ARTICLE IV. - ACQUISITION AND OPERATION

Sec. 24-116. - Policy.

(a) It is hereby determined to be the policy of the township that the distribution of potable water to the citizens of the township through water systems and the disposal of sanitary sewage therefrom is a function best performed by the township.

(b) The township hereby determines that it is desirable that the township acquire and operate any water supply or sewage disposal systems now in existence, or hereafter established, which meet all applicable standards and requirements as part of a single public improvement water supply and sewage disposal system, referred to in this chapter unless otherwise indicated, as the system.

(c) The water supply or sewage disposal systems accepted by the township are under the exclusive control of the water department and all persons other than agents or employees of the water department are forbidden to disturb, tap, change, obstruct access to, or otherwise interfere in any way with the systems.

(d) All water and/or sewer taps shall be issued consistent with the authority of the County of Oakland and Michigan Department of Public Health and shall be allocated exclusively by the township and following issuance there shall be no transfer of a tap from the property issued such tap.

(Ord. No. 31B, § 1, 10-2-79; Ord. No. C-424, § 2, 6-6-94; Ord. No. C-512, § 2, 9-8-97)

Sec. 24-117. - Acquisition procedure.

(a) For the purposes of this section, the term "acquired" shall be construed to include acquisition by purchase, construction or gift, or by any other method.

(b) No water supply or sewage disposal system shall be constructed within the township except under a permit of the state department of health issued in the name of the township and with title and control thereof to be vested in the township. No connection to the system shall be made until the system has been accepted by the township as a public utility.

(c) All construction, specifications, plans, engineering and inspection of any water supply or sewage disposal system shall be done in accordance with article V of this chapter, as amended. In addition, on all such systems a corporate surety issued by a company authorized to do business in Michigan in an amount equal to fifty (50) percent of the cost of the system to be constructed, as estimated by the township engineer, shall be filed with the township prior to the acceptance by the township of the system. Such bond shall be in favor of the township. The condition of the bond shall guarantee the workmanship and materials involved in the construction of the system for a period of two (2) years from the date of acceptance of the system by the township.

(d) The township may pay part or all of the cost of acquiring, constructing and installing any water supply or sewage disposal system and additions, extensions and improvements thereof including engineering, legal and financial fees.

(e) A request may be made to the township board by the owner or owners of any water supply or sewage disposal system presently existing within the township for the township to acquire such system. The township board may, in its discretion and under such reasonable conditions as it may prescribe, accept such system.

(f) In acquiring any water supply or sewage disposal system, the township does not assume any obligation to construct extensions or enlargements thereof to any property not served by such system and any such extensions or enlargements of any such system shall be at the discretion of the township and under such reasonable conditions and methods of financing as the township board shall determine.

(g) The number and location of wells to service new or existing water systems and the capacity of such wells shall be
approved by the township and the state health department.

(h) Reasonable means of access shall be provided to all well sites in order that they may be conveniently serviced at all times of the year. Well sites shall be properly graded and a sod established before acceptance by the township. Well houses shall be of adequate size and designed to be architecturally compatible with present or proposed development in the immediate area.

(i) Excess capacity of all wells shall be the property of the township to be utilized as the township shall determine. In those cases, however, where application is made for the extension of water systems having excess capacities, preference shall be given to the developer at whose expense the well was constructed.

Sec. 24-118. - Functions, supervision of water department.

(a) There is hereby created the department of water supply and sewage disposal, referred to in this article as the water department, which department shall have full and complete jurisdiction and be responsible for the operation, maintenance, repair, billing and other similar functions necessary to the efficient operation of a water supply and sewage disposal system.

(b) The township board shall make rules and regulations for the operation of the water department and for the system. Such regulations shall be adopted by ordinance of the board and copies thereof shall be available upon request from the township clerk.

(c) The township supervisor shall exercise general supervision and control over the water department and shall administer the affairs of the water department within the budget and in accordance with the rules and regulations established by the township board.

(d) There shall be established a position of manager of the water department. The manager of the water department shall be appointed by the supervisor with the approval of the township board. The manager shall be responsible to the supervisor for the actual day-to-day operations of the water department.

(e) Any functions of the water department may be delegated by the supervisor to any appropriate township department, officer or employee, or to any other person acting under contract with the township when, in the supervisor’s judgment, it would be expedient to do so. Such delegated functions shall continue to be subject to the overall direction of the supervisor and the manager of the water department.

Sec. 24-119. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section:

Available public sanitary sewer system means a public sanitary sewer system located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts the property and passing not more than two hundred (200) feet at the nearest point from a structure in which sanitary sewage originates.

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in parts per million by weight.

Chlorine demand means the difference between the amount of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contact period.

COD (denoting chemical oxygen demand) means the quantity of oxygen utilized from a chemical oxidant in a specific test.
Compatible pollutant means a substance amenable to treatment at the Detroit Metro Wastewater Treatment Plant such as BOD, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit for the Detroit Metro Wastewater Treatment Plant which is designed to treat such pollutants, and in fact does remove such pollutants to an acceptable degree.

Contractor means a person who has contracted to perform services regulated in this chapter.

Critical material means the organic or inorganic substances, elements or compounds listed in the register compiled by the state department of natural resources.

Daily average shall be based upon a minimum of eight (8) grab samples taken at one hour intervals.

DNR means the state department of natural resources.

Incompatible pollutant means any pollutant which is not a compatible pollutant.

Industrial cost recovery (ICR) means a charge imposed on an industrial user of the treatment works to reflect its share of the amount of grant funds received to construct the wastewater treatment works as provided under United States Public Law 92-500 and the regulations promulgated thereunder.

Industrial user means any nongovernmental or nonresidential user of the wastewater treatment system, identified in the Standard Industrial Classification Manual (latest edition) under Divisions A, B, C, E or I.

Industrial waste means the liquid wastes, solids or semisolids from industrial processes as distinct from sanitary sewage.

Natural outlet means any outlet into a watercourse, pond, lake or other body of water, either surface water or groundwater.

Operation and maintenance costs means the expenditures required for operating, maintaining and replacement of the treatment works.

Owner means a person having legal or equitable title to the property at issue.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Public sanitary sewer system means a sanitary sewer used or intended for use by the public for the collection and transportation of sanitary sewage for treatment or disposal.

Public sewer means a sewer in which all owners of abutting property have equal rights, and which is controlled by a public authority.

Replacement costs means the expenditures for obtaining and installing equipment, accessories or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which such works are designed and constructed.

Sanitary grinder pump system means an individual building sewer for the sanitary sewage from one (1) structure in which sanitary sewage originates, that consists of a pressurized pumping system that will discharge that sanitary sewage to a low pressure sanitary sewer line that is part of the township's public sanitary sewer system. A sanitary grinder pump system includes but is not limited to the following equipment: A grinder pump unit, wet well, low pressure force main, grinder pump control panel, telephone communication system, redundant alarm systems, air/vacuum relief valves, flushing connections, check valves, a corporation stop and other equipment, fixtures and components necessary to the system functioning in a manner that is efficient, lawful, safe and secure.
Sanitary sewage means any liquid wastes discharged from residences, business buildings and institutions as distinct from industrial wastes and not exceeding the following limitations: three hundred (300) parts per million suspended solids, two hundred forty (240) parts per million BOD and twelve (12) parts per million phosphorus.

