

S U M M A R Y

This Ordinance amends Chapter 48 of the 2019 Detroit City Code, *Utilities*, Article II, *Sewers and Drains*, Division 1, *Generally*, by amending Section 48-2-2, *Definitions*, Section 48-2-6, *Building sewers and connections – In City*, Section 48-2-9, *Use of public sewers*, and Section 48-2-11, *Drainage of lots*, to achieve alignment between current City policies and state regulation.

1 **BY COUNCIL MEMBER _____:**

2 **AN ORDINANCE TO AMEND** Chapter 48 of the 2019 Detroit City Code, *Utilities*,
3 Article II, *Sewers and Drains*, Division 1, *Generally*, by amending Section 48-2-2, *Definitions*,
4 Section 48-2-6, *Building sewers and connections – In City*, Section 48-2-9, *Use of public sewers*,
5 and Section 48-2-11, *Drainage of lots*, to achieve alignment between current City policies and
6 state regulation.

7 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**

8 **THAT:**

9 **Section 1.** Chapter 48 of the 2019 Detroit City Code, *Utilities*, Article II, Division 1, is
10 amended by amending Section 48-2-2, Section 48-2-6, Section 48-2-9, and Section 48-2-11, to
11 read as follows:

12 **CHAPTER 48. UTILITIES**

13 **ARTICLE II. SEWERS AND DRAINS**

14 **DIVISION 1. GENERALLY**

15 **Sec. 48-2-2. Definitions.**

16 For the purposes of this article, the following words and phrases shall have the meaning
17 respectively ascribed to them by this section:

18 *Board* means the Board of Water Commissioners of the City.

19 *BOD* (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the
20 biochemical oxidation of organic matter under standard laboratory procedure in five days at 20
21 degrees Celsius, expressed in milligrams per liter (mg/l).

1 *Building drains* means that part of the lowest horizontal piping of a drainage system which
2 receives the discharge from soil, waste and other drainage pipes inside the walls of the building
3 and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

4 *Building sewer* means the extension from the building drain to the public sewer.

5 *Combined sewer* means a sewer receiving both surface runoff and sewage.

6 *Director* means the Director of the Water and Sewerage Department or such Director's
7 deputy or designated representative.

8 *Industrial wastes* means any liquid, solid or gaseous waste or form of energy or
9 combination thereof resulting from any process of industry, manufacturing, business, trade or
10 research, including the development, recovery or processing of natural resources.

11 *Municipal Separate Storm Sewer System, or MS4, means a system of drainage, which*
12 *includes roads, storm drains, pipes, and ditches, etc., that is not a combined sewer or part of a*
13 *sewage treatment plant.*

14 *National pollutant, discharge elimination system (NPDES) permit* means as defined in the
15 Federal Water Pollution Control Act, being 33 USC 1342, and 40 CFR Part 125.

16 *Natural outlet* means any outlet into a watercourse, river, pond, ditch, lake, or other body
17 of surface or ground water.

18 *Person or user* means any individual, firm, company, association, society, corporation or
19 group.

20 *Private drain* means any drain or sewer connecting a private source to a public or lateral
21 sewer.

22 *Private sewer* means a sewer not under the jurisdiction or ownership of a governmental
23 entity.

1 *Public right-of-way* means a street or alley under governmental jurisdiction that is for
2 public use.

3 *Public sewer* means a common sewer controlled by a governmental agency or public
4 utility.

5 *Sanitary sewer* means a sewer that carries liquid or water-carried wastes from residences,
6 commercial buildings, industrial plants, and institutions, together with minor quantities of ground,
7 storm, and surface waters that are not admitted intentionally.

8 *Sewage* means a combination of the water-carried wastes from residences, business
9 buildings, institutions, and industrial establishments, together with such ground, surface, and storm
10 waters as may be present.

11 *Sewage works* means all facilities for collecting, pumping, treating, and disposing of
12 sewage.

13 *Sewer* means a pipe or conduit carrying liquid and/or liquid-bearing wastes.

14 *Slug* means any discharge of water, sewage or industrial waste which in concentration of
15 any given constituent or in quantity of flow exceeds, for any period of duration longer than 15
16 minutes, more than five times the average 24-hour concentration or flows during normal operation.

