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CODIFIED ORDINANCES OF HIGHLAND PARK

PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE

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CHAPTER 1020

Streets and Sidewalks Generally

1020.01 Obstructions.

1020.02 Snow and ice removal.

1020.03 Operation of vehicles on sidewalks.

1020.04 Damage to sidewalks.

1020.05 Sales from sidewalks.

1020.06 Use of sidewalks for storage or business.

1020.07 Closing streets for improvements; barriers.

1020.08 Cleaning vehicles on public ways and places.

1020.99 Penalty.

CROSS REFERENCES

Failure of property owner to keep sidewalks free of obstructions - see M.C.L.A. Sec. 103.4

Streets and alleys in home rule cities - see M.C.L.A. Secs. 117.4d, 117.4e, 117.4h

Sidewalks generally - see M.C.L.A. Secs. 691.1401 et seq.

Obstruction and special uses of streets - see TRAF. Ch. 440

Driving on sidewalks and bicycle paths - see TRAF. 466.61

Sidewalk construction - see S.U. & P.S. Ch. 1022

1020.01 OBSTRUCTIONS.

(a) No person in the City, directly or indirectly, shall obstruct or encumber a street, alley, public place, sidewalk or crosswalk by putting, placing, abandoning or leaving therein any animal, box, barrel, post, fence, building, dirt, mud, stone, sign, coal, brick, building material, rubbish or any other material or thing. No person shall dump any sand, gravel or other thing upon a street, alley,

sidewalk or crosswalk, or mix any cement, mortar or other thing upon a street, alley, sidewalk or crosswalk. No person shall dump any dirt upon any private place without first obtaining permission therefor from the owner.

(Ord. 363; 1959 Code Sec. 7-101)

(b) In case of a violation of subsection (a) hereof, the owner, occupant, builder or contractor shall remove the obstruction or encumbrance complained of within twenty-four hours after receiving written notice to do so from the Chief of Police. Where personal service of such notice cannot be made, such notice shall be securely posted in a conspicuous place on the premises or on an abutting building. If the obstruction or encumbrance complained of is not removed in compliance with the notice, the Superintendent of Public Service, at the request of the Chief of Police, shall cause the same to be removed to a suitable place in the City. Such obstruction or encumbrance shall not be returned to the owner, occupant, builder or contractor until the cost of such removal has been paid to the Superintendent.

Nothing in this subsection shall be construed to bar a complaint for a violation of subsection (a) hereof. For each and every day that such subsection is violated, the owner, occupant, builder or contractor, either or all, may be complained of as for an original and distinct offense.

(Ord. 363; 1959 Code Sec. 7-102)

1020.02 SNOW AND ICE REMOVAL.

(a) All snow on a sidewalk on the front, rear or side of a building or lot shall be removed within a reasonable time after the owner or occupant has been so notified by a police officer and in all cases shall be removed within twenty-four hours after the same has fallen.

(b) Whenever any ice has formed on any such sidewalk, the owner or occupant of the premises shall, within a reasonable time thereafter, cause a sufficient quantity of sawdust, salt, sand or ashes to be strewn thereon and in such a manner as to render the same safe for persons walking thereon.

(c) In all cases where snow or ice is on the sidewalk, as set forth in subsections (a) and (b) hereof, and the same is not removed or covered with ashes as provided in such subsections, the Superintendent of Public Service, at the request of the Chief of Police, shall cause the same to be done, and the cost thereof shall be assessed against the owner or occupant of the lot or premises adjacent to and abutting on such sidewalk. Council shall cause the amount of all expenses incurred thereby to be reported to the City Treasurer, who shall cause a notice of such assessment to be mailed to such owner or occupant, if known. If, within a period of sixty days from the date of mailing such notice, the Treasurer reports the same to Council and Council reports the same to a board of special assessors, such board shall levy such expenses, together with a penalty of ten percent in addition thereto, as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk, which special assessment shall be subject to review after proper notice has been given as in all other cases of special assessments provided for by the City Charter or general law. Such assessment, when confirmed, shall be a lien upon such lot or

premises the same as other special assessments, and all proceedings subsequent to confirmation, provided for in the City Charter or general law, in relation to special assessments, shall apply thereto. Alternatively, the City may collect such amount, together with the penalty aforesaid, from the owner or occupant of such premises in an action of assumpsit, together with the costs of suit.

(d) Nothing in this section shall be construed to bar a complaint for a violation of this section.

1020.03 OPERATION OF VEHICLES ON SIDEWALKS.

No person shall operate any vehicle on or along a sidewalk. However, nothing in this section shall prevent the crossing of a sidewalk on what is commonly known as a side drive. This section shall not be construed so as to prevent the removal of snow by the proper authorities from sidewalks with a snowplow or the proper and safe crossing of any walk or curb temporarily by or for the owner of a lot where a permit has been obtained from the City Engineer if such walk is properly protected.

(Ord. 1158. Passed 1-20-87.)

1020.04 DAMAGE TO SIDEWALKS.

No person shall remove, break or otherwise injure any part of a sidewalk or crosswalk.

(Ord. 363; 1959 Code Sec. 7-105)

1020.05 SALES FROM SIDEWALKS.

No person shall use any part of the sidewalk facing his or her premises for the purpose of exhibiting goods, wares or merchandise for sale, except where such sidewalk is ten feet or more in width, in which case three feet thereof next adjoining the building or lot line may be used for such purpose between sunrise and sunset on all days except Sundays.

(Ord. 363; 1959 Code Sec. 7-106)

1020.06 USE OF SIDEWALKS FOR STORAGE OR BUSINESS.

No person shall lease, sublease, use or permit to be used, for business or storage purposes, any part of the space between the lot line of the property and the curb.

(Ord. 363; 1959 Code Sec. 7-107)

1020.07 CLOSING STREETS FOR IMPROVEMENTS; BARRIERS.

Whenever it is necessary to repair or improve any public street or alley in the City; when the same, in the judgment of the City Engineer, is unfit or unsafe for public travel; or when traffic

conditions or the public safety, in the judgment of the Public Safety Director, warrant it; such street or portion thereof may be closed to traffic for such a period of time as is deemed advisable.

Suitable barriers with proper notices thereon, notifying the public that such street or alley is closed, shall be placed at the ends of such street or alley, or such portion thereof as is closed to public travel, by the proper authorities.

No person, except the proper authorities, shall remove such barriers or travel, drive on or occupy any portion of the public street closed as set forth in this section.

(Ord. 1158. Passed 1-20-87.)

1020.08 CLEANING VEHICLES ON PUBLIC WAYS AND PLACES.

(a) No person shall wash or clean a motor vehicle on any sidewalk or public place in the City.

(Ord. 337; 1959 Code Sec. 4-206)

(b) The Chief of Police shall report to Council any violation of subsection (a) hereof, and, under the direction of Council, shall make complaint against any and all violations.

(Ord. 337; 1959 Code Sec. 4-213)

1020.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter shall be fined not more than fifty dollars (\$50.00) for a first offense; shall be fined not more than one hundred dollars (\$100.00) for a second offense; and shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than sixty days, or both, for a third or subsequent offense.

(Ord. 1125. Passed 11-21-83.)

CHAPTER 1022

Curb, Sidewalk and Driveway Construction

EDITOR'S NOTE: This chapter, previously a codification of Ordinance 675 and 1959 Code Sections 7-201 to 7-208, 7-210 and 7-211, was repealed and re-enacted in its entirety by Ordinance 1158, passed January 20, 1987.

1022.01 Authority of City Engineer; inspectors.

1022.02 Rules and regulations.

1022.03 Permit required; fees; deposits; bonds; inspections.

1022.04 Notice to construct; action by City; liability of owner.

1022.05 Barriers and warning lights.

1022.06 Pedestrian passage.

1022.07 Removal of sidewalk obstructions.

1022.08 Curb cuts required.

1022.09 Damaging or driving over sidewalks or curbing; permit required.

1022.10 Construction standards.

1022.11 Permit suspension.

1022.99 Penalty.

CROSS REFERENCES

Failure of property owner to keep sidewalks free of obstructions - see M.C.L.A. Sec. 103.4

Sidewalks generally - see M.C.L.A. Secs. 691.1401 et seq.; S.U. & P.S. Ch. 1020

Sidewalk construction; protection of trees - see S.U. & P.S. 1026.20

Curbs in subdivisions - see P. & Z. 1244.02(g)

Public walkways in subdivisions - see P. & Z. 1244.03(b), 1244.06(d)

Driving on sidewalks - see TRAF. 466.61

1022.01 AUTHORITY OF CITY ENGINEER; INSPECTORS.

The City Engineer shall have general supervision and control of all sidewalks, curbs and driveways in the City and of the building, maintenance, repair and construction thereof, including inspection, and he or she shall see that this chapter is enforced. He or she may act through an assistant who shall be known as an inspector and who shall act under the direction and supervision of the City Engineer. (Ord. 1158. Passed 1-20-87.)

1022.02 RULES AND REGULATIONS.

The City Engineer may, as necessary in the interest of public safety, health and general welfare, adopt and promulgate rules, regulations, drawings and specifications to interpret and implement

this chapter, to secure the intent hereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving traffic safety requirements specifically provided herein or of violating approved engineering practices involving public safety. (Ord. 1158. Passed 1-20-87.)

1022.03 PERMIT REQUIRED; FEES; DEPOSITS; BONDS; INSPECTIONS.

(a) No person shall cut a curb or lay a curb, driveway or sidewalk on public property without first obtaining a permit therefor from the City Engineer. Where a curb has been cut or left open for a driveway on public property, the owner or occupant of the premises adjacent thereto shall immediately cause such driveway to be laid with concrete. The work authorized by such permit shall be commenced within ten days after the issuance thereof (Sundays and holidays excepted); otherwise such permit is void.

(b) The work authorized by such permit shall be inspected and approved by the City Engineer or his or her inspector as follows:

(1) A rough inspection shall be scheduled and performed after all preparatory work has been performed, grades and lines established, sand placed and compacted and forms set and secured, but prior to placing of the concrete.

(2) A final inspection shall be scheduled and performed during the placing and finishing of the concrete.

The permit shall be kept at the place of the permitted work while the work is being done, and such permit shall be exhibited whenever called for by a person having authority to examine the same.

The conditions of such permit shall not be satisfied without securing written inspection approvals.

(c) Such permit shall be issued only upon the payment of a deposit to cover the permit and inspection fees and the filing of a bond. Such fees and bonds shall be as established by Council resolution.

(d) The City Engineer may grant a permit, on payment of the regular deposit, to an owner of real estate in the City to construct a sidewalk, curb or driveway in front of or adjacent to the real estate owned by him or her, if such owner personally, in the judgment of the City Engineer, is skilled and competent to construct such sidewalk, curb or driveway. In such case, no bond shall be required.

(e) The surety on the bond required in this section shall be a suitable surety company authorized to do business in the State. Such bond shall be approved by the City Engineer and the City Attorney and shall be conditioned upon the faithful performance of the provisions of this chapter and upon the specifications for the laying and construction of sidewalks, curbs and driveways being faithfully observed. The principal on such bond shall keep and maintain the sidewalk, curb

or driveway which he or she constructs in a good condition of repair and fit for its intended purpose for five years from and after the date of completion of the construction. Such principal shall remedy all defective work within ten days after receiving notice to do so from the City Engineer, and shall indemnify the City against all losses and damages that may result from the performance of such work or by reason of the negligence of such principal or his or her agents, servants and employees. A person who sustains damage by reason of a violation of, or failure to comply with, the conditions of the bond may, in the name of the people of the City, institute action upon the same and recover the damages sustained by him or her. (Ord. 1158. Passed 1-20-87.)

1022.04 NOTICE TO CONSTRUCT; ACTION BY CITY; LIABILITY OF OWNER.

(a) Whenever, in the opinion of Council, a sidewalk, curb or driveway should be built, rebuilt, repaired, maintained or replaced, Council shall so declare by resolution. The City Clerk shall advise the City Engineer of such resolution, who shall thereupon cause to be served upon the owner or occupant of a lot or premises in front of or adjacent to which the sidewalk, curb or driveway is required to be built, a notice, in writing, that such sidewalk, curb or driveway shall be built within ten days after the service of such notice, and if not so built, that the work will be done by the City at the expense of such owner or occupant.

(b) The notice required by subsection (a) hereof shall be served by delivering to such owner or occupant a copy of such notice, but if such owner or occupant is not found, or if the premises are unoccupied, then such notice may be served by securely posting the same on the premises.

(c) The notice shall contain a description of the particular property in front of which the sidewalk, curb or driveway is to be built, repaired or replaced, and shall designate the work to be done as required by Council resolution, giving the date of such resolution and such other information as will enable the owner or occupant notified to fully comply with its terms.

(d) If the owner or occupant fails or neglects to comply with the notice, the City Engineer shall cause the sidewalk, curb or driveway to be built, repaired or replaced, and the cost of the same shall be collected in the manner provided in the City Charter.

(e) Every owner or occupant, or agent thereof, shall cause sidewalks, curbs or driveways to be built as required by resolution of Council. If damage to the City results from neglect or refusal to comply with the notice, such owner or occupant shall be liable to the City for such damage. (Ord. 1158. Passed 1-20-87.)

1022.05 BARRIERS AND WARNING LIGHTS.

A person constructing a sidewalk or driveway shall erect a good and sufficient railing or barrier around such construction in such a manner as to prevent accidents, and shall place and keep on such railing or barrier a sufficient number of lighted red or amber lamps between sunset and sunrise.

(Ord. 1158. Passed 1-20-87.)

1022.06 PEDESTRIAN PASSAGE.

At least five feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians. If building operations are such that such free passage is impractical, a temporary plank sidewalk with substantial railings or a sidewalk shelter shall be provided around an obstruction, or otherwise as may be specifically approved in writing by the City Engineer.

(Ord. 1158. Passed 1-20-87.)

1022.07 REMOVAL OF SIDEWALK OBSTRUCTIONS.

Whenever any public sidewalk in the City is obstructed or encumbered by reason of snow, ice, water, slush, mud, dirt, filth, rubbish, debris, leaves or any other thing, article or substance which may have fallen, formed, accumulated or been placed or dropped upon such sidewalk, the owner, occupant, tenant or lessee of the premises adjacent to or abutting upon such sidewalk shall remove such encumbrance or obstruction, cause the same to be removed or effect such other disposal thereof within the period of time prescribed in this section.

Any such accumulation which has occurred during the day shall be removed before 12:00 noon of the following day.

(Ord. 1158. Passed 1-20-87.)

1022.08 CURB CUTS REQUIRED.

No person shall be issued a permit to build or locate a structure upon any real estate in the City until proper curb cuts have been authorized and made so that a means of access to the premises from the public street is available. If any person fails to procure a permit and to make the proper and necessary curb cuts, the City Engineer is hereby authorized to serve a written notice that requires such curb cuts to be made on or before thirty days from the date of service of such notice. Such notice shall be served in the manner provided in Section 1022.04. If the owner fails or neglects to comply with the terms of such notice, the City Engineer shall cause the curb cuts to be made and all necessary work to be performed. An accurate record of expenses incurred in the performance of such work shall be kept and shall be charged to the title holder of such premises in the manner provided for in the City Charter.

(Ord. 1158. Passed 1-20-87.)

1022.09 DAMAGING OR DRIVING OVER SIDEWALKS OR CURBING; PERMIT REQUIRED.

(a) No person shall damage, deface or break any public sidewalk or the curbing in any street or public way in the City, except as permitted in this chapter.

(b) No person shall drive or propel any vehicle or equipment over or across any public sidewalk or the curbing of any street or public way without having first procured a written permit therefor from the Division of Engineering. Any person granted such a permit shall protect the sidewalk and/or curbing from damage and shall pay the cost of repairing any damage resulting from the act of the permittee in driving over such sidewalk or curbing.

(Ord. 1158. Passed 1-20-87.)

1022.10 CONSTRUCTION STANDARDS.

(a) All public sidewalks shall be constructed of concrete having a minimum twenty-eight day compressive strength of 3,500 psi. Such sidewalks shall be not less than four inches thick nor less than six inches thick at driveway crossings. Expansion joints shall be constructed using an approved expansion material as often as may be required by the City Engineer, but in any event at spacings not to exceed ten feet.

(b) All street curbs shall be constructed of concrete having a minimum twenty-eight day compressive strength of 3,500 psi. Such curbs shall be straight curbs constructed to the following specifications, or otherwise as may be approved in writing by the City Engineer:

(1) Depth shall equal twenty-four inches (six inches above the gutter and eighteen inches below).

(2) Thickness shall equal six inches.

(3) End sections shall be uniformly tapered to match the existing curb.

(4) Nosing shall have a one and one-half inch tooled radius.

(5) No. 5 rebar shall be continuous through the center of the curb at a distance of four inches above the curb bottom.

(c) Curb cuts and sidewalk driveway crossings that provide access to private property shall comply with the following specifications:

(1) No single curb cut shall be less than ten feet, excluding approved handicap access ramps.

(2) The minimum distance between any curb cut and a public crosswalk shall be five feet.

(3) The minimum distance between curb cuts, except those serving residential property, shall be twenty-five feet.

(4) All construction shall be in accordance with plans and specifications approved by the City Engineer and shall comply with the terms of the City-issued permit and any other permits that may be required.

(5) The necessary adjustment to utility poles, light standards, fire hydrants, catch basins, street or railway signs, signals or other public improvements or installations shall be accomplished without cost to the City.

(d) No curb cut permit shall be issued in the following cases for any curb cut, except upon approval of the Traffic Committee:

(1) When the granting of such permit would allow more than two cuts on one premises;

(2) When such cut is to be made permanent and is intended to be more than thirty feet wide at the outer sidewalk line; or

(3) When such cut may, in the judgment of the City Engineer, interfere with the safety of the public.

(e) Technical specifications for materials, equipment or methods of construction for any such work to be performed on or connected to public property in the City shall be as set forth in this chapter, including those specifications promulgated in accordance with Section 1022.02. In the absence of any such specifications for a particular type of work, the permit applicant shall submit the appropriate drawings and specifications in accordance with the most current standards for such work, as adopted by the Michigan Department of Transportation.

(Ord. 1158. Passed 1-20-87.)

1022.11 PERMIT SUSPENSION.

The City Engineer may suspend any permit issued under this chapter for incompetency or for failure to comply with this chapter or the rules, regulations, plans and specifications established pursuant to this chapter for the construction, reconstruction or repair of any sidewalk. The City Engineer may cause work to be stopped under any permit granted for the construction, reconstruction or repair of any sidewalk for any of the causes enumerated in this section.

(Ord. 1158. Passed 1-20-87.)

1022.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1024

Excavations

EDITOR'S NOTE: This chapter, previously a codification of Ordinance 344, 1959 Code Sections 7-111, 7-113 to 7-117 and new matter, was repealed and re-enacted in its entirety by Ordinance 1158, passed January 20, 1987.

1024.01 Authority of City Engineer; inspectors.

1024.02 Rules and regulations.

1024.03 Permit required; fees; deposits; bonds; inspections.

1024.04 Time limitation for work.

1024.05 Barriers and warning lights.

1024.06 Construction standards; backfilling; restoration.

1024.07 Special provisions for utilities.

1024.08 Noncompliance; action by City.

1024.99 Penalty.

CROSS REFERENCES

Excavations generally - see M.C.L.A. Secs. 554.251 et seq.

Construction of sidewalks; protection of trees - see S.U. & P.S. 1026.20

1024.01 AUTHORITY OF CITY ENGINEER; INSPECTORS.

The City Engineer shall have general supervision and control of all streets, alleys and public places in the City and of the building, maintenance, repair, modification and construction thereof, including inspection, and he or she shall see that this chapter is enforced. He or she may act through an assistant who shall be known as an inspector and who shall act under the direction and supervision of the City Engineer. (Ord. 1158. Passed 1-20-87.)

1024.02 RULES AND REGULATIONS.

The City Engineer may, as necessary in the interest of public safety, health and general welfare, adopt and promulgate rules, regulations, drawings and specifications to interpret and implement this chapter, to secure the intent hereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving traffic safety requirements specifically provided herein or of violating approved engineering practices involving public safety. (Ord. 1158. Passed 1-20-87.)

1024.03 PERMIT REQUIRED; FEES; DEPOSITS; BONDS; INSPECTIONS.

(a) No person shall do work or cause work to be done, including excavating in or under any street, alley or public place in the City, without first obtaining a permit therefor from the City Engineer. The work authorized by such permit shall begin within ten days after the issuance thereof (Sundays and holidays excepted), unless otherwise specified and approved on the permit; otherwise such permit is void.

(b) The work authorized by such permit shall be inspected and approved by the City Engineer or his or her inspector as follows:

(1) A rough inspection shall be scheduled and performed while the work area is being barricaded and opened or excavated.

(2) Performance inspections may be performed intermittently or continuously, at the discretion of the City Engineer, while the work is being performed.