Sanitary sewer means a sewer which carries sewage and to which stormwater and surface waters are not intentionally admitted.

Slug means any discharge of water or wastewater, which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flow during normal operation.

Storm sewer means a sewer which carries stormwater and surface waters and drainage, but which excludes sewage and polluted industrial wastes.

Structure in which sanitary sewage originates means a building in which toilet, kitchen, laundry, bathing or other facilities which generate water-carried sanitary sewage are used or are available for use for household, commercial, industrial or other purposes.

Suspended solids means the solids that either float on the surface of or are suspended in the water, sewage or other liquids and which are removable by laboratory filtering.

Township means the Charter Township of West Bloomfield, Oakland County, Michigan.

Township engineer means the director of the township engineering department.

Twenty-five thousand (25,000) gallons per day of equivalent sanitary sewage means any industry's wastewater discharge that exceeds any one (1) of the following parameters on any day throughout the year: 25,000 gallons per day of flow, 62.6 pounds per day of suspended solids, 50.1 pounds per day of BOD or 2.5 pounds per day of phosphorus.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. No. 31B, §§ 4.1—4.24, 4.26—4.29, 10-2-79; Ord. No. 31B-A, 12-17-79; Ord. No. C-660, § 1, 11-17-03)


Sec. 24-120. - Determination of measurements, tests, analyses.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the current edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and in accordance with 40 CFR Part 136 entitled “Guidelines Establishing Test Procedures for Analysis of Pollutants,” or as otherwise specified in this article.

(Ord. No. 31B, §§ 4.1—4.24, 4.26—4.29, 10-2-79; Ord. No. 31B-A, 12-17-79; Ord. No. C-262, § 1, 3-19-90)

Sec. 24-121. - Waste deposits.

It shall be unlawful for any person to place or deposit or permit to be deposited in an unsanitary manner upon any public or private property within the township any human or animal excrement, garbage or other objectionable waste.

(Ord. No. 31B, § 5.1, 10-2-79)

Sec. 24-122. - Water pollution.
It shall be unlawful to discharge into any natural watercourse or any storm sewer within the township any sanitary sewage, industrial waste or other polluted waters, except where suitable treatment has been provided in accordance with the standards established by the state department of natural resources.

(Ord. No. 31B, § 5.2, 10-2-79)

Sec. 24-123. - Unpolluted waters.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters into any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewers or to a natural outlet approved by the township board and/or the DNR. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the township board and/or the DNR, into a storm sewer or natural outlet.

(Ord. No. 31B, § 5.3, 10-2-79)

Sec. 24-124. - Prohibited uses.

(a) Except as hereinafter provided, no person shall discharge any industrial or commercial type waste into the township sewer system which is deleterious to the public health and safety of the people of the township. Any waste will be considered deleterious that may cause damaging effects as stated under the general conditions in subsection (1) or does not conform to the limitations stated under the specific conditions in subsection (2).

(1) General conditions. Wastes that may cause the following damaging effects shall be considered deleterious:
   a. Chemical reaction, either directly or indirectly, with the materials of construction to impair the strength or durability of sewer structures;
   b. Mechanical action that will destroy or damage the sewer structures;
   c. Restriction of the hydraulic capacity of sewer structures;
   d. Restriction of the normal inspection or maintenance of the sewer structures;
   e. Placing of unusual demands on the sewage equipment;
   f. Limitation of the effectiveness of the normal sewage treatment process or cause the Detroit Treatment Authority to exceed the effluent limitations set forth in their National Pollutant Discharge Elimination System Permit;
   g. Danger to public health and safety;
   h. Obnoxious conditions inimical to the public interest;
   i. Exceed the hydraulic capacity of any downstream conveyance.

(2) Specific conditions. Sewage discharges shall conform in all respects to the criteria set forth in this subsection, unless specifically excepted by the township board. Future conditions imposed on the township by federal or state agencies may require subsequent reappraisal and modifications to these criteria by the township board. Where federal or state regulations require limits on parameters not covered in this article or limits more stringent than those specified in this section, the federal or state limits shall take precedence. Wastes that do not conform to the following limitations shall be considered deleterious:
   a. Acidity or alkalinity must be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of pH from 5.0 to 10.0;
   b. Must not contain more than ten (10) parts per million of the following gases: hydrogen sulphide, sulphur dioxide, oxides of nitrogen, or any of the halogens;
   c. Must not contain any explosive substance. In case of gas or vapors the concentrations shall not exceed
twenty (20) percent of the lower explosive limits;
d. Must not contain any flammable substance with a flash point lower than one hundred eighty-seven (187) degrees Fahrenheit;
e. Must have a temperature within the range of thirty-two (32) degrees to one hundred fifty (150) degrees Fahrenheit;
f. Must not contain grease or oil or other substance that will solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit;
g. Must not contain insoluble substance in excess of ten thousand (10,000) parts per million or exceeding a daily average of five hundred (500) parts per million;
h. Must not contain total solids (soluble and insoluble substance) in excess of twenty thousand (20,000) parts per million, or exceeding a daily average of two thousand (2,000) parts per million;
i. Must not contain soluble substance in concentrations that would increase the viscosity to greater than 1.1 specific viscosity;
j. Must not contain insoluble substance having a specific gravity greater than 2.65;
k. Must not contain insoluble substance that will fail to pass a No. 8 standard sieve, or having any dimension greater than one-half inch;
l. Must not contain gases or vapors, either free or occluded, in concentrations toxic or dangerous to humans or animals;
m. Must not have a chlorine demand greater than fifteen (15) parts per million;
n. Must not contain more than one hundred (100) parts per million of any antiseptic substance;
o. Must not contain phenols in excess of .005 parts per million;
p. Must not contain any toxic or irritating substance which will create conditions hazardous to public health and safety;
q. Must not contain in excess of one hundred (100) parts per million or exceed a daily average of twenty-five (25) parts per million of any grease or oil or any oily substance;
r. Shall not contain BOD in excess of a daily average of three hundred (300) parts per million;
s. Shall not contain COD in excess of a daily average of one thousand (1,000) parts per million;
t. Shall not contain suspended solids in excess of a daily average of four hundred fifty (450) parts per million;
u. Shall not contain residue (total on evaporation) in excess of a daily average of two thousand (2,000) parts per million;
v. Shall contain no soluble substance with a viscosity greater than one hundred ten (110) percent of water.
w. Shall contain no material causing coloration or light absorbency, to interfere with plant processes or analytical determinations, such as, but not limited to, dye wastes and vegetable tanning solutions;
x. Shall contain no radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable state or federal regulations;

(b) All of the preceding standards and regulations are to apply at the point where industrial or commercial type wastes
are discharged into a public sewer and all chemical and mechanical corrective treatment must be accomplished to practical completion before this point is reached.

(c) Sampling shall be carried out by customarily accepted methods. The township shall determine the method of sampling to be used.

(Ord. No. 31B, § 5.4, 10-2-79; Ord. No. C-262, § 1, 3-19-90)

Sec. 24-125. - Interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the township engineer and/or the DNR, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any inflammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the township engineer and/or the DNR and shall be located so as to be readily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be substantially constructed, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

(Ord. No. 31B, § 5.5, 10-2-79; Ord. No. C-262, § 1, 3-19-90)

Sec. 24-126. - Interceptor maintenance.

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(Ord. No. 31B, § 5.6, 10-2-79)

Sec. 24-127. - Restrictions imposed by township board.

