

**HOUGHTON COUNTY INDUSTRIAL AIRPARK AND
HOUGHTON COUNTY MEMORIAL AIRPORT
SANITARY SEWER SYSTEM ORDINANCE**

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**STATE OF MICHIGAN
COUNTY OF HOUGHTON
HOUGHTON COUNTY INDUSTRIAL AIRPARK AND
HOUGHTON COUNTY MEMORIAL AIRPORT
SANITARY SEWER SYSTEM ORDINANCE**

Ordinance No. _____

SEWERS AND SEWAGE DISPOSAL

DIVISION 1. GENERALLY

Section 1. Title

This Ordinance shall be known and cited as the "Houghton County Industrial Airpark and Houghton County Memorial Airport Sanitary Sewer System Ordinance."

Section 2. Purpose

The purpose of this Ordinance shall be:

- (a) To provide for the maintenance, management, operation and repair of the Houghton County Industrial Airpark and Houghton County Memorial Airport Sanitary Sewer System.
- (b) To establish and provide for collection of such charges and rates pertaining thereto as shall be required to ensure revenues sufficient therefor.
- (c) To incorporate the provisions of the Michigan Public Health Code which require connection of certain structures to the system.
- (d) To provide enforcement provisions and penalties for violations hereof.

Section 3. Definitions

When used in this Ordinance, unless otherwise indicated by the context, the following definitions shall apply:

Airport – The Houghton County Memorial Airport.

As addressed - The given place of destination by street and number or box and route, excluding a post office box, with any other details necessary for delivery of a letter or package. "Front foot as addressed" means the frontage

of premises at the street and number or box and route addressed as owned or used by the person addressed.

Available public sanitary sewer system or system - A public sanitary sewer system located in a right-of-way, easement, street or public way which crosses, adjoins, abuts, or is contiguous to a property containing a structure in which sanitary sewage originates.

BOD - The biochemical oxygen demand which is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees Celsius, expressed as milligrams per liter.

Building sewer - The privately-owned portion of the sewer located on private property that connects the structure in which sanitary sewage originates to the public sewer or other place of disposal and conveys the sewage originating in only one (1) structure.

Capital charge - The amount charged at the time and in the amount hereinafter provided to each premises or structure served or to be served by the sewer system and represents the proportionate cost allocable to such structure for the interceptor, trunk line and pumping facilities by which sewage disposal services are immediately provided to such premises or structures.

Charges for sewage disposal services - The amount charged to the users of each premises or structure in the area served by the sewer system for sewage disposal services, and which may include a debt service factor, as well as any charges for sewage treatment, expanded capacity, lagoon expansion cost sharing, or other authorized costs owed by Houghton County or the Airport Committee to Torch Lake Area Sewer Authority in accordance with any contract or agreement with the Torch Lake Area Sewer Authority.

COD - The chemical oxygen demand is the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedures expressed as milligrams per liter.

Commercial users - Persons who are occupants or users of any structure which is involved in a commercial enterprise, business or service and which, based upon a determination by the Airport Committee on behalf of Houghton County, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a Residential or Industrial user. For purposes of this Ordinance, transient lodgings shall be considered a "commercial" use.

Compatible pollutant - A substance amenable to treatment in a publicly owned wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus "additional pollutants" identified in the NPDES Permit of the publicly owned treatment works designed to treat such pollutants and which does in fact remove such pollutants to a substantial degree. Such "additional pollutants" may include but are not limited to: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen and nitrogen compounds, fats, oils and greases of animal or vegetable origin.

Debt service charge - The charge assessed users of the system which is used to pay principal, interest and administrative costs of retiring the debt incurred for the construction of the local portion of the system.

Direct connection - The connection of premises and structure wherein sanitary sewage originates directly to sewer lines constructed, owned or operated by Houghton County.

Federal grant - A grant made for the construction of wastewater collection, transportation and treatment works provided under the Federal Water Pollution Control Act, also known as "the Clean Water Act," P.L. 92-500, as amended, or other applicable Federal law.

Garbage - Animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

Governmental user – Any Federal, State or Local Government user of the wastewater system.

Incompatible pollutant - Any pollutant which is not a compatible pollutant.

Indirect connection - The connection of a structure on any premises to any sewer lines not originally comprising the sewer system constructed, owned or operated by Houghton County but connecting thereto; e.g., premises served by private sanitary sewers which in turn connect to public sanitary sewers.

Industrial cost recovery system - A system whereby Houghton County recovers from industrial users of the system that portion of the grant amount allocable to the construction of the facility from such users pursuant to 40 CFR 35.928, as amended, or other applicable Federal law or regulation.

Industrial user - Any nonresidential user of the sewer system who is identified in the Standard Industrial Classification Manual, 1987, Office of Management and Budget, as amended, and supplemented under divisions A, B, D or E, or as otherwise determined by the Airport Committee on behalf of Houghton County.

Industrial wastes - The wastewater discharges from industrial, trade or business process as distinct from their employees' domestic waste or waste from sanitary conveniences.

Inspection, approval and tap fee - The amount charged to each applicant to cover the cost of inspecting and approving the physical connection to the system and the issuance of a connection permit.

Institutional user – Any establishment involved in a social, charitable, religious or educational function which, based on a determination by the Airport Committee on behalf of Houghton County, discharges primarily segregated waste or wastes from sanitary conveniences.

