

**ORDINANCE 186
LAND DEVELOPMENT AND UTILITY ORDINANCE
TOWNSHIP OF BRUCE
MACOMB COUNTY, MICHIGAN**

Adopted: February 9, 2011
Amendments adopted: February 24, 2011

AN ORDINANCE regulating and controlling all land development and utility installation within the Township of Bruce, providing minimum site requirements for site improvements and land development and utility design and installation, establishing standards for engineering design and detailed engineering plans and specifications for site improvements and utility installation, providing for construction standards for land development site improvements and utilities, promoting the orderly lay out and uses of land, controlling building development within Flood Plain areas, providing penalties for the violations thereof, and repealing any ordinances and/or resolutions in conflict herewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF BRUCE, MACOMB COUNTY, MICHIGAN ORDAINS:

186.0000 GENERAL PROVISIONS

186.0001 Short Title.

Sec. 86.0001. This Ordinance shall be known and cited as the "Land Development and Utility Ordinance".

186.0002 Purpose.

Sec. 86.0002. The Purpose of this Ordinance is to regulate and control all land development and utility installation within the Township of Bruce and to promote the safety, public health, and general welfare of residents of the Township; to provide minimum requirements for site improvements for land development and utility design and installation; to establish standards for engineering design and detailed engineering plans and specifications for site improvements and utility installation; to provide for construction standards for land development site improvements and utilities; to promote the orderly layout and use of land; and to control building development within Flood Plain areas.

186.0003 Authority.

Sec. 86.0003. This Ordinance is adopted pursuant to and in accordance with Act 359, Michigan Public Acts of 1947, as amended, and Act 288, Michigan Public Acts of 1967, as amended, and should be read in conjunction with the Township Subdivision Ordinance, Township Zoning Ordinance, and Township Construction Code Ordinance.

186.0004 Scope.

Sec. 86.0004. This Ordinance applies to all land development causing or requiring the reshaping, grading, or regrading of such land. This Ordinance also applies to all sewer, drainagewater and/or water facilities located outside of any building which are presently connected to, or will be expected to be connected to, the Township Sewer and/or Water System. This Ordinance is not intended to cover sewer and/or water facilities inside of any buildings, since these facilities are to be regulated by the Township Plumbing Code. The proposed installation of any improvements – including public utilities such as gas piping, electric or telephone wiring (underground or overhead), oil piping, television cable, Regional Water Supply Transmission Mains, public water main extensions; Regional Sanitary Sewer Interceptors, public sanitary sewer extensions; and/or Drainage Facilities – is subject to the provisions herein contained.

This Ordinance shall not apply to the development of land for agricultural purposes, and except for site grading and drainage, this Ordinance shall not apply to:

1. Subdivision or developments completed prior to the effective date hereof.

This Ordinance does not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or regulations, except hereinafter provided. Where this Ordinance imposes a greater restriction or more demanding requirement upon land than is imposed or required by other Ordinances of the Township, the provisions of this Ordinance shall control.

186.0005 Administration.

Sec. 86.0005. This Ordinance shall be administered by the Township Board. The Supervisor of the Township and/or the Superintendent of the Water and Sewer Department appointed by the Board is/are the Enforcement Officer(s) for provisions of this Ordinance.

186.0100 DEFINITIONS.

186.0101 Rules of Construction.

Sec. 86.0101. For the purpose of this Ordinance the following rules of construction apply:

- A. Words used in the present tense include the future tense; and in the singular include the plural, unless the context clearly indicates the contrary.
- B. The term “shall” is mandatory; the term “may” is permissive.
- C. The word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization.

186.0102 Words defined.

Sec. 86.0102. Unless the context specifically indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:

"Authorized Representative of Industrial User" shall mean any person who performs policy or decision making functions for the industrial user.

"Available cyanide" shall mean the quantity of cyanide that consists of cyanide ion (CN⁻) hydrogen cyanide in water (HCN_{aq}), and the cyano-complexes of zinc, copper, cadmium, mercury nickel and silver, determined by EPA method OIA-1677, or other method designated as a Standard Method or approved under 40 CFR 136.

"Available Public Sanitary Sewer" shall mean a publicly-owned sanitary sewer system located within a service area designated on the township sewer plan in a right-of-way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the property, and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.

"Available Public Water Main" shall mean a publicly-owned water main system in a right-of-way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the property, and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.

"Backflow" shall mean water of questionable quality, waste, or other contaminants entering a public water main (supply) system due to a reversal of flow.

"Best Management Practices (BMP)" shall mean programs, practices, procedures or other directed efforts initiated and implemented by the User which can or do lead to the reduction, conservation or minimization of pollutants being introduced into the ecosystem, including but are not limited to the Detroit sewer system. BMPs include, but are not limited to, equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control and may include technical and economic considerations.

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

"Board" shall mean the Township Board of Trustees, Township of Bruce, State of Michigan.

"Building" shall mean any structure, including a mobile home, that requires a supply of potable water and/or means of disposal of wastewater.

"Building Drain" shall mean that part of the lowest horizontal piping of a building drainage system that receives the discharge from soil, waste, and other

wastewater drainage pipes inside the walls of the building and conveys it to the building service sewer which begins at a point four feet (1.2 meters) outside of the outer face of the building.

“Building Service Sewer (Drainage water)” or *“Customer’s Storm Drain”* shall mean any drainage water pipe extension from a building foundation drain outlet point – located four feet (1.2 meters) outside of a building or dwelling unit – to any private or public stormwater drain, pipe, ditch, etc.

“Building Service Sewer (Wastewater)” or *“Customer’s Service Sewer”* shall mean the sewer extension from a building sanitary sewer outlet point – located four feet (1.2 meters) outside of a building or a dwelling unit – to a point of connection with any private or public sanitary sewer. Sewer Services are considered private and shall be maintained by the premises which it serves.

“Building Service Water Supply Pipe” or *“Customer’s Water Service Pipe”* shall mean any water supply means, pipes, services, and/or appurtenances, except meters, that extend from a point of connection with the building water piping – located four feet (1.2 meters) outside of a building or a dwelling unit – to a point of connection with the public water supply system. Water Services are considered private and shall be maintained by the premises which it serves.

“Capital Expenditures” shall mean those expenditures, including principal and interest, that are considered amortizable over a period of time in excess of one (1) year and which are made for those additions to, or improvements of, the system having long operating usability capable of serving future users as well as existing users.

“Classes of Users” shall mean the division of wastewater treatment customers by waste characteristics, and process or discharge similarities. The distinct classes are:

“Residential” which shall include all dwelling units such as detached, semi-detached, and row houses, mobile homes, garden and standard apartments, and permanent multi-family dwellings. (Transit lodging, considered commercial in nature is not included.)

“Commercial” which shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise for personal, household, or industrial consumption, and/or rendering service to others.

“Institutional” which shall include social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

"Governmental" which shall include legislative, judicial, administrative, and regulatory activities of Federal, State and local governments, such as courthouses, police and fire stations, city halls, and similar governmental users.

"Industrial" which shall include any manufacturing or processing facility that discharges industrial wastes to a publicly owned treatment works, such as those establishments identified in the Federal Office of Management and Budget's "Standard Industrial Classification Manual" (1972 Edition) under Divisions A, B, D, E, and I which discharge an industrial waste as defined and as determined by the Township.

"Compatible Industrial Wastewater" shall mean wastewater that is produced by an industrial user which has a pollutant strength or characteristics similar to those found in domestic wastewater, and which can be efficiently and effectively transported and treated with domestic wastewater.

"Compatible Pollutant" shall mean pollutants which can effectively be removed by the POTW treatment system to within the acceptable levels for the POTW residuals and the receiving stream.

"Composite sample" shall mean a collection of individual samples which are obtained at regular intervals and collected on a time-proportional or flow-proportional basis over a specified period and which provides a representative sample of the average stream during the sampling period. A minimum of four (4) aliquot per twenty-four (24) hours shall be used where the sample is manually collected.

"Cooling Water" shall mean the non-contact water discharges from any use such as air conditioning, cooling or refrigeration, and whose only function is the exchange of heat.

"Cross connection" shall mean: as connection or arrangement of water piping or appurtenances through which a backflow could occur, causing water of questionable quality, waste, or other contaminants to enter the public water main system.

"Customer" shall mean the person responsible for payment of water supply and/or wastewater-drainage-water disposal service charges.

"Customer Wastewater Disposal Outlet" shall mean the point of connection to the public sewer.

"Customer Water Supply Outlet" shall mean either the outlet on the customer side of a "stop valve" near the public easement or public right-of-way line (in case of a supply for a single building) or on the customer side of a master water meter where the Township has allowed the use of a master water meter to serve special types of customers.

"Days" shall mean the consecutive calendar days for the purpose of computing a period of time.

"Department" shall mean the Sewer and Water Department of the Township.

"Developer's Project" or *"Project"* shall mean a specifically designated site being developed (or proposed for development) by a Developer.

"Department of Natural Resources and Environment " (sometimes abbreviated *"DNRE"*) shall mean the State agency, which regulates Wastewater and Water Supply Facilities in the State and regulated wetlands in the State.

"Direct Discharge" shall mean the discharge of treated or untreated wastewater directly to the waters of the State of Michigan.

"Discharger" shall mean a person who, directly or indirectly, contributes, causes or permits wastewater to be discharged into the POTW.

"Ditch" or *"Drainage Swale"* shall mean an open channel used to transport water, groundwater, surface water runoff, or drainagewater from any source.

"Domestic Sewage" shall mean waste or wastewater from humans or household operations which is discharged to, or otherwise enters, the sanitary sewer system and/or the treatment works.

"Drainage Facilities" or *"Drainagewater Facilities"* shall mean any Storm Sewers or Storm Drains, including private storm facilities and/or facilities designated as County Drains, that receive water from lands owned by more than one owner.

"Drainagewater" shall mean and include: stormwater, subsurface groundwater, melting snow or ice, roof and/or other surface water runoff, or cooling water.

"Drainagewater Disposal System" shall mean all of the drainagewater disposal facilities taken collectively that are operated and maintained by the Water and Sewer Department.

"Dwelling Unit" shall mean a building or unit thereof that is occupied by one or more persons as a residence (with a single set of culinary facilities) intended for a single family.

"Easement" shall mean an acquired legal right for the specific use of land owned by others.

"Environmental Protection Agency or administrator or EPA administrator" shall mean the United States Environmental Protection Agency or, where appropriate, the authorized representatives or employees of the EPA.

“Facility” shall mean a location, which contributes, causes or permits wastewater to be discharged into the POTW including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable.

