

**CHARTER TOWNSHIP OF ELMWOOD
UNIFORM SEPTAGE CONTROL ORDINANCE OF 2004
ORDINANCE NO:**

AN ORDINANCE TO REGULATE THE USE OF SEPTIC AND HOLDING TANKS, TO PROHIBIT THE DISCHARGE OF SEPTAGE ON THE GROUND SURFACE AND TO REQUIRE THE TREATMENT OF TOWNSHIP SEPTAGE AT THE GRAND TRAVERSE COUNTY SEPTAGE TREATMENT FACILITY

The Charter Township of Elmwood Ordains:

WHEREAS following one or more public hearings and presentations before the Township by the Grand Traverse County Board of Public Works, its engineers and others, the Township hereby makes the following legislative findings of fact:

A. The present and future discharge of untreated septage upon the ground surface creates a threat to the public health through the transmission of disease found in untreated human waste, and

B. The present and future discharge of untreated septage upon the ground surface threatens contamination of the surface and ground waters of the State and the lands surrounding the discharge, and

C. With the increase of development of land for residential use within the Township and in surrounding townships, the number of sites available for the safe disposal of untreated septage upon the ground surface within the Township decreases year by year, and

D. Winter weather in the Township and in the surrounding townships effectively prohibits the safe and proper discharge of septage upon the frozen ground surface inhibiting the pumping of septic tanks and holding tanks within the Township during the winter months, and

WHEREAS the Township has determined that the regulation of the use of septic and holding tanks and the discharge of untreated septage and holding tank waste is necessary in order to protect the health, safety, and general welfare of the Township's residents and visitors, and

WHEREAS the Grand Traverse County Board of Public Works has undertaken the construction of a Septage Treatment Facility which, when completed, will provide safe and effective treatment of septage and holding tank waste including grease trap waste, and

WHEREAS the Township has entered into or will soon enter into a contract with the Grand Traverse County Board of Public Works to make that Septage Treatment Facility available for haulers pumping septage or holding tank waste or both within the Township, said Facility being lawfully able to accept all of such septic tank waste,

NOW, THEREFORE,

1. **TITLE**

This Ordinance may be known and cited as the Uniform Septage Control Ordinance of 2004.

2. **NO LAND DISCHARGE**

Upon the Effective Date, as described below, it shall be unlawful for any person to discharge untreated septage or holding tank waste upon any lands within the Township except as may be permitted in section 7 below. Biosolids produced by the Septage Treatment Facility are treated, and are not subject to the limitation of this paragraph.

3. **FACILITY**

The Township hereby designates the Grand Traverse County Septage Treatment Facility for deposit and treatment of all septage and holding tank waste collected within the Township. All Septage Haulers collecting septage or holding tank waste within the Township shall transport that waste to the Facility and pay the treatment charges therefor in accordance with the rules and regulations of the Treatment Facility.

4. **NO DISCHARGE OF PROHIBITED SUBSTANCE**

No person shall discharge directly or indirectly into any septic or holding tank within the Township any prohibited substance or material other than domestic strength wastewater; domestic strength wastewater includes household products in customary concentrations.

5. **NO TRANSPORTATION OF PROHIBITED SUBSTANCE**

No person shall transport or cause another to transport septage or holding tank waste containing a prohibited substance as defined herein to the Septage Treatment Facility unless the character of the waste is fully disclosed to the hauler and the Septage Treatment Facility before pumping, transportation, or receipt, as the case may be; any

person causing another to transport or treat any septage or holding tank waste containing a prohibited substance shall be responsible for all of the costs incurred in connection with such transportation, testing, storing, and treatment of such waste.