Lateral – That part of the Sanitary Sewer System consisting of a pipe or conduit, lying within the public right-of-way or easement, located between the boundary of the abutting premises and the sewer main, that receives sanitary sewage from the abutting premises.

Lateral benefit fee - The amount charged at the time and in the amount hereinafter provided to the users of each premises or structure served by the sewer system for the availability directly to serve such structure by the new construction facilities of the system, and represents the proportionate cost

allocable to such premises or structure for the lateral service made directly available by the new construction.

Mg/l - Milligrams per liter.

Natural outlet - Any outlet into a drain, watercourse, pond, ditch, inland lake or stream or other body of surface water or groundwater.

New construction - The sewer mains and laterals constructed after January 1, 2023.

Normal domestic strength wastewater - A sewage or other wastewater effluent which shall be a compatible pollutant and with BOD of two hundred (200) milligrams per liter or less, suspended solids of two hundred fifty (250) milligrams per liter or less, and total phosphorus of ten (10) milligrams per liter or less.

NPDES permit - A permit issued pursuant to the National Pollution Discharge Elimination System prescribed in P.L. 92-500, as amended, or other applicable Federal or State law.

O & M charge - means the charge assessed to users of the system for the cost of operation and maintenance (including the cost of replacement) of the system pursuant to Section 204b of the Federal Water Pollution Control Act, P.L. 92-500, as amended, the Revenue Bond Act of 1933, MCL 141.101, et seq., as amended, or other applicable Federal or State law.

Operation and Maintenance (O & M) - All work, materials, equipment, utilities and other effort required to operate and maintain the sewer system, including the cost of replacement, wastewater collection, transportation and treatment of effluent consistent with adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other County, State and Federal regulations, if any.

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

Premises - Any lot or parcel of land within the Houghton County Airpark Plat, Franklin Township, Houghton County, Michigan, according to the recorded Plat on file in Plat Cabinet 1, Folio No. 88-93 of the records maintained by the Houghton County Register of Deeds; any lot or parcel of land on property comprising the Houghton County Memorial Airport; and any lot or parcel of land that is required or permitted to connect to the Sanitary Sewer System, upon which a structure stands or may be placed or constructed. "Premises" shall mean the single area included in a street address, tax roll description or tract index description attributed to a single occupant, taxpayer or property owner.

Present system - That part of the system which had been constructed as of January 1, 2023.

Properly shredded garbage - The waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewers with no particles greater than one-half inch in any dimension.

Property owner or premises owner - A person or entity that owns, occupies, holds or has interest in legal title to the premises and/or structure from which

sanitary sewage originates, and in the case of a land contract sale, the land contract vendee or vendees. Houghton County may rely upon its tax and assessing records or Register of Deeds records to determine the Property Owner.

Replacement - The obtaining and installing of any equipment, accessories, and appurtenances which are necessary during the service life of the system to maintain the capacity and performance to which such system was designed and constructed and to preserve its financial integrity.

Residential equivalent or equivalent unit - The factor representing a ratio of the capacity requirement and estimated sewage generated by each user class to that required or generated by the normal single-family residential user.

Residential user - The user of the system whose premises or structure are used primarily as a residence for one (1) or more persons including dwelling units such as detached, semi-detached, row houses, mobile homes, apartments or permanent multifamily dwellings. For purposes of this Ordinance, transient lodgings including but not limited to motels or vacation rentals shall be considered to be a "commercial" use. Residential structures, units or vehicles located on premises whose primary use is commercial, industrial, or other than primarily residential shall also be considered a "commercial" use.

Sanitary sewage - The liquid or water carried waste discharge from structures on premises created by the use or occupancy thereof by persons who are residential users, commercial users or industrial users but excluding therefrom industrial wastes.

Sanitary sewer - The sewer which carries sanitary sewage and industrial waste, or either of them, into which storm water, surface water and groundwater are not intentionally admitted.

Sewage treatment plant - Any arrangement of devices or structures used for the treating of sanitary sewage or industrial waste.

Storm sewers - A rain and storm water runoff drainage system within which no sanitary sewage is permitted to be deposited.

Structure - Anything constructed or erected and located on or attached to the ground, including a dwelling and any other type of building that is designed or intended for, capable of, or actually used as or for a place of residence, employment, business, congregation, or other permanent, temporary, or intermittent use and occupancy.

Structure in which sanitary sewage originates - A structure for use for household, commercial, industrial or other purposes by persons, in which toilet, kitchen, laundry, bathing or other facilities are located and in which are or may be generated water carried sanitary sewage.

Surcharge - The additional charge which a user discharging wastewater having strength in excess of 250 mg/l BOD and 300 mg/l SS, or the limits set by Houghton County, for transmission and treatment within the sanitary sewage system will be required to pay to meet the cost of treating such excessively strong wastewater. Users who discharge sand or other settleable solids into the Sanitary Sewer System will be subject to a surcharge to cover the cost to

remove and dispose of sand and other settleable solids discharged by the user.

Suspended solids - Solids that either float on the surface of, or are in suspension in the water, sewage or other liquids and which are removable by laboratory filter.

User charge - A charge on users of the sewer system to recover costs of operation and maintenance for work performed pursuant to Section 204(b) of the Federal Water Pollution Control Act, P.L. 92-500, the Revenue Bond Act of 1933, MCL 141.101 et seq., as amended, or other applicable Federal or State law, which charges also include cost of replacement.