“Fats, Oils or Grease (FOG)” shall mean any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other nonvolatile material of animal, vegetable or mineral origin that’s extractable by solvent in accordance with standard methods.

“Floatable Oil” shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

“Flow proportional sample” shall mean a composite sample taken with regard to the flow rate of the wastestream.

“Foundation Drain Service Pipe” shall mean a conveyance pipe that receives only foundation drain groundwater seepage, exclusive of directly and intentionally introduced surface water runoff.

“Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

“Grab sample” shall mean an individual sample collected over a period of time not exceeding fifteen (15) minutes, which reasonably reflects the characteristics of the stream at the time of sampling.

“Grease” shall mean a group of substances, including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils, and certain other nonfatty materials which are extractable by the laboratory procedures outlined in “Standard Methods for the Examination of Water and Wastewater.”

“Grease Interceptor” shall mean a device that shall receive the drainage from fixtures and equipment with grease-laden waste located in food preparation areas, such as in restaurants, hotel kitchens, hospitals, bars, cafeterias and the like, and also described as a devise for separating and retaining waterborne greases and grease complexes prior to wastewater entering the sanitary sewer collection system

“Improvement” shall mean any structure constructed to enhance the value of the property, such as water main, sanitary sewer, storm sewer, curb, driveways, sidewalk, etc.

“Incompatible Pollutant” shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable solids.

“Indirect discharge or discharge” shall mean the discharge or the introduction of pollutants into the POTW from any non-domestic source regulated under 33 U.S.C. §1317(b),(c) or (d).

“Industrial user” shall mean a person who contributes, causes or permits wastewater to be discharged into the POTW, including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable but excludes single family and multi-family residential dwellings with discharges consistent with domestic waste characteristics.

“Industrial Waste” shall mean any liquid, solid, or gaseous waste or form of energy or combination thereof resulting from any process of industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.

“Infiltration” shall mean the water entering a sewer system, including building drains and sewers, 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.)

“Inflow” shall mean the water discharges into a sewer system, including building drains and sewers, from such source as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm sewers, surface runoff, street washwaters or drainage. (Inflow does not include, and is distinguished from, infiltration.)

“Interference” shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (i) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (ii) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, as amended, being 33 U.S.C. § 1345, the Solid Waste Disposal Act (SWDA), as amended, (including the Resource Conservation and Recovery Act (RCRA), and State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

“Land Developer” (sometimes called *“Developer”*) shall mean a person, firm, association, partnership, corporation, or any other legal entity, who intends to develop land by making various improvements to the land as described under “Site Improvements”

"Landscape Wall" shall mean a free-standing wall that may or may not be built to retain or support the lateral pressure of earth or water or other superimposed loads and may or may not provide a difference in grade level from one side of the wall to the other. However, if a grade change is present from one side of the wall to the other, the slope of the ground uphill or downhill from the wall for the height of the wall shall not be greater than 1 foot vertical on 6 feet horizontal. This wall shall not retain earth with any pavement or other superimposed loads on top of the wall for a distance from the top of the wall equal to its height.

"Lot" shall mean a measured portion of a parcel or tract of land which is described and whose location is established in a recorded plat.

"Mains" (sometimes called *"Water Mains"*) as applied to the Water Supply Facilities and Connections thereto, shall mean any water supply conveyance pipe larger than 2 inches in diameter.

"Major Contributing Industry" shall mean an industry that: (1) has a flow of 25,000 gallons or more per average work day; (2) has a flow of greater than five percent of the flow carried by the municipal system receiving the waste; (3) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of PL92-500 of 1972; or (4) has a significant impact, whether singly or in combination with other contributing industries, or a treatment works or on the quality of effluent from that treatment works.

"May" shall mean permissive.

"Michigan Department of Community Health" (sometimes abbreviated *"MDCH"*) shall mean the State agency, which regulates Water Supply Facilities in the State and certain Wastewater Disposal Facilities in the State.

"National Categorical Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 33 U.S.C. § 1317 (b) and (c) which applies to a specific class or category of industrial users.

"Natural Outlet" shall mean any drainagewater outlet, including storm drains and sewers, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharges of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL92-500.

"Open Drain" shall mean a large open channel used to transport water, groundwater, surface water runoff, or drainagewater from any source.

"Parcel" shall mean a tract of land with or without existing building(s) thereon that is, or is intended to be served by the Wastewater Disposal system and/or water supply system.

"Parking Lot" shall mean a designated area used primarily for the parking of motor vehicles.

"Parking Lot Bay" shall mean a portion of the width of a parking lot which includes a set of parking stalls on either side of a driveway provided for access to such parking stalls.

"Pass Through" shall mean discharge which exits the POTW into waters of the United States in quantities or concentrations, which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit including an increase in the magnitude or duration of a violation.

"Person" shall mean any individual, partnership, co-partnership, firm, company, association, society, corporation, governmental agency (including school district), joint stock company, trust, estate or other legal entity, or their representative, agent or assigns.

"pH" shall mean the intensity of the acid or base condition of a solution, calculated by taking the negative base-ten logarithm of the hydrogen-ion activity. Activity is deemed to be equal to concentration in moles per litre. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} to the negative power of 7.

"Plat" shall mean a map or chart of a subdivision of land as defined in Act No. 288 of Michigan Public Acts of 1967 as amended.

"Plot Plan" shall mean a plan for a proposed building on a tract of land showing the proposed building footprint along with detailed survey marks for the grading (both existing and proposed elevations) and boundary information for that tract of land. The plot plan shall furnish the essential data for laying out the building on that tract of land, including dimensions; existing and proposed utilities, driveways, sidewalks, retaining walls, landscape walls, etc.

"Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, sewage garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, or industrial, municipal and agricultural waste which is discharged into water.

"Pollution" shall mean the introduction of any pollutant that, alone or in combination with any other substance, can or does result in the degradation or impairment of the chemical, physical, biological or radiological integrity of water.

"Preliminary Subdivision Plat" shall mean a preliminary plat showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration, as defined in Act No. 288 of Michigan Public Acts of 1967 as amended.

"Premises" shall mean a tract of land with the building(s) thereon that is, or intended to be, owned and maintained by a single responsible person who is to be served as a single customer by a single Customer Wastewater Disposal Outlet and a single water supply meter. Each Mobile Home Park is considered separately as premises.

"Pretreatment" shall mean the reduction of the amount of pollutants, the removal of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction, removal or alteration may be attained by physical, chemical or biological processes, or process changes by other means, except as prohibited by federal, State or local law, rules and regulations.

"Private Sewer" and *"Private Storm Sewer"* and *"Private Drain"* shall mean a storm sewer that serves more than one user or premises and is maintained privately by a single user or premises or by a subdivision association.

"Private Wastewater Disposal System" shall mean a Septic Tank with sub-surface soil absorption facilities; Wastewater Treatment Facilities; or similar methods of wastewater disposal that may be approvable by the Macomb County Health Department and/or the State of Michigan.

"Private Water Supply System" shall mean any system by which potable groundwater is withdrawn and supplied to premises that is approvable by the Macomb County Health Department and/or the State of Michigan.

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

"Public Sanitary Sewer" shall mean a sanitary sewer intended to be located in public easements or rights-of-way that collects (or is intended to collect) wastewater from more than one user or premises and that is required to receive the approval and issuance of a construction permit from the Department of Natural Resources and Environment .

"Public Sewer" and *"Public Drain"* shall mean a common sewer or drain that serves more than one user and is controlled by the Water and Sewer Department or another governmental agency.

"Public Utility Company" (sometimes called *"Utility Company"*) shall mean a legally constituted firm, corporation, or agency – other than the Township or a county agency acting under contract with the Township – that operates under a franchise or agreement approved by the Township for the purpose of installing and operating public utilities, including, but not limited to, gas piping, electric or telephone wiring (underground or overhead), oil piping, television cable, water supply transmission mains, sanitary sewer interceptors, and/or drainage facilities. The Detroit Water and Sewerage Department is a "Public Utility Company" under this definition.

"Public Water Main" shall mean a main, existing or proposed, in public easements or public rights-of-way that is intended to serve more than one user or premises and that is required to receive the approval and issuance of a construction permit from the Department of Natural Resources and Environment . The service pipe, extending from a public water main to a "Customer Water Supply Outlet," shall be considered "Private"

"Publicly Owned Treatment Works (POTW)" shall mean a treatment works as defined by 33 U.S.C. § 1292(2)(A) which is owned by a state or municipality, as defined in 33 U.S.C. § 1362, including: Any devices and systems used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial waste of a liquid nature; (ii) Sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant; or (iii) The municipality, as defined in 33 U.S.C. § 1362, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"POTW Treatment Plant" shall mean that portion of the POTW designed to provide treatment to wastewater, including recycling and reclamation of wastewater.

"Quantification Level" shall mean the measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

"Replacement Costs" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances that are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

"Representative Sample" shall mean any sample of wastewater, which accurately and precisely represents the actual quality, character, and condition of one (1) or more

pollutants in the wastestream being sampled. Representative samples shall be collected and analyzed in accordance with 40 C.F.R. Part 136.

"Retaining Wall" shall mean a free-standing wall built to retain or support the lateral pressure of earth or water or other superimposed loads that provides a difference in grade level from one side of the wall to the other that exceeds one foot.

"Right-of-Way" (sometimes abbreviated *"R.O.W."*) shall mean land reserved, used, or to be used for a street, alley, walkway, or other public purposes.

"Roof Leader" or *"Downspout"* shall mean a drain or pipe that conducts stormwater from the roof of a structure downward and thence into a sewer for removal from the property or into the ground for runoff or seepage disposal.

"Sanitary Sewage or Wastewater" shall mean wastewater discharged from the sanitary conveniences of dwellings and other buildings and places which sanitary conveniences are used or installed.

"Sanitary Sewer" (sometimes called *"Wastewater Sewer"*) shall mean a sewer, together with appurtenances, that carries liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

"Services", as applied to the Water Supply Facilities and connections thereto, shall mean any water supply conveyance pipe (located outside of a building) 2 inches in diameter and smaller.

"Sewage Force Main" (sometimes called *"Force Main"* or *"Pressure Sewer"*) shall mean a wastewater conveyance pipe that carries wastewater under pressure.

"Sewer Lateral Benefit Fee" shall mean a fee, to be paid by an Applicant for Wastewater Disposal Service Connection, that is intended to cover the Applicant's fair share of the total project cost of construction of the public sanitary sewer across the frontage of his property.

