Building Sewer and the Public Sewer System. A diagram of a typical Grinder Pump System and the connection of a premise thereto is attached to this Ordinance as Appendix C.

Health Department: shall mean the Kalamazoo County Health and Community Services Department or the Barry/Eaton District Health Department, dependent upon which department has jurisdiction.

Hydraulic Loading; Hydraulic Impact: shall mean the effect of new or additional water flows upon a continuing System of transportation and/or treatment.

Incompatible Pollutant: shall mean any pollutant that is not a Compatible Pollutant.

Indirect Connection: shall mean the connection of a house, building or structure connecting to a sewer line serving more than one property which was constructed with private funds and then subsequently transferred to the Municipality and/or Authority to become a part of the System. (example: if a developer constructs collection sewers in a plat and connects

the collection sewers to the Public Sewer System, the connection of each lot in the plat would be an Indirect Connection).

Industrial or Commercial Wastes: shall mean the liquid waste from the place of the User's business, trade or profession.

Infiltration: shall mean water other than wastewater that enters the System from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, Inflow.

Infiltration/Inflow: shall mean the total quantity of water from both Infiltration and Inflow without distinguishing the source.

Inflow: shall mean water other than wastewater that enters a sewer system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from spring and swampy areas, and storm drain cross connections.

Inspection and Administration Fee (or Permit Fee): shall mean the amount charged to each applicant by the Authority at the time an application is made to the Authority for connection to the Public Sewer System to cover the actual routine cost of inspecting and approving the physical connection of a Building Sewer and Service Connection to the Public Sewer System, the issuance of a connection permit, the witness of the installation and related administrative expenses.

Inspector: shall mean any person or persons authorized by the Authority to view the installation of sewers.

Lateral Main: shall mean any sewer line of the System to which a Service Stub connects or may be connected.

Mg/l or mg/l: shall mean parts per million as used in reference to quantitative analysis of water and wastewater (sewage).

Michigan Department of Environmental Quality; MDEQ: shall mean the Michigan Department of Environmental Quality or any other agency designated by Michigan state law to regulate matters pertaining to the environment.

Municipalities: shall mean the Townships and Villages which are served by the Gull Lake Sewer and Water Authority. When used in the singular, the term shall mean the Municipality adopting this Ordinance.

Natural Outlet: shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

New Construction: shall mean any house, building, or improvement or any other Structure in which Sanitary Sewage Originates, which is constructed after the public sewer line to which such house, building, improvement or structure connects.

Normal Strength Sewage: shall mean a sanitary wastewater flow containing an average daily BOD of not more than 200 mg/l or an average daily suspended solids concentration of not more than 250 mg/l.

NPDES Permit: shall mean the permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of treated wastewater into the waters of the State.

O, M, & R Charge: shall mean that portion of the User Fee levied on all Users of the System for the cost of operation and maintenance of the System, including replacement and depreciation or a portion thereof.

Operation and Maintenance Costs: shall mean all costs, direct and indirect, necessary to provide adequate wastewater collection and treatment on a continuing basis, to conform with all federal, state and local wastewater management requirements, and to assure optimum long-term management of the System. Operation and maintenance costs may, to a certain extent, include a portion of replacement costs.

Owner: shall mean the person responsible for the property taxes as shown on the current tax roll of the township or a tenant or other party who may consent in writing to be responsible for the property in accordance with Section 6. Subsection K hereafter.

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

PH: shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

PPM: shall mean parts per million, equal to milligrams per liter.

Pressure System; Pressure Sewer: shall mean a sewer line in which Sewage is transported solely by means of attached pumps and appurtenances.

Pretreatment: shall mean the application of physical, chemical and/or biological processes to reduce the amount of pollutants on or alteration of the nature of the pollutant properties in privately owned pretreatment facilities prior to discharge into the Public Sewer System.

Properly Shredded Garbage: shall mean garbage that has been shredded to such a degree that no particle shall be larger than one-half inch in any dimension and all particles can be carried freely in the wastewater under the flow conditions normally prevailing in the System.

Public Sewer: shall mean a Lateral Main sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

Replacement Costs: shall mean expenditures made during the service life of the System to replace equipment and appurtenances necessary, maintaining the intended performance of the System.

Residential Equivalent Unit (REU): shall mean a factor established for each type of User as shown on Appendix A. It represents the quantity of sanitary sewage ordinarily arising from the occupancy of a freestanding single-family residential dwelling by a single family of ordinary size and the benefit derived from the disposal thereof. It is based upon an average daily Sewage discharge of 200 gallons. A listing of the relative relationships between the various Users of the System is hereby determined by the Municipality and set forth in Appendix A. The assignment of REU(s) to a particular User shall be determined from time to time by the Authority, based upon available information, studies and investigation of the use to which the User's property is put. The assignment of REU(s) for any use not enumerated in Appendix A shall, in the sole discretion of the Authority, be based upon the most similar use enumerated in Appendix A.

Revenues, Net Revenues: shall be defined as set forth at Section 3, Act 94, Public Acts of Michigan, 1933 as amended.

Sanitary Sewer: shall mean a pipe or system of pipes that convey wastewaters from residences, commercial buildings, industrial plats, institutions, or other structures as a part of the wastewater collection System.

Service Lead, Sewer Lead, Stub or Lateral: shall mean that portion of the Public Sewer extending perpendicular to the property line or edge of easement wherein the Public Sewer lies.

Service Connection: shall mean the portion of the Public Sewer System which extends perpendicular either to or onto the parcel of land adjacent to the path of the Public Sewer, and includes the tee/wye, the Service Lead or Lateral, a Grinder Pump System, a Gravity System, related pumping facilities and appurtenances, but not including the Building Sewer.

Sewage Disposal Facilities: shall mean any on-site, private septic tank, subsurface disposal system or other devices used in the disposal of Sewage and which are not part of the System.

Sewer District or Sewer Service District: shall mean properties designated by the Municipality via special assessment proceedings, contract(s) and/or permit to receive the benefit of service by the Public Sewer System.

Sewage: shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present. The three most common types of Sewage are:

Domestic Sewage - shall mean the combination of liquid and water carried waste discharged from toilet and other sanitary plumbing facilities.

Industrial or Commercial Waste - shall mean a combination of liquid and water carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

Combined Sewage - shall mean wastes including Domestic Sewage, Industrial or Commercial Waste, storm water, and Infiltration and Inflow carried to the System by a Combined Sewer.

Sewage System Disposal Event: shall mean an overflow or backup of the Public Sewer as defined by Act 222 of the Public Acts of Michigan of 2001.

Sewage Treatment Facility: shall mean any arrangement of devices and structures used for treating Sewage.

Sewer: shall mean a pipe or conduit for carrying sewage.

Shall, May: "Shall" is mandatory; "May" is permissive.

Slug: shall mean any discharge of Sewage or Industrial Waste which, in concentration of any given constituent, exceeds for any period of duration longer than 15 minutes more than five times the average 24 hours concentration during normal operation.

Storm Drain (Storm Sewer): shall mean a sewer which carries storm and surface waters and drainage, but excludes Sewage, other than unpolluted cooling water.

Structure in which Sanitary Sewage Originates: shall mean a building in which toilet, kitchen, laundry, bathing, or other facilities which generate Sewage are used or are available for use for household, commercial, industrial, or other purposes.

Suspended Solids: shall mean solids that either float on the surface of, or in suspension in, water, Sewage or other liquids and which can be removed by laboratory filtering.

"System" or "Public Sewer System": shall mean the complete facilities of the Authority and Municipalities, including all treatment facilities, sewers, pumps, lift stations, and all other facilities used in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be made.

United States Environmental Protection Agency; USEPA: shall mean the United States Environmental Protection Agency or any other agency designated by the United States Congress to regulate matters pertaining to the environment.

User: shall mean a recipient of services provided by the System, including premises which are connected to the System.

User Fee: shall mean the monthly charge to Users of the System. The User Fee consists of O, M, & R Charge and the Debt Retirement Fee, if any.

Watercourse: shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Wye Branch: shall mean a local Service Connection to the Lateral Main that is made at an angle similar to a "y" so that a sewer cleaning rod will not come into the sewer at a right angle and penetrate the far side, but will travel down the course of the sewer.

SECTION 5

CONNECTION TO AND EXTENSION OF PUBLIC SEWER SYSTEM

A. Permit to Connect Generally. Permits for connections to sanitary sewers shall be issued by such person as shall be designated by the Authority. Such a permit shall not be issued until all assessments due and/or the charges for sewer connections have been paid as provided for herein and until the Director has determined there is capacity available for the wastewater to be discharged in System facilities and the wastewater treatment plant, including capacity for compatible wastes. The Director may require a compatibility study at the expense of the User to demonstrate to the satisfaction of the Director that the wastewater to be discharged is compatible with and will not adversely affect the System.