17 *Storm sewer* means a sewer which carries storm and surface waters and drainage, but
18 excludes wastewater and industrial waters, other than unpolluted cooling water.

19 *Suburban sewer* means a sewer that emanates from and serves areas outside the City.

20 *Unpolluted water* means water in its original natural or unused state and, if used, it shall
21 be at least equal chemically, physically and biologically to its state before use.

1 *Wastewater* means a combination of water, liquid and liquid- or water-carried waters
2 emanating from, or by, domestic, commercial or manufacturing users of the system and
3 discharging into a sanitary sewer.

4 *Watercourse* means a channel in which a flow of water occurs, either continuously or
5 intermittently.

6 **Sec. 48-2-6. Building sewers and connections—In City.**

7 (a) All building sewers and private drains tributary to a City public sewer and all sewer
8 connections to a City public sewer shall comply with:

9 (1) Division 3 of this article which regulates industrial and commercial waste
10 discharge;

11 (2) The Board of Water Commissioners' "Rules and Regulations Applying to Sewer
12 Permit Work" when the work is in a public right-of-way and/or involves a
13 connection to a public sewer;

14 (3) Chapter 8, Article V, of this Code, *Plumbing Code*;

15 (4) Chapter 8, Article XV, of this Code, *Property Maintenance Code*; and

16 (5) Subsections (b) through (g) of this section.

17 (b) A permit from the Board of Water Commissioners shall be secured prior to any
18 connection being made to a City public sewer. The general conditions of the permit are:

19 (1) All costs for the work related to the connection and for the inspection provided by
20 the City shall be borne by the permittee. No person shall be permitted to connect
21 any building sewer from such person's premises with any private drain or sewer
22 made by one or more individuals, in any street, lane or alley, except upon payment
23 to the proprietors of such drain or sewer of a ratable proportion of the expense of

1 making the same, the amount to be ascertained and determined by the Water and
2 Sewerage Department, with the right of appeal to the City Council;

3 (2) No permit for a sewer connection carrying industrial wastes shall be issued, unless
4 all of the requirements of Division 3 of this article regulating the discharge of
5 wastes to City sewers have been met;

6 (3) All permit applications for industrial and commercial connections shall be
7 accompanied by a set of plans for the proposed project; and

8 (4) No permit shall be issued for the construction for connection to a City public sewer
9 until a construction permit for the proposed sewer work if required has been issued
10 by the Michigan Department of Environment, Great Lakes, and Energy.

11 (c) New sewer connection will be granted contingent upon the available capacity in the
12 downstream sewers, lift stations, and the sewage treatment plant including BOD and suspended
13 solids capacity.

14 (d) No person shall make connection of roof downspouts, exterior foundation drains,
15 areaway drains or other sources of surface runoff or groundwater to a building sewer or building
16 drain which in turn is connected directly or indirectly to a City public sanitary sewer.

17 (e) No person shall construct, use, maintain, or allow to continue a direct or indirect
18 connection conveying sanitary waste to a MS4. This prohibition expressly includes, without
19 limitation, connections made in the past, regardless of whether such connections were permissible
20 at the time of connection, provided the following connections are exempt from this requirement:

21 (1) Foundation drains, water from crawl space pumps, footing drains, and basement
22 sump pumps, provided they are not directly connected, except if the direct
23 connection is determined by the Detroit Water and Sewerage Department to be

1 necessary to mitigate subsequent surface water drainage issues based on site-
2 specific conditions; and

3 (2) Direct connections to permitted conveyance systems that are in existence at the
4 enactment of this ordinance are considered acceptable and may remain now and in
5 the future.

6 (f) All City public sewers and all private sewers constructed in public rights-of-way in
7 the City shall be designed and constructed in accordance with the Board's "Guidelines for Sewer
8 System Design, Detailing and Construction in the City of Detroit."

9 (g) Every person having any building sewer or private drain from such person's
10 premises that is connected with any City or private sewer shall pay a ratable proportion of all
11 expenses necessary for maintenance and keeping such City or private sewers in repair.