User class - The type of uses of structures on premises connected to the sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental users.

Wastewater - Water which contains, or previous to treatment has contained, pollutants such as sanitary sewage and/or industrial wastes.

Section 4. Operation, Maintenance and Control

The operation and maintenance of the sewer system shall be under the supervision and control of Houghton County subject to the terms of the Torch Lake Area Sewer Authority (TLASA) contract. Houghton County retains the exclusive right to establish, maintain and collect rates and charges for sewage collection, treatment, transmission and debt service, and in such capacity may employ such persons in such capacities as it deems advisable, and may make such rules or regulations as it deems advisable and necessary to ensure the efficient establishment, operation, and maintenance of the system, to discharge its financial obligations, and collection of rates and charges as herein provided. By adoption of this Ordinance, Houghton County authorizes the Houghton County Airport Committee and the Airport Manager to assist Houghton County with the operation and maintenance of the Sanitary Sewer System consistent with the terms of this Ordinance, and to the full extent permitted under applicable law.

Section 5. State Standards Adopted

The provisions of the Michigan Public Health Code, as amended, requiring connection to an “available public sanitary sewer system,” as defined in Section 3 of this Ordinance, (MCL 333.12751 through 333.12758) are hereby incorporated and adopted by reference, as if fully set forth herein.

Section 6. Connection Applications and Permits

Application for permit to connect to the sewer system must be made in writing by the owner of the premises. The application shall give the exact property description including address and parcel identification number, amount of front footage as addressed, number of structures to be connected, the name of the master plumber or licensed sewer builder employed to do the work, and shall be

made on forms furnished. The premises owner shall, on behalf of themselves, their heirs or assigns, hold Houghton County and the Airport Committee harmless for any loss or damage that may in any way result or be occasioned by making of such connection.

No sewer connection will be permitted unless there is capacity available in all downstream sewers, lift stations, force mains and the sewage treatment works including capacity for treatment of BOD and suspended solids.

Section 7. Connection Permit Fees

The owner of any structure or premises within the area served by the laterals shall pay such sewer permit fee as established by Houghton County upon the advice and recommendation of the Airport Committee, which fee shall reimburse Houghton County and the Airport Committee for any and all cost necessary to issue a permit for the connection of such premises. This fee shall be in addition to all other charges and fees set forth herein.

Section 8. Sewer Connection Materials

The building connection sewer extending from the lateral sewer in the street or easement to within five (5) feet from the building, house or other structure from which sewage originates shall be:

- (a) Six (6)-inch diameter.
- (b) Other pipe and joints as may be approved by Houghton County.
- (c) Copies of specifications for approved joints must be on file at the Airport Manager's office.
- (d) All building or structure connection sewers shall be six (6)-inch diameter pipe, except that four (4)-inch diameter pipe of comparable strength and joint material may be used when it meets all requirements of Houghton County and of the Airport Committee. All joints shall be tight and when tested for infiltration or exfiltration, must not exceed the requirements of the County. Copies of these rules and regulations shall at all times be kept in the office of the Airport Manager.
- (e) The pipe inside any building or structure shall be plugged and sealed, and remain plugged and watertight until the plumbing is carried on to the first floor, the basement if backfilled, and the roof is on the building, thereby preventing water from entering the sanitary sewer from the excavated basement or other excavated area beneath the building.

- (f) All building or structure leads shall be properly bedded in sand a minimum of eight (8) inches below and six (6) inches above the pipe where the type of soil is hard clay or rocky. Unstable ground conditions shall also require proper bedding.

Section 9. Connection Fees and Inspection

- (a) A building connection shall not be installed without a plumbing permit having been issued by the County Building Official under the building/construction code, with payment of associated fees, as established for such permits.
- (b) Inspection must be completed after all pipes are in place and before the covering of such pipe or other backfilling. Sewer lines backfilled prior to inspection by the County or its designated representative must be excavated to permit inspection of the installation. All labor, equipment and material costs expended to excavate the sewer lines shall be borne by the property owner.
- (c) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner of such property.
- (d) All required water and sewer connection fees shall be paid in full prior to any physical connection to the public water and/or public sewer system.

Section 10. Conditions Requiring Sewage Pump

In cases where conditions prohibit the flow of sewage by gravity, the premises may be served by a sewage ejector pump, as determined by the Airport Manager or designee.

Section 11. Sewer Connection Contractors

Any person desiring to secure permits to make sanitary sewer connections shall, prior to the issuance of such permits, provide Houghton County and the Airport Committee with the following:

- (a) Surety bond. A satisfactory corporate surety bond, renewable yearly, in an amount established by the Airport Committee as security for the faithful performance of the work in accordance with this Ordinance and all standards, specifications, rules and regulations established by Houghton County upon recommendation by the Airport Committee. The surety bond shall be kept in full force and effect by the sewer contractor until such contractor shall have given ten (10) days written notice to the Airport Committee of its intention to terminate such bond and shall thereafter have received a written release from Houghton County and the Airport Committee.

- (b) Reserve fund. A reserve fund shall be provided in an amount as established by the Airport Committee. The cash reserve shall be escrowed in a non-interest bearing account and be available for use by Houghton County and the Airport Committee to reimburse:
- (1) Houghton County and the Airport Committee for labor required or monies expended to correct damages or deficiencies in the entire sewer system, including the portion on private property occasioned by the acts or omissions of the sewer contractor.
 - (2) Any and all owners of premises contracting with the sewer contractor for connection to the sewer, in the event the sewer contractor has perpetrated a fraud or gross, wanton breach of contract with one (1) or more owners, resulting in damages or injuries.