B. Building Sewer Permits. There shall be two classes of building sewer permits:

1. Residential permits;

2. Commercial permits, including industrial, governmental, and institutional usage.

In either case, the Owner or his agent shall make application on a special form furnished by the Authority. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Director, and/or the Authority's engineers. The Permit Fee (also known as the Inspection and Administration Fee) shall be determined from time-to-time by the Authority based upon Authority costs incurred for such inspection and permit handling.

C. Costs to be Borne by Owner. All costs and expenses incidental to the installation and connection of the Building Sewer shall be borne by the Owner. The Owner or the person installing the Building Sewer for said Owner shall indemnify the Municipalities and the Authority from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.

D. Separate Sewer for Every Building; Exceptions. A separate and independent Building Sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available nor can be constructed to the rear building through an adjoining alley, court, yard or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer. Other exceptions may be allowed only by special permission granted by action of the Authority. Plumbing fixtures installed in accessory buildings and drains carrying Sewage shall be connected to the Public Sewer System.

E. Work on Sewer System; Permit, Bond, Insurance Required. No Person shall uncover, make any correction with or opening into, use, alter or disturb any portion of the System or appurtenances thereof, without first obtaining a written permit from the Authority. The Permit Fee shall be established from time to time by resolution of the Authority Board. The Person applying for such permit shall execute unto the Authority and deposit with the Authority, a bond with corporate surety in a sum to be determined by the Authority conditioned that all work will be faithfully performed with due care and skill, and in accordance, with the laws, rules and regulations established by the Authority and the Municipality pertaining to connections to and use of the System. The amount of the bond shall be established from time to time by resolution of the Authority Board. This bond shall state that the permitee will indemnify and save harmless the Authority, the Municipalities and the owners of the property and abutting properties against all damages, costs, expenses, outlays and claims of every nature and kind arising out of willful misconduct or negligence in connection with plumbing, sewer line connection, or excavating for plumbing or sewer connection as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of one year or such other period as shall be authorized by the Authority; except that, upon such expiration, it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. The permitee shall also provide public liability insurance for the protection of the Authority and the Municipalities, the property owner, and all persons to indemnify them for all damages caused by accidents attributable to the work, with limits of $300,000.00 for one Person, $500,000.00 for bodily injuries per accident, and $100,000.00 for property damages or as otherwise set by resolution of the Authority Board.

F. Installation and Pipe Specifications. The Building Sewer shall be constructed using methods and types of pipe meeting the written requirements of the Authority at the time of connection.

G. Excavations; Pipe Laying. Whenever possible, the Building Sewer shall be brought to the buildings at an elevation below the basement floor. No Building Sewer shall be laid parallel to, or within three feet of, any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a Building Sewer shall be open trench work unless otherwise approved by the Authority. Pipe laying and backfill shall be performed in accordance with the current ASTM specifications except that no backfill shall be placed until the work has been inspected by the Authority inspector and state and local inspectors as otherwise may be required.

H. Lifting Sewage by Artificial Means. In all buildings in which any Building Drain is too low to permit gravity flow to the Service Connection, Sewage carried by such drains may be lifted by approved artificial means and discharged to the Building Sewer. Costs for installation and connection shall be borne by the Owner.

I. Grinder Pump Pressure System Requirements. For installations requiring Grinder Pump Systems connecting to Pressure Sewer systems, the Authority shall install the Service Lead at the Authority's cost. The Authority shall provide the Grinder Pump System (components) for installation pursuant to Authority policy, and costs for installation and connection of the Service Connection shall be borne by the owner, including any interior electrical upgrades necessary to provide appropriate power to the Grinder Pump System, said power being provided by the property owner being serviced. Upon proper installation of the approved Grinder Pump System and appurtenances per Authority policy, the Authority shall own, operate and maintain the Service Connection from the street up to and including the Basin, including the underground electrical line from the home (control box) to the Basin, subject to appropriate access granted by the property owner to the Authority.

J. Connection to Public Sewer. The connection of the Building Sewer to the System shall be made at the Service Lead or Service Connection location designated for the property by the Authority. Any connection not made at the designated Service Lead or Service Connection in the Lateral Main shall be made only as authorized by the Authority.

K. Inspection. An applicant for connection of a Building Sewer to the System shall notify the Authority when the Building Sewer is exposed and ready for inspection and connection to the public sewer.

L. Authority Responsibility for Repairs; Operation and Maintenance. The cost of all repairs, operation, maintenance and replacement of the Public Sewer System (including the Service Connection) shall be a budgeted expense of the System, subject to sub-section N below. Grinder Pump Systems owned, operated and maintained by the Authority shall be provided power from the property owner's power system (electric meter) at the premises. The Authority shall not be responsible for the electrical operations cost of the Grinder Pump System.

M. Property Owner's Responsibility for Repairs, Operation and Maintenance. The cost of all repairs, operation, maintenance and replacements of a Building Sewer and its connection to the Public Sewer (even if a portion thereof is located in a public right-of-way) shall be borne by the property owner. Grinder Pump Systems owned, operated and maintained by the Authority shall be provided power from the property owner's power system (electrical supply) at the premises.

N. On-Lot Access Requirements – Grinder Pump System. Prior to the approval and issuance of a Service Connection permit for a Service Connection to a Grinder Pump System, the property owner will be asked to sign a form prepared by the Authority granting

permission for the Authority, its contractors and service technicians to have access to the property for the purposes of installation, maintenance, repair and replacement of the Grinder Pump System Service Connection and, without limit, its components. If the Owner or his/her agent fails to sign the approval form or thereafter declines to provide appropriate and timely access to the property for the purposes listed above, then one of the following will occur at the sole discretion of the Authority: (i) The Authority shall offer the property owner and the Owner shall accept an appropriate bill of sale conveying from the Authority to the Owner title to all components comprising the Service Connection. The Owner shall, at his or her expense, install, repair, operate, maintain and replace the Service Connection in accordance with the same standards followed by the Authority with respect to Grinder Pump Systems owned, operated and maintained by the Authority; (ii) the property shall no longer be connected to the Public Sewer.

O. Excavations; Regulations. All excavations for sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Authority and other public bodies having jurisdiction over such matters.

P. Connections Allowed Only if Capacity Available. No connection to the System will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, forcemains and treatment plant, including capacity for additional BOD and Suspended Solids loadings. Determinations of such hydraulic impact are made by the Authority's engineers and may be subject to approval of the MDEQ of the State of Michigan.

Q. Service Lead Installation: The Authority shall be responsible to install, at Authority cost, the Service Lead or Stub extending perpendicular to the Lateral Main to and/or onto the property. The cost of this installation shall be borne solely by the Authority, unless, upon review by the Authority and its engineers, the Authority determines that there are special circumstances (e.g., terrain, highway crossings, pipe sizing, redundancy or other similar considerations) that add to the cost of the installation. The Authority, in such a circumstance, may require the property owner to pay all or a portion of this added cost of installation.

R. Connection to Sewer; Disconnection of Private Facilities. At such time as connection shall be made to the public sewer, any septic tanks, cesspools and similar private Sewage Disposal Facilities shall be abandoned and filled with suitable material as may be required by the State Health Department, County Health Department, the Authority or the Municipality.

S. Disconnection of Service. Applications for connection permits may be cancelled and/or sewer service disconnected by the Authority for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

1. Misrepresentation in the permit application as to the property or Residential Equivalent Units to be serviced by the System.

2. Unsafe or improper construction methods as determined by the Authority or other regulatory agency.

3. Failure or refusal to keep a Building Sewer in a suitable state of repair.

4. Nonpayment of any Connection Fee, User Fee, or any other rate, charge or fee authorized by this Ordinance.

5. Violation or attempted violation of any provision of this ordinance or of any rule or regulation promulgated by the Authority or the Director, or failure to appear at a hearing under this Ordinance when required.

The Authority shall provide 30 day written notice to the User at its last known address prior to disconnection. The Authority shall provide written notice of the disconnection to the Owner and the Municipality.

T. Interceptors. Grease, oil, sand or other interceptors shall be provided at the Owner's expense when, in the opinion of the Authority's engineers, they are necessary for the proper handling of liquid waste containing grease in the excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be properly maintained and operated by the Owner and shall be of a type and capacity approved by the Authority's engineers, shall be subject to approval by State or Local Plumbing Code inspectors, and shall be located as to be readily and easily accessible for cleaning and inspection. Proof of proper maintenance and operation may be required by the Authority.