(3) A final inspection shall be scheduled and performed during the restoration of the public property back to its original or required condition.

The permit shall be kept at the place of the permitted work while the work is being done, and such permit shall be exhibited whenever called for by a person having authority to examine the same.

The conditions of such permit shall not be satisfied without securing written inspection approvals.

(c) Such permit shall be issued only upon the payment of a deposit to cover the permit and inspection fees and the filing of a bond. Such fees and bonds shall be as established by Council resolution.

(d) The surety on the bond required in this section shall be a suitable surety company authorized to do business in the State. Such bond shall be approved by the City Engineer and the City Attorney and shall be conditioned upon the faithful performance of the provisions of this chapter and upon the specifications and standards for all such permitted work being faithfully observed. The principal on such bond shall keep and maintain the public property, including all improvements and installations thereon, which he or she disturbs and restores, in a good condition of repair and fit for its intended purpose for five years from and after the date of completion of restoration. Such principal shall remedy all defective work within ten days after receiving notice to do so by the City Engineer and shall indemnify the City against all losses and damages that may result from the performance of such work or by reason of the negligence of such principal or his or her agents, servants and employees. A person who sustains damage by reason of a violation of, or failure to comply with, the conditions of the bond may, in the name of the people of the City, institute action upon the same and recover the damages sustained by him or her. (Ord. 1158. Passed 1-20-87.)

1024.04 TIME LIMITATION FOR WORK.

The work authorized to be done under a permit required by this chapter shall be completed as quickly as is practical, and the street, alley or public place which has been excavated or disturbed shall be restored to a normal condition and reopened to public use without undue delay. (Ord. 1158. Passed 1-20-87.)

1024.05 BARRIERS AND WARNING LIGHTS.

The person performing the work permitted by this chapter shall erect a good and sufficient railing or barrier around such work in such a manner as to prevent accidents, and shall place and keep on such railing or barrier a sufficient number of lighted red or amber lamps between sunset and sunrise. Where such work is in a street, alley or other roadway carrying vehicular traffic, the permittee shall protect the traffic and the public from any possible hazard created by such work in a manner consistent with the requirements of the most recent edition of the Michigan Manual of Uniform Traffic Control Devices.

(Ord. 1158. Passed 1-20-87.)

1024.06 CONSTRUCTION STANDARDS; BACKFILLING; RESTORATION.

(a) Any opening to be made in a paved street, alley or public place, which opening is approved and permitted in accordance with this chapter, shall be so made by sawcutting the boundaries of such opening along straight lines. The depth of the cut shall be not less than one-third the depth of the pavement section. Additional pavement breaking and removal shall be done in a safe and workmanlike manner so as to result in reasonably straight and uniform edges of the undisturbed pavement.

(b) All broken pavement, surplus earth, rubbish and other foreign and unacceptable materials shall be expeditiously removed from the work site and properly disposed of.

(c) When an approved excavation is made for the purpose of constructing, repairing, modifying or demolishing an underground service, utility or other thing, such work shall commence immediately thereafter and shall continue safely and expeditiously until its proper completion. Upon completion of such work, the person performing such work shall notify the City Engineer of his or her readiness and desire to backfill the excavation. An inspector will be scheduled to promptly verify the completeness of such work and to inspect and be present during the entire backfilling operation. The person making an excavation in a street, alley or public place shall backfill the excavation to its full depth either with crushed stone, bank run gravel or otherwise as may be specifically approved by the City Engineer, except that the natural soil shall be used for backfilling around a water pipe for a radius of two feet. All material used for backfilling shall be dry and placed and compacted in lifts six inches in depth.

(d) Restoration of a street, alley or public place which has been excavated shall begin promptly after the backfilling of such excavation has been inspected and approved by the City Engineer or his or her inspector. Restoration shall be by properly reconstructing the pavement section as it was originally constructed, unless specifically authorized or instructed otherwise, in writing, by the City Engineer. The finished surface of all such reconstruction shall be of good quality and

workmanship, suitable for its intended use and approved by the City Engineer. (Ord. 1158. Passed 1-20-87.)

1024.07 SPECIAL PROVISIONS FOR UTILITIES.

A public utility corporation operating in the City may, if it so wishes, file a bond to the City, with one or more sureties, to be approved by the City Engineer and the City Attorney, in an amount established by Council resolution. The conditions of such bond shall be that the public utility corporation will faithfully observe this chapter and indemnify the City against all losses and damages that may result from the performance of work by the utility corporation, its agents, servants, contractors, subcontractors and employees, under permits granted within a period not exceeding one year.

Upon acceptance of such bond by the City, a permit valid for one calendar year may be issued by the City Engineer without charge. Such permit shall provide for the payment of all inspection fees and charges which may be established by Council and for the payment of any and all claims for losses or damages resulting to the City arising out of the acts of the utility corporation, its agents, servants, contractors, subcontractors and employees. Such charges shall be billed by the City Engineer to such utility corporation on a monthly basis.

The utility corporation shall be relieved of the requirements of posting deposits and filing bonds for each individual permit. However, the individual permits, the information and approval required to secure such permits and the faithful compliance with all other requirements of this chapter shall be in full force and effect.

(Ord. 1158. Passed 1-20-87.)

1024.08 NONCOMPLIANCE; ACTION BY CITY.

(a) When a person performing work permitted under this chapter fails to comply with the requirements of this chapter, the rules promulgated by the City Engineer or the plans and specifications applicable to such work, or when the person performing such work is deemed incompetent to properly perform such work, the City Engineer may suspend the permit and cause the work under such permit to be stopped.

(b) The City Engineer may cause corrective work to be done whenever:

(1) A permit has been suspended and the work performed has resulted in unrestored damage to any street, alley or public place;

(2) A permit has not been obtained as required by this chapter and any street, alley or public place has been damaged;

(3) A permit has been issued and the work has been neglected and left incomplete for an extended period of time, or left in an unsafe or hazardous condition; or

(4) A permit has been issued and the work has been completed but not maintained as required in this chapter.

The cost of any corrective work ordered by the City Engineer shall be charged against the bonds required under this chapter. If such cost exceeds the amount of the bond, then the City shall bill the person involved for the difference. If such person fails to pay such bill within ten days, the City shall recover the same in the manner provided by law for the recovery of debts to the City.

(Ord. 1158. Passed 1-20-87.)

1024.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

EDITOR'S NOTE: BECAUSE OF THE 1988 UPDATING AND REVISION OF THESE CODIFIED ORDINANCES, THE NEXT NUMBERED PAGE IS PAGE 21.

CHAPTER 1026

Trees, Plants and Shrubs

1026.01 Definitions.

1026.02 Inspections.

1026.03 Care and treatment.

1026.04 Planting; permit required.

1026.05 Permit applications; investigations; granting; revocation.

1026.06 Trimming, spraying and destruction.

1026.07 Business permit required.

1026.08 Compliance with rules and regulations.

1026.09 Placement and kinds of trees.

1026.10 Attaching ropes, cables and advertising materials to trees.

1026.11 Mutilation of trees for improvements or moving of buildings.

1026.12 Tree surgery.

1026.13 Removal or replanting.

1026.14 Infected vegetation.

1026.15 Obstructing view of traffic.

1026.16 Injuring vegetation by use of chemicals.

1026.17 Precautions during building construction and removal.

1026.18 Trimming trees overhanging streets and alleys.

1026.19 Leaks in gas pipes.

1026.20 Construction of sidewalks.

1026.21 Electrical wires.

1026.22 Interference with enforcement.

1026.99 Penalty.

CROSS REFERENCES

Box elder trees, female, as nuisance - see M.C.L.A. Sec. 124.151

Cutting or destroying trees - see M.C.L.A. Secs. 247.235, 247.241, 752.701 et seq.

Malicious destruction of trees - see M.C.L.A. Sec. 750.382

Damaging gardens - see GEN. OFF. 668.04

Weeds and grass - see GEN. OFF. Ch. 694

Hedges - see B. & H. 1460.05

1026.01 DEFINITIONS.

As used in this chapter:

(a) "Person" means and includes natural persons, firms, copartnerships, corporations and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by a servant, agent or employee.

(b) "Superintendent" means the Superintendent of Parks and Boulevards.

(Ord. 953; 1959 Code Sec. 7-601)

1026.02 INSPECTIONS.

All trees, shrubs and vegetation in the streets and public places of the City, and, whenever occasion may require, on private premises in the City, shall be subject to inspection by the Superintendent of Parks and Boulevards for the purpose of detecting the presence of parasites or insects or any disease of such vegetable growth which may be detrimental to such growths and which may endanger the growth of other trees, shrubs and vegetation in the community.

(Ord. 953; 1959 Code Sec. 7-602)

1026.03 CARE AND TREATMENT.

The Superintendent of Parks and Boulevards may provide for the proper treatment and care of all trees, shrubs and vegetation in the streets and in the public places of the City, and may require the owner or occupant of premises, whereon there exists any tree, shrub or vegetation attacked by any disease, parasite or insect, to take the proper steps and adopt proper measures to check the spread of such disease, parasite or insect, and to protect the community from damage therefrom. If such owner or occupant refuses or neglects, within a reasonable time to be fixed in a proper notice, to take the proper precautions or to give any tree, shrub or vegetation proper care, for its preservation or protection, the Superintendent shall cause proper measures to be taken for the protection of such tree, shrub or vegetation and to prevent the spread of any disease, parasite or insect.

(Ord. 953; 1959 Code Sec. 7-603)

1026.04 PLANTING; PERMIT REQUIRED.

No person shall plant any tree, shrub, hedge, flower, plant or other vegetation, except grass, in a public street in the City, without first obtaining a permit therefor from the Superintendent of Parks and Boulevards. No person shall do such planting in the parks and public places of the City.

(Ord. 953; 1959 Code Sec. 7-604)

1026.05 PERMIT APPLICATIONS; INVESTIGATIONS; GRANTING; REVOCATION.

(a) An application for the permit required by Section 1026.04 shall be made in writing to the Superintendent of Parks and Boulevards and shall contain the name of the applicant and the street number, or a description, of the property to be improved. Such application shall also contain the width of the lot in front of which the planting is to be done, the kind and number of trees, shrubs, etc., to be planted, the kind and condition of the nearest trees upon the adjoining lots and their distances from the adjoining lot lines of the lot where planting is asked to be done

and such other information as shall be deemed necessary by Council. A sketch or drawing, showing the location to be occupied if permission to plant is granted, shall be filed with the application. If it is proposed to erect any ornamental structure on such location, a sketch of the same shall also be filed with such application.

(b) Before issuing any such permit, the Superintendent shall make or cause to be made a careful investigation of all the conditions and circumstances relative to the case, and if it appears that the permission asked can be given without violating any of the provisions of this chapter, such permit shall be granted subject to revocation by the Superintendent, upon the approval of Council, whenever it shall be deemed best for the public interest to do so. The Superintendent and Council, however, shall first give a reasonable notice of their intention to revoke such permit to the permittee for the purpose of allowing such person an opportunity to remove any vegetation or ornamental structure from within the lines of the public place or thoroughfare occupied.

(Ord. 953; 1959 Code Sec. 7-605)

1026.06 TRIMMING, SPRAYING AND DESTRUCTION.

No person shall trim, spray, remove, cut down, injure, destroy, break, deface or disturb a tree, vine, shrub, plant or flower in a public street, alley, thoroughfare, park, boulevard or other public place in the City. All such trimming and spraying shall be done by the Superintendent of Parks and Boulevards. No tree located in any such way or place shall be removed, cut down or destroyed unless first authorized by Council. When authorized, such work shall be done under the supervision of the Superintendent. No person, other than the owner or one having the owner's consent, shall break, injure, disturb or deface a tree, shrub, plant or growing thing on any private premises in the City.

(Ord. 953; 1959 Code Sec. 7-606)

1026.07 BUSINESS PERMIT REQUIRED.

No person shall engage in the business of planting, cutting, removing, trimming, spraying or caring for trees, shrubs, vines, hedges, etc., located on private premises in the City without first obtaining a written permit therefor from the Superintendent of Parks and Boulevards.

(Ord. 953; 1959 Code Sec. 7-607)

1026.08 COMPLIANCE WITH RULES AND REGULATIONS.

Trees shall be planted between the sidewalk and curb in accordance with rules and regulations of Council, which regulations are hereby made a part of this chapter.

(Ord. 953; 1959 Code Sec. 7-608)

1026.09 PLACEMENT AND KINDS OF TREES.

(a) All trees planted shall be of healthy stock, the first limbs at least ten feet above the sidewalk. No tree shall be planted unless it is at least two inches caliper and at least ten feet between the ground and the first limbs.

(Ord. 953; 1959 Code Sec. 7-609)

(b) No person shall plant a poplar in the City. In addition, no basswood (linden), catalpa, cottonwood, ailanthus, box elder or nut-bearing tree of any kind shall be planted in a public street or alley in the City.

(Ord. 953; 1959 Code Sec. 7-610)

(c) From and after the passage of this chapter (Ordinance 953), elm trees, hard maple trees or such other trees, except those enumerated in subsection (b) hereof, as are approved by the Superintendent of Parks and Boulevards, shall be used in all cases for tree planting.

(Ord. 953; 1959 Code Sec. 7-611)

1026.10 ATTACHING ROPES, CABLES AND ADVERTISING MATERIALS TO TREES.

No person shall attach a guy rope or other rope, wire or cable or other contrivance to a tree in a public street, alley, park or other public place, or use the same for any banner, sign or business purpose.

(Ord. 953; 1959 Code Sec. 7-612)

1026.11 MUTILATION OF TREES FOR IMPROVEMENTS OR MOVING OF BUILDINGS.

No person shall cut, trim, saw or otherwise mutilate trees to make room for telephone or telegraph wires, the moving of buildings or machinery, or the building of sidewalks, without first obtaining a permit therefor from the Superintendent of Parks and Boulevards.

(Ord. 953; 1959 Code Sec. 7-613)

1026.12 TREE SURGERY.

No person except the Superintendent of Parks and Boulevards or his or her workmen shall do surgery work within the limits of a public street, alley, park or other public place of the City.

(Ord. 953; 1959 Code Sec. 7-614)

1026.13 REMOVAL OR REPLANTING.

If a tree, plant or shrub is placed in a public street after a permit to do so has been granted, but such tree, plant or shrub is not planted or located in accordance with this chapter, such tree, plant

or shrub may be removed by the Superintendent of Parks and Boulevards and be replanted to comply with this chapter.

(Ord. 953; 1959 Code Sec. 7-615)

1026.14 INFECTED VEGETATION.

No person shall, in the City, plant, keep, maintain or cultivate any tree, shrub or other vegetation infected or attacked by any parasite, insect or disease, or permit the same on premises owned or occupied by him or her.

(Ord. 953; 1959 Code Sec. 7-616)

1026.15 OBSTRUCTING VIEW OF TRAFFIC.

(a) No hedge or bush located on a corner lot at an intersection of streets, or on a lot at an intersection of a street with an alley, in the City, which hedge or bush interferes with the proper view of persons approaching such an intersection, shall be permitted to grow to a height of more than three feet above the nearest street curb.

(Ord. 953; 1959 Code Sec. 7-617)

(b) In case of a violation of subsection (a) hereof, the Chief of Police shall order the owner or occupant of the property containing any such hedge or bush to cut the same within five days to the height specified in such subsection.

(Ord. 953; 1959 Code Sec. 7-618)

(c) If such owner or occupant fails to cut the same to such specified height within five days after being notified to do so, the Chief shall report such failure to the Superintendent of Parks and Boulevards. The Superintendent shall then cut the hedge or bush to the height herein specified, and the cost of the same shall be charged to such owner or occupant.

(Ord. 953; 1959 Code Sec. 7-619)

(d) The cost of cutting such hedge or bush, as charged to such owner or occupant, may be collected by a proper action in a court of competent jurisdiction or may be collected by a special assessment upon the property.

(Ord. 953; 1959 Code Sec. 7-620)

1026.16 INJURING VEGETATION BY USE OF CHEMICALS.

No person shall pour or deposit salt, brine or another injurious material on a public highway, park or other public place in such manner as to injure a tree or shrub planted or growing thereon.

(Ord. 953; 1959 Code Sec. 7-621)

1026.17 PRECAUTIONS DURING BUILDING CONSTRUCTION AND REMOVAL.

In the erection, alteration, repair or removal of a building or structure, the owner thereof shall place or cause to be placed such guards, of a size and type approved by the Superintendent of Parks and Boulevards, around all nearby trees on the public highway as will effectually prevent injury to such trees.

(Ord. 953; 1959 Code Sec. 7-622)

1026.18 TRIMMING TREES OVERHANGING STREETS AND ALLEYS.

Any tree not growing on a public street or alley, but so located as to extend its branches over a public street or alley, shall be so trimmed by the owner of the property on which the tree stands, or by his or her agents, that there shall be a clear height of thirteen feet above the surface of the street or alley unobstructed by branches. All dead branches and stubs on any such tree which are or may become a menace to travelers on such street or alley shall be removed by the owner.

When a clearance greater than thirteen feet is needed for construction of utility wires or for other lawful purposes, an application may be made to Council setting forth such purpose and the amount of clearance required. Council may, thereupon, determine to what height such trees involved shall be trimmed by the owner thereof, as set forth in this section.

If any such owner fails or refuses to trim any such tree or fails to remove any such dead branches or stubs in accordance with this section, or any resolution of Council adopted pursuant thereto, after receiving five days written notice to do so from the Superintendent of Parks and Boulevards, such trimming shall be done by the City at the expense of the owner of such tree, to be collected in the same manner as special assessments are collected. However, nothing in this section shall prohibit recovery by an action in assumpsit.

(Ord. 953; 1959 Code Sec. 7-623)

1026.19 LEAKS IN GAS PIPES.

No person owning, maintaining or operating a gas pipe or main laid beneath the surface of a public street, alley, park or other public place in the City shall permit any leak to exist in such pipe or main within forty feet of a tree. If such a leak exists or occurs in such a pipe or main, the person, upon notice from the Superintendent of Parks and Boulevards, shall make the necessary repairs immediately.

(Ord. 953; 1959 Code Sec. 7-624)

1026.20 CONSTRUCTION OF SIDEWALKS.

A sidewalk between the curb and an established sidewalk line shall be so constructed as to leave an open space of at least one foot around the trunk of a tree. If a tree grows within a distance of less than one foot from the inner or outer established sidewalk lines, then the sidewalk shall be so constructed as to leave an open space of one foot around the trunk of such tree.

(Ord. 953; 1959 Code Sec. 7-625)

1026.21 ELECTRICAL WIRES.

(a) No person shall attach any electrical wire, insulation or other device for holding electrical wire to a tree in a street under the control of the City.

(Ord. 953; 1959 Code Sec. 7-626)

(b) Every person having any wire charged with electricity shall securely fasten the same so that such wire does not come in contact with a tree in any street in the City.

(Ord. 953; 1959 Code Sec. 7-627)

1026.22 INTERFERENCE WITH ENFORCEMENT.

No person shall hinder, obstruct or interfere with the Superintendent of Parks and Boulevards, or any agent or employee thereof, while he or she is engaged in carrying out the provisions of this chapter.

(Ord. 953; 1959 Code Sec. 7-628)

1026.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter shall be fined not more than fifty dollars (\$50.00) for a first offense; shall be fined not more than one hundred dollars (\$100.00) for a second offense; and shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than sixty days, or both, for a third or subsequent offense.

(Ord. 1125. Passed 11-21-83.)

TITLE FOUR - Utilities

Chap. 1040. Water.

Chap. 1042. Sewers.

Chap. 1043. Industrial Wastewater Pretreatment Regulations.

Chap. 1044. Water Supply Cross Connections.

CHAPTER 1040

Water

1040.01 Authority of City; compliance with chapter.

1040.02 Service connections; permit and certification required.

1040.03 Permit applications.

1040.04 Fees and charges.

1040.05 Service pipe specifications.

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1040.24 Conservation.

1040.25 Appeals.

1040.26 Award program for illegal reconnections.

1040.99 Penalty.

CROSS REFERENCES

Water quality - see Mich. Const. Art. 4, Secs. 22, 52; M.C.L.A. Secs. 67.38, 323.1 et seq.

Water supply generally - see Mich. Const. Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 123.111 et seq., 325.201 et seq., 486.51 et seq., 486.101 et seq.

Water supply in home rule cities - see M.C.L.A. Secs. 117.4b, 117.4e, 117.4f, 117.35, 123.115

Payment of bills required prior to purchase of tax-reverted property - see ADM. 208.08

Emergency Water Review Board - see ADM. Ch. 288

Water supply in subdivisions - see P. & Z. 1244.05(b)

Water supply cross connections - see S.U. & P.S. Ch. 1044

1040.01 AUTHORITY OF CITY; COMPLIANCE WITH CHAPTER.

(a) All service pipes from the City water mains to the property line and all fixtures connected therewith, including stopcocks and stop boxes, shall be installed and maintained by the City under the supervision of the Superintendent of Water Works. Stopcocks and stop boxes shall be installed on the property line, if possible, or at some suitable location to be determined by the Superintendent.