A gross or wanton breach of contract shall include any and all negligence exceeding ordinary negligence, or overall poor or shoddy workmanship. Upon such event occurring with one (1) or more owners, the Airport Committee shall have the sole discretion as to the terms of reimbursement to be made, if any. In the event such reserve funds shall be insufficient to cover reimbursement deemed necessary by the Airport Committee, the sewer contractor in question shall be liable for restitution of such costs. The contractor may be given the opportunity to correct said damages or deficiencies prior to the invasion of the reserve fund by Houghton County or the Airport Committee. Failure to comply with the regulations and standards of Houghton County, the Airport Committee, and failure to make restitution as hereinbefore mentioned may result in the immediate execution of collection procedures including all legal remedies available and shall be grounds for suspension or revocation of the sewer contractor's permit.

The balance of moneys remaining in the reserve fund, if any, shall be returned to the sewer contractor not later than one (1) year following final inspection and approval of the sewer connection, or earlier, in the discretion of the Airport Committee. The sewer contractor shall first be required to submit a written request for return of the reserve fund to the Airport Committee, who shall forward such request, along with its recommendation, within thirty (30) days to the Airport Manager or designee.

- (c) Certificate of insurance. A certificate of insurance indemnifying the Airport Committee and Houghton County for public liability and property damage, with limits of at least two million dollars (\$2,000,000) for each person and two million dollars (\$2,000,000) for each occurrence. The foregoing minimum limits of insurance shall be subject to revision by resolution of the Houghton

County Board upon a determination by either Houghton County or the Airport Committee that adjustments are necessary for the protection of Houghton County, the Airport Committee, and the Sanitary Sewer System. Houghton County and the Houghton County Airport Committee shall be identified as additional named insureds on the policy of insurance. Any such insurance policy shall contain a provision prohibiting cancellation or termination of coverage absent written notice to Houghton County and the Airport Manager not less than ten (10) business days prior to the effective date of cancellation or termination.

- (d) Contractor's license. Any person may be issued permits upon being licensed by the County as a contractor. As a pre-requisite to obtaining a contractor's license, an applicant must complete and file an application as supplied by the Building Official and pay an annual license fee. This license may be suspended or revoked upon non-compliance with County ordinances, standards, specifications, rules and regulations.
- (e) Connection permit. Before either a direct or indirect connection is made into the Sanitary Sewer System or any work done on such connection, a connection permit shall be obtained by the owner or contractor from Houghton County through the Airport Committee. Such permit shall be obtained in accordance with the rules and regulations of the County.
- (f) Permits; total number, expiration. The total number of permits which may be issued and outstanding to any contractor at any one (1) time shall not exceed ten (10). All permits shall expire one (1) year from the date of issuance.

Section 12. Construction Permit

A construction permit shall be issued to a premises owner only if the owner has executed an affidavit verifying ownership of the premises and structure where the work is to be performed, and a surety bond and reserve fund conforming with the requirements of Section 11 are provided.

Section 13. Contract Between Sewer Contractor and Owner

Neither Houghton County nor the Airport Committee shall be deemed a principal, master, agent, employer or servant of a sewer contractor licensed herein, or pursuant to any written or oral contract or agreement between a premises owner and a sewer contractor. Houghton County and the Airport Committee do not in any way act as guarantor or surety for any sewer contractor licensed herein, and do not extend warranties, expressed or implied, for the contractor's performance.

Section 14. Premises Lying Outside the Airport or Industrial Airpark

Any person whose property lies outside the boundary of the Houghton County Memorial Airport or the Houghton County Airpark Plat desiring to connect to the sewer system shall be subject to one and one-half (1 1/2) times the normal connection fees and one and one-half (1 1/2) times the normal monthly billing rate. Such parties interested in connecting to the sewer system shall provide a letter of no objection from the local governing body of the township or city within which the building or property is located. The proposed connection shall thereafter be submitted to Houghton County through the Airport Committee for review and decision, in their sole discretion, but shall further be subject to the terms of any contractual agreement between the Torch Lake Area Sewer Authority and Houghton County or the Airport Committee, then in effect.

Section 15. Sewer Revenue Fund Account

Houghton County and the Airport Committee shall maintain sewer fund bank accounts to be managed by the Airport Committee in accordance with Generally Accepted Accounting Principles, the requirements of this Ordinance and with existing agreements, instructions or audit recommendations with Houghton County.

Section 16. Fiscal Year

The system shall be operated upon the basis of the fiscal year, October 1 – September 30.

Section 17. Inspection Powers and Corrective Orders

- (a) The duly authorized official, agents and employees of Houghton County and the Airport Committee bearing proper credentials and identification shall have the right to enter any structure or premises within which sewage originates at any reasonable time and to examine, inspect, monitor and perform samples of all plumbing equipment, machinery, processes, wastes or discharges which relate to the effluents that are or have been introduced into the sewage system. This shall be in addition to and not by way of limitation of the powers otherwise possessed by Houghton County and the Airport Committee.
- (b) The authorized inspecting official or agent shall further have the following powers that include but are not limited to:
 - (1) To verify the completeness, accuracy and representativeness of self-monitoring data submitted by users of the Sanitary Sewer System.
 - (2) To determine compliance with the terms, conditions and requirements of this Ordinance or of any permit, order, notice or agreement issued or entered into under this Ordinance.