U. Extensions of the Public Sewer by other than Municipality or Authority (Indirect Connection). Extensions to the System require the following:

1. Certified submittal of plans and specifications to the Authority.

2. Approval of Authority Engineer.

3. Approval of construction contract by Authority and Municipality.

4. MDEQ permit to construct.

5. Payment of Authority expenses as related to said sewer extensions, as provided for by said construction contract.

SECTION 6

RATES; CONNECTION FEE; USER FEE; DEBT RETIREMENT FEE

Purpose. The System is an integrated wastewater operation consisting of Lateral Mains, trunk sewers, pump stations, lift stations and appurtenances thereto, which operate as a whole, providing for the collection, transportation and treatment of Sewage, and must be viewed as such when establishing rates for the System. The purpose of establishing rates for connection and use of the System is primarily to regulate the use of the System and to ensure the equitable allocation of the costs of construction, operation and maintenance of the System, including the risk of liability, including long-term operation and replacement associated with the System, and including the acquisition of adequate treatment capacities from contractual third-parties.

A. The specific amounts/rates of the various fees and charges imposed under this Ordinance shall, except as otherwise set herein, be the same as were in effect under the prior SEWAGE DISPOSAL SYSTEM ORDINANCE: RATES, USAGE, REGULATIONS, MANDATORY CONNECTION AND ENFORCEMENT. The rates/amounts of all fees and charges imposed under this Ordinance may hereafter be amended from time-to-time by resolution of the governing body of the Municipality or, where applicable, the Authority Board.

The fees established herein shall be divided into three categories: Connection Fees, User Fees and Debt Retirement Fees.

1. Connection Fees. The Connection Fees shall be set in order to regulate the management of connections and to meet the immediate and long term capital requirements of the System. The Connection Fees ensure the integrity of the System by raising sufficient funds to pay for the long-term management of new connections and to meet the System capital requirements for replacement, improvement and/or expansion of the System which charges shall be in reasonable proportion to the costs of the services provided. Such fees shall be fixed and revised from time-to-time upon recommendation of the Authority Board to the Municipality and subsequently by resolution of the governing body of the Municipality as may be necessary to produce these amounts. The Municipality may charge differing Connection Fees for different sewer districts based upon cost of construction, maintenance and/or replacement.

2. User Fees. The User Fees shall be set in order to regulate the buildings and structures which are connected to, and are currently using the System, and to provide for the payment of the expenses of administration, operation and maintenance and replacement of the System as necessary to preserve the same in good repair and working order; and to provide for the payment of the contractual obligations of the Municipalities served by the Authority; and to provide for such other expenditures and funds for the System as established

by the Authority; which charges shall be in reasonable proportion to the cost of the services provided. Such fees shall be fixed and revised from time-to-time upon recommendation of the Authority Board to the Municipality and subsequently by resolution of the governing body of the Municipality. Each User other than a single family residence shall pay the User Fee at a rate based upon multiplying the User Fee by a factor representing a rate of sewer use by such class of Users to normal single family residential sewer use as reflected in Appendix A. Based upon cost of service, the Municipality may charge differing User Fees for designated Sewer Districts.

3. Debt Retirement Fees. The Debt Retirement Fees shall be set in order to provide for the cost of capital expenditures for which debt has been incurred for the construction, expansion, improvement and/or replacement of the System and to assist in the equalization and leveling of the Connection Fees charged for construction, expansion and replacement of the System, thereby avoiding the spiking of rates which further the regulatory purpose associated with Connection and User Fees for use of the System. Such rates shall be fixed and revised from time-to-time upon recommendation of the Authority Board to the Municipality and subsequently by resolution of the governing body of the Municipality as may be necessary to produce these amounts. Based upon cost of debt for certain districts, the Municipality may charge different fees for different Sewer Districts.

B. User Classes. All Users of the System will be included in a User class and each User class will pay for its proportionate share of the use of the System in terms of volume and pollutant loading. The components of sewer use charges levied to defray the cost of operation, maintenance and replacement (including depreciation) of the System shall also be proportionate, with the Municipality having the authority to charge a higher User Fee to reflect the higher operation, maintenance and replacement costs within a specific User Class and/or a Sewer District. The classes of Users shall be as defined in Section 4 of this Ordinance.

C. Connection Fees. Each person desiring to connect to the System shall pay a fee for the privilege of using the facilities and receiving the service of the System in the amounts given below:

1. Direct Connection: For each house, building, or structure connecting directly to the System, there shall be charged a Direct Connection Fee per Residential Equivalent Unit. Those parcels located in a special assessment district and subject to a Full Special Assessment shall be credited for a Direct Connection Fee for each Residential Equivalent Unit assessed.

2. Indirect Connection. For each house, building, or structure connecting indirectly to the System there shall be charged an Indirect Connection Fee per Residential Equivalent Unit. Indirect connection fees defray proportionate shares of necessary oversizing of the System.

D. Payment of Connection Fees / Installment Plan with interest. Connection Fees as set forth herein shall be due and payable in cash upon application for connection to the System; provided, however, that pursuant to resolution of the Authority Board, said fees may be payable in installments plus accrued interest to be paid annually on the unpaid balance. The terms of payment, amount of initial down payment, rate of interest and other characteristics of installment payment plans for respective Sewer Districts shall be determined from time-to-time by resolution of the Authority Board. All installment agreements shall be in writing. The Authority Board may, based upon cost of funds and financing arrangements/commitments, determine that allowing installment payments within certain Sewer Districts for a given period of time may negatively impact the ability of the Authority to meet its short-term obligations, and therefore, the Authority Board may deny the use of installment plans for a Sewer District for a given period of time.

E. Industrial Users; Normal Strength Sewage. Each industrial User that discharges process wastewater which does not exceed the limits of "normal strength sewage" shall be charged and shall make payments to the Authority in amounts based on the actual waste volume and strength from such User as stated elsewhere in this ordinance.

F. Industrial Users to Pay Proportionate Share. Each industrial User shall pay the proportionate share of the operation, maintenance and replacement/ depreciation costs of the System that are allocable to the treatment of said User's Industrial or Commercial Waste.

G. Sewage Exceeding Normal Strength. Each User that proposes to discharge wastewater to the System which exceeds the limits of Normal Strength Sewage will be required to either: (a) provide satisfactory pretreatment to reduce the strength of the wastewater to Normal Strength Sewage, or (b) pay a surcharge determined by the relative concentration of BOD, suspended solids, or other pollutant as compared to Normal Strength Sewage. Said surcharge shall be established from time-to-time by resolution of the governing body of the Municipality.

H. Special Rates. For miscellaneous services or where a premise receives sewer service for which a special rate need be established, such rates shall be recommended by the Authority and fixed by resolution of the governing body of the Municipality.

I. Delivery of Bills. All bills and notices relating to the conduct of the business of the Authority and of the System will be mailed to the person listed on the application for the connection permit at the address listed on the permit, unless a change of address has been filed in writing at the business office of the Authority. The Authority, as agent for the Municipality, shall not otherwise be responsible for delivery of any bill or notice, nor will the person be excused from nonpayment of a bill or from any performance required in said notice.

J. Billing. Bills will be rendered as follows:

1. For Users whose charges do not exceed $120.00 per quarter, bills will be rendered quarterly.

2. For Users whose charges are $120.00 per quarter or more, bills may be rendered monthly.

All bills shall be payable without penalty within 30 days after the date thereon. Payments received thereafter shall bear a penalty of five percent of the amount of the bill.

K. Enforcement. All rates, charges and fees established by this Ordinance for connection to and use of the System shall be a lien on the property in accordance with the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, are made a lien on all property served thereby, and whenever any such charge against any piece of property shall be delinquent for six months, the Authority or officials in charge of the collection thereof shall certify annually on August 1 of each year to the tax assessing officer for the Municipality, the facts of such delinquency, whereupon such charge including penalties shall be by him/her entered upon the next tax roll as a charge against such property and shall be collected and the lien thereof enforced in the same manner as general taxes against such property are collected and the lien thereof enforced; provided, however, where notice is given in writing that a tenant is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such property until a cash deposit equal to six months service charges shall have been made as security for payment of such charges and services. In addition to the foregoing, the Municipality and the Authority shall reserve the right to shut off sewer service to any property for which charges are more than three months delinquent, and such service shall not be reestablished until all delinquent charges and penalties plus a turn-on charge, to be specified by resolution of the Authority Board, have been paid. Further, such charges and penalties may be recovered by the Authority and/or the Municipality by court action, together with such attorney fees and costs as authorized by law.

L. Re-establishing Service; Deposit Required. In addition to the foregoing, where the sewer service supplied to a house, building, or structure has been discontinued for nonpayment of delinquent bills, the Authority reserves the right to require by Resolution that a sum be placed on deposit with the Authority for the purpose of establishing or maintaining any customer's credit.

