

CHAPTER 1047

Uniform Septage Control Ordinance

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1047.01 PURPOSE.

This chapter is adopted to protect the health, safety and welfare of the people; 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 City septage at the Grand Traverse County Septage Treatment Facility; to prevent pollution, guard against injury to persons and property and enhance efficient economical operation of the septage treatment system and the Grand Traverse County Septage Treatment Facility; to provide for the administration of this Chapter; and to establish remedies.

This Chapter and the companion ordinances adopted by the City and the townships set forth uniform requirements for all septage to enable compliance with applicable State and Federal laws and regulations pertaining to Septage discharge and treatment.

(Ord. 883. Passed 10-18-10.)

1047.02 TITLE.

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

(Ord. 883. Passed 10-18-10.)

1047.03 DEFINITIONS.

As used in this Ordinance, the following definitions apply:

- (a) “Biosolids” means the solid or semi-solid portion of septage and holding tank waste following treatment at the Septage Treatment Facility.
- (b) “Holding Tank Waste” means 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.
- (c) “Person” includes natural persons, firms, associations, corporations, partnerships, limited liability companies, trusts, and all other entities.
- (d) “Septage” means 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.
- (e) “Septage Hauler” means a person required to be licensed as a Septage Waste Servicer

under MCL 324.11701 et seq. or under successor legislation.

- (f) “Septage Treatment Facility” means the facility located 1717 Ahlberg Drive 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.
- (g) “Prohibited Substance” means any:
- i. 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;
 - ii. 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;
 - iii. 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;
 - iv. 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;
 - v. 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;
 - vi. 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 EPA pursuant to Section 307(a) of the Act, or the state pursuant to any applicable statutory provisions;
 - vii. 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;
 - viii. water or wastes containing algicides, fungicides, herbicides, antibiotics or other pharmaceuticals, insecticides, strong oxidizing agents or strong reducing agents;
 - ix. 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;
 - x. 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;
- xi. 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;
 - xii. 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. Any liquid industrial waste, medical waste, or hazardous waste regulated under the Michigan Natural Resources and Environmental Protection Act 35 MCLA 324.8501 et seq;

(Ord. 883. Passed 10-18-10.)

1047.04 NO LAND DISCHARGE.

Upon the Effective Date, as described below, it shall be unlawful for any person, firm, or corporation to discharge untreated septage or holding tank waste upon any lands within the City. Biosolids produced by the Septage Treatment Facility are treated, and are not subject to the limitations of this paragraph.

(Ord. 883. Passed 10-18-10.)

1047.05 FACILITY.

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

(Ord. 883. Passed 10-18-10.)

1047.06 DISCHARGE OF A PROHIBITED SUBSTANCE.

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

(Ord. 883. Passed 10-18-10.)

1047.07 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.

(Ord. 883. Passed 10-18-10.)

1047.08 LIABILITY FOR COSTS.

- (a) 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 City, any person, any hauler or treatment facility in transporting, testing, storing, and treating any such waste.
- (b) The charges for services which are under the provisions of Act 178 Public Acts of Michigan 13 1939 as amended are made a lien on all premises from which said sewage or holding tank waste originated unless notice is given that a tenant is responsible, and whenever any such charge against any piece of property shall be delinquent for six (6) months the City official or officials in charge of the collection thereof shall certify annually on September 1st of each year to the tax assessing office of the City the facts of such delinquency, whereupon such charge shall be 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 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.
- (c) The City 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.

(Ord. 883. Passed 10-18-10.)

1047.09 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.

(Ord. 883. Passed 10-18-10.)

1047. 10 VIOLATIONS AND PENALTIES.

- (a) Civil Infraction. Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be subject to the following penalties:
 - i. For a first offense, the offender shall pay a fine of One Hundred and 00/1 00 (\$100.00) Dollars.
 - ii. For a second or subsequent offense within ten (10) years from the date the person was found responsible for the first violation, the offender shall pay a fine of Five Hundred (\$500.00) Dollars.

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

- (b) City Manager or his or her designee is hereby designated as the authorized official to issue municipal civil infraction citations.
- (c) Nuisance Per Se. A violation of this Ordinance is hereby declared to be a nuisance per se

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and is declared to be offensive to the public health, safety and welfare.

(d) Civil Action. In addition to enforcing this Ordinance through the use of a municipal civil infraction preceding the City may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

(Ord. 883. Passed 10-18-10.)