

SEWER USE ORDINANCE
VILLAGE OF NASHVILLE
ORDINANCE NO. 2-14-1980-A

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATION SECTIONS THEREOF, IN THE VILLAGE OF NASHVILLE, BARRY COUNTY, MICHIGAN.

BE IT ORDAINED AND ENACTED BY THE VILLAGE COUNCIL OF THE VILLAGE OF NASHVILLE, BARRY COUNTY, MICHIGAN AS FOLLOWS:

ARTICLE 1 - DEFINITIONS

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

SECTION 1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen required to biochemically decompose organic matter under standard laboratory procedure in 5 days at 20 degrees C., expressed in milligrams per liter.

SECTION 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

SECTION 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

SECTION 4. "Classes of Users" shall mean the division of sanitary sewer customers into classes by similar process or discharge flow characteristics as follows:

RESIDENTIAL USER - shall mean an individual home or dwelling unit, including mobile homes, apartments, condominiums or multifamily dwellings, that discharges only segregated domestic wastes or wastes from sanitary conveniences.

COMMERCIAL USER - shall mean any retail or wholesale business engaged in selling merchandise or a service.

INSTITUTIONAL USER - shall mean any educational, religious or social organization such as a school, church, nursing home hospital or other institutional user.

GOVERNMENTAL USER - shall mean any federal, state or local government office or government service facility.

INDUSTRIAL USER - shall mean any manufacturing establishment which produces a product from raw or purchased material.

SECTION 5. "Compatible Pollutant" shall mean biochemical oxygen demand, suspended solids, pH and fecal chloroform bacteria,, plus any additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants and can, in fact, remove such pollutants to a substantial degree. The term substantial degree generally means removals of 80 percent or greater.

SECTION 6. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

SECTION 7. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

SECTION 8. "Incompatible Pollutant" shall mean any pollutant that is not a compatible pollutant, as defined in Section 5 above.

SECTION 9. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from segregated domestic strength wastes, or wastes from sanitary conveniences.

SECTION 10. "Infiltration" shall mean any waters entering the system from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not included, and is distinguished from, inflow.

SECTION 11. "Inflow" shall mean any waters entering the system through such sources as, but not limited to, building down spouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas, and storm drain cross connections.

SECTION 12. "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow.

SECTION 13. "Inspector" shall mean person or persons authorized by the Village to inspect and approve the installation of building sewers and their connection to the public sewer system.

SECTION 14. "Manager" shall mean the Village Clerk of the Village of Nashville, Sewage Works Operator or his authorized operator, agent or representative.

SECTION 15. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

SECTION 16. "Normal Strength Sewage" shall mean a sanitary wastewater flow containing an average daily BOD of not more than 200 mg/l or an average daily suspended solids concentration of not more than 250 mg/l.

SECTION 17. "NPDES permit to" shall mean the permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of wastewater into the waters of the State.

SECTION 18. "Operation and Maintenance Costs" shall mean all costs direct and indirect (other than debt service), necessary to insure adequate wastewater treatment on a continuing basis, to conform with all related federal, state and local requirements, and to assure optimal long-term facility management (O & M costs include replacement costs).

SECTION 19. "Replacement" shall mean necessary expenditures made during the service life of the treatment works to replace equipment and plant appurtenances required to maintain the intended performance of the treatment works.

SECTION 20. "Person" shall mean any individual, firm, company, association, society, corporation or group.

SECTION 21. "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

SECTION 22. "Pretreatment" shall mean the treatment of extra strength or incompatible wastewater flows in privately owned pretreatment facilities prior to discharge into publicly owned sewage works.

SECTION 23. "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 flows conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in dimension.

SECTION 24. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

SECTION 25. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwater's are not intentionally admitted.

SECTION 26. " Sewage" shall mean a combination of the water carried waters from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

SECTION 27. "Sewage Treatment Facility" shall mean any arrangement of devices and structures used for treating sewage.

SECTION 28. " Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

SECTION 29. "Sewer" shall mean a pipe or conduit for carrying sewage.

SECTION 30. "Shall" is mandatory; "may" is permissive.

SECTION 31. "Slug" shall mean any discharge of sewage or industrial waste which, in concentration of any given constituent, exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration during normal operation.

SECTION 32. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SECTION 33. "Suspended Solids" shall mean solids that either float on the surface of, or in suspension in, water, sewage or other liquids and which can be removed by laboratory filtering.

SECTION 34. "Village" shall mean the Village of Nashville, Barry Co., Michigan, as represented by the Village Council.