M. Appeals. Any person has the right to appeal the basis for any charges developed in accordance with this ordinance. Appeals shall be directed to the Authority Board, along with any supporting documentation for amendment of the charges in question. Any additional information that may be required to resolve the appeal shall be obtained by said person at his expense. Resolution of appeals shall be made within 30 days by action of the Authority after receiving written recommendation from the Director in accordance with best available data and the formulations presented in this ordinance. In no event shall appeals be accepted which would require a variance in the methods of charge calculations established and in force throughout the System. All bills for any rates, charges or fees for

services provided under the terms of this Ordinance, outstanding during the appeals process, including all penalties or delinquency charges, shall be due and payable. Upon resolution of the appeal and if necessary, the Authority shall adjust said charges accordingly including any refunds due. Refunds shall be retroactive to the previous four quarters billings only.

N. Audit Review; Adjusting Charges. The Authority Board shall have an independent annual audit performed of the System operation and maintenance costs plus all other revenue and expense obligations. Such an audit shall be conducted annually by the Authority on or before September 1st, and a copy thereof provided to the Municipality's Clerk. The Municipality shall review the audit and if necessary, adjust rates at least annually to the users of the System in accordance with applicable USEPA regulations and contracts with the Authority.

O. No Free Service. No free service shall be furnished by said System to any house, building, property, nor to any person, firm or corporation, public or private, nor to any public agency or instrumentality.

P. Interruptions of Service. The Authority shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for the purpose of working on the System, all persons affected by such interruptions will be notified in advance whenever it is possible to do so.

SECTION 7

REVENUES

A. Depository Funds. The revenues of the System (excluding collections of special assessments for the System) shall be set aside, as collected and deposited in a separate depository account in a bank duly qualified to do business in Michigan, in an account to be designated Sewer System Receiving Fund (hereinafter, for brevity, referred to as the "Receiving Fund"), and said revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the times hereafter specified. Collections of special assessments for the System shall not be deposited in the Receiving Fund or the Operation and Maintenance Fund but shall be deposited in the Contract Payment Fund so designated for the respective debt repayment.

1. Operation and Maintenance Fund. Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a depository account, designated Operation and Maintenance Fund, a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

2. Contract Payment Fund. There shall next be established and maintained a depository account, to be designated Contract Payment Fund, which shall be used solely for the payment of the obligations pursuant to contracts for payment of bonds or other obligations issued to finance the costs of System facilities. There shall be deposited in said fund the collections of Special Assessments imposed by the Municipality to defray part of the costs of System improvements which were financed by the aforementioned bonds or other obligations plus, to the extent necessary to meet contract obligations, Connection Fees received by the Authority for connections to said System improvements which were financed by the aforementioned bonds or other obligations. Should the Connection fee revenues from connections within the Municipality, together with the Special Assessment collections prove insufficient to pay the contractual obligations when due, such revenues may be supplemented by any other funds of the Municipality legally available for that purpose.

3. Replacement Fund. There shall next be established and maintained a depository account, designated Replacement Fund, which shall be used solely for the purpose of making major planned repairs and replacements to the System if needed. There shall be set aside into said fund, after provision has been made for the Operation and Maintenance Fund and the Contract Payment Fund, such revenues as the Authority shall deem necessary for this purpose.

4. Capital Improvement Fund. There shall next be established and maintained a Capital Improvement Fund for the purpose of making improvements, extensions and enlargements to the System. There shall be deposited into said fund, after providing for the foregoing funds, such revenues as the Authority shall determine, including funds necessary in reserve for future unforeseen major capital expenses, replacements and upgrades of the System.

B. Surplus Monies. Monies remaining in the Receiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may at the option of the Authority be transferred to the Capital Improvement Fund or used in connection with any other project of the Authority reasonably related to purposes of the System.

C. Bank Accounts. All monies belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the monies shall be allocated on the books and records of the Authority within this single bank account, in the manner above set forth. The Authority, as operating agent for the Municipalities shall be authorized to act for the Municipalities to establish, maintain and fund the aforesaid accounts. The Authority Board may fix names for the various accounts different from those set out above, and may establish such accounts for the common benefit of all public corporations in the service area, so long as the essential purpose of the aforesaid System of accounts is preserved

3. An applicant aggrieved by the determination of the Authority Board may request the opportunity to appear before the governing body of the Municipality in person for the purpose of showing hardship and presenting any argument or additional evidence. A denial of hardship by the governing body of the Municipality shall be final and conclusive.

4. In the event that the Authority Board or governing body of the Municipality (upon appeal) makes a finding of hardship, said Board shall fix the amount of partial or total deferment of the charge so imposed, and in doing so, shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status of an applicant, said applicant shall immediately notify the Authority so that a further review of the matter may be made by the Authority Board, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:

   a) A change in the financial status of any applicant which removes the basis for financial hardship;

   b) A conveyance of any interest in the premises by any of the applicants, including execution of a new security interest in the premises or extension thereof;

   c) A death of any of the applicants.

5. Upon a determination of the Authority Board or governing body of the Municipality (upon appeal) deferring all or part of the charges imposed, the Owners of the premises shall, within one month after such determination, execute and deliver to the Municipality as the secured party a recordable security instrument covering the premises, and such other documents deemed necessary to secure the payment guaranteeing payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this ordinance.

SECTION 9

OTHER CONDITIONS OF DISPOSAL

A. Septic Tank Unlawful: Exceptions. Except for facilities approved by the County Health Department, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of wastewater within the Municipality after the effective date of this ordinance.

B. Depositing Sewage Upon Property: Unlawful. It shall be unlawful for any person to place, deposit or permit to be deposited, in an unsanitary manner, upon public or private

and so long as the Authority maintains a system of accounting which permits it to determine which public corporations' charges have produced monies in its various accounts.

D. Transfer of Funds. In the event that monies in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any monies and/or securities in other funds of the System, except sums in the Contract Payment Fund derived from tax levies, shall be transferred to the Operation and Maintenance Fund, to the extent of any deficit therein.

E. Monies May be Invested. Monies in any fund or account established by the provisions of this ordinance may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Act 94, Public Acts of Michigan, 1933, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

F. Operating Year. The System shall operate on the basis of an operating year commencing on April 1, and ending on the last day of March next following.

SECTION 8

HARDSHIP APPLICATION

A. Basis for Application. The Owner or Owners of a single-family residence in which residence said owner or owners reside and upon which a Connection Fee has been imposed, may submit a hardship application to the Authority Board seeking a deferment in the partial or total payment of the Connection Fee provided for herein, based upon a showing of financial hardship, subject to and in accordance with the following:

1. The Owner of the premises shall, under oath, complete a hardship application provided by the Authority, and file said application, together with all other information and documentation reasonably required by the Authority with the Authority Board not less than 60 days prior to the due date of the annual installment of such charge. Any such deferment shall be for the current annual installment only. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, excepting financial institutions having security interests in the premises.

2. Hardship applications shall be reviewed by the Authority Board, and after due deliberation of hardship applications, the Authority Board shall determine, in each case, whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicants of said determination.

property within the Municipality or in any area under the jurisdiction of the Municipality, any human or animal excrement, garbage, or objectionable waste.

C. Discharging Untreated Sewage: Unlawful. It shall be unlawful to discharge to any natural outlet within the Municipality, or in any area under the jurisdiction of the Municipality, any wastewater, or other polluted waters, except where suitable treatment has been provided in accordance with all applicable provisions of Local, State and Federal regulatory agencies.

D. Discharge of Unpolluted Drainage to System: Unlawful. No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof run-off, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer of the System.

E. Private System: Regulations. The Owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Municipality or Authority.

F. Additional Requirements. No statement contained herein shall be construed to interfere with any additional requirements that may be imposed by the State of Michigan or the United States including, but not limited to, the Michigan Department of Environmental Quality.

G. Existing Building Sewers. Existing Building Sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Authority, to meet all requirements of this ordinance and other applicable buildings codes. Upon connection of the premises to the public sewer, septic tanks and drywells shall no longer be utilized for the containment or disposal of Domestic Sewage.

H. Prohibited Discharging. No person shall convey, deposit or cause or allow to be discharged, conveyed, or deposited into the wastewater System any pollutant other than a compatible pollutant which the System expressly agrees to accept from a User, or any wastewater containing any of the following:

1. BOD in excess of 200 mg/l.

2. COD in excess of 450 mg/l.

3. Chlorine demand in excess of 1 mg/l.

4. Any pollutant which imparts a color to the wastewater in the wastewater System, which color cannot be removed by the System's treatment process or which is prohibited by the NPDES permit.

5. Liquids, solids, or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to

cause fire or explosion. Such prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, and carbides.

6. Garbage not properly shredded (no particle size greater than one-half inch).

7. Grease, oil, wax, or fat, where emulsified or not, in excess of 150 mg/l, or other substances which may solidify or become viscous at temperatures between 0 and 65° C at the point of discharge into the wastewater System, or concentrations or amounts of oil or grease from industrial facilities violating pretreatment standards.