- (3) To support enforcement actions against non-compliant users of the Sanitary Sewer System.
 - (4) To determine if users have corrected problems identified in previous inspections.
 - (5) To identify which and to what degree users influence the quality of the sewer system's influent, effluent and sludge being sent for treatment to the Torch Lake Area Sewage Authority.
 - (6) To evaluate the need for revised local limits.
 - (7) To maintain current data on each user of the Sanitary Sewer System.
 - (8) To provide a basis for establishing sampling and monitoring requirements for users of the Sanitary Sewer System.
 - (9) To evaluate the adequacy of each user's operation and maintenance activities on any pre-treatment system.
 - (10) To assess the potential for spills or sludge discharge, and to evaluate the effectiveness of spill and sludge discharge control measures.
 - (11) To evaluate compliance with existing enforcement actions.
 - (12) To set up and maintain on the user's premises such devices as may be necessary to conduct sampling, inspection, compliance monitoring and/or metering operations, or to require the user to do so, at the user's sole expense.
 - (13) To order a user to immediately cease and desist from conduct constituting a violation of this Ordinance in emergency circumstances within the discretion of the authorized official or agent.
 - (14) The right of entry shall include the right to take photographs, video and audio recordings documenting the inspection.
 - (15) To issue any orders or corrective measures for the safety, protection and best management practices of the Sanitary Sewer System.
- (c) The authorized inspecting agent shall make a written report of each inspection and shall specifically include a detailed description of any preventative or corrective action ordered.
- (d) If a premises owner or user refuses to permit access or unreasonably delays access to an authorized official or to prohibit the authorized official from

performing any of those acts authorized by this Ordinance, the authorized official may order the termination of the discharge of waste water to the Sanitary Sewer System; order the user to permit access within a time certain; issue the user a notice of violation of this Section; or take other appropriate action as provided within this Ordinance and other applicable laws and regulations (including but not limited to seeking the issuance of a search warrant). Further, the refusal to permit access or causing an unreasonable delay in access as provided in this Section shall constitute a violation of this Ordinance.

- (e) Houghton County, through the Airport Committee and any authorized official, may further bring an action for injunction, equitable relief and/or damages as may be permitted in law or equity. If suit is commenced, and if Houghton County or the Airport Committee prevails in the action, Houghton County, the Airport Committee or both shall be entitled to recover from the premises owner and user the costs and actual reasonable attorney fees incurred in the action.

Section 18. Enforcement

- (a) A person who violates or fails to comply with any provision of this Ordinance, including without limitation any notice, order, permit, decision or determination made or issued by Houghton County, the Airport Committee or the Airport Manager, shall be responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$500 per day for each infraction, plus costs, fees and other sanctions and remedies authorized pursuant to MCL 600.8701, et seq., or other applicable law, to the fullest extent available. Each day a violation continues shall be a separate offense, subject to separate and cumulative fines, costs, damages and remedies.
- (b) This Ordinance shall be enforceable through the bringing of appropriate action for injunction, mandamus or other relief in any court having jurisdiction. A violation of this Ordinance is deemed to be a nuisance per se.
- (c) Any person convicted of disposing sewage in any manner contrary to the provisions of this Ordinance may also be found guilty of a misdemeanor, and upon conviction thereof shall be punished and assessed a fine of not more than five hundred dollars (\$500) per offense, or by imprisonment of not more than ninety (90) days, or both, within the discretion of the court, together with costs of prosecution; each day in which a violation continues shall be deemed a separate offense.
- (d) The following persons are designated as authorized local officials to issue municipal civil infraction citations directing alleged violators to appear in court for violations of this Ordinance: any sworn law enforcement officer, the

Houghton County Airport Manager and any other persons so designated by the Houghton County Board of Commissioners.

Section 19. Right to Amend

Houghton County specifically reserves the right to amend or repeal this Ordinance in whole or in part, or to abandon, increase, decrease or otherwise modify any of the fees or charges presently specified herein. Adoption of this Ordinance or its subsequent amendment or repeal shall in no way change, relieve or release the contractual or legal obligation of the Airport Committee:

- (a) To make the required payments to Houghton County under and as set forth in any contract improvements, extensions and enlargements thereof under applicable law; or
- (b) To use any other means or available funds to make the required payments to Houghton County, and this Ordinance shall not be deemed to be a part of any contractual obligation or bond contract pertaining to the sewer system.

DIVISION 2. USE OF PUBLIC SEWERS

Section 20. Storm water, Groundwater and Unpolluted Water

- (a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater or roof water to any sanitary sewer.
- (b) Storm water, groundwater and all other unpolluted drainage (including noncontact industrial cooling water) shall be discharged into storm drains or into a natural outlet suitable for such purpose.

Section 21. Prohibited Discharges

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
- (b) Any waters or wastes which may contain more than one hundred (100) milligrams per liter, by weight, of fat, oil or grease.
- (c) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive, liquid, solid or gas.
- (d) Any garbage that has not been properly shredded.