SECTION 35. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 36. "Wye Branch" shall mean a local service connection to the sewer that is made at an angle similar to a "wye" so that a sewer cleaning rod will not come into the sewer at a right angle and penetrate the far side, but will travel down the course of the sewer.

ARTICLE II - USE OF PUBLIC SEWERS REQUIRED

SECTION 1. It shall be unlawful for any person to place, deposit or permit to be deposited any sewage upon public or private property within the Village or in any area under the jurisdiction of the Village in any unsanitary manner.

SECTION 2. It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of the Village, any sewage or polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of the ordinance.

SECTION 3. 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 disposal of sewage.

SECTION 4. The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the Village, and abutting on any street, alley or right-of-way, in which there is located, or may in the future be located, a public sewer or combined sewer of the Village, within two hundred feet at the nearest point from the structure in which sewage originates, and is hereby required, at his expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, in accordance with the provision of this ordinance, when given official notice to do so, provided that such connection shall not be required to be made less than six (6) months after the sewer is made available for connection thereto.

SECTION 5. The Village may require each person who applies for sewer service, receives sewer service, or through the nature of the enterprise creates a potential environmental problem, to file the material listed below. Any industry discharging industrial wastes to the sanitary sewer, storm sewer or receiving stream shall file the material listed below with the Manager:

- (a) File a written statement setting forth the nature of the enterprise, the source and amount of water used, and the amount(s) of water to be discharged, with the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.
- (b) Provide a plan map of the building, works or complex, with each out fall to the surface waters, sanitary sewer, storm sewer, natural watercourse, or groundwater's noted described and the waste stream identified.
- (c) Sample, test and file reports with the Manager and the appropriate State agencies on appropriate characteristics of wastes on a schedule, at locations, and according to methods outlined in Article V, Section 8 of this ordinance.
- (d) An affidavit placing waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate State agency as properly qualified to supervise such facilities.
- (e) Provide a report on raw materials entering the process or support system, intermediate materials, final product, and waste by products as those factors may effect waste control.
- (f) Maintain records and file reports on the final disposal of specified liquids, solids, sludge, oil, radioactive materials, solvents or other wastes.
- (g) If any industrial process is to be altered so as to increase or decrease process waste or potential waste discharge to the sanitary sewer, written notification shall be given to the Manager. Discharge of said altered waste streams shall be subject to the Manager's approval and shall comply with all other provisions of this Ordinance and any applicable laws or regulations.

ARTICLE III - PRIVATE SEWAGE DISPOSAL

SECTION 1. Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the District Health Department.

SECTION 2. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article II, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance; and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, pumped out and filled with sand or gravel.

SECTION 3. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.

SECTION 4. No statement contained in this Article shall be constructed to interfere with any additional requirements that may be imposed by the Michigan Department of Public Health or the Michigan Department of Natural Resources.

ARTICLE IV - BUILDING SEWERS AND CONNECTIONS

SECTION 1. No one, except a drain layer licensed by the Village, shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof, without first obtaining a written permit from the Manager. Before a general license or particular permit may be issued for excavating for plumbing or drain laying in any public street way or alley, the person applying for such permit shall execute unto the Village and deposit with the Treasurer, a bond with corporate surety in the sum of \$1,000, conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of the Village pertaining to sewers and plumbing. This bond shall state that the person will indemnify and save harmless the Village and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistake or negligence on his part in connection with plumbing, sewer line connection, or excavation for plumbing or sewer connection as prescribed in this ordinance. Such bond shall remain in force and must be executed for a period of one year, except that, upon such expiration, it shall remain in force as to all penalties, claims and demands that may have accrued there under prior to such expiration. The licensee shall also provide public liability insurance for the protection of the Village, the property owner, and all persons, to indemnify them for all damages caused by accidents attributable to the work, with limits of \$100,000 for one person, \$300,000 for bodily injuries per accident, and \$50,000 for property damages. Annual license fee for drain layer shall be \$10.00.

SECTION 2. All new buildings or buildings requiring new sanitary sewer service must acquire building sewer permits from the Village. There shall be two classes of building sewer permits: (1) permits for residential services; and (2) permits for commercial services and service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Manager. A minimum permit and inspection fee of \$15.00 for a residential, \$35.00 for a commercial or an industrial building sewer permit, shall be paid to the Village at the time the application is filed.

SECTION 3. All costs and expenses incidental to the installation and connection of a building sewer to the sanitary sewer shall be borne by the owner of the building. The owner or the person installing the building sewer for said owner shall indemnify the Village from any loss or damage that may directly or indirectly be caused by the installation of the building sewer.