"Sewer System Benefit Fee" shall mean a fee, to be paid by an Applicant for Wastewater Disposal Service for a specific type of building use, that is intended to cover the Applicant's fair share portion of Wastewater Disposal System capital expenditures required to provide capacity or service for such specific type of building use; said capital expenditures are made for items such as (but not limited to) the following: land; buildings; structures; equipment; portions of the cost of sewers and appurtenances not chargeable against benefited frontage; pumping stations and forcemains; Sewage Treatment Facilities; and Master Township Wastewater Disposal Meters. The fee is determined by the number of units of potential capacity demand (hereinafter called *"Sewage Capacity Units"*) that the specific type of

building use imposes on the Wastewater Disposal System; a single sewage capacity unit is considered equal to the capacity demand imposed by an average dwelling unit. The fee is determined by the number of units of potential capacity demand according to the Utility Fees Schedule.

"Shall" shall mean mandatory.

"Significant Industrial User" shall mean any user of the POTW who: (i) Has an average discharge flow of 25,000 gallons per day or more of process wastewater excluding sanitary, boiler blowdown, and noncontact cooling water; or (ii) Has discharges subject to the national categorical pretreatment standards; or (iii) Requires pretreatment to comply with the specific pollutant limitations of this division; or (iv) Has in its discharge toxic pollutants as defined pursuant to 33 U.S.C. § 1317, or other applicable federal and State laws or regulations, that are in concentrations and volumes which are subject to regulation under this division as determined by the Department; or (v) Is required to obtain a permit for the treatment, storage or disposal of hazardous waste pursuant to regulations adopted by this State or adopted under the Federal Solid Waste Disposal Act, as amended by the Federal Resource Conservation and Recovery Act, as amended, and may or does contribute or allow waste or wastewater into the POTW including, but not limited to, leachate or runoff; or (vi) Is found by the City of Detroit or the Township of Bruce to have a reasonable potential for adverse effect, either singly or in combination with other contributing industries, on the POTW operation, the quality of sludge, the POTW's effluent quality, or air emissions generated by the POTW.

"Site Distance" shall mean the unobstructed (straight-line) length of view from a driver's eye height of four feet to an object height of six inches.

"Site Improvements" or *"Improvements"* shall mean such operations, acts of construction, or changes affecting land that increases the value, utility, or habitability of the Site, including, but not limited to, site grading; retention basins, detention basins, drainagewater sewers, culverts, or drains; sanitary sewers; wastewater disposal facilities; water supply piping; water supply facilities; gas piping; oil piping; television cable; electric power supply wiring; telephone wiring; roadway surfacing or paving; parking lot paving; driveways; bridges; lakes, ponds, or lagoons; sidewalks; and/or other appropriate appurtenant items.

"Site Plan" shall mean the plan required under the Township zoning ordinance for "Site Plan Review" for all projects other than a land subdivision plat.

"Slug" shall mean 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 (24) hour concentration of flows during normal operation, and adversely affects the collection system and/or performance of the wastewater treatment works.

“Standard Industrial Classification (SIC)” shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended.

“Standard Methods” shall mean the laboratory procedures set forth in the latest edition at the time of analysis, of “Standard Methods for the Examination of Water and Wastewater”, as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, or methods acceptable to the United States Environmental Protection Agency.

“State” shall mean the State of Michigan.

“Stop Valve” (sometimes called *“Curb Stop”*) shall mean the valve placed on a building service water supply pipe that is located at a “Customer Water Supply Outlet”.

“Storm Water” shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

“Stormwater Drain” (sometimes termed *“Storm Drain”* or *“Storm Sewer”*) shall mean a watercourse intended for the conveyance of water, groundwater, surface water runoff, drainagewater, or other water from any source exclusive of intentionally admitted wastewater.

“Stormwater Inlet Structure” shall mean a structure designed and constructed to intentionally admit surface water runoff into an underground storm sewer.

“Street” shall mean any street, avenue, boulevard, road, alley, or other right-of-way that provides for vehicular or pedestrian access to abutting properties by the general public; and includes the land between the street right-of-way lines, whether improved or unimproved.

“Superintendent” shall mean the person appointed by the Board to manage the Sewer and Water Department.

“Surcharge” shall mean a charge for BOD, suspended solids, or other measurements of wastewater strength when the strength thereof is in excess of the strength of normal domestic sewage.

“Surface Water Run-off” (sometimes called *“Stormwater”*) shall mean that part of rainfall or melting snowfall that reaches the stormwater drain as runoff from natural land surfaces, building roofs, or pavements.

“Suspended Solids” shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is

removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater."

"Tabulation of Quantities" shall mean a list of construction items together with the quantity of each item planned to be constructed.

"Total Project Cost of Construction" shall mean the entire cost of construction, including costs of engineering, layout, inspection, administration, legal services, bonding costs, contingencies and other related incidental costs.

"Township" shall mean the Township of Bruce, County of Macomb, State of Michigan.

"Township Engineer" shall mean the staff registered professional engineer or the consulting engineer representing the Township in this position.

"Trunk Storm Sewer" shall mean a public storm sewer having a diameter of 24 inches or larger.

"Underdrain pipe" shall mean a perforated or loose joint pipe installed underground for the specific purpose of lowering a high groundwater condition or draining a granular subbase by receiving groundwater seepage and conveying it to a stormwater drain.

"Unpolluted Water" shall mean water of a quality equal to, or better than, the effluent criteria currently in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the Township sanitary sewers and wastewater disposal system provided.

"Upset" shall mean an exceptional incident in which there is unintentional and temporary noncompliance with limits imposed under this division or with national categorical pretreatment standards due to factors beyond the reasonable control of the industrial user but excludes noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

"User" shall mean the owner or occupants of any premises connected with and/or using any of the facilities operated by the department.

"Utility Company's Contractor" shall mean a construction contractor engaged by the utility company to install public utilities for the utility company; or, in the case where the utility company has a construction division that installs its own utilities, shall mean the utility company.

"Wastewater" (sometimes called *"Sewage"*) shall mean the spent water of a community, including liquid and water- carried wastes from residences, commercial

buildings, industrial plants, institutions, together with any groundwater, surfacewater, and stormwater that may be present. Normal Domestic Wastewater or Sewage as defined for the purposed of determining surcharge, shall mean wastewater or sewage having an average daily suspended solids concentration of not more than 300 mg/l, an average daily BOD of not more than 300 mg/l, an average daily phosphorus concentration of 13 mg/l and containing not more than 100 mg/l of hexane soluble matter (fats, oil and grease).

“Wastewater Disposal Facility” or *“Wastewater Facility”* shall mean any part, or all, of the property, structures, equipment, sewers, materials, and/or appurtenances used in conjunction with the act of collecting, and disposing of, wastewater.

“Wastewater Disposal System” shall mean all of the Wastewater Disposal Facilities taken collectively that are operated and maintained by the Water and Sewer Department.

“Wastewater Treatment Works” or *“Sewage Treatment Plant”* shall mean facilities for treating wastewater, industrial wastes and sludge.

“Water Main Lateral Benefit Fee” shall mean a fee, to be paid by an Applicant for Water Supply Service, which is intended to cover the Applicant’s fair share of the total project cost of construction for a minimum sized public water main across the frontage of his property.

“Water Supply Facility” shall mean any part, or all, of the property, structures, equipment, mains, pipes, materials, meters, and/or appurtenances used in conjunction with the act of supplying potable water to water supply service customers.

“Water Supply System” shall mean all of the Water Supply Facilities taken collectively that are operated and maintained by the Water and Sewer Department.

“Water System Benefit Fee” shall mean a fee, to be paid by an Applicant for Water Supply Service for a specific type of building use, that is intended to cover the Applicant’s fair share portion of Water Supply System capital expenditures required to provide capacity or service for such specific type of building use; said capital expenditures are made for items such as the following: land; buildings; structures; equipment; portions of the cost of water mains and appurtenances not charged against benefited frontage; pumping stations; storage tanks or basins; and Master Township Water Supply Meters. The fee is determined by the number of units of potential capacity demand (hereinafter called “Water Capacity Units”) that the specific type of building use imposes on the Water Supply System; a single water capacity unit is considered equal to the capacity demand imposed by an average dwelling unit.

"Waters of the State" shall mean groundwater, lakes, rivers, streams, all other watercourses and waters within the confines of this state as well as bordering this state in the form of the Great Lakes.

"Watercourse" shall mean a natural or artificial open channel for the passage of water either continuously or intermittently.

186.1000 SITE IMPROVEMENTS REQUIRED FOR DEVELOPMENT OF LAND.

186.1100 Site Grading and drainagewater collection and disposal systems.

Sec. 86.1100.

- A. Except for agricultural purposes, it shall be unlawful for any person to change the drainage pattern of any land by excavating, grading, or filling without first obtaining Site Plan approval (if required) and the appropriate approval(s) and/or permits from the Township. Each site shall receive such grading for the purpose of directing surface water runoff to appropriate drainagewater collection and disposal systems as is necessary, and same shall be done in a manner which will not cause drainagewater from the site to flow onto adjacent land nor obstruct the flow of existing drainage from adjacent properties. Drainagewater collection and disposal systems shall be provided to collect surface water runoff and/or building foundation drain groundwater seepage. The drainagewater collection system shall consist of enclosed storm sewers throughout the project. An extension of the storm sewer system shall be provided to furnish an outlet for foundation drain service pipes for each building having a basement. The collected drainagewater shall be conveyed to a point of disposal that shall be a stormwater drain.
- B. When it is determined by the Township and/or the Macomb County Drain Commissioner that inadequate drainagewater outlet capacity exists on a site proposed for development as a single family subdivision, the developer shall install an adequate retention/detention basin with controlled-outlet facilities to limit the rate of flow of drainagewater from his site, per Appendix A: Engineering Design Standards. Final approval of any plans which include a retention/detention basin shall be conditioned upon an operation and maintenance agreement with the Township which shall include as a minimum the following provisions:
 1. The developer shall grant an easement over the land occupied by the retention/detention basin and the access roadway to the retention basin, which easements and the agreement required herein shall expire upon the cessation of use of the site as a retention/detention basin
 2. For subdivisions and non-condominium project: the developer shall establish a Special Assessment District over the benefiting property prior to acceptance of the project for the maintenance of the detention/retention basin(s). All expenses for the establishment of the Special Assessment District shall be paid for by the developer.

3. Said agreement shall also include a workable method for the assessment and the collection of sums for the operation and maintenance of said retention basin from benefited property owners by a homeowners association established for said subdivision, and shall provide the Township with the power to assess and collect said assessments in the event the homeowners association is unable to do so. The assessment and collection of sums as herein required shall occur only when insufficient monies remain on deposit with the Township for continued operation and maintenance of said retention basin. Said Agreement shall be in the form of a covenant running with the land and shall be recorded coincidental with the recording of the final plat.