(a) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which contain the substances, possess the characteristics or exceed the limitations enumerated in section 24-124, or which in the judgment of the township board may have a deleterious effect on the sewer system, the township board may:

(1) Prohibit the discharge of the wastes to a public sewer;

(2) Temporarily permit the discharge of the wastes to a public sewer subject to any conditions that the township board may recommend based on its review of such factors as quantity of the waste in relation to flows and velocities in the sewers, materials of construction of sewers, nature of the sewage treatment process, degree of treatability of the waste and any other pertinent factors;

(3) Require pretreatment to an acceptable condition for discharge to a public sewer, including but not limited to the standards set forth in 40 CFR Part 403, entitled "Pretreatment Standards";

(4) Require control over the quantities and rates of discharge to public sewers.

(b) In all cases, the township board shall require payment to cover any additional costs it may incur in connection with the inspecting, sampling, testing and handling of the wastes not covered by existing sewer rates.

(Ord. No. 31B, § 5.7, 10-2-79)

Sec. 24-128. - Maintenance of preliminary facilities.

(a) When the pretreatment or equalization of sewage flows is permitted, the design and installation of the plants and equipment shall be subject to the review and approval of the township board and subject to the requirements of all applicable codes, ordinances and laws.

(b) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be
Sec. 24-129. - Control manholes.

When required by the township board or the DNR, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of waste. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the township board. 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.

(Ord. No. 31B, § 5.9, 10-2-79)

Sec. 24-130. - Measurements and tests.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in sections 24-124 and 24-127 shall be determined in accordance with Standard Methods for the Examination of Water and Sewage, as set forth in section 24-120, and shall be determined at the control manhole provided for in section 24-129 or upon suitable samples taken at the control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(Ord. No. 31B, § 5.10, 10-2-79)

Sec. 24-131. - Agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the township and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the township for treatment, subject to the payment by the industrial concern of the estimated cost of such treatment.

(Ord. No. 31B, § 5.11, 10-2-79)

Sec. 24-132. - Public health requirements.

Public sanitary sewer systems are essential to the health, safety and welfare of the people of the township. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. 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 the township. 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 interests which is hereby declared as a matter of legislative determination.

(Ord. No. 31B, § 5.12, 10-2-79; Ord. No. 31B-A, 12-17-79)

Sec. 24-133. - Connection to public sanitary sewer systems.

(a) New structures in which sanitary sewage originates and structures that are modified so as to become a structure in which sanitary sewage originates lying within the township shall be connected to an available public sanitary sewer in the township before a certificate of occupancy shall be issued.

(b) Existing structures in which sanitary sewage originates lying within the limits of the township shall be connected to an available public sanitary sewer:

(1) Within ninety (90) days after the date of mailing or posting of written notice that a health hazard exists due to
the failure of an existing septic tank disposal system due to soil conditions or other reasons; or,

(2) Where new or additional tile fields are necessary; or,

(3) Except and as provided in this subsection, within one hundred twenty (120) days from the date of a change in ownership of the property upon which the structure is located. Connection under this subsection shall not be required if the septic tank disposal system has been inspected by a qualified contractor or inspector within one (1) year of the one hundred twenty (120) day connection deadline and a written report based on that inspection, signed by the contractor or inspector, and certifying that the septic tank disposal system has not failed due to soil conditions or other reasons, is functioning properly and does not represent a health hazard, is provided to and accepted as sufficient by the township. The connection obligation under this subsection shall apply to all changes in ownership that occur after publication of a notice by the township in a newspaper of general circulation in the township of the requirements of this subsection, and for properties within areas served by the Clinton-Oakland Sewage Disposal System or West Bloomfield Extensions of that System that were given notice of the connection requirements under Ordinance No. C-621-A, to all changes in ownership after February 14, 2002, which was the effective date of that ordinance.

(Ord. No. 31B, § 5.13, 10-2-79; Ord. No. 31B-A, 12-17-79; Ord. No. C-621, § 1, 2-4-02; Ord. No. C-621-B, § 1, 6-17-02)

Sec. 24-134. - Injunctive power.

Where a structure in which sanitary sewage originates is not connected to an available public sanitary sewer system as required in section 24-133, in addition to the other penalties provided for the violation of this article, the township may bring an action for a mandatory injunction in the circuit court to compel the owner to connect to the available sanitary sewer system immediately. The township may join any number of owners of structures situated within the township in the action to compel each owner to connect to an available sanitary sewer system immediately.

(Ord. No. 31B, § 5.14, 10-2-79; Ord. No. 31B-A, 12-17-79)

Sec. 24-135. - Economic hardship.

An owner of property who by reason of economic hardship is unable to comply with the provisions of section 24-133 requiring connection to an available sanitary sewer system, may have the payment of tap-in fees deferred by application to and approval of the township board. The township board shall, by resolution, define hardship and authorize the method of deferment or partial payment of tap-in fees. As a condition to the granting of the deferred or partial payment of tap-in fees, the township shall require lien security on the real property involved to guarantee the full payment of the tap-in fees.

(Ord. No. 31B, § 5.15, 10-2-79; Ord. No. 31B-A, 12-17-79)

Sec. 24-136. - Voluntary connection and mandatory sanitary grinder pump systems.

(a) Sections 24-132 through 24-135 shall not limit the right of the owner of a structure in which sanitary sewage originates to voluntarily connect the structure to a public sanitary sewer system where the township agrees to the connection. Where the public sanitary sewer system is a low pressure force line, a structure may be connected to it upon application for and receiving approval from the township engineer for the installation of a sanitary grinder pump system as provided in section 24-157, including complying with all conditions and requirements of that section.

(b) The fact that an available public sanitary sewer system is a low pressure force line shall not modify or relieve an owner from an obligation to connect a structure to it if required by section 24-133. In those situations, the owner shall have seven (7) days to apply for the necessary approval from the township engineer for the installation of a
sanitary grinder pump system as provided in section 24-157, including complying with all conditions and requirements of that section.

(Ord. No. 31B, § 5.16, 10-2-79; Ord. No. 31B-A, 12-17-79; Ord. No. C-660, § 1, 11-17-03)

Sec. 24-137. - Connection charges.

(a) The township board shall establish by resolution, which may be amended from time to time, connection charges which shall be considered to be initial charges for system services. Such charges shall be sufficient, as a minimum, to reimburse the township for all of the actual costs incurred by the township in connection of each property to the water mains or sewers and in addition may include a privilege fee.

(b) In the event the township constructs an extension to the water system for the purpose of providing public water service to one (1) or more properties, the township board, by resolution, may specify the amount of a capital charge payable by the property owners within the area to be serviced by such extension as a condition to connecting to the system.

(c) In the event construction of an extension to the water system is financed in whole or part by a special assessment, and if the owners of certain properties which were not included within the special assessment district desire, or may in the future desire, to connect to such extension, the township board, by resolution, which may be amended from time-to-time in order to take into consideration the relationships and effect of the passage of time and/or to take into consideration additional properties to be served, may specify the amount of a capital charge payable by such property owners in relation to the properties to be served as a condition to connecting to the system. Such resolution may, but need not, be incorporated as a part of a resolution adopted in connection with the special assessment district established to finance the extension in whole or part.