SECTION 4. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the Village. Plumbing fixtures installed in accessory buildings and drains carrying sanitary sewage shall be connected to the public sewer.

SECTION 5. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and tested by the inspector or his representative, to meet all requirements of this ordinance.

SECTION 6. The building sewer shall be constructed of either of the following types of pipe meeting the current ASTM specifications:

- a. Plastic (ABS) ASTM D 1527 SDR 35 or Schedule 40
- b. Plastic (PVC) ASTM D 3034 SDR 35 or Schedule 40
- c. Vitrified Clay (VC) ASTM C-700 Extra Strength
- d. Asbestos-Cement (AC) ASTM C-428 C1-2400
- e. Cast Iron Extra Heavy ASTM A-74
- f. Non-reinforced Concrete ASTM C-14 Extra Strength

If installed in filled or unstable ground, the building sewer shall be of cast iron extra heavy pipe, except that other types of pipe may be used if laid on a suitable improved bed or cradle as approved by the inspector.

SECTION 7. All building sewer joints and connections shall be made gas and water tight and shall conform to the requirements of current building and plumbing codes. Vitrified clay sewer pipe shall be fitted with factory-made resilient compression joints meeting the current ASTM specifications for vitrified clay pipe joints having resilient properties. Asbestos cement or concrete sewer pipe joints shall be of rubber ring, flexible compression type, similar and equal to joints specified for vitrified clay pipe. The joints and connections shall conform to the manufacturer's recommendations

SECTION 8. The size and slope of the building sewers shall be subject to the approval of the inspector, but in no event shall the diameter be less than four inches. Minimum grade shall be as follows:

- 6-inch pipe - 1/8" per foot or 1" per 8 feet
- 4-inch pipe - 1/4" per foot or 2" per 8 feet

SECTION 9. Whenever possible, the building sewer shall be brought to the buildings at an elevation below the basement floor. No building sewer shall be laid parallel to, or within three feet of, any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by the inspector. Pipe laying and back fill shall be performed in accordance with current ASTM specifications, except that no back fill shall be placed until the work has been inspected by the inspector or his representative.

SECTION 10. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer.

SECTION 11. The connection of the building sewer into the public sewer shall be made at the Wye branch designated for the property if such branch is available at a suitable location. Any

connection not made at the designated Wye branch in the main sewer shall be made under the supervision of the inspector or his representative.

SECTION 12. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

SECTION 13. No connection will be allowed unless there is sufficient available capacity in the Sewage Works as determined by the Manager.

ARTICLE V - USE OF THE PUBLIC SEWERS

SECTION 1. No person shall discharge, or cause to be discharged, any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

SECTION 2. Storm water and all other unpolluted drainage shall be discharged to sewers or drains specifically designated for such use, to a natural outlet approved by the appropriate state agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state agency, to a storm sewer or natural outlet.

SECTION 3. Except as hereinafter provided by specific limits, no person shall discharge any of the following described waters or wastes to any public sewers:

- (a) Chlorine demand in excess of 15 mg/l.
- (b) Color (as from, but not limited to dyes, inks or vegetable tanning solutions) shall be controlled to prevent light absorbency which would interfere with treatment plant processes or that prevent analytical determinations.
- (c) Explosive liquid, solid or gas, gasoline, benzene, naphtha, fuel oil or other flammable waste
- (d) Garbage not properly shredded (no particle size greater than 1/2 inch).
- (e) Grease, oil, wax or fat, whether emulsified or not, in excess of 50 mg/l, or other substances which may solidify or become viscous at temperatures between 32 degrees F. and 150 degrees F.
- (f) Wastes which contain the following substances in concentrations exceeding limitations set forth by State or Federal agencies to protect the sewage works or receiving waters, to minimize deleterious concentrations in sludge's, and/or to comply with NPDES Permit limitations:

| | |
|---------------------|---------|
| Arsenic | Nickel |
| Cadmium | Lead |
| Hexavalent Chromium | Mercury |
| Total Chromium | Phenols |
| Copper | Zinc |
| Iron | |

Or any other compounds or substances in quantities which impair the operation or maintenance of the sewage works.

(g) Inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or dissolved solids (such as, but no limited to, sodium chloride and sodium sulfate) in unusual concentrations.

(h) Insoluble, solid or viscous substances (such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, fleshins, etc.).

(i) Noxious or malodorous gas (such as, but not limited to, hydrogen sulfide, sulfur dioxide, or oxides of nitrogen) and other substances capable of public nuisance.