(b) No person shall make connection with, open or in any manner disturb the water mains, pipes, conductors or other fixtures of the water works of the City except as provided for in this chapter. (Ord. 316; Ord. 519; 1959 Code Sec. 7-401)

1040.02 SERVICE CONNECTIONS; PERMIT AND CERTIFICATION REQUIRED.

Before a connection is made with the outlet joint of a stopcock, and before any repair is made on any part of the service pipe between such joint and the water meter, a permit therefor shall first be obtained from the Superintendent of Water Works. No such permit shall be issued to a person who is not licensed as a master plumber and who is not registered as such with the Inspector of Plumbing. No plumber shall allow his or her name to be used by another party, directly or indirectly, for the purpose of doing work or obtaining permits under his or her license and registration. Such work shall not be done by a person who is not registered as a licensed plumber with the Inspector. All such work shall be done under the supervision of the proper officers of the City.

(Ord. 316; Ord. 519; 1959 Code Sec. 7-402)

1040.03 PERMIT APPLICATIONS.

An application for the permit required by Section 1040.02 shall be made in writing to the Superintendent of Water Works, setting forth the name and residence of the applicant, the name and address of the business of the applicant and such other information as is necessary to enable the Superintendent to keep a complete and full record of the transaction and to enforce applicable ordinances, rules and regulations of the City. (Ord. 316; Ord. 519; 1959 Code Sec. 7-403)

1040.04 FEES AND CHARGES.

Fees for permits and inspection of all work covered by this chapter, including charges to be made for original installation of all service pipes from the City water mains to the property line and all fixtures connected therewith, including stopcocks and stop boxes, shall be established by Council.

(Ord. 316; Ord. 519; 1959 Code Sec. 7-404)

1040.05 SERVICE PIPE SPECIFICATIONS.

All service pipes connecting with the distributing pipes of the water works shall be of lead not lighter than "strong" to the shut-off cock inside the cellar wall or above the surface of the ground. Nothing but lead pipe as specified shall be permitted underground, and all joints thereon shall be "wiped." All service pipes from mains shall be laid into the premises on a straight line and shall be in the trench when the connection is called for. Cup joints are not permitted. All stop or hydrant faucets connected therewith shall be perfect and made of good material, and all such service pipes shall be at least five feet below the surface of the earth. Service pipe shall not be laid in the sewer ditch, but shall be laid at least eighteen inches therefrom. No tap smaller than the service tap is permitted.

Where premises have a cellar or basement, service pipes will be extended into the same before any branches are taken therefrom for any other purpose whatever. This restriction includes connections for hose, outbuildings, etc.

A valve for shutting off water is required to be placed in the service pipe immediately inside the cellar or basement wall, shall at all times be accessible and shall in no case be covered.

(Ord. 316; 1959 Code Sec. 7-405)

1040.06 PROTECTION FROM FREEZING.

No plumber shall lay, inside the premises, a service or other pipe along any outside wall or in any position where there is danger of frost, or make any new connection or attachment thereto, or any new attachment or fixture to an old connection, that shall require a running stream to prevent freezing, or for other purpose, unless a special permit is granted therefor.

(Ord. 316; 1959 Code Sec. 7-406)

1040.07 WATER CLOSETS.

All water closets connected with service pipes shall be provided with appliances meeting the requirements of the plumbing rules of the City. Under no circumstances are rod water closets permitted. Every service pipe shall be furnished with a stop and waste cock below the action of frost, so situated that the water can be completely shut off and drained from the pipes to prevent freezing.

(Ord. 316; 1959 Code Sec. 7-407)

1040.08 BRANCHES FROM SERVICE PIPES.

If one connection is intended to supply more than one tenement, shop, store or building, the person making such connection, or causing the same to be made, shall lay down a branch with a stopcock for each outside the line of the premises to be so supplied, which stopcock shall be covered with the standard box in use in the City. In no case shall one service supply more than one lot, unless occupied by a single building occupied as a single industry or enterprise.

(Ord. 316; Ord. 519; 1959 Code Sec. 7-408)

1040.09 SHUT-OFF OF WATER; COVERING OF PIPES.

Plumbers shall leave the water turned off in the case of a new connection or on premises where it was turned off previous to their making any repair or alteration of existing fixtures. They shall afford proper opportunities for inspection of new service pipes before covering the same, by the Superintendent of Water Works or such other authorities as the City may hereafter determine. Pipes covered contrary to this regulation shall again be exposed for inspection, and no further permit will be granted the plumber until such regulation is fully complied with.

(Ord. 316; 1959 Code Sec. 7-409)

1040.10 DENIAL OF PERMIT FOR NONCOMPLIANCE.

The failure of a plumber to perform work in accordance with the regulations of the City shall be cause for the denial to him or her of a permit to do work on the water system of the City until such regulations are complied with.

(Ord. 316; Ord. 519; 1959 Code Sec. 7-410)

1040.11 RIGHT OF ENTRY; INSPECTIONS.

The duly constituted authorities of the City may at all reasonable hours enter upon premises, where water service is established, for the purpose of inspecting and making an examination of all pipes and fixtures connected with the water works. Such authorities may require a pipe or fixture to be repaired, removed, replaced or changed where the same is defective or not in compliance with the applicable ordinances of the City, or the rules and regulations relating to the City water works, and they may make such alterations and repairs, or do such other acts with relation thereto, as they shall deem necessary. A person whose premises are supplied with water shall be deemed as assenting to the rules and regulations of Council.

(Ord. 316; 1959 Code Sec. 7-411)

1040.12 INSTALLATION CHARGES; REPAIRS.

The charge for original installation of all service pipes from the City water mains to the property line, and all fixtures connected therewith, including stopcocks and stop boxes, shall be borne by the owners of the premises served thereby. Subsequent to the original installation, the City shall maintain, without charge to such owners, that portion of the service pipe which lies between the City water main and the stop box, including the stop box, and the owner of the premises served shall maintain the remainder of such service pipe, including the water meter. Water meters, however, shall be repaired only by the City.

If any such owner refuses or neglects to make any repair or replacement on that portion of the service pipe which he or she is required to maintain, within a reasonable time under the particular circumstances but in no case exceeding ten days after he or she has received notice from the Superintendent of Water Works, then the Superintendent may shut off the water to such premises, or may cause such repair or replacement to be made, and charge the cost thereof, plus twenty percent, to such owner and against the property served, which charge shall be due immediately. The charges provided for in this section shall be a lien against the property served, and all provisions of this chapter relating to penalties and to the enforcement of water charges are applicable to charges for repairs and replacements.

(Ord. 316; Ord. 446; Ord. 473; Ord. 519; Ord. 546; 1959 Code Sec. 7-412)

1040.13 USE OF WATER RESTRICTED.

Every person whose premises are supplied with water shall prevent other persons from procuring water from such premises except by permission of the Superintendent of Water Works.

(Ord. 316; 1959 Code Sec. 7-413)

1040.14 DISCONTINUANCE OF SERVICE FOR VIOLATIONS.

The supply of water may be withheld from premises when applicable ordinances, rules and regulations of the City have been violated. If a person, after the water has been shut off from any premises, causes or suffers such premises to be supplied with water, without permission, from other premises, such other premises shall be disconnected from the distribution pipes of the water works.

(Ord. 316; 1959 Code Sec. 7-414)

1040.15 DAMAGING AND INTERFERING WITH METERS.

(a) Any damage which a water meter may sustain resulting from the carelessness of the owner, agent or tenant, or from the neglect of such owner, agent or tenant to properly secure and protect the same, as well as any damage which may be wrought by hotwater or steam getting back from a boiler, shall be paid by the owner to the City on presentation of the bill. If such payment is not made, water may be shut off from the premises without notice and not be turned on again until the charges are paid.

(b) No person shall interfere with or remove a water meter from any service where it has been attached without first receiving permission from the proper officers of the City. There shall be a suitable place provided on all connections for a meter, free from all danger of frost and perfectly accessible, and owners or occupants are strictly prohibited from placing any obstruction of any kind over or around the meter that will interfere with the reading or the repairing thereof.

(Ord. 316; Ord. 519; 1959 Code Sec. 7-415)

1040.16 INSTALLATION OF METERS; REMOTE RECORDING DEVICES.

(a) All meters one inch and under shall be installed by the City free of charge, except for the cost of the remote recording device and installation thereof as provided in subsection (b) hereof. All meters over one inch shall be furnished by the City at cost to the property owner and shall be installed at the expense of the property owner. All water meters shall be under the control of the City. All meters and remote recording devices shall be approved by the City.

(b) All private service connections with the City water supply installed after the passage of this section shall include a remote recording device. A remote recording device shall be installed on all private service connections in use prior to such passage as quickly as such devices and labor for installation of the same may be obtained by the City. Such device shall be installed at a convenient location on the exterior of the structure served by the water service connection, to register the volume of water passing through the water meter. The cost of the remote recording device and the cost of the installation thereof, including electrical wiring, shall be borne by the owner of the property to be served and shall be collected by the City in equal installments by

adding one-sixth of the cost thereof to the next succeeding water bills. However, a property owner may elect to pay the entire installation cost or outstanding balance at any time.

(Ord. 316; Ord. 897; 1959 Code Sec. 7-416)

1040.17 DETERMINATION OF WATER CHARGES.

After a meter is installed on any premises, the charges for the water furnished to such premises shall be according to the amount actually used as registered by the meter and at such rates as Council shall establish.

(Ord. 316; Ord. 519; 1959 Code Sec. 7-417)

1040.18 METER READINGS AND CHARGES.

(a) All meters one inch and under shall be read semiannually as immediately prior to each July 10 and January 10 as possible, and charges for water consumed as shown by such readings shall be due and payable on or before each July 31 and January 31, respectively.

(b) All meters over one inch shall be read quarterly as immediately prior to each January 10, April 10, July 10 and October 10 as possible, and charges for water consumed as shown by such readings shall be due and payable on or before each January 31, April 30, July 31 and October 31, respectively.

(c) If for any reason a meter is not read until after the time specified in subsections (a) and (b) hereof, then the due date for the payment of the charge based upon such reading may be extended, by the Superintendent of Water Works, so as to give a reasonable time for the payment of the same. The failure to receive a bill shall not be an excuse for the nonpayment of such charge.

(Ord. 316; Ord. 519; 1959 Code Sec. 7-418)

1040.19 PENALTY FOR DELINQUENT PAYMENT.

All water charges that are not paid on or before the last days provided in Section 1040.18 for payment of the same shall be deemed delinquent, to which there shall be added and collected a penalty of five percent.

(Ord. 316; Ord. 544; Ord. 579; 1959 Code Sec. 7-419)

1040.20 LIENS; DELINQUENT CHARGES.

(a) The City shall have as security for the collection of any water charges, or any water rates, assessments or rentals, due or to become due, for the use or consumption of water supplied to any building, premises, lot or parcel of land, or portion thereof, a lien upon such building and upon the premises, lot or parcel of land, or portion thereof, upon which such building is situated,

or to which such water is supplied. Such lien shall become effective immediately upon the distribution of the water to the premises or property supplied. All water charges shall be assessed against the premises supplied. The official records of the Superintendent of Water Works shall constitute notice of the pendency of such lien.

(b) Such water lien shall have priority over all other liens, except taxes or special assessments, whether or not such other liens accrued or were recorded prior to the accrual of the water lien. However, this section does not apply in an instance where a lease has been legally executed containing a provision that the lessor shall not be liable for the payment of water bills, and a duly authenticated copy thereof, or a sworn affidavit with respect to the execution of such lease, giving the date of the expiration of the lease and the name of the lessee, has been filed in the office of the Superintendent of Water Works.

(c) The lessor shall notify the office of the Superintendent of Water Works of any change in, or cancellation of, the terms in such lease with respect to liability for water furnished, or of the termination of such lease. Such notice shall be in writing and shall be given within twenty days after such change, cancellation or termination. If such lessor neglects or fails to give such notice, then the water lien provided for in this section shall be deemed to be in effect from the date of such change, cancellation or termination, or as near thereto as the same may be ascertained.

(d) All unpaid water charges, which upon the first Monday of May of each year have remained delinquent for a period of two months or more, shall be reported by the Superintendent of Water Works to Council, and Council may require such charges to be transferred and reassessed upon the City tax roll, in the same manner that unpaid special assessments are transferred and reassessed upon such tax roll.

(e) Whenever water charges, rates, assessments or rentals are delinquent, the water service to the building, premises, lot or parcel of land, or portion thereof, may be discontinued, or such water charges, rates, assessments or rentals may be collected by a suit brought in the name of the City, but no discontinuance of water service, or any attempt to collect such water charges, rates, assessments or rentals by any process shall in any way be deemed to invalidate or waive any water lien upon the premises. (Ord. 316; Ord. 579; 1959 Code Sec. 7-420)

1040.21 RESTORATION OF SERVICE.

Whenever the water is turned off from any premises at the request of the owner or because of the default of the owner or occupant thereof, the same shall not be turned on again until the owner has deposited, with the Superintendent of Water Works, five dollars (\$5.00) to cover the labor cost and, in cases where extraordinary labor is required, such additional sum as will compensate for such additional labor.

1040.22 RECORDS; ACCOUNTS.

The Superintendent of Water Works shall have charge of the readings of all meters and shall keep a record of all meter readings. He or she shall keep accounts of the charges for water furnished to all premises, whether upon a meter or flat rate, and shall render bills for the same.

All water charges shall be collected by the City Treasurer. All payments made to the Treasurer shall be reported by him or her to the Superintendent who shall credit the same to the proper account.

(Ord. 316; 1959 Code Sec. 7-422)

1040.23 DEPOSITS.

Council shall establish, from time to time, the amount that shall be deposited to secure the payment of metered water charges.

(Ord. 316; 1959 Code Sec. 7-423)

1040.24 CONSERVATION.

(a) Whenever Council determines that the amount of pumpage of water from its distribution system has reached such a volume that, unless restricted, the public health, safety and general welfare is likely to be endangered, it shall prescribe rules and/or regulations to conserve the water supply during such emergency.

(b) No person shall violate any such rule and/or regulation, provided that before such rule and/or regulation becomes effective, it shall be published in one issue of a newspaper of general circulation in the City.

(c) This section shall be effective from July 21 to September 5, 1955, inclusive, and thereafter in each year from June 10 to September 5, inclusive.

(Ord. 731; 1959 Code Sec. 7-426)

1040.25 APPEALS.

A person feeling aggrieved by the decision of the Superintendent of Water Works as to a charge for water may appeal to Council, but such appeal shall not suspend any of the provisions of this chapter in relation to the collection of such charge unless Council so orders. (Ord. 316; 1959 Code Sec. 7-424)

1040.26 AWARD PROGRAM FOR ILLEGAL RECONNECTIONS.

Funds from water proceeds are hereby authorized to be expended for the following reward program.

REWARD

THE CITY OF HIGHLAND PARK WILL PAY FOR INFORMATION LEADING TO THE ARREST AND SUCCESSFUL PROSECUTION OF ANY PERSON ILLEGALLY

RECONNECTING WATER TO RESIDENCES AND BUSINESSES AFTER BEING SHUT OFF.

Your help is needed to reduce the number of homes and businesses having their water services reconnected after the water service has been legally disconnected. If you have any information that you think will lead to the arrest and prosecution of any person whom you suspect of doing these acts, call the Highland Park Public Safety Department at (313) 252-0111. ALL INFORMATION WILL BE KEPT CONFIDENTIAL.

If your information leads to the arrest and successful prosecution of any individual suspected of this crime, you will have the choice of receiving either \$500 cash or a \$1,000 credit toward your water bill. PLEASE NOTE - this offer is limited to the first person who submits information that leads to the arrest and successful prosecution. In other words, if two persons submit the name of the same individual who is ultimately convicted, then the first person to submit the information leading to the arrest and conviction of the perpetrator will receive the reward of his or her choice.

The purpose of this award is to ensure compliance with City Code Sections 1040.14, 1040.15, 1040.17 and 1040.21 which apply. This is an attempt to increase the efficiency of the Water Department's effort to collect outstanding water accounts that go into shut-off status. With your cooperation, we can make Highland Park a better place to live and reduce the number of unpaid water accounts being paid by other consumers.

All information received will be investigated by the Public Safety Department as expeditiously as possible. (Res. Unno. Passed 11-10-98.)

1040.99 PENALTY.

(EDITOR'S NOTE See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1042

Sewers

1042.01 Council to establish rates.

1042.02 Basis for charges.

1042.03 Meter readings.

1042.04 Delinquent charges.

1042.05 Records; accounts.

1042.06 Deposits.

1042.07 Nonacceptable substances.

1042.08 Private sewage disposal systems.

1042.09 Violations; duty of Chief of Police.

1042.99 Penalty.

CROSS REFERENCES

Sewers and sewer systems generally - see Mich. Const. Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 67.34, 123.241 et seq., 323.151 et seq., 325.201 et seq.

Sewers and sewer systems in home rule cities - see M.C.L.A. Secs. 117.4b, 117.4e, 117.4f, 117.35

Sewers in subdivisions - see P. & Z. 1244.05(a)

Drainage of swimming pools - see B. & H. 1476.05

1042.01 COUNCIL TO ESTABLISH RATES.

Council shall establish just and equitable rates to be charged and paid for the treatment of sewage, which rates shall be known as sewage disposal rates.

(Ord. 578; 1959 Code Sec. 7-427)

1042.02 BASIS FOR CHARGES.

Charges for sewage disposal service furnished on and after July 1, 1941, shall be assessed against all premises served by the sewer system of the City, and such charges shall be based upon the amount of water actually used on such premises as registered by a water meter installed by the City's water works and at such rates as Council shall establish. However, when any such premises obtains a part of its water supply from a private well, the total charges to be assessed thereon shall include a charge based upon the amount of water pumped from such well as registered by a City water meter installed, or ordered installed, by the Superintendent of Water Works at the expense of the owner or user, and at a rate established by Council. Such charges may be based on some other equitable method determined by the Superintendent and approved by Council.

(Ord. 578; 1959 Code Sec. 7-428)

1042.03 METER READINGS.

All meters one inch and under shall be read semiannually as immediately prior to each July 10 and January 10 as possible, and charges for sewage disposal service based on the water consumed as shown by such readings shall be due and payable on or before July 31 and January 31, respectively. All meters over one inch shall be read quarterly as immediately prior to each January 10, April 10, July 10 and October 10 as possible, and charges for sewage disposal service based on the water consumed as shown by such readings shall be due and payable on or before January 31, April 30, July 31 and October 31, respectively. If a meter is not read until after the time specified in this section, then the due date for the payment of such charges for sewage disposal service based upon such reading may be extended by the Superintendent of Water Works so as to give a reasonable time for the payment of the same. The failure to receive a bill shall not be an excuse for the nonpayment of such charges.

(Ord. 578; 1959 Code Sec. 7-429)

1042.04 DELINQUENT CHARGES.

(a) All charges for sewage disposal service that are not paid on or before the dates provided for in Section 1042.03 for the payment of the same shall be deemed delinquent, to which there shall be added and collected such penalties as may be prescribed by Council.

(Ord. 578; 1959 Code Sec. 7-430)

(b) Whenever any charges for sewage disposal service are delinquent, the water service to the premises may be discontinued by the Superintendent of Water Works, or such charges may be collected by a suit brought in the name of the City.

(Ord. 578; 1959 Code Sec. 7-431)

(c) All unpaid charges for sewage disposal service which, upon the first Monday of May of each year, have remained delinquent for a period of two months or more, shall be reported by the Superintendent to Council, and Council may require such charges to be transferred and reassessed upon the City tax roll in the same manner that unpaid special assessments are transferred and reassessed upon such tax roll.

(Ord. 578; 1959 Code Sec. 7-432)

1042.05 RECORDS; ACCOUNTS.

The Superintendent of Water Works shall have charge of the readings of all meters and shall keep a record of all meter readings. He or she shall keep account of all charges for sewage disposal service furnished to all premises and shall render bills for the same, provided, however, that Council may order that charges for sewage disposal service be added to the water charges and be shown on the water bill as one item, or that water charges and sewage disposal charges be itemized on the water bill. All charges for sewage disposal service shall be paid to the City Treasurer and kept in a fund to be used to defray contract charges. All payments made to the

Treasurer shall be reported by him or her to the Superintendent, who shall credit the same to the proper accounts. (Ord. 578; 1959 Code Sec. 7-433)

1042.06 DEPOSITS.

Council shall establish, from time to time, the amount that shall be deposited to secure the payment of sewage disposal charges.

(Ord. 578; 1959 Code Sec. 7-434)

1042.07 NONACCEPTABLE SUBSTANCES.

No person shall place or throw in any sewer, drain or ditch in the City straw, hay, green boughs, manure, cord wood, ordure, bones, horns, shells, garbage, meats, hides, perishable substances or any other unwholesome or decayed matter.