(Ord. No. 31B, § 6.1, 10-2-79; Ord. No. C-357, § 1, 5-18-92; Ord. No. C-512, § 2, 9-8-97)

Sec. 24-138. - Increase in use or maintenance charges.

The township board shall establish by resolution, which may be amended from time to time, any necessary or appropriate increase in use charges or in maintenance charges, which shall be considered to be charges for the rendition of increased service by the system. Maintenance charges shall include any continuing or periodic charge, as necessary or appropriate, for the purchase, installation and periodic repair or replacement of facilities or equipment which shall assist the water department in the operation, maintenance, repair, billing, including the gathering or dissemination of information concerning the system and other functions of the water department. Such charges shall be used to reimburse the township for costs incurred by the township in supporting the increased use of the system by the users.

(Ord. No. 31B, § 6.1.1, 10-2-79; Ord. No. C-445, § 1, 12-12-94; Ord. No. C-512, § 2, 9-8-97)

Sec. 24-139. - Rates for services fixed by resolution to cover certain expenses.

Rates for services shall be fixed by resolution of the township board and shall be sufficient to provide for the payment of expenses of administration and operation, expenses for maintenance of the system as are necessary to preserve the same in good repair and working order, such other expenses as may become due and payable and whatever reasonable amount the township board resolution determines should be set aside to provide a reserve in the bond interest redemption fund.

(Ord. No. 31B, § 6.2, 10-2-79; Ord. No. C-512, § 2, 9-8-97)

Sec. 24-140. - When bills due and payable; late penalty.
Bills shall be issued for water and/or sewer use on a regular, periodic basis established by resolution of the township board that shall be no more frequent than monthly and no less frequent than quarterly. Bills shall be mailed at least twenty-one (21) days before the due date, which shall be the second to last business day of the month in which the bill is mailed. Any portion of a bill that is not paid by the due date or within twenty-one (21) days of the mailing date, whichever is later, shall be considered delinquent and on the first day following the delinquency, a late payment penalty of seven (7) percent on the delinquent amounts shall be immediately due and payable and be included on the next periodic bill. For an earlier late payment penalty to be subject to a subsequent late payment penalty, written notice of the earlier late payment penalty must have been provided by the township to the customer at least thirty (30) days before the next periodic billing.

(Ord. No. 31B, § 6.3, 10-2-79; Ord. No. 31B-B, 7-20-81; Ord. No. 31B-C, 12-6-82; Ord. No. C-168, § 1, 1-16-89; Ord. No. C-168-A, § 1, 3-20-95; Ord. No. C-621, § 2, 2-4-02; Ord. No. C-621-C, § 1, 8-14-06)

Sec. 24-141. - Charges constitute a lien; placement on tax roll.

Charges for water or sewer disposal services shall constitute a lien on the property served. On or before September 1 of each year, the water department shall deliver to the township supervisor a certified statement of all water and sewer charges then past due and unpaid for sixty (60) days or more. The township supervisor shall then place such charges on the general tax roll and the same shall be collected as part of the general township taxes.

(Ord. No. 31B, § 6.4, 10-2-79; Ord. No. C-168, § 1, 1-16-89)

Sec. 24-142. - Discontinuance of service for failure to pay charges.

(a) Conditions for termination. Subject to the procedures, decisions, limitations and deferrals contained in this section 24-142, the township shall shut off and discontinue the supply of water to any premises when charges for water services or other charges in connection with the water supply or sewage disposal system applicable to such premises remain unpaid in excess of sixty (60) days from the date when said charges were due and/or if the total delinquent charges are five hundred dollars ($500.00) or more.

(b) Water service termination procedure.

(1) The water department, upon determination that conditions exist justifying the termination of water service, shall mail or personally deliver to the customer, a notice of termination. The notice of termination shall contain the following:

a. The amount owed to the township for nonpayment of water and sewer services;

b. The date of the notice of termination;

c. The date of termination, which shall be at least thirty (30) days from the date of the notice of termination;

d. Notice that unless the water department receives complete payment of the amount shown prior to the date of termination or, if applicable, notice that unless the violation is corrected prior to the date of termination, water service shall be terminated; and

e. Notice that prior to the date of termination, a customer may notify the water department in writing that the correctness of all or part of the amount shown to be owed is disputed, if the amount in dispute was not the subject of a previous dispute.

f. Notice of the ability and requirements to request deferral of termination based on hardship under subsection (f).

(2) Subject to subsection (b)(3), on or after the date of termination, the water department shall terminate water service provided to the customer unless, prior to the date of termination:

a. The water department has received complete payment of the amount shown on the notice of
termination or has determined the violation has ceased to exist; or
b. The water department has received a written notice from the customer that disputes correctness of all or part of the amount shown on the notice of termination; or
c. The water department has received a written request and documents required for deferral of termination based on hardship under subsection (f).

(3) If the notice of termination under subsection (b)(1) was not personally delivered, before terminating water service as otherwise authorized and required in subsection (b)(2), the water department shall provide a final written notice of termination to the customer by first class and registered mail or personal delivery. The final notice of termination shall conform to subsection (b)(1). Five (5) days after providing that notice the water department shall terminate the water service provided to the customer.

(4) If the water department receives payment of the entire amount shown on the notice of termination prior to the date of termination, such payment shall be considered a timely and complete payment for purposes of this section.

(c) Customer dispute.

(1) At any time before the date of termination of water services for nonpayment, a customer may dispute the correctness of all or part of the amount shown in accordance with the provisions of this section. A customer shall not be entitled to dispute the correctness of all or part of the amount owed to the water department if all or part of the amount was the subject of a previous dispute contested under this section.

(2) The procedure for a customer's dispute shall be as follows:

a. Before the date of termination, the customer shall notify the water department in writing, that he or she disputes all or part of the amount shown on a notice of termination, stating as completely as possible the basis for the dispute;

b. If the water department determines that the present dispute is untimely or that the customer previously disputed the correctness of all or part of the amount shown to be owed, the department shall mail to the customer a notice stating that the present dispute is untimely or invalid. The department shall then proceed as if the customer had not notified the department of the present dispute;

c. If the water department determines that the present dispute is not untimely or invalid, promptly after receipt of the customer's notice the department shall arrange an informal meeting between the customer and the township supervisor or supervisor's designee(s);

d. Based on the water department's records, the customer's allegations, and all of the relevant materials available, the supervisor or designee shall resolve and decide the dispute, attempting to do so in a manner satisfactory to both the department and the customer. To that end the supervisor or designee may approve a payment plan to address disputes arising from unique economic hardships and shall mail or deliver a written description of that plan and the requirements for accepting it as a means to avoid water shut-off to the customer. Those requirements shall include but are not limited to all owners of the affected property signing and delivering to the township in recordable form a payment plan promissory note and lien in a form approved by the township attorney and provided by the township and the payment to the township or incorporation in the promissory note of an amount equal to nine (9) percent of the amounts owing and to be repaid to the township under the promissory note by a deadline to be stated in the township's written notice;

e. A customer that is not satisfied with the decision may file a written request with the supervisor for a formal hearing before the township board, with any such request to be filed within five (5) days of delivery or seven (7) days of the mailing of the decision;

f. The formal hearing before the township board shall be scheduled for hearing within thirty (30) days of the supervisor's receipt of a customer's written request;
g. At the hearing, the water department and the customer shall be entitled to present all evidence that is, in the township board’s view, relevant and material to the dispute and to examine and cross-examine witnesses. Minutes containing the hearing record shall be maintained;

h. Based on the record established at the hearing, the township board, promptly after completion of the hearing, shall issue a written decision formally resolving the dispute. That decision shall be final and binding on the water department and the customer.