(j) pH less than 6.5 or greater than 9.5.

(k) radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by applicable state and federal regulations.

(l) Suspended solids in excess of 250 mg/l.

(m) Temperature of wastes less than 32 degrees F. and greater than 150 degrees F.

(n) Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment to only such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters

(o) Discharges that would result in excess foaming during the treatment process. Excess foaming is any foam which, in the opinion of the Manager, is a nuisance in the treatment process.

SECTION 4. If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 3 of this Article, and which in the judgment of the Manager may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:

(a) Reject the waste

(b) Require pretreatment to the level defined as "normal strength sewage".

(c) Require pretreatment to a compatible level and in accordance with applicable Federal and State pretreatment regulations (other than normal strength sewage) for discharge to the public sewers.

If the Village permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Manager and subject to the requirements of all applicable codes, ordinances and laws.

SECTION 5. Grease, oil and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand 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 Manager, and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 6. When preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

SECTION 7. When required by the Village, the owner of any property serviced by a building sewer caring industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Village. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all time.

SECTION 8. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this ordinance shall be determined in accordance with the most recent edition of "Standard Methods for the Examination of Water and Sewage and/or Federal Regulation 40CFR136 and shall be determined at the control manhole provided for, or upon suitable samples taken at, said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all out falls of a premises is appropriate or whether grab sample or samples should be taken. The responsibilities of industry are further defined in the "Industrial Waste Control Program" shown in Article VI of this ordinance.

SECTION 9. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, by the industrial concern.

SECTION 10. Industrial cooling water containing such pollutants as insoluble oils or grease, or other suspended solids shall be treated for removal of the pollutants and then discharged to the storm sewer or drain.

SECTION 11. Agents of the Village, Michigan Department of Natural Resources, or US Environmental Protection Agency shall have the right to enter all properties for the purpose of inspecting, measuring, sampling and testing the wastewater discharge.

ARTICLE VI - INDUSTRIAL WASTE CONTROL PROGRAM

SECTION 1. One person from each industry shall be delegated the authority to be responsible for industrial wastes admitted to the Village sewers. He shall be involved with maintaining any pretreatment facility operations and assuring a continual high level of performance. In case no

pretreatment is provided, he shall be involved with prevention of accidental discharges of process wastes admitted to the sanitary sewer system. He must become aware of all potential and routine toxic wastes generated by his industry. He must be informed of all process alterations which could, in any manner, increase normal daily flow or waste strength discharged to the sanitary sewers.

SECTION 2. This industrial representative shall catalogue all chemicals stored, used or manufactured by his industry. Such a listing shall include specific chemical names, not manufacturer's codes. These wastes admitted to the sanitary sewer are a prime concern; however, all discharges shall be catalogued. An estimate of daily average flows and strengths shall be made including process, cooling, sanitary, etc. Such a determination should separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Manager and shall be treated as confidential information.

SECTION 3. The industrial representative should attempt to determine whether or not large process alterations will occur during the next few years - one year, two years, five years. He should consult with management to determine if such alterations are scheduled and forthcoming.

SECTION 4. A sketch of the plant buildings shall be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment must be indicated, and floor drains located near process and storage areas must be noted. Manhole and sewer locations at the industry's point of discharge into the municipal collection system must be included on the plant layout sketch.

SECTION 5. There shall be separation of spent concentrates from the sanitary sewer to prevent toxic wastes from upsetting the treatment plant. Supervision and operation of equipment for pretreatment of spent concentrates, toxic wastes and high strength organic wastes, to and acceptable level as detailed in the Village Sewer Use Ordinance, is the responsibility of the industrial representative. All sludge's generated by such treatment must be handled in an acceptable manner - such as in a designated area of a sanitary landfill or by a licensed waste hauler. Adequate segregation of those waters and wastes to be pretreated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems at the wastewater treatment plant.

SECTION 6. Adequate secondary containment or curbing must be provided to protect all floor drains from accidental spills and discharges to the receiving sewers. Such curbing should be sufficient to hold 150% of a total process area tank volume. All floor drains within a containment area must be plugged and sealed. Spill through or sumps within process areas must discharge to appropriate pretreatment tanks. Secondary containment shall be provided for chemical storage areas and for storage tanks which may be serviced by commercial haulers.