186.1200 Street and parking lot pavement and rights-of-way

Sec. 86.1200.

- A. All land developments served with roadways or parking areas shall be subject to the requirements of .Appendix A: Engineering Design Standards.
- B. Where any land development abuts or includes a proposed collector street as indicated on the Master Thoroughfare Plan or where it is deemed essential by the Planning Commission or the Township Board to provide for continuity to other parts of the public road system through subject land development, the Developer of such land development shall be responsible for the installation of the collector street or other local streets, with dedication of the right-of-way to the use of the public for same.
- C. Where the Township Zoning Ordinance requires off-street parking, each parking space (or stall) shall be ten feet in width and twenty feet in length. Parking areas shall be paved unless it is demonstrated to the Township Board that dust and tracking will not be a problem off-site. In multiple family developments, all driving lanes (including those between parking stalls) shall be paved twenty-four feet wide. All paved areas shall have curbs or bumper blocks adjacent to sidewalks and at the site boundaries to prevent vehicles from crossing onto pedestrian walkways and adjacent sites. Moreover, parking lots shall be designed in accordance with standards contained in this Ordinance.

186.1300 WATER SUPPLY FACILITIES

186.1301 Potable water supply and distribution system.

Sec. 86.1301.

- A. All water supply and water main distribution systems that are intended to be operated as public facilities shall be conveyed to the Township for operation and maintenance.
- B. All developments shall be serviced by potable water supply and distribution systems acceptable to the Township. A site plan or a preliminary subdivision plan submitted to the Township shall be accompanied by data describing the type of potable water supply and distribution system that is to be provided for

the development and written approval for use of same from Macomb County Health Department and/or the Department of Natural Resources and Environment . The developer shall transmit said statement to the Township with his request for Township approval.

- C. All potable water supply and distribution systems shall comply with Appendix A: Engineering Design Standards.

186.1302 Private water supply.

Sec. 86.1302.

- A. Where a public water main is not available under the provisions of this Ordinance a building service water supply pipe may be connected to a private well system complying with the provisions of the Macomb County Health Department, and/or the State of Michigan, and this Ordinance.
- B. The type, capacities, location and layout of building service water supply pipe shall comply with all requirements of the Township, the Macomb County Health Department, and/or the State of Michigan.
- C. A building permit shall not become effective until the applicant has obtained a permit for a private well from the Macomb County Health Department and filed a copy with the Township.

186.1303 Public Water Supply.

Sec. 86.1303.

- A. It shall be unlawful for any person to tap any water main or pipe of the water supply system, or to insert therein any corporation stop or any other fixture or appliance, or to alter or disturb any supply pipe, corporation stop, stop valve (curb stop), gate valve, hydrant, water meter (including the removal of the water meter), or any other attachment being part of the water supply system without first obtaining a written permit from the Superintendent. Furthermore, no person shall install any building service water supply pipe or water main; or connect or disconnect any such building service water supply pipe with, or from, the mains or supply pipes of the water supply system; or with, or from, any other building service water supply pipe now, or hereafter, connected with the system; or make any repairs, additions to, or alterations of, any such building service water supply pipe, or any other fixture or attachment connected with any such pipe, without first obtaining a permit from the Superintendent.
- B. It shall be unlawful for any person to access water from any fire hydrant without a permit to do so, with the exception of the personnel of the Water and Sewer Department and the Bruce Township Fire Department.
- C. All water supply and water main distribution systems that are intended to be operated as public facilities shall be conveyed to the Township for operation and maintenance.
Any person desiring to do any of the above shall make application on a form furnished by the Township.
- D. A separate and independent building service water supply pipe shall be provided for every building and premises; except, where one building

stands at the rear of another on an interior lot and no water main is available or can be constructed to the rear building through and adjoining alley, court, yard, or driveway, the front building service water supply pipe may be extended to the rear building and the whole considered as one service; but the Township does not assume any obligation or responsibility for damage caused by, or resulting from, any such single connection aforementioned. In all cases where water service is intended to supply more than one customer in a building consisting of several customers, a separate building service water supply pipe with a stop valve shall be installed for each customer. Such stop valve shall be suitably protected and marked to be conspicuous. In no case shall one building service water supply pipe supply more than one lot, unless such lots are occupied by a single building that is used for a single industry or enterprise.

- E. The Superintendent, or his representatives, shall have power and authority at all reasonable hours to enter upon any premises where water is furnished from the Township water supply system, for the purpose of meter reading or the inspection and testing of all pipes and fixtures connected with, or proposed to be connected with, said water supply system. The Superintendent or his representative shall have authority to require any defective pipes or fixtures to be repaired, removed, or replaced, where the same are not in compliance with the provisions of the regulations pertaining to the water supply system. The refusal or neglect of any person to make repairs as required by this ordinance shall be deemed a violation thereof.
- F. The permit holder for the installation of water mains or building service water supply pipe shall notify the Superintendent or a designated agent, 48 hours prior to when such pipe is ready to be installed.
- G. The Water and Sewer Department shall install, or cause to be installed, a water meter with an outside removable water meter reading device for all premises. Such meter reading device and water meter shall be installed as part of the water meter charge set forth in the Utility Fees Schedule.
- H. Water meters shall be installed for every building or premises supplied with water by the Township. Any damage to said meter resulting from the failure of the owner, lessee, or occupant to properly protect same shall be assessed against such property owner. No person shall tamper with, or remove, the meter, or interfere with the reading thereof.
- I. The owner or occupant of any building or premises entitled to the use of water from the Township water supply system shall not supply water to any other person except upon written permission of the Superintendent.
- J. The Township Water and Sewer Department Superintendent and/or the Township Board may ban or restrict lawn sprinkling or other non-essential use of water whenever the Superintendent and/or Board shall determine that such utilization of the water supply may endanger the public health, safety and welfare of the residents of the Township. Such ban or restriction may be posted at the Township offices and published in a newspaper of general circulation within the Township.

- K. The Customer shall provide a heated room for any water meter, or a meter pit constructed to Township Standards.
- L. Meters proposed to be located outside of buildings shall be approved by the Water and Sewer Superintendent or his designated representative.

186.1304 Water connection requirements.

Sec. 86.1304.

- A. *Meter location.* Meters shall be set in a heated room and an accessible location in a manner satisfactory to the Superintendent.
- B. *Access to meters.* The Superintendent shall have the right to shut off the supply of water to any premises where authorized employees are not able to obtain access to the meter. Any authorized Township employee shall at all reasonable hours, have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing, or inspecting the meter or for the purpose of inspecting any pipe or fixture connected to the Township Water System, and no person shall hinder, obstruct, or interfere with such employee in the lawful discharge of his duties in relation thereto.
- C. *Responsibility for meter.* The owner of the premises upon which a meter is installed, is hereby made responsible for the same. If by any manner the meter is damaged or stolen such incident must be reported to the Superintendent at once. It shall be the duty of the Township to make all meter repairs and charge same to the property owner.
- D. *Meter failure.* If any meter shall fail to register properly, the Superintendent shall estimate the consumption based on the basis of former consumption and bill accordingly. If the meter fails to operate properly, the Department shall replace the meter at no cost to the property owner.
- E. *Meter testing.* A customer may require that the meter be tested upon payment of the service fee in advance to cover the cost of the test. If the meter is found defective it shall be repaired or an accurate meter installed and the service fee payment refunded.
- F. *Accuracy required.* A meter shall be considered accurate if when tested it registers not to exceed one and a half (1.5%) percent more or one and a half (1.5%) percent less than the actual quantity of water passing through it. If a meter registers in excess of one and a half (1.5%) percent more than the actual quantity of water passing through it, it shall be considered "fast" to that extent. If a meter registers in excess of one and a half (1.5%) percent less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.
- G. *Bill adjustment.* If a meter has been tested at the request of a customer and shall have been determined to register "fast" the Township shall credit the customer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by said consumer within the three (3) months prior to the test, and if a meter so tested is determined to register "slow" the Township may collect from the customer a sum equal to the percent

“slow” multiplies by the amount of all bills incurred by the customer for the prior three (3) months. When the Township on its own initiative makes a test of a water meter, it shall be done without cost to the customer, other than his or her paying the amount due to the Township for water used by him or her as above provided, if a meter is found to be “slow”.

- H. *Injury or obstruction of facilities.* No person shall break, damage, destroy, uncover, deface, obscure, obstruct, or tamper with any structure, appurtenance or equipment which is part of the Township water distribution system.

No person, firm or corporation shall place debris, landscaping, earth or other materials in a manner that will obstruct, obscure, or prevent normal access to or operation of any hydrant, valve, metering facility, Fire Department water connection or any other water system appurtenances. Any person violating this section shall be guilty of a misdemeanor and shall be punishable as provided by law. The Superintendent may order the removal of said materials. The expenses incurred in the removal shall be a debt to the Township from the responsible person, firm or corporation, and shall be collected as any other debt to the Township.

- I. *Backflow prevention.* Every service shall be valved between the premises and the main. Owner shall provide for backflow preventers, pressure reducing valves and other appurtenances as determined necessary by the Superintendent.

186.1305 Cross Connection Control Program.

Sec. 86.1305.

- A. That the Township of Bruce is subject to the Water Supply Cross Connection Rules of the Michigan Department of Natural Resources and Environment being R 325.11401 to R 325.11407 of the Michigan Administrative Code.
- B. The Township of Bruce's Water and Sewer Department is the agency responsible for administration and enforcement of this program to protect the Township's public water main system (supply) from cross connections.
- C. That it is the duty of the Township of Bruce to cause inspections to be made of the properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the Township of Bruce and as approved by the Michigan Department of Natural Resources and Environment.
- D. That the representative of the Township of Bruce's Water and Sewer Department shall have the right to enter at any reasonable time any

property served by a connection to the public water supply system of the Township of Bruce for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection.

- E. That the Township of Bruce is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.
- F. That all testable backflow prevention assemblies shall be tested at the time of installation or relocation and after any repair. Subsequent testing of devices shall be conducted at a time interval specified by the Township of Bruce and in accordance with the Michigan Department of Natural Resources and Environment's requirements.
- G. That the potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this ordinance and by the Township of Bruce plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be clearly labeled in a conspicuous manner: "WATER UNSAFE FOR DRINKING."

186.1400 WASTEWATER DISPOSAL FACILITIES

186.1401 Wastewater collection and disposal system.

Sec. 86.1401.

