

**CHARTER TOWNSHIP OF WHITE LAKE
NOTICE OF ADOPTION**

**AN ORDINANCE TO AMEND CHAPTER 38, ARTICLE IV OF THE
WHITE LAKE TOWNSHIP CODE OF ORDINANCES.**

Notice is hereby given that at a regular board meeting on October 16, 2018 the Charter Township of White Lake adopted amendments to Chapter 38, Article IV, referred to as the Sanitary Sewer Ordinance of the White Lake Township Code of Ordinances.

THE TOWNSHIP OF WHITE LAKE ORDAINS:

ARTICLE I – AMENDMENT

Chapter 38 Article IV of the Township of White Lake Code of Ordinance, commonly referred to as the Sanitary Sewer Ordinance is hereby amended to add, delete or modify various sections as follows. The remaining sections in Chapter 38, Article IV of the Code of Ordinances are otherwise unaffected by this amendment and shall remain in full force and effect.

Sec. 38-418. – Definitions, amended to read as follows:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

25 percent rule means that the combined depth of oil and grease and other solids (floating and settled) in any chamber of a grease control device shall not be equal to or greater than 25 percent of the total operating depth of the grease control device. The operating depth of a grease control device is determined by measuring the internal depth from the water outlet invert elevation to the inside bottom of the grease control device.

Available public sanitary sewer means a publicly owned sanitary sewer system located in a right-of-way, easement, highway, street, or public way which crosses, adjoins or abuts upon the premises and passing not more than 200 feet from the boundary line of a property in which a structure within which sanitary sewage originates is located.

Benefited properties shall mean all properties which will derive benefit from the construction of a sewer improvement.

Building sewers means the extension from the building drain that connects the building in which sanitary sewage originates to the public sewer or other place of disposal and conveys the sewage of only one building.

Capital Fee shall mean the amount charged to the property owner for each structure to be connected to the sanitary sewer system. The fee shall be paid prior to connection, based on residential equivalent units, and in accordance with the Township Fee Ordinance. This fee is non-transferable to other properties and non-refundable.

Commercial User means any user of the sanitary sewer system where there is or can be any discharge into the sanitary sewer system other than normal domestic waste because of the particular type of operation including, but not limited to: carwashes, hotel kitchens, hospitals, churches, school cafeterias, dry cleaners, senior housing facilities, bakeries, bars, and restaurants.

County means Oakland County, Michigan.

Department (DPS) means the township Department of Public Services formerly known as the water and sewer departments.

Director or DPS Director means the director of the Department of Public Services or his authorized representative, or such other individual as designated by the township board to oversee the township's sewer system.

Fats, oils, and grease (FOG) means any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other nonvolatile material of animal, vegetable, or mineral origin that is extractable by solvent in accordance with standard methods.

Grease control device means any grease interceptor, grease trap, or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap, collect, or treat FOG prior to discharge into the sewer system that is collected in food preparation areas, such as restaurants, hotel kitchens, hospitals, bars, school and church cafeterias and the like. Grease control device may also include any proven method to reduce FOG subject to the approval of the township.

Grease interceptor is commonly associated with kitchen cleaning appliances such as sinks, woks, and any other drains that collect FOG so as to prevent unreasonable accumulations of fats, oils or grease from infiltrating into the sanitary sewer system and otherwise prohibiting the free flow of wastewater within such system. For purposes of this definition, the term "kitchen" shall refer to a food preparation area located other than in a single family dwelling, primarily intended for activities of preparing, serving or otherwise making available for consumption food, and which are used for one or more of the following preparation activities: washing, trimming or cleaning fish or meat, cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods) boiling, blanching, roasting, toasting, or poaching; also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

Lateral Benefit Fee shall mean the amount charged to the property owner for each structure to be connected to the sanitary sewer system, in addition to the Capital Connection Fee. This fee applies when a property owner has not previously contributed to the cost of construction of the sewer main abutting the property. The fee shall be paid prior to connection, based on residential equivalent units, and in accordance with the Township Fee Ordinance. This fee is non-transferable to other properties and non-refundable.