(3) Utilization of this dispute procedure shall not relieve the customer of his or her obligation to timely and completely pay all other undisputed water and sewer service charges and the undisputed portions of the amounts which are the subject of the present dispute. Notwithstanding any provision of this article to the contrary, failure to timely and completely pay all such undisputed amounts shall subject a customer to termination of water service in accordance with the provisions of this section.

(4) Until the date of the decision by the supervisor, supervisor’s designee or township board, whichever is later, the water department shall not terminate the water service of the customer and shall not issue a notice of termination to him or her solely for nonpayment of the disputed amount. If it is determined that the customer must pay some or all of the disputed amount, the department shall promptly provide a written notice of termination to the customer by first class and registered mail or personal delivery which shall contain the following:

   a. Amount required to be paid, and if applicable, the violation to be corrected, to avoid termination of water service;
   b. Date of the notice of termination;
   c. Date of termination, which shall be at least fifteen (15) days after the date of notice of termination;
   d. Notice that unless the water department receives a complete payment of the amount shown, and if applicable, a specified violation is not corrected, prior to the date of termination, the water service shall be terminated.

(d) Termination authority and restrictions.

   (1) The water department shall terminate water service provided to the customer on or after the date of termination contained in a notice of termination under subsection (c)(4) unless all requirements specified in the notice of termination are satisfied within the time allowed.

   (2) The water department shall terminate water service for nonpayment of water and sewer charges only during the hours of 9:00 a.m. to 3:00 p.m., Monday through Thursday. No terminations shall be permitted on a legal holiday or on the day before a legal holiday.

   (3) No termination shall be permitted on a day when the low temperature within the previous twenty-four (24) hours, as reported by the national weather service at its first order station nearest the structure, was below zero (0) degrees Fahrenheit. If water service to a customer has been terminated and not reinstated by 5:00 p.m. on the day of termination, when the low temperature within the previous twenty-four (24) hours, as reported by the national weather service at its first order station nearest the structure, was below thirty-two (32) degrees Fahrenheit, the department shall notify the public safety department on the day of the termination of the following:

      a. Name of the customer;
      b. Address of the structure no longer receiving water service; and
      c. The possible threat to the health and life of all persons residing at the structure, if residential in nature.

(e) Reinstatement of service, charges and escrow deposits. Water service that is shut off and terminated to a premises shall not be resumed until all sums due and owing shall be paid in full with penalties and interest, and including a turn-off charge and a turn-on charge in an amount established by resolution of the township board. The water
department may establish and require water deposit escrow accounts in reasonable amounts for those water and sewer users whose account has an experience of delinquency or for those premises where a lien for unpaid water and sewer bills are precluded pursuant to MCL 123.165. Said escrow deposit may be applied to the payment of any delinquent water and sewer charges for said premises after shut off of services. Failure to pay and/or repay said escrow deposit shall be grounds for immediate shut off of said services.

(f) **Hardship termination deferral and reinstatement relief.**

1. A customer that owns and resides at a residential premises which is subject to or has had water service termination for nonpayment, may request the deferral of termination and/or reinstatement of water service based on hardship as defined and provided in this subsection (f). "Hardship" means the documented present inability of customer and other persons owning or occupying the premises, to pay some or all of the delinquent charges without defaulting on payment of customer’s other minimum reasonable and necessary living expenses, that is caused by a substantial decrease in available income and assets attributable to events that were unforeseeable or beyond customer’s control, such as, but not limited to, loss of or change in employment or severe health problems rendering them unable to pay their bill.

2. During the time a request for deferral is pending, water service shall not be terminated. During the time a request for reinstatement is pending, the water department may, but shall not be required, to reinstate service. The granting of deferral and/or reinstatement relief does not waive the unpaid charges, interest, penalties or the township’s lien and right to certify all unpaid amounts to the tax roll for collection.

3. To be considered, a request for deferral of water service termination or reinstatement of water service based on hardship must be in writing, signed and dated by the customer and received by the township water department. At a minimum, for a request to be complete and entitled to consideration, it must include all of the following:

   a. A description of the hardship by explanation of the event(s) that have substantially decreased the income and assets available to pay the delinquent charges and an indication of the periods of time the hardship has existed and is expected to continue.

   b. Names and ages of all persons residing at the premises.

   c. A listing of the minimum payments required for customer’s reasonable and necessary living expenses.

   d. The net incomes from all sources for customer and all other persons residing at or with an ownership interest in the premises for which relief is requested.

   e. For each of customer’s assets other than the premises and its contents, a description of the asset, its value, location, amounts owed and payments required and restrictions or limitations on customer’s ability to sell or dispose of the asset.

   f. Payments, if any, that the customer is willing and able to make on the delinquent charges.

   g. Except for amounts being disputed under subsection (c), customer's acknowledgement and agreement:

      (1) To the amount of the delinquent charges;

      (2) That deferral or reinstatement relief does not waive the unpaid charges, interest, penalties or the township's lien and right to certify all unpaid amounts to the tax roll for collection;

      (3) That any deferral relief will automatically terminate if at any time and for any reason, the township’s lien or right to collection and payment of those amounts is terminated; and

      (4) That conditions of any water service termination deferral or reinstatement relief granted by the township will be for customer to sign an affidavit under penalty of perjury as to the truth of all disclosures made, a promissory note and lien and an agreement that contains the terms, conditions and requirements for the relief as provided in this subsection (f) and the township’s decision.

   h. Customer's consent and waiver of confidentiality regarding township reviews and investigation of all
disclosures and documents submitted.

(4) Requests for relief based on hardship shall be reviewed and decided by the director of the water department, who prior to making a decision, may require additional information and documents from the customer and may independently investigate or secure an investigation of any information that is submitted. The director's decision shall be in written form, shall approve or deny the requested relief, and shall include all of the following, as applicable:

a. If the request is denied, a statement of the reason(s) in the context of the definition of "hardship" in subsection (f)(1), and if water service has not yet been terminated, the notice described in subsection (c)(4).

b. If the request is approved, an agreement for the customer to sign that includes:
   
   (1) The period of time water service termination will be deferred, which in no event shall be more than one (1) year from the date of the decision;

   (2) Any conditions established by ordinance or the water department director, that must be satisfied for reinstatement of water services, if applicable, and for deferral of termination to remain in effect during the deferral period established; and

   (3) Any minimum payments required to be made toward the delinquent charges and future water and sewer charges during the deferral period.

c. If the request is approved, an affidavit for the customer to sign under oath and penalty of perjury, as to the truth of the information submitted with the request.

d. If the request is approved, a promissory note and lien against the premises, to be signed by all owners of the premises, acknowledging that the unpaid charges at that time and interest and penalties that subsequently accrue, are personal obligations and secured by a lien on the premises that is enforceable by the township beyond any otherwise applicable statutory time limitation.

(5) From the date of the water department director's approval decision on a hardship request for relief, the customer shall have five (5) days from delivery or seven (7) days from mailing of the decision to file all of the following required documents with the water department director:

a. The customer's signed agreement described in subsection (f)(4)b.

b. The customer's affidavit under oath described in subsection(f)(4)c.

c. The promissory note and lien signed and acknowledged by all property owners as described in subsection (f)(4)d.

d. Any other documents or payments required to satisfy conditions on the effectiveness of an approval decision.