- (e) Any ashes, cinders, sand, mud, straw, shaving metal, glass, rags, feathers, tar, plastics, woods, paunch manure or any other solid or viscous substance capable of causing obstruction to flow in sewers or other interference with the proper operation of the sewage works.
- (f) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, or to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the treatment plant.
- (g) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (h) Any industrial waste that may cause a deviation from the Torch Lake Area Sewage Authority NPDES permit requirements, pre-treatment standards and all other State and Federal regulations.
- (i) Any waters or wastes having a pH lower than 6.5 or higher than 9.0 or having any other corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (j) Any waters or wastes containing materials or substances that are not accepted by the Torch Lake Area Sewage Authority.

Section 22. Grease, Oil and Sand Interceptors

- (a) Grease, oil and sand interceptors (traps) shall be provided at the expense of the property owner when liquid wastes may contain grease, oil and sand. All interceptors (traps) shall be of a type and capacity approved by the Houghton County Building Inspector or the Houghton County Plumbing Inspector or the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and shall be located as to be readily and easily accessible for cleaning and inspection. Grease, oil and sand interceptors 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 into place shall be gastight and watertight.
- (b) Where installed, all grease, oil and sand interceptors (traps) shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

Section 23. Preliminary Treatment

Satisfactory preliminary treatment shall be required for:

- (a) The admission into the public sewers of any waters or wastes:
- (1) Containing a five (5)-day BOD greater than two hundred (200) mg/l or containing more than two hundred fifty (250) mg/l of suspended solids;
 - (2) Containing any quantity of substances having the characteristics described in Section 21 of this Ordinance;
 - (3) A chlorine demand of more than fifteen (15) milligrams per liter; or
 - (4) Total phosphorous concentration greater than ten (10) milligrams per liter as phosphorous, shall be subject to review and approval for acceptance by the Airport Committee and the Torch Lake Area Sewage Authority.
- (b) Preliminary treatment shall be provided, at no expense to Houghton County or the Airport Committee, as may be necessary to reduce the BOD to two hundred (200) mg/l and suspended solids to two hundred fifty (250) mg/l or to reduce objectionable characteristics of such effluent to within permissible maximum limits, or to control the quantity and rates of discharges of such waters or wastes. On direction of Houghton County or the Airport Committee, a person may be required to remove, exclude or require pre-treatment of any industrial waste in whole or in part for any reasons deemed to be in the best interest of the Sanitary Sewer System and the Torch Lake Area Sewer Authority. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained in satisfactory and effective operation at no expense to Houghton County or the Airport Committee. Plans, specifications and other pertinent information relating to the proposed preliminary treatment facilities shall be submitted for approval to the Airport Committee and no construction of such facility shall be commenced until said approvals are obtained in writing. All preliminary treatment or pre-treatment shall be in accordance with federal and state laws and regulations. All expenses as to such preliminary treatment facilities plans and specifications shall be borne by the owner.

Section 24. Industrial Wastes

- (a) The owner of any property served by a building sewer carrying industrial wastes may be required to install a suitable control manhole or other structure in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole or structure, when required, shall be accessible, safely located and shall be constructed in accordance with plans approved by the Airport Committee on behalf of Houghton County. The manhole or structure shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.

- (b) All measurements, tests and analysis of the characteristics of waters and wastes shall be determined in accordance with Standard Methods for Examination of Water and Wastewater and Guidelines Establishing Test Procedures for the Analysis of Pollutants, Federal Regulations 40 CFR 136, published in the Federal Register on October 16, 1973, and shall be determined at the control manhole.

Section 25. Rejection or Surcharge of Deleterious Substances.

If any water or wastes are discharged to the public sewer which contain substances or possess characteristics which, in the judgment of Houghton County or the Airport Committee, may have deleterious effect upon the Sanitary Sewer System, processes, equipment or receiving waters, or which otherwise create a hazard to life or property or constitute a public nuisance, the Airport Manager or designee may:

- (a) Reject the wastes in whole or part for any reason deemed appropriate;
- (b) Require pre-treatment of such wastes to within the limits of normal sewage as defined; and/or,
- (c) Require payment of a surcharge on any excessive flows or loading discharged to the system to cover the additional costs of having capacity for and treating such wastes.

Section 26. Special Agreements

Special agreements and arrangements with any premises owner or person may be established by the Airport Committee with the unanimous approval of the Houghton County Board of Commissioners in the form of a Resolution within the terms and intent of this Ordinance when, in the opinion of the Airport Committee, extraordinary circumstances compel special terms and conditions whereby any unusual wastewater may be accepted for treatment, subject to payment of applicable fees.

DIVISION 3. PRIVATE DISPOSAL

Section 27. Prohibited Acts

- (a) Without prior consent of the Airport Committee, it shall be unlawful for any person to place, deposit or permit to be deposited in any structure or upon any public or private premises within the Houghton County Memorial Airport, the Industrial Airpark (or any area under its jurisdiction) any sanitary sewage, garbage, industrial waste or other objectionable waste.

- (b) It shall be unlawful to discharge to any natural outlet any sanitary sewage, industrial waste or other polluted water except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- (c) Except as hereinafter provided, it shall be unlawful to construct any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sanitary sewage or industrial waste.

Section 28. When Use Permitted

Where a public sanitary sewer system is not available under the provisions of this Ordinance, the building sewer shall be connected to a private sanitary sewer disposal system which shall be approved by the Western Upper Peninsula District Health Department.

Section 29. Discontinuance, Connection to Public System

At such time as the public sanitary sewer system becomes available to premises served by a private sanitary sewage disposal system, connection to the public system shall be made in compliance with this Ordinance, and any septic tank, cesspools and similar private disposal facilities located thereon shall be abandoned and discontinued for sanitary sewage disposal use.