12 (h) In any case, where the Health Department or the Water and Sewerage Department
13 has made, upon investigation, a determination of the fact that sewage or industrial waste inimical
14 to public health and welfare or constituting a public nuisance is being discharged into any stream,
15 watercourse, lake or pond within, leading to or bordering upon the City, the Health Department or
16 the Water and Sewerage Department shall cause a notice, written or printed to be served upon the
17 owner or occupant of any lot or other premises from which such sewage or industrial waste has
18 been or is being discharged to discontinue and abate the discharging or depositing of any such
19 sewage or industrial waste into any such stream, watercourse, lake or pond, and to cause proper
20 connection to be made under the supervision of and at such place as directed by the Water and
21 Sewerage Department to the public sewer system of the City as provided under Division 3 of this
22 article, or to provide for the treatment of such sewage or industrial waste so as not to endanger
23 public health or constitute a public nuisance and in form and manner approved by the Health

1 Department or Water and Sewerage Department. Such notice shall be complied with within 90
2 days or such additional time as may be granted by the department that issued the notice after the
3 service of such notice or the posting thereof. The cost of such connection shall be the responsibility
4 of and borne by the owner of the property from which such connection is made, provided, that the
5 Health Department or the Water and Sewerage Department may petition the Michigan Department
6 of Environment, Great Lakes, and Energy under Part 31 of the Michigan Natural Resources and
7 Environmental Protection Act, being MCL 324.3101 *et seq.*, to cause to be abated and discontinue
8 the discharge and disposal of sewage or industrial waste in such waters or the pollution thereof in
9 the event the owner fails to comply with any order of the Health Department or Water and
10 Sewerage Department.

11 (i) If, subsequent to eliminating a connection found to be in violation of this Article,
12 the person, who connects a line that sends waste into the MS4 or allows one to continue, can
13 demonstrate that an illegal discharge will no longer occur, said person may request City approval
14 to reconnect. The reconnection or reinstallation of the connection shall be at the responsible
15 person's expense and shall proceed through the appropriate permitting process.

16 **Sec. 48-2-9. Use of public sewers.**

17 (a) All industrial and commercial flow discharge to a City public sewer shall comply
18 with the requirements of Division 3 of this article.

19 (b) Stormwater and all other unpolluted water shall be discharged to sewers specifically
20 designated as combined sewers or storm sewers or to a natural outlet approved by the appropriate
21 state agency. Industrial cooling water and unpolluted process water may be discharged to a storm
22 sewer upon approval by the Water and Sewerage Department. The discharge of such waters to a
23 natural outlet must be approved by the appropriate state agency.

1 (c) The commencement, conduct, or continuance of any illegal discharge to the storm
2 drain, or MS4 system is prohibited with the exception of the following:

3 (1) Discharges and flows from firefighting activities if they are identified as not being
4 a significant source of pollutants to the waters of the state;

5 (2) Discharges to protect public health and safety:

6 a. When specified in writing by the Water and Sewerage Department as being
7 necessary; and

8 b. Dye testing, if EGLE procedures are abided by and verbal notification has
9 been given to the City Engineer;

10 (3) Discharges permitted under a National Pollutant Discharge Elimination System
11 permit, waiver, or waste discharge order issued to the discharger and administered
12 under the authority of the Federal Environmental Protection Agency, provided that
13 the discharger is in full compliance with all requirements of the permit, waiver, or
14 order and other applicable laws and regulations, and provided that written approval
15 has been granted for any discharge to the storm drain system;

16 (4) The following discharges or flows if they are identified by the Water and Sewerage
17 Department as not being a significant contributor to violations of water quality
18 standards:

19 a. Water line flushing and discharges from potable water sources;

20 b. Landscape irrigation runoff, lawn watering runoff, and irrigation waters;

21 c. Diverted stream flows and flows from riparian habitats and wetlands;

22 d. Rising groundwaters and springs;

1 e. Uncontaminated pumped groundwater, except for groundwater cleanups
2 specifically authorized by National Pollutant Discharge Elimination System
3 permits;

4 f. Foundation drains, water from crawl space pumps, footing drains and
5 basement sump pumps;

6 g. Air conditioning condensation;

7 h. Waters from noncommercial car washing;

8 i. Street wash water; and

9 j. Dechlorinated swimming pool water from single-, two-, or three-family
10 residences. Other swimming pools shall not be discharged to stormwater or
11 to surface waters of the state without National Pollutant Discharge
12 Elimination System permit authorization from EGLE.