Upon a failure to take the applicable action within the time allowed, the water department may proceed with termination of water service after giving the notice described in subsection (c)(4).

(Ord. No. 31B, § 6.5, 10-2-79; Ord. No. 31B-D, § 1(6.5), 12-3-84; Ord. No. C-621, § 3, 2-4-02; Ord. No. C-621-A, § 1, 5-20-02; Ord. No. C-621-C, § 1, 8-14-06; Ord. No. C-621-D, § 1, 2-2-09)

Sec. 24-143. - Free service prohibited.

No free service shall be furnished to any person, firm or corporation, public or private, or to any public agency or instrumentality. The township shall pay for all service used by it at the rates established by the township board except that for fire hydrant service the charge shall be five dollars ($5.00) per year for each hydrant serviced by the water supply systems. Charges against the township shall be payable in quarterly installments from the current funds of the township available for such purposes.
Sec. 24-144. - Water meters—Protection from injury or damage.

The owner of any premises where a water meter is installed shall be held responsible for its care and protection from freezing or damage by hot water and from injury or damage by any other means. Any required repair shall be charged to the owner of the premises wherein the water meter is located.

Sec. 24-145. - Same—Security deposit required when access not available to check for malfunction.

If a water meter fails to function or to register or if the water department has reason to believe the water meter is not working accurately, and access cannot be had to the premises to inspect the meter, the consumer will be charged at the average quarterly consumption, as shown by the meter when in order, plus a one hundred fifty dollar ($150.00) security deposit for each quarter that access to the meter is not available. If it is shown by actual inspection that the meter has been tampered with, the deposit shall forfeit to the township. If it is shown by actual inspection that the meter is not functioning properly for a reason not the fault of the consumer, then the one hundred fifty dollar ($150.00) security deposit shall be returned.

Sec. 24-146. - Same—Interfering or tampering with; penalty.

No person shall interfere with or move a water meter from any service connection without first obtaining permission from the water department. No person shall remove or break any seal on meters or bypass valves. If the water department has reason to believe that the meter has in some manner been tampered with, it shall have the right to immediately cut off the water supply in addition to the other penalties which may be imposed under this article. Service shall not be restored until all assessed charges for past service are paid in full plus a fee of one hundred fifty dollars ($150.00).

Sec. 24-147. - Same—Accuracy tests.

The accuracy of any meter installed in any premises will be tested by the water department upon request of the customer, who shall pay in advance a fee of thirty dollars ($30.00) to cover the cost of the test. If on such test, the meter shall be found to register over one and one-half (1½) percent more water than actually passes through it, another will be installed and the fee of thirty dollars ($30.00) will be refunded to the customer.

Sec. 24-148. - Disposition of revenues.

The collected revenues of the system shall be set aside and deposited into the operation and maintenance fund and the capital improvement, replacement and financing fund and such other funds that may be established by the township board. The source of each item of revenue collected and deposited in any of the funds shall be documented, allocated and accounted for on books and records to be maintained by the township. Collected revenues of the system shall be deposited and may be transferred among the established funds as necessary for the administration and maintenance of the system consistent with this section.

(1) Operation and maintenance fund. There shall be deposited in the operation and maintenance fund sums sufficient to provide for payment for the next period of all current expenses of administration and operation of the system, together with such current expenses for the established period for maintenance as may be
necessary to preserve the system in good repair and working order.

(2)  **Capital improvement, replacement and financing fund.** There shall be deposited into the capital improvement, replacement and financing fund sums sufficient to provide for the timely payment of the township's contractual obligations, which are secured by its full faith and credit, for the funded indebtedness of the system, including contractual payments to the county and the payment of principal and interest on any bonds which may be issued for the system which are payable out of revenues.

(3)  **Additional funds.** Any revenues remaining after deposits to the operation and maintenance fund and the capital improvement, replacement and financing fund may be deemed surplus and may be deposited or transferred to one (1) or more established funds or deposited in a designated surplus fund, which may be used for such purposes relating to the system as the township board may determine to be in the best interest of the township subject to the limitations provided in this chapter.

(4)  **Tax levies.** Any revenues of the system raised by levy of taxes, without limitation as to rate or amount, in fulfillment of the pledge by the township of its full faith and credit, shall be appropriated only to the capital improvement, replacement and financing fund and used only to pay contractual and principal and interest bond payment obligations and other uses allowed for under this chapter and the law.

(5)  **Accounts and depositories.** The funds of the system may be deposited with one (1) or more banks, savings and loan associations or credit unions in one (1) or more accounts to be held, invested and otherwise handled subject to applicable laws. If money from more than one (1) fund is kept in one (1) account, the money in that account shall be allocated and accounted for on the books and records of the township in relation to the respective funds.

(Ord. No. 31B, §§ 7.1—7.6, 10-2-79; Ord. No. C-512, § 2, 9-8-97; Ord. No. C-512-A, § 1, 7-21-08)

Sec. 24-149. - Budget.

The township board shall, prior to the commencement of each operating year, adopt a budget covering the anticipated expenses for the system for the ensuing year.

(Ord. No. 31B, § 7.7, 10-2-79; Ord. No. C-512, § 2, 9-8-97)

Sec. 24-150. - Surcharges.

All industrial users discharging an extra-strength industrial wastewater into the sewage disposal system shall be monitored and surcharged in accordance with the schedule of charges set forth (or to be set forth) by the Detroit Department of Water and Sewage.

(Ord. No. 31B, § 7.8, 10-2-79)

Sec. 24-151. - Industrial cost recovery—Additional charge for certain industrial users.

All industrial users discharging industrial wastewater into West Bloomfield Extension No. 2 and meeting the following conditions shall be assessed an annual industrial cost recovery charge in addition to the rates set forth in subsection 24-118(b). In order to qualify for the ICR charge the industrial user must discharge a minimum of twenty-five thousand (25,000) gallons per day of equivalent sanitary sewage, or must discharge a wastewater containing pollutants which (1) interfere with the normal wastewater treatment process, (2) are toxic or incompatible, or (3) contaminate or otherwise reduce the utility of the sludge. The annual industrial cost recovery charge shall be as follows:

\[
\text{Annual ICR Charge} = \frac{([A] - (B \times 0.02 \text{ Kgal/day})) \times ($1,044.41/\text{Kgal/day})}{30 \text{ years}}
\]
Where:

A = Maximum day water consumption

B = Number of employees

*Kgal = 1,000 gallons

All industrial users being assessed an industrial cost recovery charge shall annually furnish to the township a factual number of employees employed by the user and the industry's maximum daily water consumption, in Kgal, throughout the year. Industrial users shall also be subject to industrial cost recovery in accordance with the schedule of charges set forth (or to be set forth) by the Detroit Department of Water and Sewage.

(Ord. No. 31B, § 7.9, 10-2-79)

Sec. 24-152. - Same—Special fund; use of revenue.

(a) The industrial cost recovery charges shall be annually billed to each qualified industrial user and the proceeds kept in a separate depository account entitled the industrial cost recovery fund. Industrial cost recovery charges shall be in effect for a period beginning with the completion of the applicable project and extending thirty (30) years thereafter. The fund shall be kept in an interest-bearing account which is fully collateralized by obligations of the United States of America or by obligations fully guaranteed as to the principal and interest by the United States of America or any agency thereof.