Section 30. Maintenance

All private sanitary sewage disposal systems maintained in compliance with this Ordinance shall be maintained in a sanitary manner at all times at the sole expense of the owner thereof.

Section 31. Permits Restricted

Permits for the construction, remodeling or improvement of any structure situated upon a parcel of land or platted lot which premises or structure thereon is required to be connected to the Sanitary Sewer System shall not be issued unless such premises or structure shall first be connected to the sewer lateral.

DIVISION 4. LATERALS GENERALLY

Section 32. Extensions of, Changes in Sewer Laterals

Extension of or changes in sanitary sewer laterals may be initiated by Houghton County upon the recommendation of the Airport Committee or by petition from the property owner or owners. Petitions for the construction of new sanitary sewer laterals shall be addressed to the Airport Committee. The Airport Committee may recommend, refuse to recommend, or recommend with prescribed conditions, the requested construction to Houghton County for consideration. Houghton County

may accept or reject the Airport Committee's recommendation as it deems appropriate, may grant the petition with additional conditions, and may require the written acceptance of terms and conditions by the petitioners. If the petition is granted, Houghton County shall authorize the proposed work to proceed as promptly as practical. The work shall be done at the expense of the property owner or owners, unless otherwise stipulated, and any and all extensions shall be subject to the provisions of this Ordinance.

Section 33. Plans of Proposed Extensions

Any persons who propose installing sanitary sewer laterals shall first submit complete plans and specifications for such work, prepared by a civil engineer licensed by the State of Michigan, to the Airport Committee for consideration.

Section 34. Control , Generally

The sanitary sewer laterals of the sewer system are under the exclusive control of Houghton County and its Airport Committee, and all persons other than their agents or employees are forbidden to disturb, tap, change, obstruct access to or interfere with them in any way.

DIVISION 5. USER RATES, CHARGES AND PENALTIES FOR WASTEWATER DISPOSAL SERVICE

Section 35. Rates Set by Resolution

The Sanitary Sewer System shall, as far as possible, be operated and maintained on a public utility basis as authorized by law. Each premise connected to and using facilities of the system shall pay user rates and charges as fixed and established from time to time by Resolution of the Houghton County Board of Commissioners upon the recommendation of the Airport Committee. The Houghton County Airport Committee shall annually review the user rates and charges as required by Public Law 92-500, and make its recommendation to the Houghton County Board of Commissioners. These rates and charges shall include but not be limited to charges for sewage disposal services, capital charges, debt service charges, connection and disconnection charges, charges imposed by Torch Lake Area Sewer Authority, and any other lawful charges as may from time to time be applicable.

Section 36. Non-typical Users

Where wastewater disposal service is furnished to users not connected to the water system or in cases where users make use of large quantities of water which may be discharged into storm sewers or approved outlets other than the Sanitary Sewer System or for other miscellaneous users of the wastewater system for which special consideration should be given, special rates may be fixed by the

Houghton County Board of Commissioners upon the recommendation of the Houghton County Airport Committee. The Houghton County Airport Committee may recommend and Houghton County may require users to install metering equipment to actually determine the flow. Charges for any new users must be determined by the Houghton County Board of Commissioners upon the recommendation of the Houghton County Airport Committee by Resolution at the time of connection.

Section 37. Industrial or Other High-Strength Dischargers.

If the character of sewage from any manufacturing or industrial plant, or from any other building or premises, is such that it imposes an unreasonable burden upon the Houghton County Industrial Airpark sewage system or the Torch Lake Area Sewer Authority (TLASA) sewage treatment system, at the discretion of Houghton County upon the recommendation of the Houghton County Airport Committee, such owner may be required to separately and satisfactorily treat such sewage before being emptied into any public sewer, or the right to empty said sewage may be denied, if necessary, for the protection of the system, public health or safety. In lieu of exclusion and/or on-site treatment, Houghton County may establish an "Extra Strength Surcharge". Extra strength surcharges shall be billed concurrently with bills for Wastewater Disposal Service and shall be based upon twenty-four (24)-hour Composite Samples.

Extra strength surcharges shall only apply to those users approved for discharge of extra strength waste and who have installed a suitable sampling manhole. Significant industrial users must provide, operate and maintain at their own expense a sampling manhole or structure to facilitate monitoring, inspection, sampling, and flow measurement of their discharge by the Airport Committee and the industrial user, and to enable such other monitoring and sampling as required for determining compliance with discharge requirements, limits and standards as provided for in this Ordinance. In the event it is determined that the monitoring facility identified in the permit application is inadequate, a new monitoring facility must be identified or provided which shall allow for collection of a representative sample of the wastewater discharged from the facility. Unless otherwise determined at the discretion of the Airport Committee, said facility shall be provided within ninety (90) days of written notification by the Airport Committee.

Section 38. Payment of Bills

Rates and charges shall be billed and collected monthly on behalf of Houghton County by the Airport Committee. Failure to receive a bill shall not excuse failure to pay the bill when due. Bills shall be due and payable, without discount, at such time as the Airport Committee will determine, but not more than thirty (30) days after rendered, and such due date shall be indicated on the face of each bill. If any bill is not fully paid when due, a penalty of five (5) percent shall be added thereto. If a bill is not paid within thirty (30) days after due date, a shutoff notice shall be

sent to the premises by certified mail, or by posting on the structure and if the bill is not paid within the time stated in the notice (which shall not be more than an additional thirty (30) days) then all water and sewer service to the premises may be discontinued.