6. LIABILITY FOR COSTS

The owner of premises upon which is located any septic or holding tank containing a prohibited substance as defined herein or material other than domestic strength wastewater shall be responsible for all of the costs incurred by the Township, any person, any hauler or treatment facility in transporting, testing, storing, and treating any such waste. The charges for services which are under the provisions of Act 178 Public Acts of Michigan 1939 as amended are made a lien on all premises from which said septage or holding tank waste originated unless notice is given that a tenant is responsible, are hereby recognized to constitute such a lien and whenever any such charge against any piece of property shall be delinquent for six (6) months the Township official or officials in charge of the collection thereof shall certify annually, on September 1st of each year, to the tax assessing officer of the Township the facts of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced, in the same manner as general Township taxes against such premises are collected and the lien thereof enforced; provided, however, where notice is given that a tenant is responsible for such charges and services by delivering to the Grand Traverse County Department of Public Works an affidavit deposing that a lease has been executed containing a provision that the lessor is not responsible for the payment of any charges for septage or holding tank services rendered to the premises no such lien shall attach during the term of the lease. The Township and the Department of Public Works shall have the right to refuse service to any premises in the event of any unpaid charges with respect to such premises under this section.

7. ORDINANCE DOES NOT APPLY

The restrictions of this Ordinance requiring treatment of septage and holding tank waste shall not apply to the owner of real property who services his or her own septic tank, portable toilet, or holding tank and who disposes of the resulting septage or holding tank waste upon the property upon which it originates provided that the parcel which is the source and destination of the septage is more than twenty (20) acres in size and meets the additional requirements of state law as provided in CL 324.11704 as amended from time to time.

8. D.P.W. NOTICE

The provisions of this Ordinance shall take effect thirty (30) days following publication in accordance with law, provided that enforcement of the terms hereof shall be suspended until the thirty-first (31st) day following publication in the Traverse City Record Eagle of a notice by the Grand Traverse County Board of Public Works that the Septage

Treatment Facility is open to the public for the receipt of septage and holding tank waste. On the thirty-first (31st) day following publication of said notice, enforcement of this Ordinance shall begin.

9. SEVERABILITY

Whenever possible, each provision of this Ordinance should be interpreted in such a way as to be effective and valid under applicable law. If a provision is prohibited by or invalid under applicable law, it will be ineffective only to the extent of such prohibitions or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Ordinance.

10. VIOLATIONS AND PENALTIES.

10.1 Municipal Civil Infraction

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, CL 600.113 and shall be subject to the following penalties:

10.1.1 For a first offense, the offender shall pay a fine of One Hundred and 00/100 (\$100.00) Dollars.

10.1.2 For a second or subsequent offense within ten (10) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Five Hundred (\$500.00) Dollars.

10.1.3 Each day this Ordinance is violated shall be considered a separate violation.

10.2 Township Supervisor

The Township Supervisor is hereby designated as the authorized official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

10.3 Nuisance Per Se

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

10.4 **Civil Action**

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

11. **DEFINITIONS**

As used in this Ordinance, the following definitions apply:

11.1 **Biosolids**

Biosolids are the solid or semi-solid portion of septage and holding tank waste following treatment at the Septage Treatment Facility.

11.2 **Holding Tank Waste**

Holding tank waste is any human excrement or other domestic or food service or restaurant waste or other material stored in one or more tanks permitted as a holding tank by the county health department in the county in which the tank is located which is not connected to a drain field or leaching field.

11.3 **Person**

Person includes natural persons, firms, associations, corporations, partnerships, limited liability companies, trusts, and all other entities.

11.4 **Septage**

Septage is any human excrement, other domestic or restaurant waste or other material or substance removed from a portable toilet, septic tank, seepage pit, cesspool, septage lift station, or other enclosure used for the storage or decomposition of septage waste. Septage includes waste removed from grease traps which are a part of a food service or restaurant facility. Septage excludes waste removed from holding tanks. Septage excludes industrial waste, medical waste, or hazardous waste regulated under the Michigan Natural Resources and Environmental Protection Act CL 324.8501 et seq.

11.5 **Septage Hauler**

A person required to be licensed as a Septage Waste Servicer under CL 324.11701 et seq. or under successor legislation.

11.6 Septage Treatment Facility

The Septage Treatment Facility is composed of the facility located at 1717 Ahlberg Road, Traverse City, Michigan 49686, those portions of the sanitary sewer system used to transport the effluent from the facility to the Traverse City Regional Wastewater Treatment Plant, and the Traverse City Regional Wastewater Treatment Plant.