SECTION 7. If so directed by the Village, an adequate sampling vault or manhole must be provided at the Owner's expense, in a fully accessible place for personnel to obtain waste samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the Manager determines necessary to protect the treatment plant and receiving

streams. Should the Village desire continual flow recording and long duration, 24-hour composite sampling, then a more complex manhole would be mandatory - complete with 120 volt AC. Samples collected may be divided between the industry and Village for analysis if so desired by the industry. Industrial users which are subject to "Industrial Cost Recovery," as defined in the Village Sewer Rate and Connection Ordinance, shall install suitable monitoring equipment as described above and as approved by the Village.

SECTION 8. A yearly surveillance fee may be initiated to reduce some equipment costs or for maintenance of monitoring devices. If a graduated surcharge is deemed necessary to monitor industrial discharges, then a factor may be incorporated to reduce the costs as industry lowers its waste strength. The Village will encourage continued progress in industrial waste control. A graduated surcharge may not be required if industry provides adequate safeguard devices and treatment facilities to insure protection of the municipal treatment plant and biological processes involved.

ARTICLE VII - POWERS AND AUTHORITY OF INSPECTORS

SECTION 1. The Manager and other duly authorized employees of the Village, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provision of this ordinance. The Manager or his representatives shall have no authority to inquire into any proprietary processes beyond any information having a direct bearing on the kind and source of discharge to the sewers and waterways or facilities for waste treatment.

SECTION 2. While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Manager or duly authorized employees of the Village shall observe all safety rules applicable to the previous established by the property owner, and the property owner shall be held harmless for injury or death to the employees, and the Village shall indemnify the claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V. Section 8.

ARTICLE VIII - PROTECTION FROM DAMAGE

SECTION 1. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE IX - CONDITIONS OF SERVICE

SECTION 1. At the time of original construction of the public sewer, the Village shall install that portion of the building sewer, known as a "sewer lateral stub", from the public sewer to the lot or easement line of all occupied premises. The Village shall maintain, at its expense, the public sewer. Those customers making connections at the time of original construction of the

public sewer shall install, at their expense, that portion of the building sewer from said lot or easement line to their premises. The customer shall maintain, at his expense, the building sewer. The "building sewer", as defined, includes everything to the street sewer.

SECTION 2. Those customers making connections subsequent to the time of original construction of the public sewer shall install, at their expense, the sewer lateral stub from the public sewer to the lot or easement line in addition to that portion of the building sewer from said lot or easement line to their premises.

SECTION 3. The Village shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

SECTION 4. Premises receiving sanitary sewer service shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the Village.

ARTICLE X - PENALTIES

SECTION 1. Any person found to be violating any provision of this ordinance shall be served with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

SECTION 2. Any person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than \$500, or by imprisonment of not more than 90 days, or by both such fine and imprisonment.

SECTION 3. A violation of this ordinance is also declared to be a public nuisance and the Village may enforce same by injunction or other remedy, including the right to correct the violation and bill the owner or person in charge of the premises thereof.

SECTION 4. Any business, industry or person violating any of the provisions of this ordinance, which results in fines, or penalties being levied against the Village, shall become liable for said fine or penalty, plus any expenses, loss or damage occasioned by such violation. This fine or penalty would be levied in addition to penalties identified in Section 2 and 3 of this Article.

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of Ordinance No. 2-14-80, duly adopted by the Village Council of the Village of Nashville, County of Barry, State of Michigan, at a public meeting held on February 14, 1980, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meeting Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting - Curtis, Hinckley, Spoelstra, Babcock, Kohfeldt and Kienutske and that the following Members were absent - none.

I further certify that Member Lonny Kienutske moved adoption of said Ordinance No. 2-14-80 and that Member Raymond Hinckley supported said motion.

I further certify that the following Members voted for adoption of said - Curtis, Hinckley, Spoelstra, Babcock, Kohfeldt and Kienutske and that the following Members voted against adoption of said - none.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Village and that such recording has been authenticated by the signatures of the Village President and Village Clerk.

Susan M. Corkwell, Village Clerk

ARTICLE XI - VALIDITY

SECTION 1. This ordinance supersedes all ordinances or amendment pertaining to sewer use. Previous sewer ordinance and amendments thereto are hereby repealed.

SECTION 2. If any section clause, sentence or provision of this ordinance is determined to be invalid, said invalidity shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE XII - ORDINANCE IN FORCE

SECTION 1. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Passed and approved on February 14, 1980, to be effective February 14, 1980.

CERTIFICATE

The foregoing ordinance was adopted by the Village of Nashville, Barry County, Michigan, on the 14th day of February, 1980, and was duly recorded posted and authenticated by the Village Clerk as provided by the Charter of said Village of Nashville.