8. Radioactive wastes or isotopes unless their disposal via wastewater is authorized by Federal, State and Local regulations, and then only when discharge into the wastewater System does not cause damage or a hazard to the System, the persons operating the System, or the general public or concentration which may exceed limits established by applicable State and Federal regulations.

9. Wastes of a temperature less than 3° C. (37.4 degrees F) or greater than 65° C. (149 degrees F).

10. Solids, liquids, or gases from processes employed in the User's business, trade or profession which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for maintenance or repair.

11. Any toxic substances in amounts which cannot be handled by the System or which exceed standards promulgated by the USEPA pursuant to Section 307(b) of the FWPCA, or toxic substances included in any regulations of the MDEQ which identify and prohibit discharge of toxic substances into the water of the State.

12. Any pollutant which deleteriously affects the wastewater System or process, or any pollutant which is regulated by the NPDES permit issued to the City of Kalamazoo and which will pass untreated or unaffected by the treatment System.

13. Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the wastewater System such as, but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair, fleshings or entrails.

I. Limitations on Wastewater Discharging. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in the preceding subsection H, and which in the judgment of the Director may deleteriously affect the wastewater System or carry through the System untreated any pollutant regulated by the NPDES permit issued to the City of Kalamazoo; or constitute a hazard to human or animal life or to any water course receiving the treated effluent of the wastewater System; or violate any pretreatment standards hereinafter established; or cause the wastewater System to violate its NPDES permit or other applicable receiving water standards, the Director may:

1. Reject the wastes and/or refuse to accept the waters or wastes into the System,

2. Require Pretreatment to an acceptable condition for discharge into the public sewers,

3. Require control over the quantities and rates of discharge and/or,

4. Require payment to cover added cost of handling and treating the wastes not covered by existing sewer use charges.

If the Authority permits the Pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Authority and subject to the requirements of all applicable codes, ordinances and laws. The property Owner shall not commence construction of such facility until he has obtained such approvals in writing from the Director and appropriate State agencies.

J. Preliminary Treatment Facilities. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his own expense.

K. Control Manholes. When required by the Authority the Owner of any property serviced by a Building Sewer carrying industrial or other wastes shall install a suitable Control Manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such a manhole or manholes, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Authority and appropriate state agencies. The manhole shall be installed by the Owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

L. Sampling: Water Analyses. All measurements, tests, analyses of the characteristics of water and wastes to which reference is made, in this ordinance shall be determined in accordance with the most recent edition of "Standard Methods of the Examination of Water and Wastewater" and shall be determined upon samples taken from the Control Manhole or other necessary locations. Samples shall be carried out by customarily accepted methods to reflect the effect of constituents upon the System and to determine the

existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is necessary and appropriate, or whether a grab sample or samples shall be taken. These determinations shall be made by the Authority.

M. Commercial Waste Hauling: Regulation. Commercial waste hauling vehicles, including septic waste hauling vehicles, may not discharge contents into the Public Sewer System except as authorized by the Director (in writing).

N. Special Arrangements for Treatment. No statement contained within this Section shall be construed as preventing any special agreement of arrangement between the Municipality and the Authority, and any industrial or commercial concern whereby an industrial or commercial waste of unusual strength and/or character may be accepted by the Authority for treatment, subject to payment therefore by the industrial or commercial concern.

O. Inspection. Agents of the Authority, Municipality, Michigan Department of Environmental Quality, the U.S. Environmental Protection Agency and other related local, state and federal agencies shall have the right to enter all properties for the purpose of inspecting, measuring, metering, sampling and testing the wastewater discharge and for reviewing and examining procedures related to the discharge of waste or wastes. Included herein shall be the right to meter the water supply to determine the approximate use of the sewage System by any user, such metering to be in the discretion of and at the cost of the user or property Owner.

P. City of Kalamazoo Standards. Notwithstanding anything in this ordinance, all Users shall comply with standards of the City of Kalamazoo concerning wastewater disposal and use of the System, and the Authority is authorized to implement said standards by published rules and regulations from time-to-time.

SECTION 10

INDUSTRIAL WASTE TREATMENT

A. Discharging Industrial Wastes: Requirements. Any industry or structure discharging industrial wastes to the sanitary sewer, storm sewer or receiving stream shall file the material listed below with the Authority, and the Authority may also require each Person who applies for or receives sewer service, or who through the nature of the enterprise creates a potential environmental problem as determined by the Authority's engineers, to file the documents listed below:

1. A written statement setting forth the nature of the enterprise, the source and amount of water used, and the amount of waste discharged, both total and partial, with the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.

2. A plan map of the building, works or complex, with each outfall of the surface waters, sanitary sewer, storm sewer, natural watercourse and/or groundwater noted, described and the waste stream identified.

3. Sample, test and file reports with the Authority and the appropriate local and State agencies on appropriate characteristics of waste on a schedule, at locations, and according to methods outlined in this ordinance.

4. An affidavit placing waste treatment facilities, process facilitates, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.

5. A report on raw materials entering the process or support System, intermediate materials, final product, and waste by-products, as those factors may affect waste control.

6. Records and file reports on the final disposal of specific liquid, solids, sludge, oil and radioactive material, solvent or other waste.

7. If any industrial process is to be altered so as to include or negate a process waste or potential waste, written notification shall be given to the Authority subject to approval.

B. Industrial Representative: Duties. One person from each industrial User shall be designated by the user (subject to approval by the Authority) to be responsible for industrial wastes admitted to the System. The designee shall be involved with maintaining any pretreatment facility operations and assuring a continual high level of performance. In case no Pretreatment is provided, the designee shall be involved with prevention of accidental discharges of process wastes admitted to the System. The designee must become aware of all potential and routine toxic wastes generated by his industry. The designee must be informed of all process alterations which could, in any manner, increase or decrease normal daily flow or waste strength discharged to the System.

C. Catalog of Chemicals: Discharges. The industrial representative shall catalogue all chemicals stored, used or manufactured by his industry. Such a listing shall include specific chemical names, not manufacturer's codes. These wastes admitted to the Sanitary Sewer are a prime concern; however, all discharges shall be catalogued. An estimate of daily average flows and strengths shall be made including process, cooling, sanitary, etc. Such a determination should separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Director and shall be treated as confidential information.

D. Process Alterations. The industrial representative should attempt to determine whether or not large process alterations will occur during the next few years, one year, two

years, five years; and should consult with management to determine if such alterations are scheduled and forthcoming.

E. Plant Layout Sketch. A sketch of the plant buildings shall be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment must be indicated, and floor drains located near process and storage areas must be noted. Manhole and sewer locations at the industry's point of discharge into the System must be included on the plant layout sketch.

F. Pretreatment. There shall be separation of spent concentrates from the sanitary sewer to prevent toxic wastes from upsetting the treatment plant. Supervision and operation of the pretreatment equipment for spent concentrates, as well as all toxic wastes and high strength organic wastes to an acceptable level as detailed herein, is the responsibility of the industrial representative. All sludges generated by such treatment must be handled in an acceptable manner-such as in a designated area of a sanitary landfill or by a licensed waste hauler. Adequate segregation of those waters and wastes to be pretreated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems of the System.

G. Secondary Containment. Throughout the industry, adequate secondary containment or curbing must be provided to protect all floor drains from accidental spills and discharges to the receiving sewers. Such curbing should be sufficient to hold 150 percent of the total process area tank volume. All floor drains found within the containment area must be plugged and sealed. Spill troughs or sumps within process areas must discharge to appropriate pretreatment tanks. Secondary containment should be provided for storage tanks which may be serviced by commercial haulers and for chemical storage areas.

H. Sampling. An adequate sampling vault or Control Manhole must be provided in a fully accessible place for Authority personnel to obtain samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the Authority determines necessary to protect the treatment plant and receiving streams. Should the Authority desire continual flow recording over a long duration, or 24-hour composite sampling, then a more complex manhole would be mandatory complete with 110 volt AC, at the expense of the property Owner or User.

I. Costs: Surveillance Fee, Surcharge. A yearly surveillance fee may be initiated by resolution of the Authority Board to reduce some equipment costs or for maintenance of monitoring devices. If a graduated surcharge is deemed necessary to check industrial discharges, then a factor should be incorporated to reduce the costs as industry lowers its waste strength. Consequently, a direct dollar incentive would be given to stimulate continued progress in industrial waste control. A graduated surcharge may not be required if industry provides adequate safeguard devices and treatment facilities to insure protection of the municipal treatment plant and biological processes involved.

J. Unpolluted Drainage Where Discharge Allowed. Storm sewer and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the appropriate state agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state agency, to a storm sewer or natural outlet.