11.7 Prohibited Substance:

11.7.1 Any substance which, alone or by interaction with other substances, will create the risk of fire or explosion hazard in the septic tank, or holding tank, collection pumper or at the septage treatment facility, or any gasoline or other petroleum product, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides or sulfides;

11.7.2 Any substance having any corrosive property capable of causing damage or hazard to structure, equipment and personnel of the septic tank, or holding tank, collection pumper, or septage treatment facility including, but not limited to, concentrated acids, alkalies, chlorides, sulfides, fluoride compounds and any iron pickling wastes or concentrated plating solutions whether neutralized or not;

11.7.3 Any solid or viscous pollutants in amounts which will cause obstruction to the flow in the septic tank or holding tank, collection pumper or treatment facility or cause other interference with the proper operation of the septic tank or holding tank, collection pumper or septage treatment facility. Prohibited substance also includes any garbage except domestic wastewater discharged from garbage disposal units in private dwellings, that has been ground or comminuted to such a degree that all particles float or carry freely in suspension. Prohibited substance also includes waste which contains particles of a size greater than one-half (1/2) inch in any dimension; other wastes including, but not limited to, bones, hair, hides, or flesh, whole blood, recognizable portions of the human anatomy, tissue fluids, entrails, ashes, cinders, mud, straw, sand, wood, grass clippings, spent lime, stone or marble dust, shavings, metal, glass, rags, feathers, tar, asphalt residues, spent grains, spent hops, waste paper, styrofoam, disposable diapers, and residues from refining or processing of fuel or lubricating oil;

11.7.4 Pollutants which result in the presence of toxic gases, vapors or fumes within the septic tank, collection pumper, or septage treatment facility in a quantity, either singly or by interaction with other pollutants, that may cause acute worker health and safety problems, or interference with the collection system and treatment plant or that exceed standards promulgated by either the Environmental Protection Agency, or the State pursuant to any applicable statutory provisions;

11.7.5 Any waters or wastes containing suspended solids or dissolved matter of such character and quantity that unusual attention or expense is required to handle such materials in the collection system and septage treatment facility;

11.7.6 Any water or wastes containing algicides, fungicides, herbicides, antibiotics or other pharmaceuticals, insecticides, strong oxidizing agents or strong reducing agents;

11.7.7 Any wastes requiring an excessive quantity of chlorine or other chemical compound used for disinfection purposes or excessive treatment in order to meet the discharge requirements of the collection system and treatment plant;

11.7.8 Any water or waste containing substances which are not amenable to treatment or which causes the treatment plant effluent to fail to meet the applicable discharge requirements and limitations;

11.7.9 Any substance which may cause sludge to be unsuitable for reclamation and reuse, or which may interfere with the reclamation process of the septage treatment facility or which may preclude the treatment plant from selecting the most cost-effective alternative for sludge disposal or which may cause the treatment plant to be in noncompliance with sludge use or disposal criteria established by state or federal regulation;

11.7.10 Detectable concentrations of arsenic, cadmium, chromium, copper, cyanide, lead, nickel, phosphorus, silver, zinc, sulfides or sulphates, (except as the same may be present in trace amounts in domestic or household products) oil, grease, mercury or polychlorinated biphenols (PCBs), ethylene glycol-based antifreeze;

11.7.11 Any liquid industrial waste, medical waste, or hazardous waste regulated under the Michigan Natural Resources and Environmental Protection Act.

Certification

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 2004-1 first presented to the Township Board on 10-11-04 following publication in the Traverse City Record Eagle.

I further certify that the Ordinance was duly adopted by the Township Board of the Charter Township of Elmwood, County of Leelanau, Michigan at a ~~regular~~/special meeting held 10-22-04, at which all members were present except:

Moved by: Clerk *Connie Preston*

Supported By: Treasurer *Debbie Street*

The vote was as follows:

In Favor: *Jim O'Rourke, John Gallagher, Debbie Street, Noel Flohe,
Connie Preston & Terry Lautner*

Opposed: *None*

Abstaining: *None*

I further certify that the meeting was conducted, and public notice there was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), minutes of such meetings were kept and will be made available as required by law and that said ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and Township Clerk.

Connie M Preston
Township Clerk
Date of Certification: *10-22-04*