Before water service is restored, an additional fee and penalty shall be chargeable to the property to reimburse Houghton County and the Airport Committee for costs and expenses in personnel time, equipment used and materials, as determined by the Airport Manager. Such additional fees and costs must be fully paid before service is restored.

Section 39. Free Service

No free service shall be furnished to any property, owner, person, entity or other public or private user of the Sanitary Sewer System.

Section 40. Lien for Nonpayment of Bills

Unpaid charges and rates for sewer services, including any penalties thereon, shall constitute a lien upon the premises served thereby, in accordance with the provisions of MCL 123.161 through 123.167, as well as Section 21 of P.A. 94 of 1933, MCL 141.121, as amended, unless written notice is furnished that a tenant is responsible for such charges. Whenever any such charge against a premises served by the sanitary sewer shall be delinquent for six (6) months or more, the Airport Manager or official in charge of the collection shall certify annually, not later than October 1 of each year, to the tax assessing officer the fact of such delinquency. The assessing officer shall enter a charge upon the next tax roll against the premises which shall be collected and the lien enforced in the same manner as general taxes against such premises are collected and the lien thereof enforced. If the Airport Manager is provided with written notice, including a copy of the lease of the affected premises, that a tenant is responsible for the sewer charge, the Airport Committee may require as a condition to rendering sewer services to such premises a cash deposit equal to estimated sewer service charges for three (3) months as security for the payment of sewer charges. When the security deposit is used for payment of delinquent charges, no further service will be provided until the deposit has been repaid. The tenant and the premises owners shall be notified in writing ten (10) days in advance of applying the security deposit against the delinquent sewer charges.

Section 41. Water Service Shut Off

In addition to other remedies provided, the Houghton County Airport Committee shall have the right to shut off and discontinue the supply of water to any premises for the non-payment of sewer charges that remain unpaid thirty (30) days after the due date thereof. Discontinued water services shall not be restored until all water

and sewer charges and fees, including any shut-off or reconnection fees, are paid in full.

Section 42. Notice of Violation

Any person found to be violating any provision of this ordinance must be served, by the Houghton County Airport Committee or its designated representative, with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender must within the period of time stated in such notice, permanently cease all violations.

Provided, however, that this Section shall not limit or restrict the Airport Manager or other authorized official of Houghton County or of the Airport Committee from issuing an immediate cease and desist order for violations of this Ordinance in emergency circumstances as determined within the discretion of the Airport Manager or other authorized official.

Section 43. Damages Caused by Violation of the Ordinance

Any person violating any provision of this Ordinance shall be liable to Houghton County and the Houghton County Airport Committee for any expense, loss, or damage occasioned to or by Houghton County and the Houghton County Airport Committee by reason of such violation.

Section 44. Cumulative Remedies

The penalties and remedies prescribed by this Ordinance are cumulative, and not mutually exclusive. The imposition of one fine, penalty, notice, order or remedy against a premises owner or user of the Sanitary Sewer System shall not preclude or be a prerequisite for the imposition of any other remedy available within this Ordinance, or under State or Federal law or regulation.

DIVISION 6. ADDITIONAL MISCELLANEOUS PROVISIONS

Section 45. Municipal Liability

Houghton County, the Houghton County Airport Committee, the Airport Manager, their respective staff, employees, agents or representatives shall not be liable or responsible for interruptions of service due to natural calamities, equipment failures, the acts or omissions of users of the Sanitary Sewer System, or of third parties. It shall be the responsibility of Sanitary Sewer System users that all connected equipment remain in good working order so as not to cause disruption of service of any portion of the sewer or treatment plant equipment.

Section 46. Conditional Use of Sanitary Sewers

The use of the Sanitary Sewer System is conditional upon the premises owner and user complying with all applicable provisions of this Ordinance, the rules and regulations promulgated pursuant to this Ordinance, permits, and all applicable local, State and Federal laws, rules, regulations, standards and requirements. Use of the Sanitary Sewer System is also conditioned upon the payment of all applicable charges, surcharges, rates, fees and penalties.

DIVISION 7. VALIDITY AND ENACTMENT

Section 47. Validity

All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 48. Enactment

This Ordinance shall take effect when notice of its adoption is published in a newspaper of general circulation in the County of Houghton, following its adoption as provided by law.

**HOUGHTON COUNTY INDUSTRIAL AIRPARK AND
HOUGHTON COUNTY MEMORIAL AIRPORT
SANITARY SEWER SYSTEM ORDINANCE**

Date of Approval by the Airport Committee: May 2, 2023

This Ordinance has been PASSED and ADOPTED by roll call vote of the Houghton County Board of Commissioners, on the 9th day of May, 2023.


Tom Tikkanen, Chair

(SEAL)

Yeas 5 Nays 0 Absent 0

Attest:


Jennifer Kelly
Houghton County Clerk

CERTIFICATION

I hereby certify that this is a true and accurate copy of the Ordinance adopted by the Houghton County Board of Commissioners at their meeting of May 9, 2023. I further certify that said meeting was held in compliance with P.A. 266 of 1976, being the Open Meetings Act.

Houghton County Board of Commissioners


By: Jennifer Kelly, Clerk
Dated: May 9, 2023

Date of Publication: MAY 18, 2023