13 (d) No person shall remove or cause to be removed any gate, cover or barricade from
14 a manhole, catch basin or sewer inlet over which it is placed, or in any way, directly or indirectly,
15 damage any City public sewer or any part thereof.

16 (e) No person shall make or construct any sink, drain or sewer leading into any City
17 public sewer without providing a sufficient strainer at the head of it.

18 (f) No person shall deposit or cause to be deposited any sewage in a MS4 or in any
19 private sewer connecting therewith.

20 (g) No person shall deposit or cause to be deposited in any City public sewer or in any
21 private sewer connecting therewith, any garbage, glass, metal, earthenware, stone, sand, gravel,
22 cinders, cement, concrete, lime or lime waste, rags, lint, dust, grass, hay, straw, manure, offal,
23 grease, feathers, sticks or bits of wood, gasoline, oil or oily wastes, tar, acids, chemicals, offensive

1 or harmful gaseous wastes or gases, either free or in solution, or any waste or materials or
2 combinations thereof that are liable to cause damage to, stoppage of, or unreasonably offensive
3 odors in such sewers.

4 (h) No person shall deposit or allow to be deposited any refuse, dripping or nauseous
5 liquid or other substance from any distributing pipe or gas conductor into any sewer, receiving
6 basin gutter or other place within the City, or force or discharge into any public or private sewer
7 or drain any steam vapor or gas.

8 **Sec. 48-2-11. Drainage of lots.**

9 (a) Any person owning a lot in the vicinity of a public sewer shall either drain such lot
10 into the City public sewer lying adjacent thereof and pay the rates established for such service,
11 whenever the Water and Sewerage Department determines the necessity for so doing, or, after
12 obtaining the appropriate EGLE permit, drain into the Rouge River or Detroit River. The drain
13 from such lot shall be constructed under the regulation and supervision of the Water and Sewerage
14 Department, and connected where the Director designates.

15 (b) Whenever, in the opinion of the Health Department or Water and Sewerage
16 Department, any lot or premises, whether occupied or unoccupied, shall, for lack of sufficient
17 drainage, become dangerous to the public health or a nuisance, it shall cause a notice, written or
18 printed, to be served by the Water and Sewerage Department or by a member of the Police
19 Department upon the owner, agent or occupant of such lot or premises, to construct a drain or
20 sewer connection to a public sewer designated by the Water and Sewerage Department. If found,
21 such notice shall be served personally upon the parties to be notified and, if not found, by posting
22 the same in some conspicuous place on the premises.

1 (c) If the person so notified pursuant to Subsection (b) of this section shall neglect or
2 refuse to comply with the requirements of Subsection (b) of this section within ten days after the
3 notice is served or posted, or where an emergency exists, it shall be the duty of the Water and
4 Sewerage Department to cause at once the required drain or sewer to be constructed, so as to
5 sufficiently drain such premises. Upon the completion of the work, the Water and Sewerage
6 Department shall cause a statement or assessment roll to be made, showing the entire costs thereof,
7 and apportioning such cost in just proportions upon the lots or premises drained. Upon the
8 confirmation of such assessment roll by the City Council, such apportionment shall be final and
9 shall be a lien upon the lot or premises to the extent and as apportioned. Such proceedings shall be
10 held in every respect for the enforcement and collection of other special assessments.

11 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace,
12 health, safety and welfare of the People of the City of Detroit.

13 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are
14 repealed.

15 **Section 4.** In the event this ordinance is passed by two-thirds (2/3) majority of City
16 Council Members serving, it shall be given immediate effect and become effective upon
17 publication in accordance with Section 4-118 of the 2012 Detroit City Charter. Where this
18 ordinance is passed by less than a two-thirds (2/3) majority of City Council Members serving, it
19 shall become effective on the thirtieth (30) day after enactment in accordance with Section 4-118
20 of the 2012 Detroit City Charter.

Approved as to form:


Conrad L. Mallett
Corporation Counsel