(Ord. 337; 1959 Code Sec. 4-203)

1042.08 PRIVATE SEWAGE DISPOSAL SYSTEMS.

No person shall erect a private sewage disposal system on any premises in the City without first obtaining a special permit therefor from the Health Officer.

(Ord. 337; 1959 Code Sec. 4-212)

1042.09 VIOLATIONS; DUTY OF CHIEF OF POLICE.

The Chief of Police shall report to Council any violation of Section 1042.07 or 1042.08 and, under the direction of Council, shall make complaint against any and all violators.

(Ord. 337; 1959 Code Sec. 4-213)

1042.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1043

Industrial Wastewater Pretreatment Regulations

1043.01 Purpose; objectives.

1043.02 Authority.

1043.03 Definitions.

1043.04 Delegation of authority.

1043.05 Discharge prohibitions.

1043.06 Fees.

1043.07 Wastewater discharge permits.

1043.08 Monitoring facilities.

1043.09 Inspection, sampling and recordkeeping.

1043.10 Confidential information.

1043.11 Effect of statutes, laws, and regulations.

1043.12 Enforcement.

1043.13 Review and appeal.

1043.99 Penalty.

Appendix A

CROSS REFERENCES

Water quality - see Mich. Const. Art. 4, Secs. 22, 52; M.C.L.A. Secs. 67.38, 323.1 et seq.

Sewers and sewer systems generally - see Mich. Const. Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 67.34, 123.241 et seq., 323.151 et seq., 325.201 et seq.

Water supply generally - see Mich. Const. Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 123.111 et seq., 35.201 et seq., 486.51 et seq., 486.101 et seq.

Sewers and sewer systems in home rule cities - see M.C.L.A. Secs. 117.4b, 117.4e, 117.4f, 117.35

Water supply in home rule cities - see M.C.L.A. Secs. 117.46, 117.4e, 117.4f, 117.35, 123.115

Sewers generally - see S.U. & P.S. Ch. 1042

Utilities in subdivisions - see P. & Z. 1244.05

1043.01 PURPOSE; OBJECTIVES.

(a) The purpose of this chapter is the protection of the environment and of public health and safety, by abating and preventing pollution through the regulation and control of the quantity and quality of wastes admitted to or discharged into the wastewater collection and treatment system under the jurisdiction of the City of Detroit (POTW) and enabling the City of Detroit to comply with all applicable State and Federal laws required by the Federal Water Pollution Control Act, being 33 U.S.C. §§ 1251 et seq. and the General Pretreatment Regulations being 40 C.F.R. Part 403.

(b) The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge, or pose a hazard to the health or welfare of the people or of employees of the City of Detroit Water and Sewerage Department;

(2) To prevent the introduction of pollutants into the wastewater system which will pass inadequately treated through the system into receiving waters, the atmosphere or the environment, or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle or reclaim wastewater or sludge from the system in an economical and advantageous manner; and

(4) To provide for the recovery of the costs from users of the wastewater collection and treatment system sufficient to administer regulatory activities and meet the costs of the operation, maintenance, improvement or replacement of the system.

(c) This chapter provides for the regulation of contributors to the Detroit and City of Highland Park wastewater collection and treatment system through the issuance of wastewater discharge permits to certain users and through the enforcement of general requirements for all users, and authorizes monitoring, enforcement, fees and penalties. (Ord. Unno. Passed 12-7-98.)

1043.02 AUTHORITY.

By virtue of the obligations and authority placed upon the City of Highland Park and the City of Detroit by the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 U.S.C. §§ 1251 et seq.); the 1963 Constitution of the State of Michigan; Public Act 245 of 1929, as amended (M.C.L.A. 323.1 et seq.); M.S.A. 3.521 et seq.; the 1997 City of Highland Park Charter; the National Pollutant Discharge Elimination System (NPDES) permit for the City of Detroit Publicly Owned Treatment Works (POTW); the Consent Judgment in U.S. EPA v. City of Detroit et al., Federal District Court for the Eastern District of Michigan Case No. 77-1100, as amended; and existing or future contracts between the Board of Water Commissioners and suburban communities or other governmental or private entities; or by virtue of common law usage of the system, this chapter shall apply to every user contributing or causing to be contributed, or discharging, pollutants or wastewater into the wastewater collection and treatment system of the City of Detroit POTW.

(Ord. Unno. Passed 12-7-98.)

1043.03 DEFINITIONS.

(a) For purposes of this chapter and unless the context specifically indicates otherwise, the following terms and phrases shall have the meanings ascribed to them by this section:

(1) Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 U.S.C. §§ 1251 et seq.)

(2) Authorized representative of industrial user means:

A. Responsible corporate officer, where the industrial user submitting the reports required by this chapter is a corporation, who is either (a) the president, vice president, secretary, or treasurer of a corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or (b) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) in second-quarter 1980 dollars, when authority to execute documents has been assigned or delegated to said manager in accordance with corporate procedures; or

B. A general partner or proprietor where the industrial user submitting the reports required by this chapter is a partnership or sole proprietorship respectively. (See Section 1043.05.)

(3) Biochemical oxygen demand (BOD) means the quantity of dissolved oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five days at twenty degrees centigrade expressed in terms of mass and concentration (milligrams per liter (mg/l)) as measured by standard methods.

(4) Board means the Board of Water Commissioners of the City of Detroit.

(5) Bypass means the intentional diversion of a wastestream from any portion of an industrial user's treatment facility.

(See 40 C.F.R. §403.17.)

(6) Centralized waste treatment (CWT) facility means any facility that treats any hazardous or nonhazardous industrial waste received from off-site by tanker truck, trailer/roll-off bins, drums, barges, or any other forms of shipment, including:

A. A facility that treats industrial waste received exclusively from off-site; and

B. A facility that treats industrial waste generated on-site as well as industrial waste received from off-site.

(7) City means the City of Highland Park.

(8) Compatible industrial wastewater means wastewater that is produced by an industrial user which has a pollutant strength or characteristics similar to those found in domestic wastewater, and which can be efficiently and effectively transported and treated with domestic wastewater.

(9) Compatible pollutant means pollutants which can be effectively removed by the POTW treatment system to within the acceptable levels for the POTW residuals and the receiving stream.

(10) Composite sample means a collection of individual samples which are obtained at regular intervals and collected on a time-proportional or flow-proportional basis over a specified period and which provides a representative sample of the average stream during the sampling period. A minimum of four aliquot per twenty-four hours shall be used where the sample is manually collected.

(See 40 C.F.R. Part 403, Appendix E.1.)

(11) Confidential information means the information which would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user. (See Section 1043.10.)

(12) Control Authority means the Detroit Water and Sewerage Department, which has been officially designated as such by the State of Michigan under the provisions of 40 C.F.R. §403.12. (See 40 C.F.R. §403.12(a).)

(13) Cooling water means the non-contact water discharged from any use such as air conditioning, cooling or refrigeration, and whose only function is the exchange of heat.

(14) Days mean consecutive calendar days for the purpose of computing a period of time prescribed or allowed by this chapter.

(15) Department means the City of Detroit Water and Sewerage Department, and authorized employees of the Department.

(16) Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the State of Michigan.

(17) Director means the Director of the Detroit Department of Water and Sewerage, or the Director's designee.

(18) Discharger means a person who, directly or indirectly, contributes, causes, or permits wastewater to be discharged into the POTW.

(19) Domestic sewage means waste and wastewater from humans or household operations which is discharged to, or otherwise enters, a treatment works.

(20) Environmental Protection Agency, administrator or EPA administrator means the United States Environmental Protection Agency or, where appropriate, the authorized representatives or employees of the EPA.

(21) Facility means a location which contributes, causes or permits wastewater to be discharged into the POTW, including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable.

(22) Fats, oils or 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.

(23) Flow proportional sample means a composite sample taken with regard to the flow rate of the wastestream.

(24) Grab sample means an individual sample collected over a period of time not exceeding fifteen minutes which reasonably reflects the characteristics of the stream at the time of sampling.

(25) Indirect discharge or discharge means the discharge or the introduction of pollutants into the POTW from any non-domestic source regulated under 33 U.S.C. §1317(b), (c) or (d).

(26) Industrial user means a person who contributes, causes or permits wastewater to be discharged into the POTW, including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable, but excluding single family and multifamily residential dwellings with discharges consistent with domestic waste characteristics.

(27) Industrial waste means any liquid, solid or gaseous waste or form of energy, or combination thereof, resulting from any processes of industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.

(28) Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

B. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, as amended, being 33 U.S.C. §1345; the Solid Waste Disposal Act (SWDA), as amended, (including the Resource Conservation and Recovery Act (RCRA)); and State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the

SWDA); the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

(29) May means permitted.

(30) National categorical pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 33 U.S.C. §1317 (b) and (c) which applies to a specific class or category of industrial users.

(31) National Pollutant Discharge Elimination System (NPDES) permit means a permit issued pursuant to 33 U.S.C. §1342.

(32) New source means:

A. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under 33 U.S.C. §1317(c) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided, however, that: (a) the building, structure, facility or installation is constructed at a site where no other source is located; (b) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (c) the production or wastewater generating processes of the building structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered; or

B. Construction on a site where an existing source is located resulting in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (a)(32)A.(b) or (c) hereof but otherwise alters, replaces, or adds to existing process or production equipment; or

C. Construction of a new source has commenced where the owner or operator has: (a) begun, or caused to begin, as part of a continuous on-site construction program: (1) any placement, assembly, or installation of facilities or equipment; or (2) significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities that are necessary for the placement, assembly, or installation of new source facilities or equipment; or (b) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

(33) Pass through means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

(34) Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, unit of government, school district, or any other legal entity, or their legal representative, agent or assigns.

(35) pH means the intensity of the acid or base condition of a solution, calculated by taking the negative base-ten logarithm of the hydrogen ion activity. Activity is deemed to be equal to concentration in moles per liter.

(36) Pollutant means any dredged spoil, solid waste, incinerator residue, sewage garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, or industrial, municipal and agricultural waste which is discharged into water.

(37) Pollution means the introduction of any pollutant that, alone or in combination with any other substance, can or does result in the degradation or impairment of the chemical, physical, biological or radiological integrity of water.

(38) Pretreatment means the reduction of the amount of pollutants, the removal of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction, removal or alteration may be attained by physical, chemical or biological processes, or process changes by other means, except as prohibited by Federal, State or local law, rules and regulations.

(39) Pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user. (See 40 C.F.R. §403.3(r).)

(40) Pretreatment standards means all National Categorical Pretreatment Standards, the general prohibitions specified in 40 C.F.R. §403.5(a), the specific prohibitions delineated in 40 C.F.R. §403.5(b), and the local or specific limits developed pursuant to 40 C.F.R. §403.5(c), including the discharge prohibitions specified in Section 1043.05.

(41) Public sewer means a sewer of any type controlled by a governmental entity.

(42) Publicly owned treatment works (POTW) means a treatment works as defined by 33 U.S.C. §1292(2)(A) which is owned by a state or municipality, as defined in 33 U.S.C. §1362, including:

A. Any devices and systems used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial waste of a liquid nature;

B. Sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant; or

C. The municipality, as defined in 33 U.S.C. §1362, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(43) POTW treatment plant means that portion of the POTW designed to provide treatment to wastewater, including recycling and reclamation of wastewater.

(44) Representative sample means any sample of wastewater which accurately and precisely represents the actual quality, character, and condition of one or more pollutants in the wastestream being sampled. Representative samples shall be collected and analyzed in accordance with 40 C.F.R. Part 136.

(45) Sanitary wastewater means the portion of wastewater that is not attributable to industrial activities and is similar to discharges from domestic sources including, but not limited to, discharges from sanitary facilities and discharges incident to the preparation of food for on-site non-commercial consumption.

(46) Shall means mandatory.

(47) Significant noncompliance means any violation which meets one or more of the following criteria:

A. Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed by any magnitude the daily maximum limit or the average limit for the same parameter;

B. Technical review criteria (TRC) violations, defined as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, Fats, Oil and Grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Department determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public;

D. Any discharge of a pollutant that has caused imminent endangerment to human health or welfare, or to the environment, or has resulted in the POTW's exercise of its emergency authority;

E. Failure to meet a compliance schedule milestone contained in a local control mechanism, or enforcement order for starting construction, completing construction, or attaining final compliance within ninety days after the scheduled date;

F. Failure to provide required reports, such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules, within thirty days after the due date;

G. Failure to accurately report noncompliance; or

H. Any other violation or group of violations which the Department determines will adversely affect the operation or implementation of the local pretreatment program.

(48) Significant industrial users means any user of the POTW who:

A. Has an average discharge flow of 25,000 gallons per day or more of process wastewater excluding sanitary, boiler blowdown, and noncontact cooling water; or

B. Has discharges subject to the national categorical pretreatment standards; or

C. Requires pretreatment to comply with the specific pollutant limitations of this chapter; or

D. Has in its discharge toxic pollutants as defined pursuant to 33 U.S.C. §1317, or other applicable Federal and State laws or regulations, that are in concentrations and volumes which are subject to regulation under this chapter as determined by the Department; or

E. Is required to obtain a permit for the treatment, storage or disposal of hazardous waste pursuant to regulations adopted by the State or adopted under the Federal Solid Waste Disposal Act, as amended by the Federal Resource Conservation and Recovery Act, as amended, and may or does contribute or allow waste or wastewater into the POTW including, but not limited to, leachate or runoff; or

F. Is found by the City of Detroit or City of Highland Park to have a reasonable potential for adverse effect, either singly or in combination with other contributing industries, on the POTW operation, the quality of sludge, the POTW's effluent quality, or air emissions generated by the POTW.

(49) Slug means any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or a non-customary batch discharge.

(50) Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended.

(51) Standard methods mean methods set forth in 40 C.F.R. Part 136, "Guidelines for Establishing Test Procedures for Analysis of Pollutants" or the laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, or methods set forth in 40 C.F.R. Part 136, "Guidelines for Establishing Test Procedures for Analysis of

Pollutants." Where these two references are in disagreement regarding procedures for the analysis of a specific pollutant, the methods given in 40 C.F.R. Part 136 shall be followed.

(52) State means the State of Michigan.

(53) Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

(54) Suspended solids (total) means the total suspended matter which floats on the surface of, or is suspended in, water, wastewater or other liquids, and is removable by laboratory filtration or as measured by standard methods.

(55) Toxic pollutant means any pollutant or combination of pollutants designated as toxic in regulations promulgated by the Administrator of the U.S. Environmental Protection Agency under the provisions of the Clean Water Act, being 33 U.S.C. §1317, or included in the Critical Materials Register promulgated by the Michigan Department of Environmental Quality, or by other Federal or State laws, rules or regulations.

(56) Trade secret means the whole, or any portion or phase, of any proprietary manufacturing process or method, not patented, which is secret, is useful in compounding an article of trade having a commercial value, and whose secrecy the owner has taken reasonable measures to prevent from becoming available to persons other than those selected by the owner to have access for limited purposes, but excludes any information regarding the quantity or character of waste products or their constituents discharged or sought to be discharged into the Detroit wastewater treatment plant, or into the wastewater system tributary thereto.

(57) Upset means an exceptional incident in which there is unintentional and temporary noncompliance with limits imposed under this chapter or with national categorical pretreatment standards due to factors beyond the reasonable control of the industrial user, but excludes noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

(58) User means any person who, directly or indirectly, contributes, causes or permits the discharge of wastewater into the POTW as defined herein.

(59) Wastewater or wastestream means the liquid and water-carried industrial or domestic wastes of dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which are contributed to or permitted to enter the POTW, including infiltration and inflow waters, storm water, and cooling water.

(60) Wastewater discharge permits means permits issued by the Department in accordance with Section 1043.07.

(61) Waters of the State means groundwater, lakes, rivers, streams, all other watercourses and waters within the confines of the State, as well as bordering the State, in the form of the Great Lakes.

(b) For purposes of this chapter, the following abbreviations shall have the meanings designated:

(1) BMR - Baseline Monitoring Report

(2) BOD - Biochemical Oxygen Demand

(3) C.F.R. - Code of Federal Regulations

(4) EPA - Environmental Protection Agency

(5) FOG - Fats, Oil or Grease

(6) l - liter

(7) mg - milligrams

(8) mg/l- milligrams per liter

(9) NPDES - National Pollutant Discharge Elimination System

(10) POTW - Publicly Owned Treatment Works

(11) RCRA - Resource Conservation and Recovery Act, being 42 U.S.C. §§6901 et. seq.

(12) SIC - Standard Industrial Classification

(13) SWDA - Solid Waste Disposal Act, being 42 U.S.C. §§6901 et seq.

(14) TSS - Total Suspended Solids

(15) U.S.C. - United States Code

(Ord. Unno. Passed 12-7-98.)

1043.04 DELEGATION OF AUTHORITY.

The City of Detroit, through the Detroit Water and Sewerage Department, as the State approved Control Authority, is authorized to administer and enforce the provisions of this chapter on behalf of the City of Highland Park. The City of Highland Park has executed and hereby ratifies its delegation agreement with the City of Detroit through the Detroit Water and Sewerage Department, which sets forth the terms and conditions of such delegated authority, consistent with this chapter, and shall allow the Detroit Water and Sewerage Department to perform the

specific responsibilities of Control Authority pursuant to State and Federal law. (Ord. Unno. Passed 12-7-98.)

1043.05 DISCHARGE PROHIBITIONS.

(a) General Pollutant Prohibitions. No user shall discharge or cause to be discharged into the POTW, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. These general discharge prohibitions shall apply to all users of the POTW whether or not the user is subject to national categorical pretreatment standards or to any other Federal, State, or local pretreatment standards or requirements. In addition, it shall be unlawful for a user to discharge into the POTW:

(1) Any liquid, solid or gas, which, by reason of its nature or quantity, is sufficient either alone or by interaction with other substances to create a fire or explosion hazard or to be injurious in any other way to persons, to the POTW, or to the operations of the POTW. Pollutants which create a fire or explosion hazard in a POTW include, but are not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 C.F.R. §261.21; or

(2) Any solid or viscous substance in concentrations or quantities which are sufficient to cause obstruction to the flow in a sewer or other encumbrances to the operation of the POTW, including, but not limited to, grease, animal guts or tissues, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, cement, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, strings, fibers, spent grains, spent hops, wastepaper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubrication oil, mud or glass grinding or polishing wastes, or tumbling and deburring stones; or

(3) Any wastewater having a pH of less than 5.0 units or greater than 11.5 units; or

(4) Any wastewater containing petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin, or toxic pollutants in sufficient concentration or quantity, either singly or by interaction with other pollutants, to cause interference, or pass through, or constitute a hazard to humans or animals; or

(5) Any liquid, gas, solid or form of energy which, either singly or by interaction with other waste, is sufficient to create toxic gas, vapor, or fume within the POTW in quantities that may cause acute worker health and safety problems, or may cause a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair; or

(6) Any substance which is sufficient to cause the POTW's effluent or any other product of the POTW, such as residue, sludge, or scum, to be unsuitable for reclamation processing where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria guidelines or regulations developed under 33 U.S.C. §1345, with any criteria, guidelines, or developed and promulgated regulations affecting sludge use or disposal developed pursuant to

the Solid Waste Disposal Act, the Federal Clean Air Act, the Federal Toxic Substances Control Act, or with State criteria applicable to the sludge management method being used; or

(7) Any substance which will cause the POTW to violate either the Consent Judgment in U.S. EPA v. City of Detroit et. al., Federal District Court for the Eastern District of Michigan Case No. 77-1100, or the City of Detroit's National Pollutant Discharge Elimination System permit; or

(8) Any discharge having a color uncharacteristic of the wastewater being discharged; or

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into a public sewer which exceeds 150 degrees Fahrenheit or which will cause the influent at the wastewater treatment plant to rise above 104 degrees Fahrenheit (40 degrees Celsius); or

(10) Any pollutant discharge which constitutes a slug; or

(11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable Federal or State regulations; or

(12) Any floating fats, oil or grease which are sufficient to cause interference with or pass through of the POTW; or

(13) Any solid materials having a specific gravity greater than 1.2 or a cross section dimension of one-half inch or greater which are sufficient to cause interference with the POTW.

(b) Specific Pollutant Prohibitions. No user shall discharge wastewater containing in excess of the following limitations:

(1) Compatible pollutants.

A. Any fats, oil or grease (FOG) in concentrations greater than 2,000 mg/l based on the average of all samples collected within a twenty-four hour period.

B. Any total suspended solids (TSS) in concentrations greater than 10,000 mg/l.

C. Any biochemical oxygen demand (BOD) in concentrations greater than 10,000 mg/l.

D. Any phosphorus in concentrations greater than 500 mg/l.

Unless otherwise stated, all limitations are based upon samples collected over an operating period representative of a user's discharge, and in accordance with 40 C.F.R. Part 136.