- A. All developments shall be serviced by a wastewater collection and disposal systems acceptable to the Township. A site plan or a preliminary subdivision plan submitted to the Township shall be accompanied by data describing the type of wastewater collection and disposal system that is to be provided for the development and written approval for the use of same from the Township and the Macomb County Health Department. The Developer shall transmit said statement to the Township with his request for Township Approval.
- B. For all other developments the Developer shall provide sanitary sewers to service each proposed building site and shall connect same to a public wastewater disposal system acceptable to the Township and the Macomb County Health Department. The sanitary sewer shall also be subject to approval from the Department of Natural Resources and Environment and the Romeo Waste Water Treatment Plant.
- C. All wastewater collection and disposal systems shall comply with Appendix A: Engineering Design Standards.

186.1402 Use of public sewers – When required.

Sec. 86.1402.

- A. No person shall place, deposit or cause to be deposited any human or animal excrement or garbage upon property within the Township, except in the pursuit of a normally accepted farming, gardening or sanitary landfill activity.
- B. It shall be unlawful to discharge to any natural outlet within the Township, or in any area under the jurisdiction of said Township, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with this Ordinance.
- C. All sanitary sewers and wastewater disposal systems that are intended to be operated as public facilities shall be conveyed to the Township for operation and maintenance.
- D. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- E. Every structure in which sanitary sewage originates lying within the unincorporated portion of the Township of Bruce shall promptly connect to any available public sanitary sewer in said Township, but in no case later than six months after publication of a Notice by the Township of Bruce of the availability of a public sanitary sewer system in a newspaper of general circulation in said Township. "Available Public Sanitary Sewer System" means a public sewer system located in a right-of-way, easement, highway, street, or public way that crosses, adjoins, or abuts upon the property and passing not more than two hundred (200) feet at the nearest point from a structure in which sanitary sewage originates. The Township Board of the Township of Bruce finds that public sanitary sewer systems are essential to the health, safety, and welfare of the people of the Township of Bruce. 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 potential economic blight and constitutes a threat to the quality of surface and sub-surface waters of the Township. The connection to the available public sanitary sewer systems within the time prescribed herein is a matter for the protection of public, health, safety, and welfare and necessary in the public interest.
- F. For purposes of this section, the Township Board may find that a "hardship" exists when it shall determine that the payment of the Wastewater System Benefit Fee, Sewer Main Benefit Fee or any other applicable fee as defined in subsection "D" above, by the owner of a structure required to comply with the provisions of the statute and preceding sections of this Ordinance will result in severe and extreme financial hardship upon the owner and/or the owner is unable to comply therewith due to financial reasons. Such determination shall be predicated

upon financial information furnished by an applicant for hardship relief as to (a) the type, nature, amount and source of income for 12 months preceding the date of said application, (b) the type and nature of the Applicant's employment, if any, and (c) the net financial worth of said applicant determined by a complete disclosure of all assets and liabilities. The Township Board shall prepare and approve an "Application for Mandatory Sewer Connection Hardship Relief," which application shall require a complete disclosure of the foregoing information and shall be used by all applicants seeking relief pursuant to this section. Such application shall include an authorization for disclosure of financial information which may be utilized by a duly authorized representative of the Township to authenticate the financial information furnished.

- G. All applicants for hardship relief shall be submitted to the Township Assessing Officer. The Township Board may create, by resolution, a Hardship Review Board with power to review all applications for relief submitted pursuant to this section. Said power to review shall include the right to interview all applicants and to conduct such investigations as it deems necessary to authenticate the financial information disclosed. The Hardship Review Board, based upon its findings and study, shall make a recommendation to the Township Board concerning the disposition of each applicant. The Hardship Review Board shall consist of three (3) members, the first of which shall be the Township Assessing Officer and two of which shall be qualified electors and property owners of the Township. All such members of the Hardship Review Board, excepting the Township Assessing Officer, shall be appointed by the Township Supervisor with the approval of the Township Board and shall serve for a term of one (1) year. Members so appointed may be removed by the Township Supervisor for cause, after hearing, with the approval of the Township Board.
 - a. Applicant's requesting hardship relief must meet all Federal Guidelines for qualifying as a "hardship".
- H. It shall be unlawful for any applicant to knowingly submit false or misleading financial information in connection with an application for hardship relief under provisions of this section
- I. The Township Board may defer partial or total payment of the Wastewater System Benefit Fee and Sewer Main Benefit Fee established in the Utility Fees Schedule and any other charges imposed by said Township Board for the availability of a sewer line to serve the property and for the actual connection of the property owner to that line, including permit fees and inspection fees or may allow installment payment of such fees not to exceed five (5) years at five (5) percent interest per annum (interest rate is amendable by Township resolution), when it shall determine that a strict application of the provision of Act 288, Michigan Public Acts of 1972, as amended, and the preceding section of the within Ordinance requiring connection to the Township sanitary sewage system will result in a hardship on the owner of a structure required to connect thereto. As a

condition to the granting of such deferred, partial or installment payment the Township Board may require mortgage security on the real property of the applicant payable on or before death, or, in any event, on the sale or transfer of the property. All necessary costs incurred for title examination and recording fees shall be borne by the applicant.

- J. The Township Board may also defer partial or total payment of the Sewer Lateral Benefit Fee and Sewer System Benefit Fee established in the Utility Fees Schedule and any other charges imposed by said Township Board for the availability of a sewer line to serve the property and for the actual connection of the property owner to that line, including permit fees and inspection fees if the applicant meets all of the provisions listed below:
 - a. That the applicant will connect properties to the sanitary sewer system and abandon an on-site community septic system (having a minimum of 6 capacity units connected to the septic system) which benefits the health, safety and welfare of the public.
 - b. The applicant shall pay the expenses of extending the sanitary sewer, connecting to the sanitary sewer, and abandoning their community septic field system.

186.1403 Private wastewater disposal facilities.

Sec. 86.1403.

- A. Where a public sanitary sewer is not available under the provisions of this Ordinance, a building service sewer may be connected to a private wastewater disposal system (septic tank and field) complying with the provisions of this Ordinance.
- B. The applicant for any private wastewater disposal system shall be encouraged to locate his Building Service Sewer on the site of his building on which the public sewer (to which he will connect in the future) is likely to be located. In most instances, this will be on the street side of his building for the wastewater building service sewers.
- C. If the proposed development consists of a single family dwelling unit subdivision having lots 98 feet or more in width of a site proposed for only one building, the Developer may use a septic tank and tile field for each lot; provided that the system for each lot receives approval for same from the Macomb County Health Department. The use of septic tanks and tile fields will only be considered if public sanitary sewer is not available.
- D. Private on-site communal treatment facilities will be considered only if public sanitary sewers are not available and these facilities will be subject to approval from the Township, the Macomb County Health Department, and the Department of Natural Resources and Environment.
- E. A building permit shall not become effective until the applicant has obtained a permit for a private wastewater disposal system from the Macomb County Health Department and filed a copy with the Township Building Official. If a Building Sewer is to be installed, for future

connection to a sanitary sewer, a permit shall be required in conformance to Section 186.2000.

- F. At such time as a public sanitary sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer as hereinbefore set forth; and any septic tanks and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material. In the meantime, the owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Township.
- G. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of the Township, the Macomb County Health Department, and/or the State of Michigan. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than twelve thousand square feet (1115 square meters). No septic tank or cesspool outlet shall be permitted to discharge directly or indirectly to any natural outlet.
- H. Private community septic fields or private sewer systems, servicing more than one premise will only be considered where sanitary sewer is not available. All private community septic fields and/or private sewer systems will be subject to the approval of the Water and Sewer Superintendent, the Township Engineer, Macomb County Health Department and the Michigan Department of Natural Resources and Environment.

186.1404 Building Service Sewers (wastewater); and connections to, and/or extensions of, sewer.

Sec. 86.1404.

- A. No person shall uncover, make any connections with or opening into, use, alter, or disturb any sewer or appurtenances thereof, without first obtaining a written permit from the Superintendent.
- B. There shall be three (3) classes of sewer construction permits: a Class 1 Permit – a Permit for a Residential and/or Commercial Building Service Sewer (wastewater and/or drainagewater); a Class 2 Permit – a Permit to Construct Sewers that serve establishments producing Industrial Wastes; and a Class 3 Permit – a Permit to Construct Connections to, and/or Extensions of Sewers. Any proposed construction of sanitary sewers for a Mobile Home Park shall be applied for under a Class 3 Permit.

An Application for any of the above Permits shall be supplemented by any plans, specifications, and/or other information considered pertinent by the Superintendent. All plans shall meet all requirements set forth in Appendix A: Engineering Design Standards.

An Applicant for a Class 1 Permit shall pay a construction inspection deposit as set forth in the Utility Fees Schedule.

An Applicant for a Class 2 Permit or a Class 3 Permit shall make such Application in accordance with Section 186.2000, entitled "PROCEDURE FOR PROCUREMENT OF A PERMIT FOR CONSTRUCTION OF SITE IMPROVEMENTS AND/OR PUBLIC UTILITIES", of this Ordinance.

The Contractor or Homeowner shall procure insurance and maintain it during construction (until final written approval), with the Township as co-insured, covering the items listed below.

- A. *Comprehensive General Liability Insurance.* The Applicant shall provide this insurance to protect from claims for damages because [of] bodily injury, sickness or disease or death of any person other than the Applicant's employees, including claims insured by personal injury liability coverage and from claims for injury or destruction of tangible property, including loss of use resulting therefrom – any and all of which may arise out of or resulting from the Applicant's operations, whether such operations be by himself or by any subcontractor or anyone directly or indirectly employed by any of them or for whose acts any of them may be legally liable. Such insurance shall include coverage for:
- 1) Operation and Premises
 - 2) Independent Contractor Protective Liability
 - 3) Completed Operation—Products Liability
 - 4) Contractual Liability
 - 5) Explosion, Collapse or Underground Damage

The limits of liability for property damage shall be \$100,000.00 per occurrence and \$500,000.00 aggregate limit individually each for operations, Independent Contractor's Protective, and Contractual, and \$500,000.00 aggregate limit for completed Operation-Products property damage.

- B. *Owner's Protective Public Liability Insurance.* Applicant shall provide in the name of the Township to protect them against claims for damages because of bodily injury or death, for a property damage caused by the Applicant or his subcontractor, including coverage for cost of defense for any such claims. The limits of liability for property injury including death shall be \$1,000,000.00 per occurrence. The limits of liability for a property damage shall be \$250,000.00 per occurrence and \$500,000.00 aggregate limits.

The Owner's Protective Public Liability Insurance Policy shall include, as additional named insured, the Engineer and his consultants, agents and employees, and all public corporations in whose jurisdiction the work is located.