(b) Within one hundred twenty (120) days following the end of each fiscal year that the industrial cost recovery charges are in effect, the township treasurer shall forward a check to the environmental protection agency regional administrator's financial management office. The check shall be an amount equal to fifty (50) percent of all ICR charges received by the township during the preceding fiscal year, together with any interest earned thereon during this period. The check shall be payable to the United States Environmental Protection Agency.

(c) The remaining funds from the industrial cost recovery charges, together with any interest thereon, shall be used as follows: A minimum of eighty (80) percent shall be used by the township solely for expansion or reconstruction of the sewage system. Prior to committing the funds for such use, the township shall obtain the written approval of the regional administrator of the United States Environmental Protection Agency. The remaining twenty (20) percent shall be used by the township to offset administrative expenses associated with the operation of the industrial cost recovery system.

(Ord. No. 31B, § 7.10, 10-2-79)

Sec. 24-153. - Fire hydrants.

(a) Fire hydrants are provided for the use of the water department and fire department of the township or by such persons as may be specially authorized by the water department.

(b) No person shall open or cause to be opened any fire hydrant without first securing a permit to use a fire hydrant at the water department office. Such person must report to the water department when such use is terminated.

(c) The township water department must approve the type, size of openings, and types of nozzle thread on all hydrants installed on private property serviced by township water.

(d) No person shall in any manner obstruct or prevent free access to or place or store temporarily or otherwise any object, material, snow, debris, automobile or structure of any kind within a distance of twenty (20) feet of any hydrant. Any such obstruction when discovered may be removed at once by the water department at the expense of the person responsible for the obstruction.

(e) Where pipes are provided for fire protection in any premises or where hose connections for fire apparatus are
provided on any pipe, each connection or opening on the pipes shall have not less than twenty-five (25) feet of fire hose constantly attached thereto, and no water shall be taken or used through such openings or hose for any purpose other than for extinguishing fires, except for the purpose of testing the fire equipment. In such case, the test must be conducted under a special permit and under the supervision of the water department.

(f) Each premises to or for which a separate unmetered fire line connection is provided for sprinkler or hydrant service shall pay therefor a quarterly charge as determined by a resolution of the township board.

(Ord. No. 31B, § 8, 10-2-79)

Sec. 24-154. - Special wastewater constituents, restrictions.

All sewage discharges shall be limited to the following concentrations:

*Limitations and Standard Methods for Examination*

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<th>Parameter</th>
<th>Units</th>
<th>Limit (Avg. daily concentration)</th>
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<td>Dithizone</td>
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</table>

(These parameters are to be expressed or reported as the actual element, radical or ion by atomic or molecular weight.)

* Standard Methods for the Examination of Water & Wastewater, current edition, unless otherwise specified.

** These elements may be determined by Atomic Absorption Spectrophotometer.

(Ord. No. 31B, § 9, 10-2-79)

Sec. 24-155. - Enforcement; penalties.

(a) **Inspectors.** The township supervisor and other duly authorized officials or employees of the township and agents of the state water resources commission 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 article at any time during reasonable or usual business hours. Any person guilty of refusing or obstructing such entry shall be guilty of a violation of this article.

(b) **Notice to cease violation.** Any person found to be violating any provisions of this article shall be served with written notice stating the nature of such violation and providing a reasonable time limit for the satisfactory correction thereof in compliance herewith. The offender shall, within the period of time stated in such notice, take corrective action to comply with this article. Failure to take such action shall be deemed a violation of this article.

(c) **Civil liability.** Any person violating any of the provisions of this article shall be liable to the township for any expense, loss or damage occasioned to the township by reason of such violation, and recovery therefor may be in an appropriate action in any court of competent jurisdiction.

(d) **Abatement.** Any continued violation, after due notice as provided in subsection (b), shall be deemed a public nuisance, and may be abated by the township upon complaint in any court of competent jurisdiction. This remedy shall be in addition to those heretofore provided for.

(Ord. No. 31B, § 10, 10-2-79)

Sec. 24-156. - Lawn and landscape watering limitations.

(a) **Temporary emergency effect.** This section is intended to apply as a temporary emergency measure to reduce the demand on the water supplied by the Detroit Water and Sewerage Department through the West Bloomfield Water Supply System until such time as a 72-inch transmission watermain currently under construction has been completed and is operational. Accordingly, this section shall be applicable from the effective date of the amendatory ordinance establishing this section until this section is repealed or otherwise amended.

(b) **Emergency restriction:**

(1) Twenty-four (24) hours following notification to West Bloomfield Township from the Michigan Department of Public Health that the supply or pressure demand for water in the area cannot be accommodated, it shall be a violation of this article for any person to utilize water supplied by the Detroit Water and Sewerage Department
through the West Bloomfield Water Supply System for watering of lawns of landscaping except as follows:

a. Watering of lawns and landscaping shall be permitted only between the hours of 8:00 a.m. to 3:00 p.m. and 8:00 p.m. to 11:00 p.m.; and

b. Watering of lawns and landscaping shall be permitted only on an alternate-day basis: watering of lawns and landscaping shall be permitted on even-numbered days of the month for property owned or used in conjunction with a residence or other building having an even-numbered street address and watering of lawns and landscaping shall be permitted on odd-numbered days of the month for property owned and used in conjunction with a residence or other building having an odd-numbered street address.

(2) Twenty-four (24) hours following written notification to West Bloomfield township from the Michigan Department of Public Health that the provisions in subparagraph (b)(1), above do not sufficiently reduce demand on the public water system, the following additional emergency regulations shall apply to all persons who utilize water supplied by the Detroit Water and Sewerage Department through the West Bloomfield Water Supply System and failure to comply with these provisions shall be a violation of this article:

a. Watering of lawns and landscaping shall not be permitted.

b. The Charter Township of West Bloomfield shall not permit any additional extensions to the water supply system if the source of the water is the Detroit Water and Sewerage Department.

(3) The township shall, within twenty-four (24) hours of notification by the Michigan Department of Public Health, cause notice of the effectiveness of the regulations in subsections (b)(1) or (2) above to be publicly announced by means of broadcasts or telecasts by the stations with a normal operating range covering the township and may cause such announcement to be further declared in newspapers of general circulation when feasible. The regulations shall become effect immediately after announcement between 7:00 a.m. and 11:30 p.m. in accordance with this section. Upon notification from the Michigan Department of Public Health that the emergency regulations are no longer necessary, the township shall cause a public announcement in the manner provided above.

(c) Exception. The emergency provisions contained in this section shall not apply to hand-held attended hose watering.

(Ord. No. C-424, § 1, 6-6-94)

Sec. 24-157. - Sanitary grinder pump systems.

(a) General. When allowed or required, sanitary grinder pump systems shall be applied for, reviewed, approved, constructed and maintained in accordance with the procedures, requirements and standards in this section and with any additional standards or precautions that are warranted and deemed necessary by the township engineer to attain greater functional efficiency, security, and protection against additional pollution to meet the requirements of the State of Michigan Department of Environmental Quality and Department of Public Health.