K. Industrial Cooling Water Containing Pollutants. Industrial cooling water containing such pollutants as insoluble oils or grease, or other suspended solids, shall be treated for removal of the pollutants and then discharged to the storm sewer.

L. Pretreatment Facilities. All major contributing industrial users shall pretreat any pollutant in its wastewater which may interfere with, pass through untreated, reduce the utility of municipal sludge, or otherwise be incompatible with the treatment works. Pretreatment of such pollutants shall be in accordance with Section 307 of Public Law 92-500, 40 CFR 403, and as determined by the Director. All owners of and source to which pretreatment standards apply shall be in compliance within the shortest reasonable time, but not later than the date of compliance required by 40 CFR 403 or the date established by the Director whichever first occurs. All such owners shall submit to the Director semi-annual notices (on April 1 and on October 1 each year) regarding specific actions taken to comply with such standards.

SECTION 11

PROTECTION FROM DAMAGE

A. Damaging System: Prohibited. No Person or Persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the System.

B. Interruption of Service. The Authority and the Municipality shall in no event be held responsible for claims made against them by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no Person shall be entitled to damages nor have any option of a payment refunded for any interruption.

C. Overflow or Backup.

1. Liability. Pursuant to Public Act 170 of 1964, and as thereafter amended, neither the Municipality nor the Authority shall be subject to non-economic damages caused by a sewage disposal system event unless the individual making the claim has suffered death, serious impairment of body function or permanent serious disfigurement. Neither the Municipality nor the Authority shall be responsible for economic damages unless Claimant can show that a sewage disposal system event caused property damage or physical injury and the Claimant can show:

a) The Municipality or the Authority is the appropriate governmental agency(s);

b) The sewage disposal system had a defect;

c) The governmental agency knew or, in the exercise of reasonable diligence, should have known about the defect;

d) The governmental agency having the legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect;

e) The defect was a substantial proximate cause of the event and the property damage and/or physical injury;

f) The Claimant must also show reasonable proof of ownership, value of the damaged personal property, and comply with Section 19 of Public Act 170 of 1964, as amended.

2. Notice. The Municipality or its designated representative shall be notified in writing not more than 45 days after the date the damage or physical injury was discovered, or in the exercise of reasonable diligence should have been discovered, and which the property owner believes is attributable to overflow or backup of the sewer system. The notice must contain the following:

a) Claimant's name;

b) address;

c) telephone number;

d) address of the affected property;

e) the date of discovery of any property damage or physical injuries with a brief description of the claim.

f) the notice must be sent to the appropriate Municipality and its designated representative.

3. Inspection. The Municipality or its designated representative, upon receipt of the notice of claim, may inspect the damaged property or investigate the physical injury and the Claimant or Owner or occupant of the affected property shall not unreasonably refuse to allow such inspection.

A. Upon failure of the existing Sewage Disposal Facilities as determined by the Health Department.

B. Upon modification of a structure so as to become a Structure in which Sanitary Sewage Originates.

C. Newly constructed Structures in which Sanitary Sewage Originates shall be connected prior to occupancy.

D. Within 18 months (or such shorter time period set by the governing body of the Municipality) after notification by the Municipality of the availability of the System to the premises is published in a newspaper of general circulation in the Municipality.

Said notification and enforcement of this section shall be in conformity with Act 368 of the Public Acts of Michigan of 1978, as amended.

SECTION 14

VIOLATIONS AND PENALTIES

A. Written Notice of Violation. Any person violating any provision of this ordinance may be served with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations as determined by the Authority However, proceedings to enforce this ordinance may be commenced without such written notice.

B. Penalties: Violation Declared Nuisance. Any Person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine of not more than $500 along with costs which may include all expenses, direct and indirect, to which the Municipality has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than $9 nor more than $500 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance. A violation of this Ordinance is also declared to be a public nuisance and the Municipality or Authority may also enforce the same by injunction or other relief which might be available or appropriate under the circumstances.

C. Violators Liable for Penalties Levied Against Municipality or Authority. Any business, industry or person violating any of the provisions of this ordinance, which results in fines or penalties being levied against the Municipality or Authority shall become liable for said fine or penalty plus any expenses, loss or damage occasioned by such violation. This fine or penalty shall be levied in addition to the fine identified in subsection B of this section.

4. Settlement. If the Municipality or its designated representative against which a claim is made cannot reach an Agreement for compensation for the property damage or physical injury within 45 days after the receipt of the notice, the Claimant may institute a civil action to recover a claim of damages.

5. Legal Authority. The protection and damage provisions provided for in this Section have been instituted pursuant to Public Act 170 of 1964, as amended. In the event of a conflict between the notice and claim procedures set forth in this Section and the specific requirements of Public Act 170 of 1964, as amended, the specific requirements of that Act shall control.

SECTION 12

INSPECTIONS

A. Inspection. Any house, building, or structure receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the Authority.

B. Authority of Inspectors: Limitations. The Director and other duly authorized employees of the Municipality or Authority, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance. Any Person who applies for and receives sewer services from the System under this Ordinance shall be deemed to have given consent to all such activities including entry upon that Person's property. The Director or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers and waterways or facilities for waste treatment.

SECTION 13

CONNECTION TO SYSTEM

It is hereby determined and declared that public sanitary sewers are essential to the health, safety and welfare of the people in the Municipality and that all premises on which structures in which sanitary sewage originates or are situated shall connect to the System at the earliest reasonable date as a matter for the protection of the public health, safety and welfare of the Municipality. Therefore, all premises on which structures are situated or become situated and from which sanitary sewage originates and as to which sewer services of the System shall be available (or are made available) within 200 feet shall connect to said System as follows:

SECTION 15

VALIDITY, SEVERABILITY, EFFECTIVE DATE, PUBLICATION

A. Previous Ordinances Superseded. Ordinances and amendments in conflict herewith or portions thereof are hereby repealed; including in its entirety Ordinance No. 168 (Sewage Disposal Ordinance) adopted November 9, 2004.

B. Severability. If any section, clause, sentence or provision of this ordinance is determined to be invalid, said invalidity shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

C. Publication. This ordinance or summary thereof, shall be published once in a newspaper of general circulation within the boundaries of the Municipality within 30 days after its adoption.

D. Effective Date. This ordinance shall become effective September 1, 2008.

APPENDIX A

	Occupation Use	Units	Unit Factor
1.	Single Family Residence	1.0	per residence
2.	Auto Dealers-New and/or Used	1.0	per premise per 1,000 sq. ft. of building inc. service area
3.	Auto Repair/Collision	1.0	same as above
4.	Auto Wash (Coin-Operated Do-it-yourself 10 gallons or less per car)	1.0	per stall
5.	Auto Wash (Mechanical-Over 10 gallons per car-Not Recycled)	10.00	per stall or production line including approach and drying area
6.	Auto Wash (Mechanical-Over 10 gallons per car- Recycled)	5.0	per stall or production line including approach and drying area
7.	Barber Shop 1	1.0	per shop plus 0.per chair after 2
8.	Bar	4.0	per 1,000 sq. ft.
9.	Beauty Shops	1.0	per shop plus 0.1 per booth
10.	Bowling Alleys (no bar)	1.0	per premise plus 0.2 per alley
11.	Churches	0.25	per 1,000 sq. ft.—minimum 1 unit
12.	Cleaners (pick-up only)	1.0	per shop
13.	Cleaners (cleaning & pressing facilities)	0.5	1.0 per premise plus per 500 sq. ft.
14.	Clinics (Medical or Dental)	1.0	per premise plus 0.5 per exam room
15.	Convalescent or Boarding Homes	1.0	per premise plus 0.25 per bedroom
16.	Convents	1.0	per premise plus 0.25 per bedroom
17.	Country Clubs and Athletic Clubs	1.5	per 1,000 sq. ft. of club house plus restaurant, bar and pro shop as retail store
18.	Drug Stores	1.0	per premise plus snack bar
19.	Factories (office and production)	0.75	per 1,000 sq. ft. based on Wet Process metered sewage flow
20.	Funeral Home	1.5	per 1,000 sq. ft. plus residence to be computed separately
21.	Grocery Stores and Super Market	1.0	per premise plus 0.8 per 1,000 sq. ft.
22.	Hospitals	1.1	per bed
23.	Hotels and Motels	0.40	per bedroom plus restaurant and bar
24.	Laundry (self-serve per)	1.0	premise plus 0.5 per washer
25.	Two-Family Residential	1.0	per unit