- C. *Comprehensive Motor Vehicle Liability Insurance* (Applicable to contractors only). The Contractor shall provide this insurance in an amount of not less than \$250,000.00 each person and \$500,000.00 per occurrence for bodily injury, including accidental death, and \$200,000.00 for property damage for each occurrence. The policy shall include coverage for owned, non-owned and hired motor vehicles.
- D. *Workmen's Compensation Insurance* (Applicable to Contractors Only).
- E. A \$5,000.00 *Surety Bond*.

Construction.

- A *Contractor*. Work shall be performed by one (1) of the following trades for which the Contractor has been licensed by the State of Michigan Department of Licensing and Regulation: 1) Master Plumber; 2) Drain Layer Contractor (Class A or B); 3) Residential Builder; 4) Maintenance and Alteration Contractor (Trade Code D or L).

In addition, the Contractor shall be registered with the Township.

B *Homeowners.*

- 1) Prior to the issuance of a Homeowner's Permit, the Homeowners should have the necessary general knowledge to construct the building service connection in accordance with the Township ordinances, codes and have a reasonable working knowledge to construct the building service connection.
- 2) The Homeowner shall pay all permit fees, inspection charges, furnish the necessary insurance documentation and shall furnish a \$5,000.00 security bond or shall post a \$500.00 cash deposit.

- 3) The Homeowner shall sign an affidavit indicating that they are performing the work to be performed under the Homeowner's Permit.
 - 4) Homeowner shall obtain and abide by the Township installation requirements and standards.
- C *Construction within road rights-of-way.* The Contractor or Homeowner shall obtain the necessary permits from the respective governmental agency when work is performed within road rights-of-way.
 - D *Soil Erosion and Sedimentation Control Permit.* The Contractor or Homeowner shall obtain the necessary Soil Erosion Permit from the Macomb County, when required.
 - E *Cleaning and repairing.* If, as a result of construction, blockage or damages occur necessitating action, the Water and Sewer Superintendent may take whatever emergency action is required to protect the general health, safety, and welfare. All costs incurred by the Township shall be reimbursed by the Applicant. If payment is not made, it shall become a lien on the Applicant's property and shall be collected as taxes.
- C. A separate and independent building service sewer shall be provided for every building or premises; except, where one building stands at the rear of another on an interior lot and no sewer is available or can be constructed to the rear of the building through an adjoining alley, court, yard, or driveway, the front building service sewer may be extended to the rear building and the whole considered as one building sewer; but the Township does not assume any obligation or responsibility for damage caused by, or resulting from, any such single connection aforementioned. Sanitary sewage and industrial sewage shall not be combined in a single building service sewer, but shall require separate building service sewers.
 - D. No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of stormwater runoff or groundwater to a building sewer service sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Foundation drain groundwater shall be directed to a stormwater drain.
 - E. The permit holder for Construction of Sewers (drainagewater and/or wastewater) shall notify the Superintendent or his designated representative 2 business days prior to when the sewers are ready to be installed. All excavations for sewers shall be guarded with barricades and lights, at the direction of the Superintendent, the Township, or the Road

Commission so as to protect the public from hazard. All property disturbed shall be restored to it's original condition.

- F. All sanitary sewer to be connected to the Township sewer system shall be made gastight and watertight. As acceptable evidence of this condition, an exfiltration test or an infiltration test shall be performed as described hereinafter.

If the infiltration or exfiltration under test conditions is less than 200 gallons per inch of diameter per mile of pipe for 24 hours, the sewer will be considered water tight. The Township shall have the right to isolate any section of sewer (down to 300 feet in length) to apply the above standard. The test conditions for exfiltration or infiltration are as follows:

1. *For exfiltration:*
 - a. Fill the section of sewer to be tested until the level of water in the manholes is a minimum of seven (7) feet above the ground water table outside of the pipe and maintain this level by the addition of water for an additional two-hour period.
 - b. Begin the test period (a subsequent two-hour period); add water as necessary every half hour (4 times during the test period) and record (as the exfiltration) the total amount of water added that was necessary to maintain the water level in the test manhole.
2. *For infiltration* (to be used only if the existing water table is at least seven feet above the average centerline elevation of the pipe section to be tested):
 - a. For overall projects, at all connections to an existing sewer or extensions thereto a watertight bulkhead with a capped 1 inch diameter pipe shall be provided for purposes of measuring infiltration. A temporary 12 inch sump shall also be provided in the first manhole above the connection and filled in after successful completion of the infiltration test.
 - b. Perform the test for a specific time period and record the total amount of water collected at the test manhole during the period and calculate the infiltration.

In addition to exfiltration or infiltration tests, all sanitary sewers 10 inches and larger in diameter shall be internally inspected after installation, by means of television cameras (as set forth in the Standard Construction Specification and Details Standards adopted by the Township Board) to determine if any defects exist. Air tests shall also be performed on individual runs between manholes, for all size sanitary sewers. If any defects are discovered by TV or air

tests, they shall be repaired before the sewer is accepted for use and maintenance by the Township.

186.1405 Use of public sewers.

Sec. 86.1405.

- A. No person, firm or corporation shall discharge, or cause to be discharged, any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface water, or cooling water into any sanitary sewer of the Township.
- B. Drainagewater and/or other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural watercourse approved by the Township and other appropriate regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Township, to a storm sewer or natural watercourse.
- C. No person shall discharge, or cause to be discharged, any of the following described waters or wastes to any public sewers:
 - 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - 2. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitutes a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
 - 3. Any waters or wastes having a pH lower than 5.5, or higher than 8.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the Wastewater System.
 - 4. Solid or viscous substances (such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground garbage grinders) in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities.
 - 5. Any wastewater which is in excess of the limitations imposed under the contract between the Township and the Village of Romeo.
- D. The following described substances, materials, waters, or waste shall be limited in discharges to the public sanitary sewer to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitutes a nuisance. The limitations or restrictions on materials or characteristics of waste or wastewaters discharges to the sanitary sewer that shall not be violated are as follows:

- a. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
 - b. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
 - c. Wastewater from industrial plants containing floatable oils, fat or grease.
 - d. Any garbage that has not been properly shredded Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
 - e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the Township Wastewater disposal Outlet exceeds the limits established by the Township Engineer for such materials.
 - f. Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the State of Michigan and/or federal regulations.
 - g. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
 - h. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - i. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids that interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- E. If any waters or wastes are discharged, or are proposed to be discharged, to the public sanitary sewers, which waters contain the substances or possess the characteristics enumerated hereinbefore and which in the judgment of the Township may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
- 1. Reject the wastes,
 - 2. Require pretreatment to an acceptable condition for discharge to the public sanitary sewers,
 - 3. Require control over the quantities and rates of discharge, and/or
 - 4. Require an additional payment to cover the added cost (of handling and treating the wastes) not covered by existing wastewater disposal service charges. If the Superintendent permits 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 Township.

- F. Grease, oil, and sand interceptors shall be provided for all food preparation businesses, including restaurants, hotels, hospitals, catering businesses, banquet halls, fast food restaurants, or any other commercial business that prepares or serves food or, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in 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 of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal, by appropriate means, of the captured material and shall maintain records (on the premises) of the dates and means of disposal, which are subject to review by the Superintendent. Any removal and hauling of the collected materials must be performed by currently licensed waste disposal firms.
- G. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his expense.
- H. When required by the Superintendent, the owner of any property serviced by a sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the sewer to facilitate observations, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Township. The structure 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.
- I. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Township.
- J. Damages to public sewers, appurtenances, pumping stations, the wastewater plant or treatment processes arising from harmful wastewaters shall be assessed to the permittee. Such assessments shall constitute a lien on the property. The Township Board reserves the right to discontinue service to any person, firm, or corporation for gross and repeated violations of this Ordinance, after written notice has been given and a public hearing has been called by the Board at which the person, firm, or corporation has been given an opportunity to show cause why his right to service should not be discontinued.
- K. Should any industrial user (as defined in this Ordinance and Federal Regulation 40 CFR 35.905) commence discharge to the treatment works during the 30 years industrial cost recovery period, then an Industrial Cost Recovery System shall be developed and implemented pursuant to this Ordinance and Federal Regulation 40 CFR 35.928.
- L. 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.

186.1406 Access to premises.

Sec. 86.1406.

- A. The Superintendent or any of his agents bearing proper credentials and identification shall have the power and authority at all reasonable hours to enter upon any premises or easement for the purpose of inspection, observation, measurement, sampling and/or testing pertinent to the discharge to the sewer system in accordance with the provisions of this ordinance.
- B. While performing the necessary work on private properties the Superintendent, or the Superintendent's representative, shall observe all safety rules applicable to the premises and the owner shall be held harmless for injury, or death to the Superintendent or his representatives, and the Township shall indemnify the owner against loss or damage to his property by Township employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions.

186.1600 Pedestrian ways.

Sec. 86.1600.

- A. Provisions shall be made for pedestrian ways completely across the Developer's project where it abuts existing or proposed public streets and existing or proposed private streets. Said provision shall consist of permission from the Macomb County Road Commission for use of the road rights-of-way and/or the granting of easements on private property depending upon the appropriate location of the pedestrian ways as determined by the Township.
- B. The Township Board shall establish a fund for payments made as an alternative to construction of sidewalks and/or pathways. For all projects, the Developer shall either construct a pedestrian way completely across the project where it abuts existing or proposed public streets or existing or proposed private streets, or as an alternative to said construction, he shall deposit with the Township monies in the following amounts which are to be placed into said fund said amounts to be determined by the Township. These funds can be used by the Township to extend sidewalks and/or pathways anywhere in the Township.
 - 1. Where a pedestrian improvement is planned for both sides of the street at the site location the deposit shall be equivalent to 100% of the estimated improvement cost on one side of the street determined by the Township.
 - 2. Where a pedestrian improvement is planned for only one side of the street at the site location, the deposit shall be equivalent to 100% of the estimated improvement cost as determined by the Township.

3. In all cases, the Developer shall have the option of constructing the pedestrian way across the project site or depositing monies into the fund.

Monies from the pedestrian way fund are to be utilized from time to time by the Township for the orderly construction of the planned pedestrian ways within the Township.

- C. All sidewalks and driveway approaches between the lot line and the street curb, except crosswalks at intersections, shall be repaired and maintained by the abutting property owner and shall comply with all requirements set forth in this Ordinance.
- D. All sidewalks within the Township shall be kept and maintained in good repair by the owner of the land adjacent to and abutting upon it. If any owner shall neglect to keep and maintain the sidewalk along the front, rear or side of the land owned by him in good repair and safe for use of the public, the owner shall be liable to the Township for any damages recovered against the Township sustained by any person by reason of such sidewalk being unsafe and out of repair. If the owner fails to maintain the sidewalks along the front, rear or side of the land owned by him, the Township has the right to make all necessary repairs and assess the land owner.
- E. All pedestrian ways and sidewalks shall comply with Appendix A: Engineering Design Standards and the Township's Sidewalk Ordinance.