(b) Permit application and initial determination. For voluntary and mandatory connections to the public sewer system using a sanitary grinder pump system under section 24-136, the owner of the structure to be served must make written application for a permit to the township engineer. Where the application is for a voluntary connection, it constitutes agreement to the terms and conditions described in this section 24-157. Upon receiving a permit application and determining that the sanitary grinder pump system will best serve the property and the township, the township engineer shall accept and process the application. If it will not, the township engineer shall not approve the sanitary grinder pump system and shall advise the property owner of other sanitary sewer service options.

(c) Fees. Non-refundable permit application, review, preparation, recording and processing fees shall be paid by or on behalf of the property owner at times and in amounts as established by resolution of the township board. Fees authorized by this ordinance are intended to include all costs and expenses involved or incurred in or regarding the necessary reviews, plans, approvals and legal documents.
(d) **Permit processing, approval, terms and conditions.** The township engineer's review and processing of an accepted application shall include and result in an identification of the costs that must be paid by the property owner for the purchase and construction of the sanitary grinder pump system, preparation and recording of required easements and agreements including confirmation of ownership, connection and permit charges or fees and any other documents or payments that will be required for the township to permit the sanitary grinder pump system to be constructed and connected to the public sanitary sewer system. That information shall be provided in a written notice of permit approval by the township engineer to the property owner. Upon the owner satisfying all of the payment and document requirements identified in the notice, a permit to construct the sanitary grinder pump system will be issued by the township engineer. For mandatory systems and connections to an available public sanitary sewer system, those requirements shall be satisfied within thirty (30) days of the notice. The summary of the system costs to be included with the written notice of permit approval shall include, but is not limited to; the grinder pump assembly, its equipment and related appurtenances, collection and discharge piping to and from the grinder pump system, the electrical control panel/telephone dialing system, the abandonment of existing septic tank, all labor and installation costs, inspection fees, administrative costs and notice of the then applicable quarterly surcharge for operation and maintenance provided for in subsection (j).

(e) **Township ownership, construction, operation and maintenance.** Notwithstanding section 24-66, which excepts individual building sewers from township ownership, operation and maintenance, because of the direct relationship of a sanitary grinder pump system to the proper functioning of the public low pressure sewer force line it connects to, the township will be the owner and must have the permanent right to enter the private property the system is located on for purposes of assuring that the system is properly constructed, operated, maintained, repaired and replaced as necessary. Consistent with this requirement, an easement in recordable form and signed by all owners must be provided to the township for recording with the Oakland County Register of Deeds for every sanitary grinder pump system that is required or allowed to be constructed.

(f) **Township purchase and installation.** To provide adequate and reliable operation and maintenance for the sanitary grinder pump systems located throughout the township and considering the relationship of said systems to the public low pressure sewer force lines they are connected to and to provide for uniformity and compatibility of equipment and construction methods, which should result in lower costs for initial installations due to the economies of scale and lower operation, maintenance, repair and replacement costs, the township shall have the right to purchase and contract for the installation of a sanitary grinder pump system that has been applied for and approved. If the township does not exercise this right, the sanitary grinder pump system and contractor for the owner must be approved by the township as consistent with the purposes and objectives stated above.

(g) **Permit issuance and construction.** Upon the requirements for permit issuance in subsection (d) above being satisfied, the township engineer shall issue the permit by written notice to the property owner and the authorized contractor. The permit shall require the contractor to immediately schedule the construction and notify the township engineer of the commencement date. Absent an extension approved by the township engineer for reasons beyond the contractor's control, no more than forty-five (45) days are allowed from the notice of permit issuance for completion of construction, testing and start-up of the sanitary grinder pump system.

(h) **Construction requirements.** The contractor work shall include all electrical and low voltage power (telephone) related work necessary to connect electrical power supply from the meter location exterior to the property to the exterior location of auto-dialer and control panel. Power supply to panel shall be a minimum 30-amp circuit, 240-volt, 12-gauge, 4-wire service (neutral, ground, two (2) hot leads), installed per electrical code. Auto-dialer, telephone line and its power supply, along with the grinder pump station shall be connected, tested by the contractor prior to acceptance by the township, and putting in to service. All low-pressure force-mains shall be directionally drilled, tested and put into service prior to connecting to the grinder pump system(s). The force-mains shall be constructed with high density polyethylene pipe (HDPE): ASTM D 3035, SDR 11 pressure rating 160 PSI and service lines with HDPE pipe: SDR - 9, pressure rating of 200 PSI. All joints shall be heat fusion bonding that meets ASTM D 2657
standards. All flange adapters and stub ends shall be butt heat fusion bonded. All leak tests shall be conducted in accordance with Oakland County Drain Commissioner's adopted requirements. All materials and equipment used in the system shall be new. No sanitary wastewater shall be discharged to the storm drains, lakes, ditches or any tributary connected to the waters of the state due to construction activity associated with these projects. Sanitary sewers shall not be used for clean-out or de-watering outlets.

(i) **Township acceptance.** Upon the township engineer confirming that the sanitary grinder pump system has been properly installed and connected to the public sanitary sewer system, a written notice of that determination shall be issued to the property owner and sanitary sewage from the structure may thereafter be discharged to the public sanitary sewer system.

(j) **Operation and maintenance charges.** The township's costs in operating, maintaining, repairing and replacing all or part of a sanitary grinder pump system shall be payable by the property owner according to a schedule of costs to apply for actual services required and/or as a quarterly surcharge, with the amounts and items covered to be established by resolution of the township board of trustees, to be billed, paid, collected and enforceable, including as a lien on the property, in the same manner as provided for other water and sewer charges.

(k) **Owner agreements and responsibilities.** The owners and occupants of a structure serviced by a sanitary grinder pump system shall immediately notify the township according to instructions it provides, of any problems or possible defects with the system and its performance and of any power outages at the structure or audible alarms for the system that may be activated. Regardless of whether it was given, in the above situations where notice was to be given to the township, the use of water in the structure in a manner that discharges to the sanitary grinder pump system shall be discontinued until such time as the township confirms that the system may be used, with the owners and occupants assuming all risk and responsibility for any damages to the structure and its contents from the back-up of continued discharges to the system in violation of this provision, indemnifying and holding the township harmless therefrom.

(l) **Enforcement and penalties.** Compliance with the terms and conditions of this section and any easement, agreement or obligation under it shall be enforceable by and subject a violator to the following procedures, penalties and liabilities, as provided for in sections 24-134 and 24-155.

1. Where a structure is not connected to an available public sanitary sewer system, including a low pressure force line, as required in section 24-133, the township may bring an action for a mandatory injunction in the circuit court to compel the connection.

2. The township shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing of the sanitary grinder pump system at any time during reasonable or usual business hours, with persons refusing or obstructing such entry guilty of a violation of this article.

3. A person found in violation shall be served with written notice stating the nature of the violation and providing a reasonable time for correction. Failure to take the corrective action within the time stated shall be a violation of this article.

4. Violators shall be liable to the township for any expense, loss or damage occasioned to the township by reason of the violation, which may be recovered by appropriate action in a court of competent jurisdiction.

5. Any continued violation, after due notice as provided in subsection (3), shall be deemed a public nuisance, and may be abated by the township upon complaint in any court of competent jurisdiction.

In addition, violations are also punishable as a misdemeanor, subjecting the violator to the penalties and actions provided in section 1-10 of the Code. The township may pursue more than one (1) of these enforcement procedures for a violation at the same time.

(Ord. No. C-660, § 1, 11-17-03)
Secs. 24-158—24-170. - Reserved.