Lateral refers to a pipe or conduit, located within the public right-of-way or an easement granted or dedicated to the public which receives sanitary sewage from abutting properties.

MDEQ means the Michigan Department of Environmental Quality, or any successor.

Off site sewer mains mean sewer mains constructed off the premises of the owner to be served, which are necessary to afford service to the premises from trunk sewers not adjacent to the premises.

Owner includes fee title holders, land contract purchasers or anyone else having a beneficial interest in property.

Pontiac Lake Sewer District means that geographic area included within the special assessment district for the Pontiac Lake Sanitary Sewer Extension, the special assessment roll for which was confirmed by the township in November 2002, and which are located north of Pontiac Lake Road and south of Gale Road.

Premises or property means the lands included within a single description as set forth from time to time on the township tax roll as a single tax parcel in the name of a taxpayer at one address, but in the case of platted lots shall be limited to a single platted lot unless an existing building or structure is so located on more than one lot so as to make the same a single description for purposes of assessment or conveyance, now or hereafter.

Private sewage disposal system means a facility for the transportation, collection, processing or treatment of sanitary sewage owned by a nongovernmental entity. The term "private sewage disposal system" includes septic systems.

Sanitary sewer master plan means the latest draft of the plan prepared by the township consulting sewer engineers and approved by the township board.

Sanitary sewer system or township sanitary sewer system means the entire sanitary sewer system of the township under public ownership.

Septic system means the sanitary sewage treatment and/or disposal device installed to service an individual home, business or industrial establishment not connected to the sanitary sewer system.

Sewage, sanitary sewage or waste water means spent water which may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants or other land uses.

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

Water resource commissioner means the office of the county water resource commissioner.

Sec. 38-450. - Establishment of department, amended to read as follows:

A Department of Public Services (DPS) for the township is hereby established.

Sec. 38-451. – Director, amended to read as follows:

The construction, operation, management, maintenance, repair and control of the sewer system of the township, whether owned by the township or operated under contract, may be under the control of the DPS director. The director shall be appointed by the township supervisor and confirmed by the township board. The director shall report to the township supervisor.

Sec. 38-452. - County water resource commission as agent, amended to amend title and to read as follows:

The office of the county water resource commissioner is hereby appointed as agent of township for the operation, maintenance and management of the sewer system of the township.

Sec. 38-453. - Authorized to enter property, amended to read as follows:

The duly authorized employees or agents of the township or county bearing proper credentials and identification shall be permitted to enter upon all properties within the township for the purposes of inspection, observation, measurement, sampling and testing, to determine compliance with the provisions of this article.

Sec. 38-476. - Water pollution, amended to read as follows:

It shall be unlawful to discharge to the waters of the state any sanitary sewage, industrial or commercial wastes, or other polluted waters within the township unless suitable treatment has been provided in accordance with the provisions of this article.

Sec. 38-478. - New private sewer systems, amended to read as follows:

- (a) Where connection to a public sanitary sewer is not required pursuant to section 38-479, the building sewer shall be connected with a private sewage disposal system complying with the terms of this article, the requirements of the county health division, MDEQ, and any other applicable law, ordinance or regulation.
- (b) No new private sewer system shall be constructed, installed or operated within the township unless the plans for the installation are approved by, and a permit issued by, the county health division or MDEQ.
- (c) All costs associated with the operation, maintenance and replacement of a private sewage disposal system shall be borne by the property owners served by said systems.

Sec. 38-479. - Required connection to public sanitary sewer systems, amended to read as follows:

- (a) All new structures in which sanitary sewage originates lying within the township shall be connected to an *available public sanitary sewer* in the township before a certificate of occupancy shall be issued.
- (b) Existing structures in which sanitary sewage originates lying within the boundaries of the township shall be connected to an *available public sanitary sewer* upon the earlier of the following events:
 - (1) Within 90 days after the date of mailing or posting of written notice by the township or the county health division that a health hazard exists due to the failure of an existing private sewage disposal system due to soil conditions or for any other reason.
 - (2) Where any addition or alteration to an existing structure is proposed, and the county health division has determined that additional volume beyond the capacity of the existing private sewage disposal system is necessary.
- (c) This subsection applies to new structures for which an *available public sanitary sewer* is not immediately available for connection but the township reasonably anticipates that the public sanitary sewer will be extended in the future in reasonable proximity to such new structure. In such event, the township may, as a condition of site plan approval, require the applicant to connect said structure to the public sanitary sewer within 60 days of the date the township

notifies the owner of the property (as shown on the last tax assessment roll of the township) that the system is available for connection. In such event, all persons with any interest in the property shall execute a document, in form suitable for recording at the county register of deeds, and approved by the township attorney.