	Occupation Use	Units	Unit Factor
26.	Mobile Homes (free standing)	1.0	per unit
27.	Mobile Homes (park or subdivision)	0.75	per pad or site plus laundry, community buildings. and office to be computed separately per schedule
28.	Marinas—per boat docking	.06 .1	space per space under 25 ft in length per space over 25 ft. in length
29.	Multiple Family Residence Duplex, Row Houses or Townhouses	1.0 .8	plus for each dwelling unit in excess of 1
30.	Apartment Residence-unit including laundry facilities in apartment	1.0 .8	plus for each dwelling unit in excess of 1
31.	Apartment Residence-unit not having laundry facilities in apartment	1.0 .6	plus for each dwelling unit in excess of 1
32.	Fraternity Sorority Houses; Dormitories	1.0 .6	plus for each 2 residents in excess of 4
33.	Parks, Recreation Facilities, Campgrounds, Picnic Facilities-no bathing or overnight accommodations	0.2	per parking space
34.	.Picnic Facilities-with bathing privileges or swimming pool	0.35	per parking
35.	Campground Facilities-Recreation vehicles, tents trailers under 12 feet	0.35	per pad or site picnic facilities
36.	Campground Facilities-Trailer parks or trailers in excess of 12 feet	0.50	per pad or site plus picnic facilities
37.	Post Office	1.0	per 1,000 sq. ft.
38.	Professional Office.	0.25	per 500 sq. ft.-minimum 1
39.	Public Institutions	0.75	per 1,000 sq. ft
40.	Restaurants (meals only)	2.5	per 1,000 sq. ft. excluding restrooms, public areas not in regular use and unfinished areas
41.	Restaurants (meals and drinks)	3.5	per 1,000 sq. ft. excluding restrooms, public areas not in regular use and unfinished areas
42.	Restaurants (public areas, auxiliary dining rooms, dance floors or ballrooms which are not in regular use)	0.5	per 1,000 sq. ft.

	Occupation Use	Units	Unit Factor
43.	Retail Store (other than listed)	1.0	per premise plus 0.1 per 1,000 sq. ft
44.	Schools	1.0	per classroom
45.	Service Stations of	1.5	per 1,000 sq. ft. building area
46.	Snack Bars, Drive-Ins, etc.	2.5	per 1,000 sq. ft
47.	Theaters (drive-in)	0.04	per car space
48.	Theaters	0.04	per seat
49.	Warehouse and storage	0.2	per 1,000 sq. ft.
50.	Veterinary Facility	1.5	per facility
51.	Veterinary Facility with Kennel	1.5 0.5	per facility plus per 5 kennels

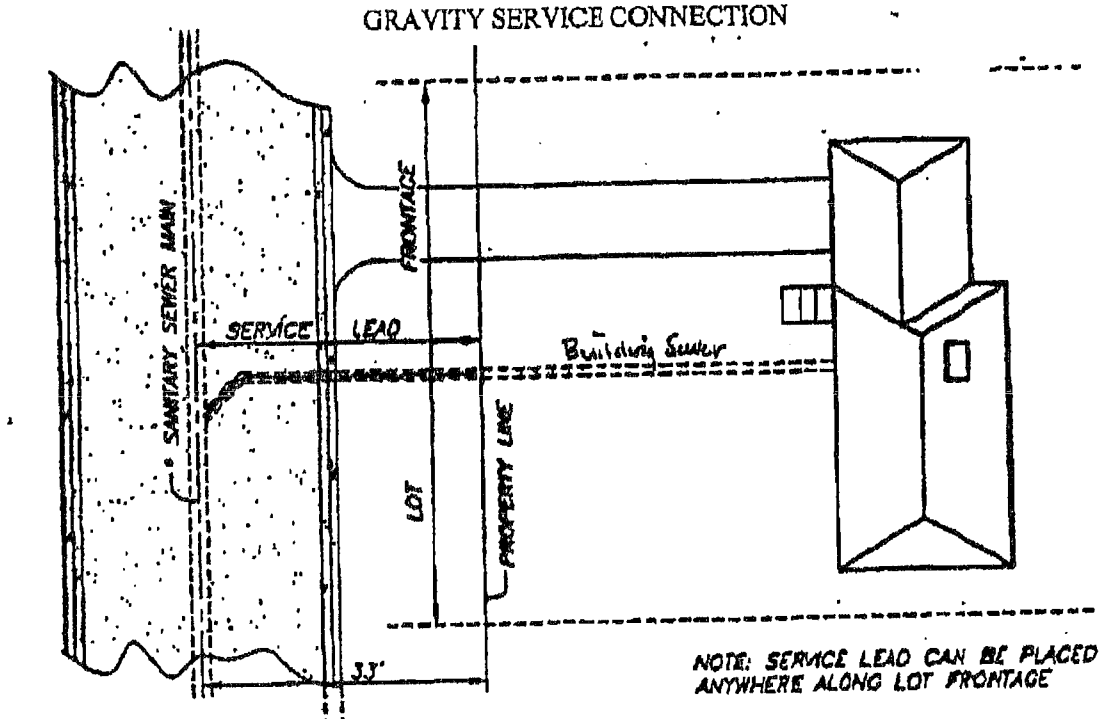
*The Authority may, in its discretion, require any user of the system, other than single family residences, to install a water or sewage meter to measure sewage use and to determine Residence-Equivalent factors at 200 gallons per unit. In this event, the meter reading shall be averaged for at least a three month period as determined by the Authority and then divided by the number of days metered, which resulting amount shall be divided by 200 gallons per day to determine the Residence Equivalence. The metering of the water or sewage flow for this purpose shall be accomplished by a meter approved by the Authority and all installation, repairs and maintenance expense shall be the responsibility of the owner.