(2) Noncompatible pollutants. No user shall discharge wastewater containing in excess of the following:

	1.0 mg/l
Total Cadmium (Cd)	2.0 mg/l
Total Copper (Cu)	4.5 mg/l
Total Cyanide (CN)	2.0 mg/l
Total Iron (Fe)	1,000.0 mg/l
Total Lead (Pb)	1.0 mg/l
Total Mercury (Hg)	0.005 mg/l
Total Nickel (Ni)	5.0 mg/l
Total Silver (Ag)	2.0 mg/l
Total Chromium (Cr)	25.0 mg/l
Total Zinc (Zn)	15.0 mg/l
Aroclor 1260 Polychlorinated Biphenyl (PCB)	0.0005 mg/l
Total Polychlorinated Biphenyl (PCB)	0.001 mg/l
Total Phenolic Compounds which cannot be removed by the POTW treatment plant as determined by the EPA approved method or amendments thereto	0.5 mg/l

All limitations are based on samples collected over an operating period representative of an industrial user's discharge and in accordance with 40 C.F.R. Part 136.

(c) National Categorical Pretreatment Standards. All users shall comply with the applicable National Categorical Pretreatment Standards and requirements promulgated pursuant to the Act as set forth in 40 C.F.R. Subchapter N, Effluent Guidelines and Standards, which are hereby incorporated by reference and with all other applicable standards and requirements, provided, however, that where a more stringent standard or requirement is applicable pursuant to State law or regulation or to this chapter, then the more stringent standard or requirement shall be controlling. Affected dischargers shall comply with applicable reporting requirements under 40

C.F.R. Part 403 and as established by the Department. The National Categorical Pretreatment Standards which have been promulgated as of the effective date of this section are delineated in Appendix A following the text of this chapter.

(1) Intake water adjustment. Industrial users seeking adjustment of National Categorical Present Standards to reflect the presence of pollutants in their intake water must comply with the requirements of 40 C.F.R. §403.15. Upon notification of approval by the Department, the adjustment shall be applied by modifying the permit accordingly. Intake water adjustments are not effective until incorporated into an industrial user's permit.

(2) Modification of national categorical pretreatment standards. The Department may apply to the U.S. Environmental Protection Agency, or to the Michigan Department of Environmental Quality, whichever is appropriate, for authorization to grant removal credits in accordance with the requirements and procedures in 40 C.F.R. §403.7. Such authorization may be granted only when the POTW treatment plant can achieve consistent removal for each pollutant for which a removal credit is being sought, provided that any limitation of such pollutant(s) in the NPDES permit neither are being exceeded nor pose the prospect of being exceeded as a result of the removal credit being granted. Where such authorization is given to the Department, any industrial user desiring to obtain such credit shall make an application to the Department, consistent with the provisions of 40 C.F.R. §403.7 and of this division. Any credits which may be granted under this section may be subject to modification or revocation as specified in 40 C.F.R. §403.7, or as determined by the Department. A requisite to the granting of any removal credit may be that the industrial user pay a surcharge based upon the amounts of such pollutants removed by the POTW, such surcharge being based upon fees or rates which the Board may establish and, when appropriate, revise from time to time. Permits shall reflect, or be modified to reflect, any credit granted pursuant to this section.

(3) New sources. Industrial users who meet the new sources criteria shall install, maintain in operating condition, and 'start-up' all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time, and not to exceed ninety days, new sources must meet all applicable pretreatment standards.

(4) Concentration and mass limits. When limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Department may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users. Equivalent limitations shall be calculated in accordance with Sections 40 C.F.R. §403.6(c)(3) and/or 40 C.F.R. §403.6(c)(4) and shall be deemed pretreatment standards for the purposes of 33 U.S.C. §1317(d) and of this chapter. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(5) Reporting requirements for industrial users upon the effective date of categorical pretreatment standards baseline report. Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under Section 40 C.F.R. §403.6(a)(4), whichever is later, existing

industrial users subject to such categorical pretreatment standards and currently discharging into or scheduled to discharge into the Detroit POTW shall submit to the Department a report containing the information listed in 40 C.F.R. §403.12(b)(1-7). Where reports containing this information have already been submitted to the Director or regional administrator in compliance with the requirement of 40 C.F.R. §128.140(b), the industrial user will not be required to resubmit this information. At least ninety days before commencement of any discharge, each new source and any existing sources that become industrial users after the promulgation of an applicable categorical pretreatment standard shall submit to the Department a report which contains the information listed in 40 C.F.R. §403.12(b)(1-5). In such report, new sources shall include information concerning the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall provide estimates of the information requested in 40 C.F.R. §403.12(b)(4) and (5).

(d) Dilution Prohibited. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall increase the use of process water, or in any way dilute or attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or in any other pollutant specific limitation or requirement imposed by the City of Highland Park, the City of Detroit or by the State of Michigan.

(e) Hauled in Wastewater. Any waste material or wastewater which is hauled into or within the service region for discharge to the POTW is subject to the requirements of this chapter, including, but not limited to, permits, inspection, monitoring and enforcement. Unloading liquid or solid waste from hauling vehicles, directly or indirectly, into the POTW, with or without the benefit of pretreatment, is prohibited unless the person proposing to unload such waste has applied for and received a permit from the Department for unloading such waste in accordance with the Board's rules pertaining thereto. The discharger shall be subject to applicable terms and conditions, surcharges, fees or rates as established by the Board. Hauled in wastewater shall only be discharged at points designated by the POTW after authorization or approval issued pursuant to the general permit requirements specified in Section 1043.07. The Department may establish specific limitations for sludge from municipally owned or operated POTW treatment plants which are different than the specific limitations in this chapter.

(f) Centralized Waste Treatment. It is unlawful for a centralized waste treatment (CWT) facility to discharge any industrial waste or wastewater into the POTW without a wastewater discharge permit from the Department. Any authorization granted, or permit issued, by the Department to a centralized waste treatment (CWT) facility shall specify the type of wastewater for which treatment is provided, and discharge approval is sought, from the POTW. Unless such industrial waste or wastewater is determined by the Department to require further authorization, a centralized waste treatment (CWT) facility that has submitted an application to, and received previous approval from, the Department to discharge wastewater is not required to obtain further authorization from the Department before discharging such wastewater.

An industrial user that provides centralized waste treatment services, and that files an application for the treatment and discharge of such types of wastewater to the POTW, shall provide the following minimum information in support thereof:

(1) The general nature, source and process(es) generating the type of wastewater. Any wastewater which is generated from those processes and is subject to national categorical pretreatment standards as delineated in Appendix A, following the text of this chapter shall be so designated.

(2) The identity of the toxic pollutants known or suspected to be present in the wastewater;

(3) At least one sample report showing the results of an analysis for the EPA priority pollutants for each type of wastewater for which application is made in paragraph (f)(1) of this section;

(4) A statement, that is certified by a professional engineer, which addresses the treatability and compatibility of the wastewater, received or collected by the facility's treatment process(es);

(5) The identity of the materials and/or pollutants whose transport or treatment are regulated by the EPA, by the State, or by any other governmental agency. Upon request, the centralized waste treatment (CWT) facility shall provide a copy of its permit and/or license to the Department; and

(6) Other information requested by the Department, including, but not limited to, information required by Section 1043.07(c), or by rules adopted by the Board. The discharge from a centralized waste treatment (CWT) facility will be deemed approved for those specific types of wastewater delineated in a permit and, upon issuance of such permit in accordance with the procedures contained in Section 1043.07 of this Code, will be deemed approved for discharge into the POTW. The centralized waste treatment (CWT) facility shall comply with all applicable provisions contained in Section 1043.07 regarding permits. In furtherance of its obligations as Control Authority, the Department may include in the permit a requirement to report at selected intervals the information mandated in paragraphs (1) through (6) of this subsection.

All users granted a permit under this section shall maintain records which, at a minimum, identify the source, volume, character, and constituents of the wastewater accepted for treatment and disposal. These records may be reviewed at any time by the Department.

(g) Groundwater Discharges. Unless authorization has been granted by the Department, the discharge of any groundwater into the POTW is prohibited.

The Department may authorize the discharge of groundwater resulting from maintenance and related activities of gas, steam, or electrical utilities through the use of general permits. Subject to appropriate reporting requirements, the general permit shall authorize discharge in accordance with the terms of the permit. Utilities shall comply with this provision within 180 days after its enactment.

If a person who proposes to discharge groundwater resulting from purge, response activity, or UST projects has applied for and received a permit from the Department, the Department may authorize the discharge of such wastewater. Permits shall be issued in accordance with the procedures contained in Section 1043.07 or in accordance with any rules adopted by the Board.

(h) City of Highland Park Right of Revision. The City of Detroit and the City of Highland Park reserve the right to establish rules or regulations adopted by the Board, additional or more stringent limitations or requirements on discharges to the POTW (these rules and regulations shall be adopted in accordance with the rule-making procedures in the 1997 Charter, if any). Ninety days after adoption by the Board, industrial users shall comply with such rules and regulations.

(i) Accidental Discharges.

(1) Each industrial user, which does not currently have an approved spill prevention plan or slug control plan, shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter, and all significant industrial users shall submit to the Department detailed plans which show facilities and operating procedures to be implemented to provide protection against such accidental discharges. Facilities and measures to prevent and abate accidental discharges shall be implemented, provided, and maintained at the owner's or industrial user's cost or expense. Unless the significant industrial user has an approved spill prevention or slug control plan, all existing significant industrial users shall complete and submit such a plan within sixty days of the effective date of this chapter (November 19, 1986). New significant industrial users shall submit such a plan prior to the time they commence discharging.

For purposes of this section, the information provided shall include the approximate average and maximum quantities of such prohibited materials or substances kept on the premises in the form of raw materials, chemicals and/or waste therefrom and the containment capacity for each. Only substances that are in a form which could readily be carried into the POTW and constitute a concentration of five percent or greater in the raw material, chemical solution or waste material, are required to be reported. Volumes of less than fifty-five gallons, or the equivalent thereof, need not be reported unless lesser quantities could cause pass through or cause interference with the POTW.

The industrial user shall promptly notify the Department of any significant changes or modifications to the plan including, but not limited to, a change in the contact person, or substance inventory.

(2) At least once every two years, the Department shall evaluate whether a significant industrial user needs a plan to control slug discharges, as defined by 40 C.F.R. §403.8(f)(2)(v). Unless otherwise provided, all significant users shall complete, implement, and submit such a plan within thirty days of notification by the Department.

(j) Notification Requirements. Unless a different notice is provided by this chapter or applicable law, within one hour of becoming aware of a discharge into the POTW which exceeds or does not conform with Federal, State or City of Highland Park laws, rules, regulations or permit requirements, or which could cause problems to the POTW, or which has the potential to cause the industrial user to implement its plan prepared in accordance with subsection (i) of this section, the industrial user shall telephone the Department at its control center and notify the Department of the discharge. The notification shall include the name of the caller, the location and time of discharge, the type of wastewater, the estimated concentration of excessive or

prohibited pollutants and estimated volume, and the measures taken, or being taken, to abate the discharge into the POTW. Within five calendar days after the discharge, the industrial user shall submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences and, when required by the Department, the industrial user's wastewater discharge permit may be modified to include additional measures to prevent such future occurrences. Such notification shall not relieve the industrial user of any expense, cost of treatment, loss, damages or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other environmental impairment or any other damage to person or property.

(k) Notice to Employees. A notice shall be permanently posted on the industrial user's bulletin board, or other prominent place, advising employees whom to contact in the Department in the event of an actual or excessive or prohibited discharge.

(l) Recovery of Costs. Any user discharging in violation of any of the provisions of this chapter, which produces a deposit or obstruction or causes damage to or impairs the Department's POTW, or causes the Department to violate its NPDES permit, shall be liable to the Department for any expense, loss, damage, penalty or fine incurred by the Department because of said violation or discharge. Prior to assessing such costs, the Department shall notify the user of its determination that the user's discharge was the proximate cause of such damage, obstruction, impairment, or violation of the City's NPDES permit and the Department's intent to assess such costs to the user. Any such notice shall include written documentation which substantiates the determination of proximate cause and a breakdown of cost estimates. Failure to pay the assessed costs shall constitute a violation of this chapter. Such charge shall be in addition to, and not in lieu of, any penalties or remedies provided under this chapter, or this Code, or other statutes and regulations, or at law or in equity.

(m) Hazardous Waste Notification. All industrial users who discharge into the City of Highland Park Collection System shall notify the Department in writing of any discharge of a substance which, if otherwise disposed of, would be a hazardous waste as set forth in 40 C.F.R. Part 261. Such notification must comply with the requirements of 40 C.F.R. § 403.12(p).

(n) Authorized Representative. The authorized representative, as defined in Section 1043.03(a)(2), may designate a duly authorized representative of the individual designated in Section 1043.03(a)(2), provided that:

- (1) The authorization is made in writing by the individual defined in Section 1043.03(a)(2);
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility where the industrial discharge originates, such as the position of plant manager, operator of a well or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
- (3) The written authorization is submitted to the Department.

(o) Pollution Prevention. The Department shall encourage and support industrial users to develop and implement pollution prevention programs which eliminate or reduce pollutant contributions beyond the levels required by this chapter. The Department may require an industrial user to implement pollution prevention initiatives as part of an enforcement response, or as necessary to comply with its NPDES permit. (Ord. Unno. Passed 12-7-98.)

1043.06 FEES.

(a) The purpose of this section is to provide for the recovery of costs from users of the POTW. The applicable charges or fees established by the Board shall be sufficient to meet the costs of the operation, maintenance, improvement or replacement of the system, or as provided by law or by Board action.

(b) The Board shall adopt charges and fees which shall include, but not be limited to:

(1) Fees for reimbursement of costs of establishing, operating, maintaining, or improving the Department's industrial waste control and pretreatment programs; and

(2) User fees based upon volume of waste and concentration or quantity of specific pollutants in the discharge, and treatment costs, including sludge handling and disposal; and

(3) Reasonable fees for reimbursement of costs for hearings including, but not limited to, expenses regarding hearings officers, court reporters, and transcriptions; and

(4) Other fees, which the Board may deem necessary, to carry out the requirements contained herein, or as may be required by law. (Ord. Unno. Passed 12-7-98.)

1043.07 WASTEWATER DISCHARGE PERMITS.

(a) Required. It shall be unlawful for users to discharge into the POTW any wastewater which will cause interference or pass through, or otherwise not comply with the discharge prohibitions of Section 1043.05. It shall be unlawful for a significant industrial user to discharge into the POTW without a wastewater discharge permit from the Detroit Water and Sewerage Department. Unless otherwise expressly authorized by the Department through permit, order, rule or regulation, any discharge must be in accordance with the provisions of this chapter.

(1) All significant industrial users which are in existence on the effective date of this chapter shall apply for a wastewater discharge permit within thirty days of the effective date of this chapter. Significant industrial users who are currently operating with a valid wastewater discharge permit are not subject to this provision. These applications are to include all information specified in subsection (c) hereof, and, where applicable, any additional information which may be needed to satisfy the Federal baseline monitoring report (BMR) requirements of 40 C.F.R. §403.12(b).

(2) All new significant users shall apply for a wastewater discharge permit at least ninety days prior to commencement of discharge. The application must include all information specified in

subsection (c) hereof and, where applicable, any additional information that may be needed to satisfy the Federal BMR requirements of 40 C.F.R. §403.12(b). Until a permit is issued and finalized by the Department, no discharge shall be made into the POTW.

(3) Any user, who proposes to discharge any wastewater, other than sanitary or noncontact cooling water into the POTW, shall request approval from the Department for the discharge(s) at least thirty days prior to the commencement of the discharge.

(b) Permit Application or Reapplication. The Department may require any user to complete a questionnaire and/or a permit application and to submit the same to the Department for determining whether the industrial user is a significant user, or to determine changes in the wastewater discharges from a user's facility. Within thirty days of being so notified, a user shall comply with the Department's request in the manner and form prescribed by the Department. Failure of the Department to so notify a user shall not relieve the user of the duty to obtain a permit as required by this chapter.

(1) A user which becomes subject to a new or revised national categorical pretreatment standard shall apply for a wastewater discharge permit within ninety days after the promulgation of the applicable national categorical pretreatment standard, unless an earlier date is specified or required by 40 C.F.R. §403.12(b). The existing user shall provide a permit application which includes all the information specified in subsections (a) and (g) hereof.

(2) A separate permit application shall be required for each separate facility.

(3) Existing permittees shall apply for permit reissuance a minimum of ninety days prior to the expiration of existing permits on a form prescribed by the Department.

(c) Application or Reapplication Information. In support of an application or reapplication for a wastewater discharge permit, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Corporate or individual name, any assumed name(s), Federal employer identification number, address, and location of the discharging facility;

(2) Name and title of the authorized representative of the industrial user who shall have the authority to bind the industrial user financially and legally;

(3) All SIC numbers of all processes at the location according to the Standard Industrial Classification Manual, issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended;

(4) Actual or proposed wastewater constituents and characteristics for each parameter listed in the permit application form. Such parameters shall include those applicable pollutants having numeric limitations as enumerated in Section 1043.05(a) and (b) of this Code, those pollutants limited by national categorical pretreatment standards regulations for applicable industries and any toxic pollutants known or suspected to be present in the discharge, regulated in the previous

permit, or specifically requested by the Detroit Water and Sewerage Department. For each parameter, the expected or experienced main and average concentrations during a one-year period shall be provided. For industries subject to national categorical pretreatment standards or requirements, the data requested herein shall be separately shown for each categorical process wastestream. Combined wastestreams proposed to be regulated by the combined wastestream formula shall also be identified. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to 33 U.S.C. §1314(g) and contained in 40 C.F.R. Part 136, as amended. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the Administrator.

(5) A listing and description of activities, facilities and plant processes on the premises. Those processes which are subject to national categorical pretreatment standards or requirements shall be so designated. As pertains to paragraph (c)(4) of this section, identify which pollutants are associated with each process;

(6) Restricted to only those pollutants referred to in paragraph (c)(4) of this section, a listing of raw materials and chemicals which are either used in the manufacturing process or could yield the pollutants referred to in paragraph (c)(4). Any user claiming immunity from having to provide such information for reasons of national security shall furnish acceptable proof of such immunity.

(7) A description of typical daily and weekly operating cycles for each process in terms of starting and ending times for each of the seven days of the week;

(8) Denote the average and maximum twenty-four hour wastewater flow rates including, if any, daily, monthly and seasonal variations; each national categorical process wastestream flow rate and the cooling water, sanitary water and storm water flow rates separately for each connection to the POTW; and each combined wastestream;

(9) A drawing showing all sewer connections and sampling manholes by the size, location, elevation and points or places of discharge into the POTW; also a flow schematic showing which connections receive each national categorical process wastestream and which connections receive storm water, sanitary water or cooling water, and show which lines handle each combined wastestream. This schematic shall be cross-referenced to the information furnished in paragraph (c)(8) of this section;

(10) Each product produced by type, amount, process or processes and rate of production pertaining to processes subject to production based limits under the national categorical pretreatment standards or requirements only;

(11) A statement regarding whether or not the requirements of this chapter and of the national categorical pretreatment standards and requirements are being met on a consistent basis and, if not, what additional operation and maintenance work and/or additional construction is required for the industrial user to meet the applicable standards and requirements. This statement shall be

reviewed and signed by the authorized representative and, as appropriate, certified by a qualified professional.

(12) Basic information on the program for the prevention of accidental discharges in accordance with the requirements of Section 1043.05(a) of this Code;

(13) Proposed or actual hours of operation of each pretreatment system for each production process;

(14) A schematic and description of each pretreatment facility which identifies whether each pretreatment facility is of the batch type or continuous process type;

(15) If other than Detroit Water and Sewerage Department potable water, the industrial user's source of intake water together with the types of usage and disposal method of each water source, and the estimated wastewater volumes from each source;

(16) If additional construction and/or operation and maintenance procedures will be required to meet the requirements of this chapter and the national categorical pretreatment standards, the shortest schedule by which the user will provide such additional construction and/or implement the required operation and maintenance procedures;

(17) Identify whether the user has conducted a waste minimization assessment or audit of its operations in order to identify all feasible source reduction and recycling practices that may be employed to reduce or eliminate the generation of pollutants and other waste at the facility; and

(18) Any other information as may reasonably be required to prepare and process a wastewater discharge permit.

(d) Permit Issuance. Upon receipt of an application, the Department shall review the application, determine, and so notify the industrial user in writing regarding any of the following:

(1) The industrial user does not meet the definition of a significant industrial user and is not required to have a wastewater discharge permit;

(2) The industrial user does meet the definition of a significant industrial user but is found by the Department to have no reasonable potential for adversely affecting the POTW operation or for violating any pretreatment standard or requirement, and is not required to have a wastewater discharge permit. The Department shall make such determination in accordance with the requirements of 40 C.F.R. §403.8(f)(6);

(3) The application is incomplete or the information only partially satisfies the information and data required by 40 C.F.R. §403.12 or by the Department, and that additional information and data are required which shall be promptly furnished. Where appropriate, the industrial user shall be notified regarding specific information that is missing, or that the application is unacceptable;

(4) The industrial user is required to have a wastewater discharge permit. The Department shall notify the industrial user of its determination and the basis of the determination.