- (d) All structures in which sanitary sewage originates located within the boundaries of the Pontiac Lake Sewer District shall be connected to an available public sanitary sewer. This connection shall be completed promptly, but not later than 90 days after the township sends written notice to the owner of the property on which the structure is located, as shown by the last tax assessment roll of the township, giving notice of the availability of the public sanitary sewer system and the existence of this article.
- (e) In addition to the other remedies provided in this article, the township may bring a civil proceeding for an injunctive order, or for such other remedial relief, to compel connection to the public sanitary sewer system, including damages for the cost or expenses thereof. The township may join in such actions any number of property owners. The relief available under this section shall include an injunctive order allowing the township or its employees, agents or contractors to enter onto the property and connect the structure to the public sanitary sewer system. In the event the township makes the connection pursuant to the preceding sentence, all costs of the township in doing so, including the actual cost of connection, attorney fees, engineering fees and all other costs, shall be a lien on the property which may be enforced by the township in the same manner as provided for collection of delinquent tax assessments, by utilization of the statutory provisions for foreclosure of mortgages by advertisement, or by suit for collection. The selection of remedy shall be at the sole discretion of the township.

Sec. 38-504. - Plans, permits and bonds, amended to read as follows:

- (a) Prior to connection and prior to start of construction, all sanitary sewer systems shall have engineering plans and specifications prepared by a professional engineer and shall be approved by the township engineer, water resource commissioner, and a permit issued by MDEQ, if required.
- (b) A connection permit shall be obtained by the owner or contractor from the water resource commission. Said connection permit shall show the location of the work, the extent of the work, information regarding the contractor, the owner and the engineer, and any other pertinent information as shall be determined necessary by the water resource commission.
- (c) Individual building sewers which are directly connected into the township sanitary sewer system shall conform to all applicable requirements of this article. A connection permit, as required by the Oakland County Water Resource Commission, shall be obtained before such connection is made. Prior to the issuance of such connection permit, the person obtaining such permit shall have obtained the written approval of the township. Connection shall be made in a workmanlike manner and in accordance with methods and procedures established by the water resource commissioner. The party to whom such a permit is issued shall be responsible for notifying the water resource commissioner 24 hours in advance of the date and time when such a connection is made so that proper inspection of same can be made by the water resource commissioner.
- (d) Prior to the adjustment, reconstruction or any other altering of the township sanitary sewer system, including manhole structures, the contractor or person responsible for the work shall

first obtain a permit to do such work from the water resource commissioner. Said permit fee shall be determined by the water resource commissioner.

- (e) Prior to construction and during the life of permits obtained in accordance with subsections (b), (c) and (d) of this section, all owners or contractors shall:
 - (1) Yearly furnish to the water resource commissioner a satisfactory surety bond in the amount of \$5,000.00 as security for the faithful performance of the work in accordance with the plans and specifications and departmental standards; and
 - (2) Yearly furnish to the water resource commissioner a cash deposit in the amount of \$500.00. Such deposit shall provide funds for emergency work and/or such other work as may be deemed necessary by the water resource commissioner, arising as a result of construction by the owner or contractor. Such deposits shall not be canceled by the owner, or contractor without first having given ten days' written notice to the water resource commissioner. Cash deposits may be returned to the owner or contractor within ten days of receipt of written request therefor, except that no deposits will be returned until such time as all outstanding permits have received final inspection and approval. In the event that it becomes necessary for the water resource commissioner to expend funds for work arising as a result of construction by the owner or the contractor, then the cost of such work shall be deducted from the aforementioned cash deposit.