186.1700 Trees.

Sec. 86.1700. Please refer to the Zoning Ordinance and/or Ordinance 161 for size and spacing requirements of trees. The type and location of trees shall be approved by the Township.

186.1800 Distribution lines.

Sec. 86.1800. The Developer shall provide appropriate locations for all local distribution lines for telephone, electric, television, and/or similar services distributed by wire or cable to be placed underground entirely throughout the area to be developed for residential use, except for main supply and perimeter feed distribution lines which serve areas outside the development area, and except for surface facilities related to underground service (such as above ground closure or terminals) and such wires, conduits, or cables shall be placed within private easements which shall be provided to such service companies by the Developer. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.

186.2000 PROCEDURE FOR PROCUREMENT OF A PERMIT FOR CONSTRUCTION OF SITE IMPROVEMENTS AND/OR PUBLIC UTILITIES

186.2101 General.

Sec. 86.2101. Except for agricultural purposes, or shall be unlawful for any person to begin the development of land or install Public Utilities within the Township without first obtaining a Permit for Construction.

186.2102 Procedure.

Sec. 86.2102. Any person desiring to proceed with the development of land or install Public Utilities shall apply for a Permit for Construction in accordance with the following procedure.

A. For projects where the construction contractor is engaged by the Township (or by the County Agent under contract with the Township).

1. Where the construction contractor is engaged by the Township, or by the County Agency under contract with the Township, the contractor will not be required to acquire (or have in his possession) a Permit for Construction. However, the contractor shall restore all land and/or other physical features affected by the work to a condition at least as good as that existing at the time construction was begun.

B. For projects where the construction contractor is engaged by a public utility company other than the Township.

1. The Public Utility Company shall prepare and present to the Township two copies of the plans and specifications for the proposed utility, whether it be an underground utility or an overhead utility (including a single pole relocation). The 'Standard Utility Locations' indicated in Appendix A: Engineering Design Standards should be utilized where possible. Furthermore, the Utility Company shall ascertain where the location (horizontally or vertically) may be in possible conflict with utilities proposed by the Township.
2. The plan shall be reviewed by the Bruce Township Water and Sewer Department to determine whether the proposal will conflict with present or future Township utilities.
3. The Utility Company must submit any additional information deemed necessary and requested by the Township during the course of the plan review.
4. Upon approval of the plans and specifications the Township will return one set of plans marked "approved" which shall be the Utility Company's approval to commence construction so long as all other permits and licenses which may be required by other governmental agencies have been secured.
5. The Township Water and Sewer Superintendent shall be notified of all times construction is taking place and the Township shall have the right to have an inspector present at all times that construction is taking place.
6. The Utility Company is responsible for insuring that the Contractor restores all land and/or other physical features affected by the work to a condition at least as good as that existing at the time construction was begun.
7. Within thirty days after completion of construction, the Utility Company shall provide one copy of as-built plans for the project to the

Township. The as-built plans shall be signed and sealed by an Engineer, Registered in the State of Michigan.

C. For all other development projects.

1. The Developer/Applicant shall engage an Engineer, Registered in the State of Michigan, hereinafter called the Developer's Engineer, who shall prepare plans and specifications for the proposed site improvements in accordance with Appendix A: Engineering Design Standards adopted by the Township.

186.3000 VARIANCES

186.3101 Determination.

Sec. 86.3101. The Township Board may authorize a variance from the provisions of this Ordinance when it determines an undue hardship or practical difficulties may result from strict compliance with specific provisions or requirements of this Ordinance. In granting any variance, the Township Board may prescribe other conditions that it deems necessary or desirable for the public interest. No variance shall be granted unless the Township Board finds:

- A. There are special circumstances or conditions affecting the situation such that a strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of his property;
- B. That the variance is necessary for the preservation and enjoyment of the substantial property right of the applicant;
- C. That the granting of the variance will not be unduly detrimental to the public welfare or injurious to other property in the Township;
- D. That such variance will not have the effect of nullifying the interest and purpose of this Ordinance nor violate the provisions of other State or Federal Regulations.

186.3102 Application.

Sec. 86.3102. Any person may apply for such variance by requesting same in writing, stating fully and clearly the reasons for the request and including any supplemental information and data which he believes may aid in the analysis of the proposed request.

180.4000 SCHEDULE OF FEES

Such fees shall be in accordance with a resolution of fees, the Utility Fees Schedule, in effect at the time such plan review is requested, as approved from time to time by the Township Board.

186.4101 General.

Sec. 86.4101.

- A. Any person requesting a Water Supply Service Connection and/or a Wastewater Disposal Service Connection for any building, mobile home, dwelling unit, or

premises to be served by such connection, shall first make application therefore. The application shall be accompanied by payment of all applicable fees and charges.

- B. The applicable fees for a Water Supply Service Connection include: (1) a Water System Benefit Fee (subject to conditions covered under description below); (2) a Water Main Lateral Benefit Fee; (3) a Water Service Installation Fee; (4) a Construction Inspection Charge; (5) a Water Meter Charge; (6) Construction Water; (7) Water Turn On and Turn Off Charges and (8) all other applicable charges listed in the Utility Fees Schedule.
- C. The applicable fees and charges for a Wastewater Disposal Service Connection include: (1) a Sewer System Benefit Fee (subject to conditions covered under description below); (2) a Sewer Lateral Benefit Fee; and (3) a Construction Inspection Charge.
- D. Application for connection shall be made for:
 - 1. New construction—prior to issuance of a building permit, or prior to issuance of a foundation/pad permit for a mobile home/
 - 2. Existing buildings or mobile homes—prior to connection to the Township System.
- E. In addition to the above requirements, it is intended that no water supply service or wastewater disposal service be furnished to any building unless a water meter is installed and operating. In the event a Township water supply connection is not available, payment for flow into the Township Wastewater Disposal System shall be based upon a minimum of 8,000 cubic feet of water consumption per year per capacity unit.
- F. Property owners outside of the Township may request to connect to the Township's Water and/or Sewer System(s) through an inter-governmental agreement. Property owners will also be required to pay the Water System Benefit Fee and/or the Sewer System Benefit Fee at the current rate. These properties will also be required to pay 1.5 times the water rate (usage and fees).

186.4102 Water Main Lateral Benefit Fee and/or Sewer Lateral Benefit Fee.

Sec. 86.4102.

- A. The Lateral- Benefit-Fee-exemption conditions are (1) when the premises on which said building is to be located has been specially assessed (under procedures outlined in Michigan Act 188 of 1954, as amended) for said public utility; or (2) when the developer (or owner), at his sole expense, installs said public utility along or through his premises.
- B. The fees to determine the Lateral Benefit Fee's are located in the Utility Fees Schedule.
- C. The total amount of the Water Main Lateral Benefit Fee and/or the total amount of the Sewer Lateral Benefit Fee shall each be computed as follows:
 - 1. Determine the appropriate amount of parcel length benefited by the connection in linear feet and record such length (including an appropriate description of the parcel or building(s) connecting) on the Application. The appropriate length benefited shall be determined by one of the following methods:

- a. If the parcel is occupied by or is proposed to be occupied by a mobile home park or residential development, or a nonresidential building or buildings; the benefited length shall be calculated as the greater of:
 - i. The actual length of Utility traversing through the property,
 - ii. The sum of all parcel road frontage dimensions along which Utility connections have been requested,
 - iii. For irregularly shaped parcels, the typical parcel width measured parallel to the road frontage along which Utility connections have been requested.
 - b. If the parcel is occupied by or is proposed to be occupied by a single family residence, the benefited length shall be calculated as the lesser of:
 - i. The building's maximum plan dimension (out-to-out of the extremities of the building) plus 30 feet, not to exceed the actual width of the parcel measured at the face of the building paralleling the Utility,
 - ii. 120 feet.
- D. If a parcel pays a lateral benefit fee and then is split in the future any and all new parcels shall also be subject to a Water Main Lateral Benefit Fee and/or a Sewer Lateral Benefit Fee, subject to the above requirements.
- E. In the event of a lot or parcel to be served is not rectangular, the maximum benefited frontage shall be determined by using the average width of the lot or parcel; but if the parcel depth is greater than 150 feet, use the average width as calculated between the front line and a line 50 feet behind the rear line of the building.

186.4103 Water System Benefit Fee and/or Sewer System Benefit Fee.

Sec. 86.4103.

- A. Any building or premises, for which Township Water Supply Service and/or Township Wastewater Disposal Service is required, shall be charged a Water System Benefit Fee and/or a Sewer System Benefit Fee respectively.
- B. The amount of the Water System Benefit Fee shall be based on meter size, according to the Utility Fees Schedule.
- C. The amount of the Sewer System Benefit Fee shall be based on a capacity unit factor system wherein a single family dwelling unit shall be considered one capacity unit. The total amount of the Sewer System Benefit Fee shall be computed as follows:
 - 1. Determine the total number of capacity units to be charged for a specific building by referring to the Table of Capacity Unit Factors in the Utility Fees Schedule. In no case shall the number of capacity units for any building be less than 1. The total number of capacity units assigned to a particular usage on any individual premises as computed from the table located in the Utility Fees Schedule shall be rounded off to the nearest one hundredth of a whole number.

2. Multiply the above noted total number of capacity units times the amount of the applicable system benefit fee charge rate (per capacity unit) as specified in the Utility Fees Schedule

186.4104 Water Service Installation Fee.

Sec. 86.4104.

- A. The Water Service Installation Fee is a fee to provide for the installation of the Water Supply Service Pipe from the main to the Curb Stop or Valve at the Customer's Water Supply Outlet. The amount of the fee shall be paid in accordance with the Water Service Installation Fee Schedule listed in the Utility Fees Schedule.

186.4105 Water Meter Charge.

Sec. 86.4105.

- A. The Water Meter Charge is a charge for the installation of a water meter. However, the water meter is, and shall remain, the property of the Township; and the Township shall maintain the meter in good operating condition at no expense to the customer; except that, if the meter is damaged as a result of failure by the customer to properly protect it, the cost of such damage shall be assessed against the customer.
- B. The Water Meter Charge shall be paid in accordance with the Water Meter Charge schedule listed in the Utility Fees Schedule.

186.4106 Construction Inspection charges.

Sec. 86.4106.

- A. For any construction of Customer's Water Service Pipe (including Private Water Supply Systems) and/or Customer's Service Sewers (including Private Wastewater Disposal Systems), the Permit Applicant shall pay for the cost of Township Inspection of same.
- B. The amount of the Charges shall be paid in accordance with the requirements outlined in the Utility Fees Schedule.