The Department may withhold issuance of a permit to a significant user which has not submitted an adequate or timely report, or permit application, to the Department as the Control Authority in accordance with the reporting requirements of 40 C.F.R. §403.12, or whose discharge is in violation of this chapter. If the Department determines that an industrial user is required to have a wastewater discharge permit and has evaluated and accepted the data furnished, the industrial user will be notified accordingly by certified mail. The notification shall contain a copy of the draft permit, so marked, for the industrial user's review. An industrial user has thirty days from the date of mailing to file a response to the draft permit and, in accordance with the procedures contained in Section 1043.13 of this Code, twenty days from the date of mailing to file an appeal regarding a permit issued as final. Upon disposition by the Department of any contested terms or conditions, a permit shall be issued as final. Only one facility location shall be included in each permit.

(e) Permit Conditions. Wastewater discharge permits shall contain all requirements of 40 C.F.R. §403.8(f)(1)(iii) and shall be deemed to incorporate all provisions of this chapter, other applicable laws, rules, regulations, and user charges and fees established by the City of Detroit or City of Highland Park without repetition therein. In addition, permits may contain the following:

- (1) Limits on the average and maximum wastewater constituents or characteristics which are equivalent, more restrictive than or supplemental to the numeric limits enumerated in Section 1043.05, or the applicable national categorical pretreatment standards;
- (2) Limits on average, and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (3) Requirements for installation, operation, and maintenance of discharge sampling manholes and monitoring facilities by the industrial user;
- (4) Restrictions on which of the user's discharge wastestreams are to be allowed to be discharged at each point of connection to the POTW;
- (5) Specifications for industrial user monitoring programs which may include sampling locations, frequency and type of sampling, number, types and standards for tests and reporting schedules;
- (6) Requirements for the prevention of accidental discharges and the containment of spills or slug discharges;
- (7) Restrictions based on the information furnished in the application;
- (8) Additional reporting requirements:

A. All permittees shall submit a report on the form prescribed by the Department, or on an alternate form approved by the Department, indicating the status of compliance with all conditions enumerated or referred to in the wastewater discharge permit, or made applicable to the permit by this chapter. Unless required more frequently, the reports shall be submitted at six-month intervals on a schedule to be established by the Department. Analytical data generated by the Department may not be submitted in lieu of the facility's own monitoring data as required by the wastewater discharge permit.

B. Permittees not subject to national categorical pretreatment standards or requirements shall submit a report in accordance with the requirements of paragraphs (e)(8) D. and E. hereof. The report shall show the concentration of each substance for which there is a specific limitation in the permit, or which may be identified by the Department in accordance with paragraphs (e)(9) and (11) hereof.

C. Permittees subject to national categorical pretreatment standards or requirements shall submit compliance reports at the times and intervals specified by Federal regulations and by the Department. A compliance report shall be submitted to the Department no later than ninety days following the final compliance date for a standard, or in the case of a new source, no later than ninety days following commencement of the introduction of wastewater into the POTW, and in accordance with 40 C.F.R. §403.12(d). A report on continued compliance shall be submitted at six-month intervals thereafter on the schedule established by the Department and incorporated into the industrial user's discharge permit and in accordance with paragraphs (e)(8) D. and E. of this Code. The reports shall be either on a form prescribed by the Department or on an alternate form approved by the Department, and shall indicate the nature and concentration of all pollutants in the discharge from each regulated process which are limited by national categorical pretreatment standards, or for which there is a specific limitation in the permit, or which may be identified by the Department in accordance with paragraphs (e)(9) and (11) hereof. The report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharges regulated by the permit. The combined wastestream formula may be used for reporting purposes after the initial information has been furnished to the Department, provided there have been no changes to the elements composing the combined wastestream.

D. Reports shall contain the results of representative sampling performed during the period covered by the report and of the discharge and analysis of pollutants contained therein, and, for significant industrial users subject to production based standards, shall be cross-referenced to the related flow or production and mass as required to determine compliance with the applicable pretreatment standards. The frequency of monitoring shall be as prescribed in the applicable general pretreatment regulations, being 40 C.F.R. Part 403, or by the Department, but no less than is necessary to assess and assure compliance by the industrial user with the most stringent applicable pretreatment standards and requirements. All sampling and analysis shall be performed in accordance with applicable regulations contained in 40 C.F.R. Part 136 and amendments thereto. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the administrator.

If an industrial user monitors any pollutant more frequently than required by the Department using the procedures as prescribed in this section, the results of this monitoring shall be included in such report. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment system improvements or changes are necessary to bring the industrial user into compliance with the applicable pretreatment standards.

E. This report, and those required under Section 1043.05(c)(5) and paragraphs (e)(8) B. and C. hereof, shall include the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction, or supervision, in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and/or imprisonment for knowing violations." Said certification shall be signed by the facility's authorized representative, as defined in Section 1043.03.1(a)(2) of this Code. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of the authorized representative definition must be submitted to the Department prior to, or together with, any reports to be signed by an authorized representative.

F. If sampling performed by a permittee indicates a violation, the user shall notify the Department within twenty-four hours of the time said user becomes, or should have become, aware of the violation. In addition, the user shall repeat the sampling and analysis, and submit the results of the repeat analysis to the Department within thirty days after said user becomes, or should have become, aware of the violation.

(9) In the event the Director determines that an industrial user is discharging substances in quality, quantity or at locations which may cause problems to the POTW, or the receiving stream, the Department has the authority to develop and enforce effluent limits applicable to the user. To the extent the Department seeks to impose restrictions in a permit which are more restrictive than those established in this chapter, the Department shall provide written documentation to explain the greater restriction for protection against pass through, interference, or violation of the NPDES permit;

(10) Requirement for pollution prevention initiatives; and

(11) Other requirements reasonably necessary to ensure compliance with this chapter.

(f) Permit Duration. Permits shall be issued for a specified time period. Except as deemed necessary by the Department, or as otherwise provided for under this chapter, permits shall be issued for a specified period of not more than five years nor less than one year. The existing permit for significant industrial users, who timely submit an application for permit reissuance to the Department, shall be automatically extended until a permit is issued as final.

(g) Permit Modification. The terms and conditions of the permit may be subject to modification by the Department during the term of the permit as limitations or pretreatment standards and requirements identified in Section 1043.05 of this Code are amended, or other just cause exists. Just cause for a permit modification includes, but shall not be limited to, the following:

(1) Material or substantial changes to an industrial user's facility or operation, or changes in the characteristics of the industrial user's effluent. It shall be the industrial user's duty to request an application form and apply for a modification of the permit within thirty calendar days of the change;

(2) Change(s) in the Department's NPDES permit;

(3) Embodiment of the provisions of a legal settlement or of a court order;

(4) Any changes necessary to fulfill the Department's role as control authority;

(5) An industrial user's noncompliance with portions of an existing permit;

(6) A change of conditions within the POTW;

(7) A finding of interference or pass through attributable to the industrial user;

(8) Amendments to, or promulgation of, national categorical pretreatment standards or requirements, including 40 C.F.R. Part 403 and those delineated in Appendix A following the text of this chapter. Permittees shall request an application form and apply to the Department for a modified permit within ninety days after the promulgation of a new or revised national categorical pretreatment standard to which the industrial user shall be subject. Information submitted pursuant to this subsection shall be confined to that information related to the newly promulgated or amended national categorical pretreatment standard or requirement. However, information previously submitted need not be duplicated, insofar as the previously submitted information continues to be current and applicable. In addition, the Department may initiate this action;

(9) Changes in the monitoring location. (See Section 1043.08 of this Code.);

(10) Typographical errors or omissions in permits;

(11) The Department may modify the permit on its own initiative based on its findings or reasonable belief of the above; or

(12) The user may request a modification of the permit.

When initiated by the Department, the industrial user shall be informed of any proposed change in its permit. The Department will issue a draft permit and an industrial user has thirty days to file a response to the draft modified permit. Thereafter, the Department will issue a final permit

and, unless appealed in accordance with the procedures contained in Section 1043.13 of this Code, the permit will become effective twenty days after issuance.

(h) Permit Custody and Transfer. Wastewater discharge permits are issued to a specific person as defined herein for a specific discharge. A wastewater discharge permit shall not be reassigned or transferred or sold to a different person, new owner, new industrial user, different premises, or a new or changed operation without notice to and written approval of the Department, and providing a copy of the existing permit to the new owner or operator. It shall be the permit holder's duty to notify the Department of any such change at least thirty days before the date of the change. Wastewater discharge permits which do not receive the written approval of the Department prior to the change shall be null and void regardless of reassignment, transfer, or sale. If it has occurred, the Department may revoke a permit. If a change takes place, the Department may require the application for a new or modified permit. Any succeeding person shall comply with the terms and conditions of any existing permit which the Department allows to be retained.

(i) Permit Notification Requirements. All industrial users shall promptly notify the Department in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous waste for which initial notification under 40 C.F.R. §403.12(p) has been made, request a permit application form, and apply for a modification of the permit at least thirty calendar days prior to the change. Failure of the industrial user to so apply shall be considered a violation of this chapter.

(Ord. Unno. Passed 12-7-98.)

1043.08 MONITORING FACILITIES.

(a) Significant industrial users shall provide, operate and maintain at their own expense a sampling manhole or special structure to facilitate monitoring, inspection, sampling, and flow measurement of their discharge by the Department and the industrial user, and to enable the Department to conduct such other monitoring and sampling as required for determining compliance with discharge requirements, limits and standards as provided for in this chapter. In the event the Department determines 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 Department, said facility shall be provided within ninety days of receipt of notification by the Department. The industrial user shall provide the Department with the following:

(1) A drawing showing all sewer connections and sampling manholes by size, location, elevation, and points or places of discharge into the POTW;

(2) A flow schematic showing:

A. Which connections receive each national categorical process wastestream;

B. Which connections receive storm water, sanitary water or cooling water; and

C. Which lines handle each combined wastestream. This report shall be certified by a professional engineer. If a significant industrial user fails to install the monitoring facilities within the prescribed time limits, then the Department may install such structure or device and the significant user shall reimburse the Department for any costs incurred therein.

(b) The sampling manhole should be situated on the industrial user's premises in a location readily accessible to the Department. When such a location would be impractical or cause undue hardship to the industrial user, the Department may allow the facility to be constructed in the public street or sidewalk area when there is room and the location will not be obstructed by landscaping or parked vehicles. It shall be the responsibility of the industrial user to obtain any necessary approvals which may be required from other government agencies for the location and construction of monitoring facilities. There shall be ample room in or near such sampling or monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility and any permanently installed sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user. Whether constructed upon public or private property, the sampling and monitoring facilities shall be provided in accordance with the Department's requirements and all applicable local construction standards and specifications. (See Section 1043.07.) (Ord. Unno. Passed 12-7-98.)

1043.09 INSPECTION, SAMPLING AND RECORDKEEPING.

(a) For purposes of administering and enforcing this chapter, any other applicable provisions of this Code or applicable State or Federal laws and regulations, the Department may inspect the establishment, facility or other premises of the industrial user. The Department's employees or authorized representative shall have access to the industrial user's premises for purposes of inspection, sampling, compliance monitoring and/or metering activities.

(b) Each such inspection or sampling activity shall be commenced and completed at reasonable times, and in a reasonable manner. Upon arrival at the industrial user's premises, the Department shall inform the industrial user, or the industrial user's employees, that sampling and/or inspection is commencing, and that the facility's authorized representative has the right to observe the inspection and/or sampling. The Department shall neither refrain from, nor be prevented or delayed from, carrying-out its inspection or sampling duties due to the unavailability of the authorized representative of the facility to observe or participate in the inspection or sampling activity.

(c) While performing work on private property, employees or authorized representatives of the Department shall observe all reasonable safety, security and other reasonable rules applicable to the premises as established by the industrial user. Duly authorized employees or representatives of the Department shall bear proper credentials and identification and, at the industrial user's option, may be accompanied by a duly authorized representative of the industrial user. Duly authorized Department representatives shall not be restricted from viewing any of the facility site. Department employees or representatives may take photographs of facilities, subject to this

chapter, which shall be maintained by the Department as confidential in accordance with Section 1043.10 of this Code.

(d) Where an industrial user has security measures in force, the industrial user shall make prompt and necessary arrangements with the security personnel so that, upon presentation of appropriate credentials, personnel from the Department will be permitted to enter for the purposes of performing their specific responsibilities.

(e) Significant industrial users shall sample and analyze their discharge in accordance with the provisions of their permit. The Department may require such samples to be split with the Department for the Department's independent analysis.

(f) Industrial users shall maintain records of all information from monitoring activities required by this chapter, or by 40 C.F.R. §403.12(n). Industrial users shall maintain the records for no less than three years. This period of record retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user, or the operation of the City of Detroit's Industrial Waste Program, or when requested by the Department, by the State, or by the EPA.

(g) Upon the request of the Department, industrial users shall furnish information and records relating to discharges into the POTW. Industrial users shall make such records readily accessible to the Department at all reasonable times, and allow the Department to copy such records.

(h) In the event the Department obtains samples, and analyses are made of such samples, a copy of the results of such analyses shall be promptly furnished upon written request by the industrial user's authorized representative. When requested by the industrial user, the Department employee or representative shall leave with the user a portion of any sample of the user's discharge taken from any sampling point on or adjacent to the premises for the user's independent analysis. In cases of disputes arising over shared samples, the portion taken and analyzed by the Department shall be controlling unless proven invalid.

(i) In addition to any other violation caused by the discharge described herein, in the event a single grab sample of the industrial user's discharge is obtained by the Department, and then analyzed in accordance with 40 C.F.R. Part 136, and found to contain concentrations of pollutants which are two or more times greater than the numeric limitations as listed in Section 1043.05(b) of this Code, or as contained in the facility's wastewater discharge permit, the industrial user shall implement its slug control plan, and shall provide a written report to the Department within fourteen days, which describes the cause of greater concentration and provides a description of the means by which future discharge concentrations will be held to values of less than two times the limitation in the future.

(Ord. Unno. Passed 12-7-98.)

1043.10 CONFIDENTIAL INFORMATION.

(a) Information and data on an industrial user obtained from written reports, questionnaires, permit applications, permits and monitoring programs, and from inspections, shall be available to the public or other governmental agencies without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the Department that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.

When submitted to the Department, all information claimed to be confidential must be clearly marked 'confidential'. When requested by the person furnishing the report, the portions of a report determined by the Department to disclose trade secrets or trade secret processes, and which are clearly labeled as confidential, shall not be made available for inspection by the public, but shall be made available upon request to governmental agencies for uses related to this chapter, to the National Pollutant Discharge Elimination System (NPDES) permit, and to the State Disposal System permit and/or the pretreatment programs, provided, however, that information shall be treated as confidential by the governmental agency until such time as the information has been determined to be non-confidential by the governmental agency. Confidential information on industrial users, which the Department releases pursuant to a request of another governmental agency, should be handled by the other governmental agency pursuant to its own confidentiality procedures. The Department cannot control how another governmental agency handles such confidential information, and assumes no responsibility for the disposition of the information released to the governmental agency. The Department will use sufficient care to inform the other governmental agency of the existence of the industrial user's confidentiality claim. The Department shall determine whether the information requested to be treated as confidential in fact satisfies the requirements of confidential information as defined herein. The decision of the Department shall be made in writing.

Wastewater constituents and characteristics will not be recognized as confidential information.

(b) Except as otherwise determined by the Department or provided for by applicable law, all information with respect to an industrial user on file with the City shall be made available upon request by such user or the user's authorized representative during normal business hours.

(Ord. Unno. Passed 12-7-98.)

1043.11 EFFECTS OF STATUTES, LAWS AND REGULATIONS.

The national categorical pretreatment standards defined in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471, shall be and are incorporated by reference herein and made a part hereof. Unless otherwise provided, any reference in this chapter to a code, standard, rule, regulation, or law enacted, adopted, established, or promulgated by any private organization, or by any element or organization of government other than the City of Highland Park, shall be construed to apply to such code, standard, rule, regulation, or law in effect or as amended or promulgated, from the date of enactment of this chapter.

(Ord. Unno. Passed 12-7-98.)

1043.12 ENFORCEMENT.

(a) Violations. It shall be a violation of this chapter for any user to:

- (1) Fail to completely and/or actively report the wastewater constituents and/or characteristics of the industrial user's discharge;
- (2) Fail to report significant changes in the industrial user's operations or wastewater constituents and/or characteristics within the time frames provided in Section 1043.07(g)(1) of this Code;
- (3) Refuse reasonable access to the industrial user's premises, waste discharge, or sample location for the purpose of inspection or monitoring;
- (4) Restrict, lockout or prevent, directly or indirectly, access to any monitoring facilities constructed on public or private property. The locking or securing of the monitoring facility shall not constitute a violation pursuant to this subsection, provided that, upon request, reasonable access to the facility is promptly provided to the Department;
- (5) Restrict, interfere, tamper with, or render inaccurate any of the Department's monitoring devices including, but not limited to, samplers;
- (6) Fail to comply with any condition or requirement of the industrial user's wastewater discharge permit;
- (7) Fail to comply with any limitation, prohibition or requirement of this chapter, including any rule, regulation, or order issued hereunder. Industrial users acting in full compliance with wastewater discharge permits issued prior to the effective date of this chapter shall be deemed to be in compliance with the requirements of this chapter, and such permits shall remain in effect and be enforceable under this chapter until a superseding permit is effective. Industrial users shall comply with applicable national categorical pretreatment standards and requirements on the date specified in the Federal Regulations, regardless of compliance schedules.

(b) Upsets. An upset shall constitute an affirmative defense to an action brought for noncompliance with national categorical pretreatment standards where the requirements of paragraph (b)(1) of this section are met.

(1) An industrial user who wishes to establish the affirmative defense shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

A. An upset occurred and the industrial user can identify the cause(s) of the upset;

B. At the time, the facility was being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

C. The industrial user has submitted the following information to the Department, orally or in writing, within twenty-four hours of becoming aware of the upset and, where this information is

provided orally, a written submission must be provided within five days, containing the following information:

1. A description of the discharge and cause of noncompliance;
2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(2) In an enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof;

(3) The industrial user shall control production of all discharges to the extent necessary to maintain compliance with this chapter upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(c) Bypass. Bypasses are prohibited unless the bypass does not cause a violation of pretreatment standards or requirements, but only if it is for essential maintenance to ensure efficient operation of the treatment system. These bypasses are not subject to the provisions of paragraphs (c)(1) and (2) of this section.

(1) Notice of anticipated bypass. Industrial users anticipating a bypass shall submit notice to the Department at least ten days in advance.

(2) Notice of unanticipated bypass. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four hours from the time the industrial user becomes, or should have become, aware of the bypass. A written submission shall be provided within five days of the time the industrial user becomes, or should have become, aware of the bypass. The written submission shall contain a description of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

(3) Prohibition of bypass and enforcement. Bypass is prohibited, and the Department may take enforcement action against a user for a bypass, unless:

A. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

B. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been

installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

C. The industrial user properly notified the Department as described in paragraph (c)(2) of this section.

(4) Bypass approval. Where it meets all conditions in paragraph (c)(3) of this section, the Department may approve an anticipated bypass.

(d) Emergency Suspensions and Orders. The Department may order suspension of the sewer or wastewater treatment service and/or a wastewater discharge permit where, in the opinion of the Department, such suspension is necessary to stop any actual or threatened discharge which presents or may present an imminent or significant hazard to the health or welfare of persons or to the environment, interferes or may interfere with the POTW, or causes or may cause the City of Detroit to violate any condition of its NPDES permit. Any person notified of a suspension of the sewer or wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event the Department provides informal notification under this section, written confirmation and an order shall be provided within twenty-four hours. In the event of a failure of the person to comply voluntarily with any suspension or revocation order, the Department shall take such steps as deemed necessary, including immediate severance of the sewer connection or services, to prevent or minimize damage to the POTW system or danger to any individual or the environment. In the event such steps are taken, the Director shall notify the industrial user within twenty-four hours in writing of such action and order, and the specific recourse available. In any event, the Department shall provide the industrial user with an opportunity for a hearing before the Director, or his or her designated representative within ten days of such action. The industrial user shall submit a detailed written statement to the Department within fifteen days of the occurrence describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Upon proof of elimination of the noncomplying discharge, the Department shall reinstate the wastewater discharge permit and/or the sewer or wastewater treatment service.