The owner or contractor shall have the right and opportunity to correct any deficiencies promptly before any deposit funds will be spent by the water resource commissioner. The owner or contractor shall, within 30 days of the mailing of written notice thereof, pay to the water resource commissioner the entire amount of such cost. Failure to comply with these rules and regulations and the standards of the water resource commissioner may result in the immediate forfeiture of the cash deposit.

Sec. 38-511. Grease control devices, added title and section to read as follows:

- (a) All new and remodeled establishments, as well as establishments where a change of ownership has occurred, where food is manufactured, sold or prepared, except for small areas designated as employee break areas or the equivalent, discharging wastewater containing fats, oils, and grease (FOG) to the sanitary sewer system shall install, operate, and maintain a sufficiently-sized oil and grease, water and solids control device necessary to achieve and maintain compliance with the limits indicated in this section of the Code and with the Michigan Plumbing Code.
- (b) Unless otherwise authorized by the township engineer, all grease control devices shall be of the outdoor, inline variety. With special authorization by the director, grease control devices of the indoor, under- counter, stand-alone variety may be allowed. In this case, maintenance of indoor grease control devices shall be performed at frequencies necessary to protect the capacity of the sewer system against accumulation of grease and oils, as required by the "25 percent rule" as defined herein.
- (c) Grease control devices shall be provided when they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients. Such devices shall not be required for dwelling units. All devices shall be of a type and capacity approved by the director and shall be located so as to be readily accessible

for cleaning and inspection. These devices shall provide a minimum capacity of one thousand (1,000) gallons.

(d) Grease control devices shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

(e) Where installed, all devices shall be cleaned and maintained at least quarterly by the owner (unless otherwise specified by the township) and shall be operated continuously in an efficient manner whenever the facility is in operation.

(f) Maintenance of all outdoor grease control devices shall be performed at frequencies necessary to protect the capacity of the sewer system against accumulation of grease and oils, as required by the "25 percent rule".

(g) The user shall be responsible for the proper removal and legal disposal of the grease control device waste. All waste removed from each device must be disposed of at a facility permitted to receive such waste. No device pumpage may be discharged to the township sewer system. Maintenance shall include the complete removal of all contents, including floatable materials, wastewater, sludges and solids and jet flushing to remove measurable build-up on tank walls. Top skimming of outdoor grease traps, decanting or back flushing of the grease control device or its wastes for the purpose of reducing the volume to be hauled is prohibited.

(h) There shall be ample room and reasonable access to these devices to allow accurate sampling and preparation of samples for transport and analysis.

(i) These devices shall be installed in compliance with the current Michigan Plumbing Code, as enforced by the township and county. The DPS Director and the Township Engineer shall make final determination and approval of the required grease control device size. If additional pretreatment and/or maintenance is required to meet the provisions in this section, the township may require that the establishment in existence prior to the effective date of this section upgrade to the requirements provided.

(j) Use of any bacteriological, chemical, or enzymatic addition for the purpose of maintaining a device is prohibited unless written approval is obtained from the township.

(k) The user shall be responsible for maintaining records and/or manifests as to the dates of service, quantity, waste hauler name, and any necessary repairs at the user's location for a period of three years, which records shall be subject to review by the township and/or county without prior notification.

(l) Should any user fail to properly clean and maintain a grease control device as required herein, the township and/or county at its option, clean and maintain, or hire a licensed contractor, at the cost of which shall be collectable by the township from the user at a charge of actual cost.

38-512. Outdoor storage of grease, added title and section to read as follows:

Animal or vegetable grease stored by businesses outside of their buildings must be kept in a self-contained, sealed, leak proof grease container which is approved by the township. The container and the area in and around the container must be kept clean. The name and address of the business must be clearly identified on the outside of the container. Any person or business found disposing of FOG in the township sewer system and/or not properly maintaining their grease container(s) shall be guilty of a misdemeanor and shall be responsible for the costs incurred by the township in cleaning up and disposing of the grease.