186.4107 Water Supply Service Charges and/or Wastewater Disposal Service Charges.

Sec. 86.4107.

- A. Upon being furnished a water supply service connection and/or wastewater disposal service connection for any building, a Customer shall begin payment of service charges for same. The service charges are intended to pay for such items including (but not limited to) the customer's share of the following: meter reading; billing; collecting; accounting; water meter maintenance; a reserve fund to be used for payment for fire-fighting water; the Township's minimum water system and/or wastewater disposal system payment obligations; unaccounted for water use; unaccounted for sewage flow, including infiltration and/or inflow; and/or remaining operation, maintenance, and overhead expenses of the systems.
- B. The charges for Water Supply Service and/or Wastewater Disposal Service shall consist of a minimum monthly charge plus a charge based on water

consumption. Except as otherwise provided herein, the volume of all water to be furnished from the Township Water Supply System to any person shall be measured by a water meter that is owned, operated, and controlled by the Department. For wastewater disposal service, the charges already recognize the fact that all water consumed does not necessarily reach the Wastewater Disposal System.

- C. The minimum monthly charge shall be applied to every customer connected to the Water Supply System and/or Wastewater Disposal System, whether the building being serviced is occupied or not occupied.
- D. The Department reserves the right to bill customers either monthly, bi-monthly or quarter-annually at its discretion.
- E. The Customer shall pay the Water Supply Service Charges and/or the Wastewater Disposal Service Charges in accordance with the Schedule(s) listed in the Utility Fees Schedule.

186.4108 Construction water usage charges.

Sec. 86.4108.

- A. Any water used for construction purposes, including water used to fill and/or test new water mains, shall be paid for by the user. No water shall be used without a Permit from the Superintendent; said Permit shall be granted only upon payment of minimum deposits and an agreement for payment for all water use.
- B. The Superintendent shall be responsible for establishing and publishing fair rates and deposit schedules needed to cover the cost of furnishing such construction water.

186.4109 Auditing Wastewater Disposal

Sec. 86.4109.

- A. The Department shall have the right to audit sewer and water usage and if the use of the building or premises increases, whether or not the owner changes, the Department shall have the right to re-calculate the Sewer System Benefit Fees and if the Capacity Units increase, shall charge the owner for the increase in fee. If the owner fails to pay the increase in charges, he will be assessed and the charges will be placed on his taxes.

186.5000 ORGANIZATION AND OPERATION OF THE WATER AND SEWER DEPARTMENT

186.5101 One Department.

Sec. 86.5101. The Water Supply System, and the Wastewater Disposal System, including all equipment, property, and employees in connection therewith, shall be known as the Bruce Township Water and Sewer System and shall be operated under one department known as the Bruce Township Water and Sewer Department. This Department shall be under the authority and control of the Township Board.

186.5102 Superintendent.

Sec. 86.5102. The Board shall appoint a Superintendent of the Water and Sewer Department to manage the Systems and the Department who, in turn, shall hire such other employees with the approval of the Board as may be necessary for the proper operation of the Department. The Superintendent shall have direct responsibility and authority to control the operation of the Department and the maintenance of the System and shall supervise the installation of connections, extensions, and improvements to the System, or as financed by someone other than the Township. The Superintendent is the enforcement officer of this ordinance. If the Board chooses not to appoint a Superintendent, the Township Supervisor will be the acting Superintendent.

186.5103 Treasurer.

Sec. 86.5103. The Township Treasurer shall be responsible for all money received for the operation of the System and shall keep an accurate separate account for the Department.

186.5104 Changes in system; special assessment districts.

Sec. 86.5104. Any connections to, extensions of, or changes in, the sewer and water system for which the Township participates in any degree in the cost thereof, shall be made only upon approval of the Board. Requests for determination of reasonable and logical special assessment districts for extensions of the sewer and/or water system shall be addressed to the Board which will thereupon consider same and advise the petitioners of its decision. If a special assessment district is to be initiated, the Board shall then stipulate the portion of the cost to be borne by the petitioners and the portion, if any, to be borne by the sewer and water system.

186.5105 Fees.

Sec. 86.5105. Fees for various benefits and services are established as indicated in the Utility Fees Schedule. The Utility Fees Schedule may be amended and/or modified separately from, and without changing the effectiveness of, the main body of this Ordinance. The Township Board has the authority to make a determination when such fees may or may not be applicable.

186.5106 Discontinuing water service.

Sec. 86.5106. The Township shall have the right to shut off and discontinue the supply of water to any premises; or disconnect such premises from the water supply system, the drainagewater disposal system, or the wastewater disposal system of the Township upon: violation by the user of the system of any provision of this Ordinance; and in the event of non-payment, when due, of water supply and/or wastewater disposal charges, or to protect the health, safety, and welfare of the public. Whenever the water is turned off from any premises because of such violation, it shall not be turned on again until the owner or occupant has corrected such violation or health and safety issue and has paid a "turn-on charge" as stipulated in the Utility Fees Schedule, to cover the expense caused by such disruption and return of water supply service.

186.5107 Township liability.

Sec. 86.5107. The Township shall not be held liable for any failure or deficiency in the supply of water to consumers, whether occasioned by shutting off the water to make necessary repairs or connections, or for any other cause.

186.5108 Charges, lien.

Sec. 86.5108. Charges for water supply and/or wastewater disposal service, Sewer and Water Main Lateral Benefit Fees, Sewer and Water System Benefit Fees and/or outstanding invoices shall constitute a lien on the property served, and if not paid within six months after the due date, the amount of the deficiency shall be certified by the Township Treasurer on or before March 1st of each year, which amount shall be placed on the next general tax roll to be collected as part of the general Township taxes as provided by Section 21 of Act 94, P.A. of 1933 as amended. All delinquencies will be turned over to the Macomb County Treasurer for collection on March 1st each year.

186.5109 No free service.

Sec. 86.5109. No free service shall be furnished by the Department to any person, nor to any public or governmental agency. The Township shall pay to the Water and Sewer Department account for all water supply and/or wastewater disposal services provided to it or any of its department (except for the Water and Sewer Department for the maintenance and operation of the water and sewer systems) at the established current rates for such services.

186.5110 Revenues; funds, transfer.

Sec. 86.5110. All revenues of the sewer and water systems shall be set aside, as collected, and deposited in a separate depository account in a bank duly qualified to do business in Michigan; said account shall be designated "Sewer and Water System Receiving Fund" (hereinafter referred to as the "Receiving Fund"). For budgeting and rate-setting purposes, accounting records that identify sewer system revenues separately from water system revenues shall be kept. Said Receiving Fund Revenues shall be periodically transferred from the Receiving Fund in the manner, and at the times, as follows:

- A. Out of the revenues of the Receiving Fund there shall first be set aside, quarterly, into a separate account designated the "Operation and Maintenance Fund" (hereinafter referred to as the "O & M Fund") a sum sufficient to provide for payment of the next quarter's anticipated expenses of the sewer and water systems as are considered necessary to preserve the same in good repair and working order; such expenses include: operation, maintenance and administration of each system plus payments made for wastewater disposal and water supply purchase. For budgeting and rate-setting purposes, accounting records that identify sewer system expenses separately from water system expenses shall be kept. The Township shall set rates and charges to the effect that: (a) water supply system rates and charges are sufficient to cover the portion of O & M costs caused by the water supply system customers; and (b) wastewater disposal system rates and charges are sufficient to cover the portion of O & M costs caused by the wastewater disposal system customers.

- B. To this end, the Superintendent shall annually analyze the past year's costs for each system and recommend a separate budget for each system for the ensuing year to the Board.

186.5111 Sufficiency of user charges and rates.

Sec. 86.5111. The Township Board shall periodically review the schedule of charges set forth in the Utility Fees Schedule and shall amend them as necessary to obtain revenues fully sufficient to provide for the expenses of the System. The Board shall cause to be performed an annual audit or other financial surveillance of the schedule of charges set forth in the Utility Fees Schedule to facilitate periodical adjustment of the user charges and user rates to maintain proportionality in the system.

186.5112 Construction Standards.

Sec. 86.5112. The size, location, and/or materials of construction to be used for the Water Supply Facilities (including Building Service Water Supply Pipe) and the Drainagewater and Wastewater Disposal Facilities (including Building Service Sewers) shall be indicated in Appendix A: Engineering Design Standards, attached to and made part of this Ordinance. Appendix A: Engineering Design Standards may be periodically amended and/or modified separately from, and without changing the effectiveness of, the main body of this Ordinance, the Township Board shall periodically review the contents of Appendix A: Engineering Design Standards and may amend them as necessary to stay abreast of good municipal sewer and/or water supply system construction standards.

186.5113 Inspection.

Sec. 86.5113. All water supply pipe and wastewater sewers, located outside of buildings, that are expected to be connected with the Township Sewer and Water System as well as any drainagewater sewers and drains shall be installed under the detailed inspection of the Superintendent or a designated representative.

186.5114 Operating Year.

Sec. 86.5114. The Water and Sewer Department shall be operated on the basis of an operating year commencing on April 1st and ending on March 31st.

186.5115 New sanitary sewer connections.

Sec. 86.5115. No new sanitary sewer connections will be permitted when the agreed upon maximum rate of flow is reached.

186.5116 Delinquent Account Service Charges.

Sec. 86.5116.

- A. Whenever any payments are due the Township (for any deferred charged rendered under this Ordinance), the Township shall tender a dated invoice (or bill) for same. If the bill remains unpaid after the due date of such bill, there shall be added to this Customer's Account, a Delinquent Account Service Charge.

- B. The Delinquent Account Service Charge shall be equal to ten (10%) percent of the current billing and shall be added at the time of the assessment of such charges.

186.6000 ENFORCEMENT AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE

186.6101 Penalty.

Sec. 86.6101. Any person who violates the provisions in this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars or ninety (90) days in the Macomb County Jail, or both.

186.7000 SEVERABILITY

186.7101 Severability

Sec. 86.7101. If any section, paragraph, clause, or provision of this Ordinance is for any reason held to be invalid, or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

186.8000 EFFECTUATION

186.8101 Repeal.

Sec. 86.8101. All resolutions, ordinance, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

186.8102 Publications; effective date.

Sec. 86.8102. A true copy of this Ordinance shall be posted in the Office of the Township Clerk and on the Township's website. A notice of the posting describing the purpose or nature of the Ordinance posted and the location of the places where the Ordinance is posted shall be published at least once in a newspaper of general circulation in the Township of Bruce within seven (7) days of the posting.