(e) Notice of Violation. Except in the case of an actual or threatened discharge as specified in subsection (d) of this section, whenever the Department has reason to believe that any industrial user has violated or is violating this chapter, the Department shall serve a written notice stating the nature of the violation upon such industrial user. Where applicable, the Department shall pursue appropriate escalating enforcement action as defined within its approved enforcement response plan. The failure of the Department to issue a notice of violation shall not preclude the Department from escalating its enforcement response.

(f) Administrative Actions. Whenever the Department has reasonable grounds to believe that a user is violating, or has violated, a provision of its wastewater discharge permit, or a pretreatment standard or requirement or any prohibition of this chapter, the Department, except in the case of emergency or flagrant violation, may initiate appropriate administrative enforcement action in order to compel the industrial user to eliminate or to remedy such violation as soon as possible.

(1) A. Conferences. The Department may order any person who violates this chapter to attend a conference wherein the Department may endeavor to cause the user to eliminate or remedy the violation by establishing an enforceable compliance schedule. The notice of violation shall be served at least ten days before the scheduled conference and shall set forth the date, time, and place thereof. The conference shall be conducted by a representative of the Department. The industrial user shall present a plan and schedule for achieving compliance with this chapter. Nothing contained herein shall require the Department to accept or agree to any proposed plan or schedule, or to prevent the Department from proceeding with a show cause hearing as set forth in paragraph (f)(2) of this section. If the attendees agree upon a compliance schedule, the user and the Department's duly authorized representative may enter, by consent, into a compliance agreement or an administrative order setting forth the terms of such agreement. An industrial user must exhibit good faith and expeditious efforts to comply with this chapter and any procedures, requirements, and agreements hereunder.

B. Compliance schedules. The user and the Department may agree upon a schedule which sets forth the terms and conditions, and time periods or schedules for completion of actions to remedy or to eliminate the causes of violation. These schedules may be developed as part of a compliance agreement, or an administrative consent order. Schedules developed under this subsection shall adhere to the following conditions:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of upgraded or additional pretreatment facilities, or to the implementation of additional operation and maintenance procedures required for the interim user to meet the applicable pretreatment requirements and standards including, but not limited to, hiring an engineer, completing preliminary plans, completing final plans, contracts for major components, commencing construction, and completing construction;
2. No single increment referred to in subsection (i) of this section shall exceed nine months;
3. Not later than fourteen days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the Department including, at a minimum, whether it complied with the increment of progress to be met on such date and, if not, the date by which it expects to comply with this increment of progress, the reason(s) for delay, and the steps being taken by the industrial user to return to the established schedule; and
4. Any deviations from the compliance schedule may result in the industrial user being found in violation of this chapter.

C. Administrative orders. The Department may order any industrial user, who violates or continues to violate this division or a duly issued permit, to install and to properly operate devices, treatment facilities, or other related appurtenances. In addition, orders may contain such other requirements as might reasonably be necessary and appropriate to address the violation including the installation of pretreatment technology, additional self-monitoring and management practices, implementation of a waste minimization assessment to identify and implement feasible source reduction, and recycling practices to reduce the generation or release

of pollutants at the facility. An order may be either an administrative consent order, which is the remit of an agreement, or a unilateral administrative order.

(2) Show cause hearing. The Department may order any industrial user who violates this chapter, or who allows such violation to occur, to show cause before the Department why a proposed enforcement action should not be taken. A notice shall be served upon the industrial user specifying the time and place of a hearing before the Department regarding the violation, the reason(s) why the action is to be taken, the proposed enforcement action, and directing the industrial user to show cause before the Department why any proposed enforcement action should not be taken. The notice of the hearing shall be served personally, or by registered or certified mail with return receipt requested, at least ten days before the hearing. Service may be made upon any agent or officer of a corporation, or its authorized representative.

A. Hearing. The hearing shall be conducted in accordance with the procedures adopted by the Board. A hearings officer shall conduct the show cause hearing and take the evidence, and may:

1. In the name of the Board, issue notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
2. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Director for action thereon.

B. Transcript. At any show cause hearing held pursuant to this chapter, testimony shall be recorded by a court reporter.

(3) Actions. After a show cause hearing has been conducted, the hearings officer shall issue an order to the industrial user directing any of the following actions:

A. Immediate compliance with the industrial user's wastewater discharge permit or with any applicable limitation, condition, restriction or requirement of this chapter, or applicable local, State or Federal law or regulation;

B. Pretreatment of waste by installation of adequate treatment equipment or proper operation and maintenance of existing treatment equipment be accomplished within a specified time period;

C. Submission of compliance reports on effluent quality and quantity as determined by self-monitoring and analysis during a specified time period;

D. Submission of periodic reports on effluent quality and quantity determined by self-monitoring analysis throughout the final period set by a compliance date;

E. Control of discharge quantities;

F. Payment of costs for reasonable and necessary inspection, monitoring, and administration of the industrial user's activities by the Department during compliance efforts; and/or

G. Any such other orders as are appropriate including, but not limited to, immediate termination of sewer or wastewater treatment services, or revocation of a wastewater discharge permit, or orders directing that following a specified time period sewer or wastewater treatment service will be discontinued unless adequate treatment facilities, devices, or operation and maintenance practices have been employed.

The hearings officer may also issue a finding that the user has demonstrated, by a preponderance of the evidence, that a violation either of this chapter or of a duly issued permit did not occur.

(4) Public notification of significant noncompliance. The Department shall publish in the largest daily newspaper published in the City of Detroit and the City of Highland Park a list of all industrial users which were in significant noncompliance with applicable pretreatment requirements at any time during the previous twelve months. All industrial users identified in a proposed publication shall be provided with a copy of the proposed notice at least thirty days before publication and allowed an opportunity to comment as to its accuracy.

(g) Legal Actions.

(1) Criminal action. Any user who violates any provision of this chapter, including the failure to pay any fees, fines, charges or surcharges imposed hereby, or any condition or limitation of a permit issued pursuant hereto, or who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a wastewater discharge permit, or who tampers with or knowingly renders inaccurate any monitoring device required under this chapter, is guilty of a misdemeanor and shall be subject to the penalty provided in Section 1043.99. The Department is hereby authorized, through its counsel, to seek prosecution of criminal charges against any person violating any provision of this chapter.

(2) Civil action. Whenever the Department has reasonable grounds to believe that a user is violating, or has violated, a provision of its wastewater discharge permit, a pretreatment standard or requirement or any requirement of this chapter, the Director may commence a civil action to compel compliance in a court of competent jurisdiction to enjoin the user from discharging, and/or to obtain appropriate relief to remedy the violations. The Department or Board may also seek additional legal and/or equitable relief. The commencement of suit does not constitute an exclusive election of remedies and does not prohibit the Department, the Director, the Board, the City of Detroit or the City of Highland Park from commencing action in Federal Court for discharges believed to be in violation of this chapter, State and Federal requirements contained in the Clean Water Act, the City of Detroit's NPDES permit, or other applicable laws or requirements. In addition, the City of Detroit and/or the City of Highland Park may recover the reasonable attorney fees, court costs, court reporters' fees, and other unusual expenses related to enforcement activities or litigation against the person found to have violated this chapter, or the orders, rules, regulations and permits issued hereunder.

(3) Fines, costs and penalties. All fines, costs, and penalties which are imposed by any court of competent jurisdiction shall be payable to the City of Detroit Water and Sewerage Department and the City of Highland Park, where applicable.

(Ord. Unno. Passed 12-7-98.)

1043.13 RECONSIDERATION AND APPEAL.

Through the procedures of reconsideration and appeal, a user may contest actions, determinations, or decisions of the Department which result from its construction, application and enforcement of this chapter. The procedures contained within this section govern reconsideration and appeal with respect to construction, application, and enforcement of this chapter.

(a) Selection of Reconsideration or of Appeal.

(1) Except for those actions, determinations, or decisions which are expressly identified as subject only to appeal, reconsideration may be requested by any permit applicant, permittee, authorized industrial wastewater discharger or other discharger, who is adversely affected by any action, determination, or decision that is made by, or on behalf of, the Department by the Director, or an authorized representative, and that interprets, implements or enforces the provisions of this chapter.

(2) An appeal may be requested by any permit applicant, permittee, authorized industrial wastewater discharger or other discharger, who is adversely affected by a permit issued as final by the Department, or by an administrative order entered after a show cause order and hearing, or after a hearing for reconsideration.

(3) Unless otherwise expressly provided for by this chapter, a request for reconsideration or appeal must be signed by an authorized representative and received at the Department's General Offices within twenty days from the date of the occurrence of the action, determination or decision in dispute. A request for reconsideration shall contain the requester's name and address, a brief statement of the reason(s), and the factual basis underlying the request.

(4) A request for reconsideration shall be filed in triplicate either by hand delivery or by certified mail to the General Offices of the Department. Where a request for reconsideration or appeal either is not filed within the time period provided for in this subsection or is improperly made, the action, determination or decision of the Director, or the Department's authorized representative, is final and any right to reconsideration or appeal may be deemed waived.

(b) Reconsideration. Within fifteen days after receipt of a timely and proper request for reconsideration, the Department shall notify the applicant of the time and place for a hearing.

(1) A hearing for reconsideration shall be conducted by a hearings officer who is designated by the Director and may be an employee of the Department. The decision of the hearings officer shall be in the form of a recommendation to the Director and embodied in an administrative order. Except for an administrative consent order that was negotiated and agreed to by both parties, an administrative order is appealable in accordance with subsection (c) of this section.

(2) Where improperly or untimely submitted, the Department may reject a request for reconsideration. The Department shall notify the requester in writing that the request has been rejected.

(3) Unless the date is mutually extended by both parties, the hearing shall be conducted neither less than ten days nor more than thirty days after mailing of the notice. For cause and at the discretion of the hearings officer, the hearing may be continued for a reasonable time.

(4) The hearing for reconsideration shall be an informal consultation and conference where the requester, in person, or by counsel, shall present their argument, evidence, data, and proof in connection with the issue(s) being reconsidered. The parties shall not be bound by the Michigan Rules of Evidence. The hearing shall be transcribed and the requester may obtain a copy of the hearing transcript, as appropriate, from the Department or from the court reporter.

(5) Within thirty days after the close of the hearing, the hearings officer shall issue a final decision which shall contain a recommendation to the Director. The hearings officer shall send such decision to the requester by certified mail.

(6) Unless such action is necessary to prevent pass through, interference or other harm to the POTW, to the public or to the waters of this State, the filing of a request for reconsideration in accordance with this section shall stay the action by the Department that is the subject of the hearing for reconsideration.

(c) Appeal. Within thirty days after receipt of a timely and proper request for an appeal, the Department shall notify the applicant in writing regarding the time and place for a hearing. The hearing shall be conducted in accordance with procedures set by the Board until rules are promulgated pursuant to Section 2-111 of the 1997 Detroit City Charter. In addition:

(1) Any request for an appeal must be made within twenty days of the Department's action, determination or decision regarding the request for reconsideration or any permit issued in accordance with this chapter.

(2) Where a request either is not filed within the time period contained in this subsection or is improperly made, the action, determination or decision of the Director, or the Department's authorized representative, is final and any right to appeal may be deemed waived. Where untimely or improperly submitted, the Department may reject the request for an appeal and shall notify the requester in writing that such request has been rejected.

(3) The Department shall appoint a hearings officer. The hearings officer shall review the evidence, and, within fifteen days after the close of the hearing, shall issue a written recommendation to uphold, modify or reverse the action, determination, or decision of the Department.

(4) The written recommendation of the hearings officer shall be submitted to the Board, which shall render a final decision within thirty days of its next regularly scheduled meeting.

(5) In accordance with applicable law, the user or the Department may appeal any final decision of the Board to a court of competent jurisdiction.

(6) Unless such action is necessary to prevent pass through, interference, or other harm to the POTW, to the public or to the waters of this State, the filing of a request for appeal in accordance with this section shall stay the action by the Department that is the subject of the appeal.

(Ord. Unno. Passed 12-7-98.)

1043.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Appendix A

Aluminum Forming	40 C.F.R. Part 467
Asbestos Manufacturing	40 C.F.R. Part 427
Battery Manufacturing	40 C.F.R. Part 461
Builder's Paper and Board Mills	40 C.F.R. Part 431
Canned and Preserved Fruits and Vegetables	40 C.F.R. Part 407
Canned and Preserved Seafood Processing	40 C.F.R. Part 408
Carbon Black Manufacturing	40 C.F.R. Part 458
Cement Manufacturing	40 C.F.R. Part 411
Coal Mining	40 C.F.R. Part 434
Coil Coating	40 C.F.R. Part 465
Copper Forming	40 C.F.R. Part 468
Dairy Products Processing	40 C.F.R. Part 405
Electrical and Electronic Components I & II	40 C.F.R. Part 469
Electroplating	40 C.F.R. Part 413

Explosives Manufacturing	40 C.F.R. Part 457
Feed Lots	40 C.F.R. Part 412
Ferroalloy Manufacturing	40 C.F.R. Part 424
Fertilizer Manufacturing	40 C.F.R. Part 418
Glass Manufacturing	40 C.F.R. Part 426
Grain Mills	40 C.F.R. Part 406
Gum and Wood Chemicals Manufacturing	40 C.F.R. Part 454
Hospital	40 C.F.R. Part 460
Ink Formulating	40 C.F.R. Part 447
Inorganic Chemicals Manufacture I & II	40 C.F.R. Part 415
Iron and Steel	40 C.F.R. Part 420
Leather Tanning & Finishing	40 C.F.R. Part 425
Meat Products	40 C.F.R. Part 432
Metal Finishing	40 C.F.R. Part 433
Metal Molding and Casting	40 C.F.R. Part 464
Mineral Mining and Processing	40 C.F.R. Part 436
Nonferrous Metals Forming	40 C.F.R. Part 471
Nonferrous Metals Manufacturing I	40 C.F.R. Part 421
Nonferrous Metals Manufacturing II	40 C.F.R. Part 421
Ore Mining and Dressing	40 C.F.R. Part 440
Organic Chemicals, Plastics, and Synthetic Fibers	40 C.F.R. Part 414
Paint Formulating	40 C.F.R. Part 446
Paving and Roofing Materials	40 C.F.R. Part 443

Pesticide Chemicals	40 C.F.R. Part 455
Petroleum Refining	40 C.F.R. Part 419
Pharmaceutical	40 C.F.R. Part 439
Phosphate Manufacturing	40 C.F.R. Part 422
Photographic	40 C.F.R. Part 459
Plastics Molding and Forming	40 C.F.R. Part 463
Porcelain Enameling	40 C.F.R. Part 466
Pulp, Paper, and Paperboard	40 C.F.R. Parts 430 and 431
Rubber Manufacturing	40 C.F.R. Part 428
Soap and Detergent Manufacturing	40 C.F.R. Part 417
Steam Electric	40 C.F.R. Part 423
Sugar Processing	40 C.F.R. Part 409
Textile Mills	40 C.F.R. Part 410
Timber Products	40 C.F.R. Part 429

(Ord. Unno. Passed 12-7-98.)

CHAPTER 1044

Water Supply Cross Connections

EDITOR'S NOTE: Chapter 1044, previously a codification of Ordinance 1153, passed December 15, 1986, was re-enacted in its entirety by an unnumbered ordinance of Council, passed May 5, 1997.

1044.01 Intent.

1044.02 Water supply cross connection rules.

1044.03 Enforcement; inspections.

1044.04 Right of entry.

1044.05 Discontinuation of water service.

1044.06 Protection of potable water supply; labeling of outlets not supplied by the city water system.

1044.07 Conflict of laws.

1044.99 Penalty.

CROSS REFERENCES

Water quality - see Mich. Const. Art. 4, Secs. 22, 52; M.C.L.A. Secs. 67.38, 323.1 et seq.

Water supply generally - see Mich. Const. Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 123.111 et seq., 325.201 et seq., 486.51 et seq., 486.101 et seq.

Water supply in home rule cities - see M.C.L.A. Secs. 117.4b, 117.4e, 117.4f, 117.35, 123.115

Water generally - see S.U. & P.S. Ch. 1040

Water supply in subdivisions - see P. & Z. 1244.05(b)

1044.01 INTENT.

This chapter is intended to regulate cross connections with the public water supply system, i.e. a connection or arrangement of piping or appurtenances through which water of questionable quality, wastes or other contaminants can enter the public water supply system. (Ord. Unno. Passed 5-5-97.)

1044.02 WATER SUPPLY CROSS CONNECTION RULES.

The City hereby adopts by reference, as amended, the Water Supply Cross Connection Rules of the Michigan Department of Public Health, being R 325.11401 to R 325.11407 of the Michigan Administrative Code.

(Ord. Unno. Passed 5-5-97.)

1044.03 ENFORCEMENT; INSPECTIONS.

It shall be the duty of the Water Department to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are

deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Water Department and as approved by the Michigan Department of Public Health.

(Ord. Unno. Passed 5-5-97.)

1044.04 RIGHT OF ENTRY.

A representative of the Water Department shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply system of the City for the purpose of inspecting the piping system or systems thereof for cross connections. Upon request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or the refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

(Ord. Unno. Passed 5-5-97.)

1044.05 DISCONTINUATION OF WATER SERVICE.

The Water Department is hereby authorized and directed to discontinue water service, after reasonable notice, to any property wherein any connection in violation of this chapter exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination to the public water supply system.

Water service to such property shall not be restored until the cross connections have been eliminated in compliance with the provisions of this chapter.

(Ord. Unno. Passed 5-5-97.)

1044.06 PROTECTION OF POTABLE WATER SUPPLY; LABELING OF OUTLETS NOT SUPPLIED BY THE CITY WATER SYSTEM.

The potable water supply made available on properties served by the public water supply shall be protected from possible contamination as specified in this chapter and in Chapter 1422 of the Building and Housing Code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as follows:

WATER UNSAFE FOR DRINKING

(Ord. Unno. Passed 5-5-97.)

1044.07 CONFLICT OF LAWS.

This chapter shall not supersede the International Plumbing Code, as adopted in Chapter 1422, but shall be supplementary thereto.

(Ord. Unno. Passed 5-5-97.)

1044.99 PENALTY.

Whoever violates any of the provisions of this chapter, or any written order of the Water Department made pursuant thereto, is guilty of a misdemeanor and shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00), or imprisoned not more than ninety days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. Unno. Passed 5-5-97.)

TITLE SIX - Other Public Services

Chap. 1060. Garbage and Rubbish Collection and Disposal.

Chap. 1062. Parks, Playgrounds and Recreational Facilities.

CHAPTER 1060

Garbage and Rubbish Collection and Disposal

EDITOR'S NOTE: Two unnumbered resolutions, passed September 19, 1990, and January 22, 1991, authorized the adoption of the Wayne County Solid Waste Management Plan and the implementation of Plan components. Copies of such resolutions may be obtained, at cost, from the City Clerk.

1060.01 Definitions.

1060.02 Garbage disposals in food establishments.

1060.03 Receptacles required; incinerators.

1060.04 Portable receptacles.

1060.05 Nonportable receptacles.

1060.06 Deposit of garbage in receptacles.

1060.07 Foreign substances in receptacles; condition.

1060.08 Location of receptacles.

1060.09 Accumulation of combustible rubbish.

1060.10 Tree trimmings.

1060.11 Disputes; hearings; appeals.

1060.12 Authority re collection.

1060.13 Interference with collection.

1060.14 Disposition of commercial rubbish.

1060.15 Collection charges.

1060.16 Deposit on public and private property.

1060.17 Transportation.

1060.99 Penalty.

CROSS REFERENCES

City's powers generally re nuisances - see CHTR. Sec. 3-2

Garbage and refuse generally - see M.C.L.A. Secs. 46.171 et seq., 123.241 et seq., 123.361 et seq.

Municipal authority - see M.C.L.A. Secs. 123.301 et seq.

Junk - see GEN. OFF. Ch. 646

Rat control - see GEN. OFF. Ch. 678

Sanitation generally - see GEN. OFF. Ch. 682

Hazardous and medical waste incinerators - see GEN. OFF. 682.12

Burning of garbage and rubbish - see F.P. 1620.03

1060.01 DEFINITIONS.

As used in this chapter:

(a) "Approved type of garbage disposal unit" means:

(1) A food waste grinder of a make, type and model that has been submitted to the Plumbing Inspector and the City electrician and approved by them as giving efficient, safe, sanitary and satisfactory performance. Such food waste grinder shall be installed in accordance with the Plumbing and Electrical Codes of the City.

(2) An incinerator of design and capacity that will meet the requirements of Chapter 604 of the General Offenses Code and that will meet the approval of the City Engineer. Such incinerator shall be installed to meet the requirements of all laws or ordinances pertaining thereto.

(b) "Ashes" means the residue of combustion of any fuel, such as wood, coal, coke, charcoal or other like substances.

(c) "Building" means a structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. "Building" includes tents, awnings or vehicles situated on private property and used for the purposes of a building.

(d) "Business building" means a building other than a dwelling.