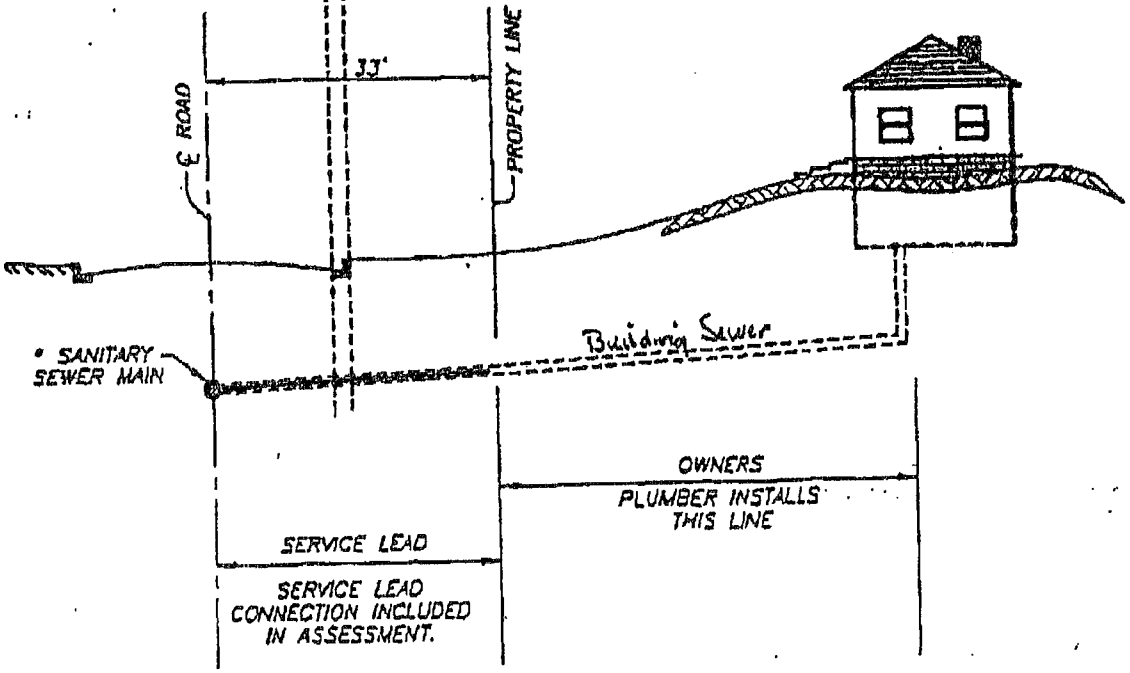
APPENDIX B

SANITARY SEWERS

APPENDIX B-1

GRAVITY SERVICE CONNECTION



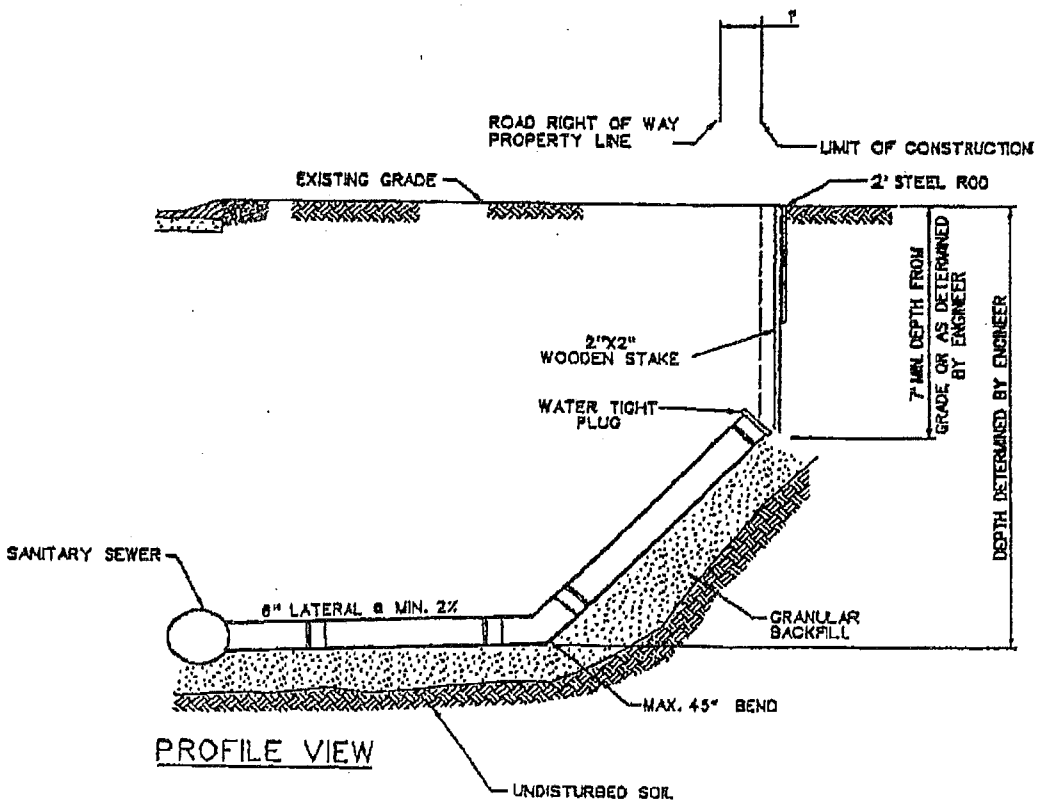


E:\DETAILS\SAN-SEW(TWB)

DIAGRAM OF TYPICAL GRAVITY SEWER

APPENDIX B-2

GRAVITY SERVICE CONNECTION



GRAVITY SEWER LATERAL

NOT TO SCALE

APPENDIX C

APPENDIX C-1

GRINDER PUMP SERVICE CONNECTION

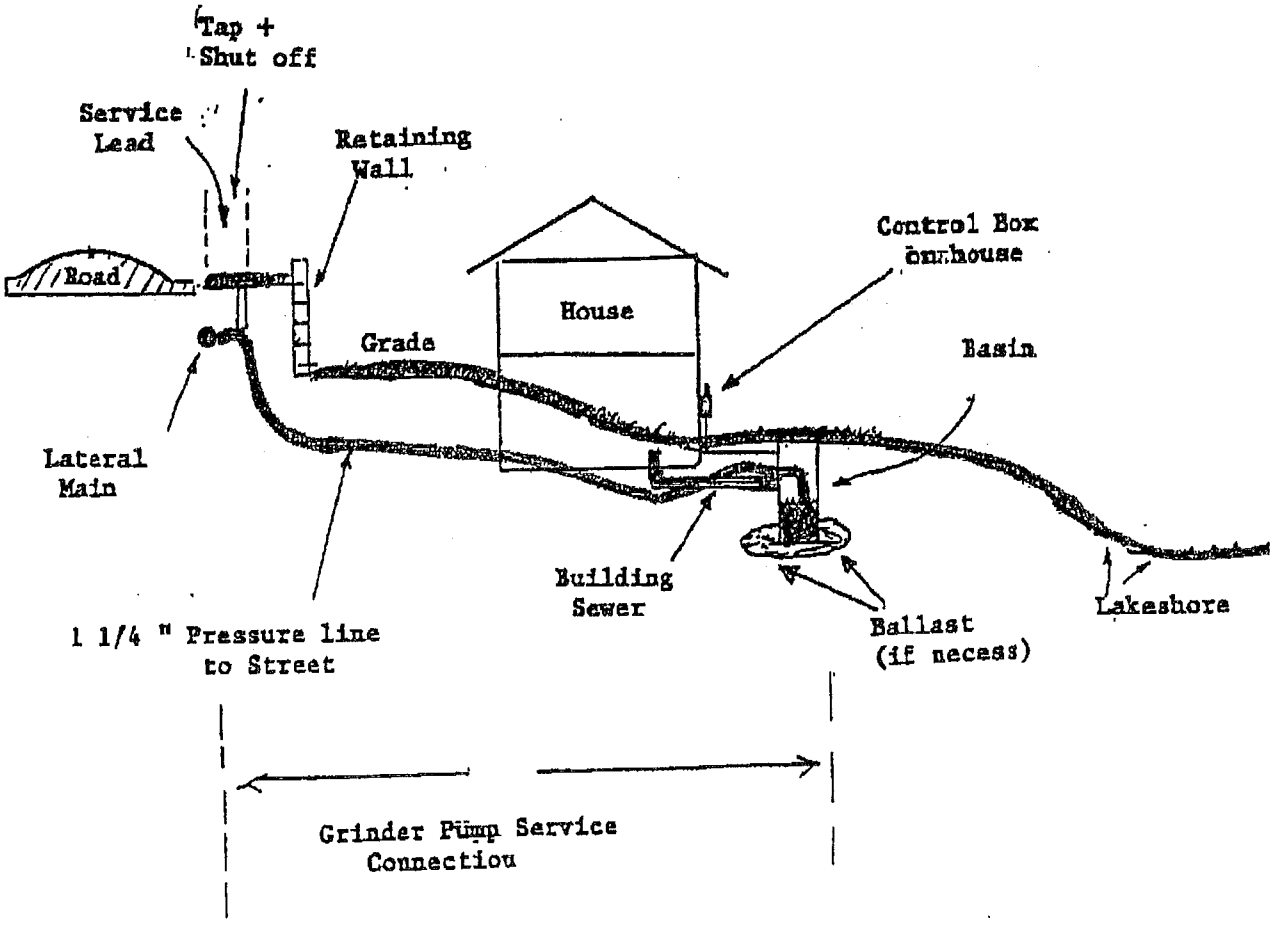
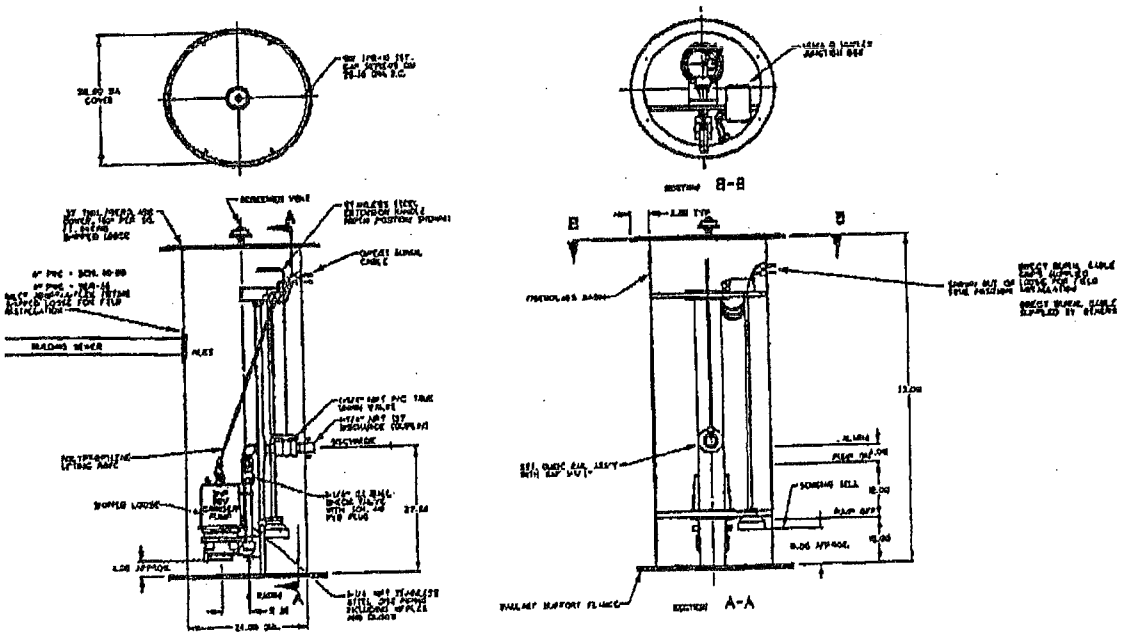


DIAGRAM OF TYPICAL GRINDER PUMP

APPENDIX C-2

GRINDER PUMP BASIN AND PUMP DETAIL



TYPICAL GRINDER PUMP SYSTEM

NOT TO SCALE