Section 38-513. Refusing entry for inspection; issuance of search warrant, added title and section to read as follows:

Whenever a township or county representative deems it necessary to enter upon any property at a reasonable hour for the purposes of inspection, observation, measurement, sampling, and testing of enforcement in accordance with the provisions of this article, and is refused such entry, the representative who is refused such entry may make an affidavit in writing, under oath to the district court stating the facts of the case so far as it may be known to the complainant. The court may issue a search warrant or inspection or other order allowing the director, building official or his representatives to enter upon such property to the extent and time necessary to enforce and carry out the provisions of this article.

Sec. 38-543. - Reimbursement to property owners, amended to read as follows:

Reimbursement for construction costs advanced by a property owner for sewer system improvement shall be limited to a credit against capital charges otherwise due under this article by charging such owner a *Capital connection fee* but not a *lateral benefit fee*.

Sec. 38-566. – Township Fee Ordinance, added title and section to read as follows:

All fees and charges including, but not limited to, connection fees, inspection fees, administrative fees, user fees and debt services fees shall be paid in accordance with the Township Fee Ordinance.

Sec. 38-567. - Computation of residential equivalent units (REU), amended to read as follows:

The number of residential equivalent units to be assigned to any particular premises, other than a single family residence, for sewage disposal services shall be determined by the county department of public works unit assignment schedule dated September 15, 1988, as may be amended from time to time by that department or by the township, except that the unit factor for each mobile home, manufactured housing, or multiple-family residence shall be at the rate of 1.0 residential equivalent unit. No less than one residential equivalent unit shall be assigned to each premises but, for purposes of computing sewage disposal services, residential equivalent units in excess of one may be computed and assigned to the nearest tenth. No change in use shall constitute a basis for a retroactive reduction in service charges or capital charges.

Sec. 38-571. - Capital connection charge fee and lateral benefit fee, amended title and to read as follows:

(a) No premises shall be connected to a public sanitary sewer main or sanitary sewer lateral without the payment of *capital connection fees* and *lateral benefit fees* as provided for in this article.

(b) The township board may, as compensation in full or in part, waive the *lateral benefit fee* for premises over which permanent or temporary sewer easements or licenses have been granted to the township without charge provided there is reasonable expectation that the easement shall lead to future extension of the sanitary sewer system, as determined by the Township DPS director or the township engineer. The total amount of the *lateral benefit fee* waived shall not exceed the value of the easement or license granted to the township as determined by the township assessor utilizing standard appraisal techniques. The township assessor shall execute a certificate stating his conclusions regarding the value of the easement or license granted and the basis for that opinion.

Sec. 38-573. - Payment of capital connection ~~charges~~ fees and lateral benefit fees, amended title and to read as follows:

Except as otherwise provided in this section, or as provided by a special assessment district established by the township board, the capital connection ~~charges~~ fees and applicable lateral benefit fees described in this article shall be paid by the user in cash at the time of connection.

Sec. 38-575. - Connection charges for existing systems, amended to read as follows:

The capital connection fees and applicable lateral benefit fees to be charged to various existing units within the Chateau Cranberry Lake Mobile Home Park and the White Lake Mobile Village shall be in accordance with a consent judgment previously approved by the county circuit court.

Sec. 38-576. - Connection charges for the Pontiac Lake District, title and section deleted.

ARTICLE 2: SEVERABILITY.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such selection, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect.

ARTICLE 3: EFFECTIVE DATE.

This Ordinance shall take effect following publication in the manner prescribed by law.

ARTICLE 4: REPEALER.

All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

ARTICLE 5: ADOPTION.

This Ordinance is hereby declared to have been adopted by the Township Board of this Charter Township of White Lake at a meeting thereof duly called and held on the 16th day of October, 2018, and ordered to be given publication in the manner prescribed by the Charter of the Charter Township of White Lake.

This Ordinance will be in effect seven (7) days after publication. A full and complete text of the foregoing Ordinance is available for purchase or inspection at the office of the Township Clerk at 7525 Highland Road, White Lake, Michigan during regular hours from 8 A.M. to 5 P.M. Monday through Friday, except holidays.

Terry Lilley, CMC, CMMC
White Lake Township Clerk
Posted 10 25 2017