(e) "Commercial rubbish" means the miscellaneous waste material, except garbage, resulting from the operation of a manufacturing, renovating or dry cleaning enterprise.

(f) "Dwelling" means a building, or part thereof, occupied, in whole or in part, as the home, residence or sleeping place of one or more persons, either continuously, permanently, temporarily or transiently. Types of dwellings are as follows:

(1) "Multifamily dwelling" means a dwelling occupied by three or more families, or a rooming house, lodging house or hotel.

(2) "Private dwelling" means a dwelling occupied by one family and so designed and arranged as to provide cooking and kitchen accommodations for one family only.

(3) "Two-family dwelling" means a dwelling occupied by two families and so designed and arranged as to provide cooking and kitchen accommodations for two families only.

(g) "Food" means all articles of fruit, grain, vegetable, fish, fowl or animal matter used for food, drink, confectionery or condiment, whether simple, mixed or compound, and all substances or ingredients used in the preparation thereof.

(h) "Garbage" means all refuse or accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables. "Garbage" also includes dead animals and condemned foods found in the City.

(i) "Rubbish" means the miscellaneous waste material resulting from housekeeping and ordinary mercantile enterprises. "Rubbish" does not include garbage, ashes, discarded materials of building construction, alteration and repair, or commercial rubbish, as defined in subsection (e) hereof.

(Ord. 600; Ord. 621; Ord. 732; Ord. 733; 1959 Code Secs. 4-301, 4-315)

1060.02 GARBAGE DISPOSALS IN FOOD ESTABLISHMENTS.

From and after the effective date of this section, all new or existing buildings or parts thereof, except existing multifamily, two-family and private dwellings as set forth in Section 1060.03(b), which are used in whole or in part for storing, preparing, dispensing, selling or serving food or food stuffs in any manner whatsoever, shall be equipped with a suitable, proper, adequate, appropriate and approved type of garbage disposal unit, properly installed to meet the requirements of all laws and ordinances pertaining thereto. Such garbage disposal unit shall be of sufficient size to permit the proper and efficient disposing of all garbage, kitchen waste, food waste and food processing waste produced and/or accumulated in such place and shall be suitably located so as to properly and fully dispose of such material. However, in a building where only packaged or canned foods are handled that are not open at any time on the premises, a garbage disposal unit for such canned or packaged food is not required. Further, it is the purpose and intent of this section that in buildings where only soft drinks and ice cream are dispensed, sold or served, and where no solid food waste occurs and where no sandwiches, lunches, dinners, packaged or canned foods, soups or other food of any kind is sold or served, the installation of a garbage disposal unit is not required.

If a license is required from Council to engage in a business involving the storing, preparing, dispensing, selling or serving of food or food stuffs in the City, then no license shall be issued unless and until proper, suitable, adequate and appropriate approved garbage disposal units have been properly installed on the premises, as required under this chapter.

(Ord. 621; Ord. 733; Ord. 828; 1959 Code Sec. 4-302)

1060.03 RECEPTACLES REQUIRED; INCINERATORS.

(a) Rubbish and Ashes.

(1) The occupant of a private or two-family dwelling shall provide separate rubbish or ash receptacles, or both, and shall cause all rubbish and ashes being disposed of from the premises to be placed in the respective containers.

(2) For every multifamily dwelling, the owner thereof, or his or her lessee or agent, shall provide separate rubbish or ash receptacles, or both, and shall cause all rubbish and ashes being disposed of from the premises to be placed in the respective containers. However, in the case of a multifamily dwelling which is an approved type of incinerator, the incinerator shall be kept in a proper state of repair and shall be used for the disposal of any and all combustible rubbish that

can be safely disposed of in such incinerator without causing a violation of Chapter 604 of the General Offenses Code.

(3) The owner of a business building, or his or her lessee or agent, shall provide separate rubbish or ash receptacles, or both, and shall cause to be placed in the respective containers all rubbish and ashes of the premises. Further, within six months after the effective date of this subsection, the owner of every business building, or his or her lessee or agent, shall provide on the premises a suitable, proper, adequate type of rubbish incinerator of a design and capacity to meet the requirements of Chapter 604 of the General Offenses Code and to be installed to meet the requirements of all other laws or ordinances pertaining thereto. However, in a building where it is thought to be unfeasible to construct an incinerator, the owner of the building, or his or her lessee or agent, may request an inspection to be made by the City Engineer and the Superintendent of Public Service, and if in the course of their inspection they determine that the construction of the incinerator is not feasible on the premises in question, they shall issue a certificate to the petitioner so stating and waiving the provisions of this section requiring construction of an incinerator.

(Ord. 600; Ord. 732; 1959 Code Sec. 4-316)

(b) Garbage. The owner of a multifamily dwelling or the occupant of a private dwelling or two-family dwelling shall provide for such dwelling proper receptacles for holding garbage as provided in this chapter.

(Ord. 621; Ord. 733; 1959 Code Sec. 4-303)

1060.04 PORTABLE RECEPTACLES.

(a) Rubbish and Ashes.

(1) Rubbish and ash receptacles or containers for dwellings shall be portable and of a size and number to adequately contain the accumulation of rubbish and ashes on the premises for a two-week period.

(2) Rubbish and ash receptacles or containers for business buildings shall be portable and of a size and number to adequately contain the accumulation of rubbish and ashes on the premises. However, a stationary container may be used if such type is approved in writing by the Superintendent of Public Service.

(3) All rubbish and ash receptacles or containers shall be of incombustible construction, waterproof, verminproof, ratproof and equipped with tightly fitting covers. They shall always be kept clean and in place and shall always be maintained in such manner as not to become a nuisance. The covers shall be kept in place at all times, except when the contents are being placed in or removed from such receptacles.

(4) Portable rubbish and ash receptacles shall be of substantial metal construction and, to facilitate handling by Municipal collectors, no single portable receptacle shall have a capacity exceeding thirty-two gallons or weigh more than 100 pounds when full.

(Ord. 600; Ord. 732; Ord. 878; 1959 Code Sec. 4-317)

(b) Garbage. All receptacles for garbage, except as otherwise provided in this chapter, shall be of a portable type only, with tapered sides, of substantial metal construction and equipped with handles and a tightly fitting cover. Such receptacles shall be waterproof, verminproof and ratproof. They shall always be kept clean and in a place readily accessible and shall always be maintained in such a manner as not to become a nuisance. The covers shall be kept in place at all times except when the contents are removed from or placed in such receptacles. To facilitate handling by Municipal collectors, no single portable receptacle shall have a capacity exceeding thirty-two gallons nor shall a single receptacle weigh more than 100 pounds when full.

(Ord. 621; Ord. 733; Ord. 879; 1959 Code Sec. 4-304)

1060.05 NONPORTABLE RECEPTACLES.

If the owner, occupant or user of any premises accumulates more than one cubic yard of garbage and/or rubbish in a two-week period, he or she shall provide a container of the type designed to be handled mechanically by the City's packer collection trucks. Such container shall be of substantial metal construction, having a capacity not exceeding two cubic yards, caster wheels, tightly fitting covers and handles so that the container may be unloaded into a packer collection truck by the mechanical means provided by the truck. Such container shall be kept clean, in a readily accessible place and in good condition at all times.

(Ord. 621; Ord. 733; Ord. 878; Ord. 879; 1959 Code Sec. 4-304, 4-317(e))

1060.06 DEPOSIT OF GARBAGE IN RECEPTACLES.

Except as otherwise prohibited, the occupant of every building where garbage accumulates shall place or cause to be placed all garbage of the premises in proper garbage receptacles as required in this chapter. However, in the case of a multifamily dwelling, it is the joint and several duty of the owner, and his or her lessess, agents and employees, and the occupants of the premises to place or cause to be placed all garbage of the premises in proper garbage receptacles as provided in this chapter. In the case of a building having an approved type of garbage disposal unit, it is the joint and several duty of the occupants thereof and the owner and his or lessees, agents and employees to see that the garbage is properly disposed of, and that all disposal units and parts thereof are kept clean and in good working condition.

(Ord. 621; Ord. 733; 1959 Code Sec. 4-307)

1060.07 FOREIGN SUBSTANCES IN RECEPTACLES; CONDITION.

No person shall place in an ash receptacle any material or thing other than ashes, as defined in Section 1060.01(b). Rubbish or ash receptacles that are badly broken or in poor condition or that do not comply with this chapter may be collected as rubbish by the Municipal collectors.

(Ord. 600; Ord. 878; 1959 Code Sec. 4-319)

1060.08 LOCATION OF RECEPTACLES.

(a) Rubbish. All receptacles for rubbish and ashes shall be placed and located within private property lines and not in an alley or street or on public property. However, in the case of existing buildings which extend to the alley line, portable receptacles for rubbish and ashes may be placed in a public alley under written permit from the Superintendent of Public Service. If the property does not abut upon an alley, portable rubbish and ash receptacles shall be provided and shall, upon the day of scheduled collections, be placed as directed by the Superintendent.

(Ord. 600; 1959 Code Sec. 4-320)

(b) Garbage. All garbage receptacles shall be kept on the premises in the rear thereof or at a place most accessible to the persons collecting garbage, and shall not be kept in an alley or street or upon public property. However, in the case of existing buildings which extend to the alley line, portable receptacles may be placed in a public alley under written permit from the Superintendent of Public Service. If the property does not abut upon an alley, portable garbage receptacles shall be provided and shall, upon the day of scheduled collection, be placed by the users thereof as directed by the Superintendent.

(Ord. 621; 1959 Code Sec. 4-309)

1060.09 ACCUMULATION OF COMBUSTIBLE RUBBISH.

Not more than one day's accumulation of combustible rubbish shall be allowed in a building at any time unless kept in a room equipped with an approved type of automatic sprinkler system constructed to provide protection equivalent to a four-hour fire rating of the National Board of Fire Underwriters.

(Ord. 600; Ord. 732; 1959 Code Sec. 4-321)

1060.10 TREE TRIMMINGS.

Tree trimmings and hedge and bush cuttings that cannot be completely enclosed in a rubbish receptacle shall be cut into lengths not to exceed four feet, bound in bundles not to exceed eighteen inches in diameter and placed alongside the rubbish receptacle.

(Ord. 600; 1959 Code Sec. 4-322)

1060.11 DISPUTES; HEARINGS; APPEALS.

In case of a dispute as to the construction and adequacy of receptacles, the aggrieved party shall be entitled to a hearing before the Superintendent of Public Service, and in case of a dispute as to the construction and adequacy of garbage disposal units, the aggrieved party shall be entitled to a hearing before the City Engineer. Such party shall have the right to appeal to Council, provided such appeal, in writing, is taken within one week following the decision made at the hearing. The action of Council shall be final.

(Ord. 600; Ord. 621; Ord. 732; Ord. 733; 1959 Code Secs. 4-306, 4-323)

1060.12 AUTHORITY RE COLLECTION.

The collection and removal of rubbish, ashes and garbage shall be under the supervision of the Superintendent of Public Service. The Division of Public Service, the Board of Health and the Police Department, through their proper officials and agents, shall enforce this chapter.

(Ord. 600; Ord. 621; Ord. 845; Ord. 846; 1959 Code Secs. 4-310, 4-324)

1060.13 INTERFERENCE WITH COLLECTION.

No person shall interfere in any manner with the collection and disposal of rubbish, ashes, commercial rubbish or garbage by Municipal collectors, or by any person authorized to do so by the Superintendent of Public Service.

(Ord. 600; Ord. 621; 1959 Code Secs. 4-311, 4-325)

1060.14 DISPOSITION OF COMMERCIAL RUBBISH.

Commercial rubbish shall be removed from the premises or otherwise disposed of by the person responsible for its accumulation.

(Ord. 600; 1959 Code Sec. 4-326)

1060.15 COLLECTION CHARGES.

(a) Household, church and school garbage, rubbish and ashes shall be collected without charge.

(b) Garbage, rubbish and ashes from ordinary mercantile enterprises shall be collected without charge, provided that the total amount collected does not exceed twenty bushels per month. If the total amount of garbage, rubbish and ashes collected exceeds twenty bushels per month, then collections shall be made at rates established by resolution of Council.

(c) Charges shall be made for the collection of discarded materials of building construction, alteration or repair at rates established by resolution of Council. Charges shall be made for the collection of garbage, rubbish and ashes from small manufacturing plants having a floor space not exceeding 10,000 square feet at rates established by resolution of Council. All garbage and

rubbish from manufacturing plants having a floor space exceeding 10,000 square feet shall be removed from the premises and disposed of by the plant responsible for its accumulation.

(d) A disposal charge shall be made for all garbage and rubbish delivered to the disposal point at rates established by resolution of Council.

(e) Failure to pay such charges, when due, shall be deemed a violation of this chapter and shall be punished in the manner provided in Section 1060.99.

1060.16 DEPOSIT ON PUBLIC AND PRIVATE PROPERTY.

(a) Rubbish. No person shall deposit, throw or place rubbish, ashes or commercial rubbish in or upon any street, alley, public place or vacant lot, or upon the property of another without his or her permission, in the City.

(Ord. 600; 1959 Code Sec. 4-328)

(b) Garbage. No person shall deposit, throw or place garbage in an alley, street or public place in the City unless such garbage is enclosed in proper receptacles as provided in this chapter. No person shall throw garbage upon private property, whether owned by such person or not.

(Ord. 621; 1959 Code Sec. 4-312)

1060.17 TRANSPORTATION.

(a) Rubbish. All rubbish, ashes and commercial rubbish transported through the streets, alleys or public places of the City shall be conveyed in a vehicle so constructed that none of such rubbish, ashes or commercial rubbish shall be blown off or about by the wind, or scattered or dropped on the streets, alleys or public places.

(Ord. 600; 1959 Code Sec. 4-329)

(b) Garbage. No person other than the City and its agents, servants and employees, or a person having a contract with the City for the collection or disposal of garbage or his or her agents, servants and employees, shall carry, convey or transport garbage through the streets, alleys or public places of the City. All garbage transported through the streets, alleys or public places of the City by any such contractor shall be enclosed in watertight, closed, metal boxes or in other receptacles approved by the Superintendent of Public Service. All such receptacles shall be purified as often as the Health Officer may direct. (Ord. 621; 1959 Code Sec. 4-313)

1060.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter shall be fined not more than fifty dollars (\$50.00) for a first offense; shall be fined not more than one hundred dollars (\$100.00) for a second offense; and shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than sixty days, or both, for a third or subsequent offense.

(Ord. 1125. Passed 11-21-83.)

CHAPTER 1062

Parks, Playgrounds and Recreational Facilities

1062.01 Application for private use.

1062.02 Referral of application.

1062.03 Reports and recommendations on application.

1062.04 Granting of use; fees.

1062.05 Lease or rental agreement.

1062.06 Prohibited actions.

1062.07 Dogs running at large.

1062.08 Interfering with or resisting authorities.

1062.99 Penalty.

CROSS REFERENCES

Parks generally - see Mich. Const. Art. 7, Sec. 23

Recreation generally - see CHTR. Sec. 7-15

Parks and recreation facilities in home rule cities - see M.C.L.A. Secs. 117.4e, 117.5

Sale of park property - see M.C.L.A. Sec. 117.5

Misapplication of funds - see M.C.L.A. Secs. 752.901 et seq.

Littering - see M.C.L.A. Secs. 752.901 et seq.

Division of Parks and Boulevards - see ADM. 234.02, 234.06

1062.01 APPLICATION FOR PRIVATE USE.

Whenever a person wishes to rent or use parks, playgrounds or recreational facilities belonging to the City for its private purposes, he or she shall first make application to Council not less than thirty days prior to the contemplated use of the facilities, such application setting forth the following information:

- (a) The name of the applicant;
- (b) His or her address;
- (c) The names and addresses of all members of the board of directors or trustees and the resident agent, if the applicant is a corporation, or of the owners, if the applicant is an individual or a partnership;
- (d) The name of the person in charge of the event or activity;
- (e) His or her address;
- (f) His or her telephone number;
- (g) The type of event or activity;
- (h) The exact location and number of square feet of City property required;
- (i) The largest number of persons expected to be present at the event or activity at any one time;
- (j) The facilities which the applicant intends to place on the premises, such as tents, rides, stages, platforms, concessions, food and drink stands, temporary buildings, trailers, etc.;
- (k) City improvements and facilities desired to be used; and
- (l) Such other information as Council may require in the best interests of the City to make a proper and considered judgment on the application.

(Ord. 970; 1959 Code Sec. 7-901)

1062.02 REFERRAL OF APPLICATION.

The application provided for in Section 1062.01 shall be referred by Council to the Recreation Department and through the Mayor to the Health Officer, the Chief of Police, the Fire Chief, the Director of Public Works, the City Attorney and such other departments of the City as may be affected by the proposed event or activity.

(Ord. 970; 1959 Code Sec. 7-902)

1062.03 REPORTS AND RECOMMENDATIONS ON APPLICATION.

Within fifteen days after receipt of the referral provided for in Section 1062.02, reports shall be made to Council containing the following information and recommendations:

- (a) Whether or not the proposed activity or event will interfere with a planned program or previous commitment of the Recreation Department;
- (b) The health and sanitary facilities, including water supplies and portable toilets, that the Board of Health recommends as necessary;
- (c) The number of private guards and security officers, and the number of spaces of off-street and off-premises parking, that the Chief of Police recommends;
- (d) Such fire prevention facilities and equipment as the Fire Chief recommends;
- (e) Such cash deposit as the Director of Public Works recommends so as to ensure restoration of the area rented, including replacement of sod, bushes, trees and facilities as may be necessary to restore the area to its condition when taken; and
- (f) Such public liability insurance as the City Attorney recommends but not less than five hundred thousand to one million dollars (\$500,000 to \$1,000,000) of public liability insurance and not less than twenty-five thousand dollars (\$25,000) of property damage insurance, such policies to be written by an approved company naming the City as a party insured.

(Ord. 970; 1959 Code Sec. 7-903)

1062.04 GRANTING OF USE; FEES.

Upon receipt of the recommendations provided for in Section 1062.03, if it appears that the event or activity is sponsored by a nonprofit organization of the City and that rental of the park, playground or recreational facility will not interfere with planned recreational programs or commitments, will not result in undue noise, dirt, traffic congestion, fire hazards, health hazards or other things detrimental to the community and will be properly supervised and is in the best interests of the City, Council may rent such park, playground or recreational facility at a rate to be determined, from time to time, by Council, such rent to be paid in advance.

1062.05 LEASE OR RENTAL AGREEMENT.

If Council grants the application for rental of such facilities, as set forth in Section 1062.01, the City Attorney shall draft an appropriate lease or rental agreement embodying the specific terms and conditions established by Council, which shall be executed on behalf of the City by the Mayor and the City Clerk.

(Ord. 970; 1959 Code Sec. 7-905)

1062.06 PROHIBITED ACTIONS.

In a public park, public playground, public school recreation center or public school in the City, no person shall:

(a) Alcoholic Liquors. Have possession of alcoholic or intoxicating liquor of any kind, whether or not for the purpose of drinking or consuming such liquor;

(Ord. 823; 1959 Code Secs. 9-301, 9-302)

(b) Intoxication; Immoral Conduct. Be intoxicated, or under the influence of intoxicating liquor; use any indecent, insulting or immoral language; or be guilty of any indecent, insulting or immoral conduct or behavior;

(Ord. 823; 1959 Code Sec. 9-303)

(c) Gambling. Engage in gambling of any nature;

(Ord. 823; 1959 Code Sec. 9-304)

(d) Air Rifles; Bows and Arrows; Fireworks. Have possession of, or fire or otherwise use in any manner, any air rifle, bow and arrow or fireworks of any kind; or

(Ord. 823; 1959 Code Sec. 9-305)

(e) Firearms; Knives. Have possession of a pistol, or other firearm, or a dagger, dirk, razor, stiletto, switch blade or self-opening knife, other knife, except culinary-type knives normally used for picnic purposes or any other dangerous or deadly weapon or instrument.

(Ord. 823; 1959 Code Sec. 9-307)

1062.07 DOGS RUNNING AT LARGE.

No person, owning, harboring or keeping a dog, or having the custody or control of a dog, shall suffer the same to run at large in the confines of a public park, public playground or public school recreation center in the City. No person shall permit his or her dog to render droppings or excreta within such confines.

(Ord. 823; 1959 Code Sec. 9-306)

1062.08 INTERFERING WITH OR RESISTING AUTHORITIES.

No person shall knowingly or willfully obstruct, resist or oppose a police officer of the City, or an employee of the City or of the Recreation Department or of the Highland Park School District, in attempting to enforce this chapter or any other ordinance of the City or a rule regulating the conduct of persons while in or using the public parks, public playgrounds, public school recreation centers or public schools in the City, which rule has been duly adopted by the Recreation Commission and Council.

(Ord. 823; 1959 Code Sec. 9-308)

1062.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CODIFIED ORDINANCES OF HIGHLAND PARK