

ORDINANCE TO AMEND SECTIONS 2:42.5 AND 2:42.6 OF CHAPTER 28 (Sanitary Sewer) of TITLE II OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That Sections 2:42.5 and 2:42.6 of Chapter 28 of Title II of the Code of the City of Ann Arbor be amended and replaced to read as follows:

**2:42.5. - Capacity required for connection.**

- (1) No connection to the POTW shall be allowed unless there is sufficient available hydraulic and treatment capacity in the POTW for the additional wastewater from the proposed connection.
- (2) All developments within the city requiring any form of site plan approval, and/or projects requiring an application for a Part 41 Permit from the Michigan Department of Environmental Quality, or a successor agency, are required to offset-mitigate estimated new sewage flows. However, if all the new sanitary system connections for the properties covered by a site plan or by a Part 41 Permit collectively add flow less than the average daily flow from a duplex residential unit, the properties shall be exempt from offset-mitigation requirements.
- (3) The Public Services Area Administrator or designee shall be the developer offset mitigation program manager, and the Public Services Area Administrator is authorized to develop Developer Offset Mitigation Guidelines to address and govern implementation details such as procedures, flow measurements, and flow mitigation measurements and requirements.
- (4) Properties requiring site plan approval must disconnect any existing on-site footing drains from the sanitary sewer.
- (5) A facility developed by a county, public schools, colleges, universities and other government on property it owns and that is located within the city also must mitigate new sanitary flows to the same extent and in the same manner as a development requiring site plan approval.
- (6) Calculations showing the proposed sanitary sewer flow being added by the proposed development shall be included on the utility sheet of the site plan and/or construction plan, as applicable, and be reviewed by the Developer Offset Mitigation program manager. Calculations and the design dry weather flow rates shall be in accordance with the City's Developer Offset Mitigation Guidelines.
- (7) Flow mitigation performed after January 1, 2015, and verified and documented by the City, but not assigned to a particular development, may be credited to a

specific development without being subject to expiration unless otherwise approved by the Developer Offset Mitigation program manager.

- (8) Method of flow mitigation alternative shall be submitted for review and approval by the Developer Offset Mitigation program manager. Common forms of mitigation will be listed in the City's Developer Offset Mitigation Guidelines and may include, but will not be limited to:
  - a) Building removal;
  - b) Footing drain disconnection;
  - c) Plumbing fixture retrofits;
  - d) Pool filter backwash retrofits.
  - e) Sanitary sewer system inflow or infiltration removal.
- (9) A development has the option to make a payment to the City in lieu of performing sanitary flow mitigation. Payment will be used by the City to fund sanitary sewer wet weather capacity improvement projects.
  - a) The payment amount will be per a gallon per minute of new peak sanitary flow being added to the system, will be established by city council, and may be revised by city council.
  - b) For developments subject to site plan approval, payment must be received prior to the City's issuance of any certificate of occupancy.
  - c) For governmental facilities subject to this section, payment must be received by the City prior to the set of the first water meter.
- (10) If a township contributes sanitary flow into the City's sanitary sewer system at a point where adequate transport capacity within the city has not been purchased and/or constructed by the township, the township must adopt an ordinance or approve and implement a policy equivalent to the offset-mitigation requirements of this Section 2:42.5 to apply to developments and sanitary sewer connections within the areas that contribute that flow. If the mitigation takes place within the city, city staff will verify the mitigation work, but will not provide compliance tracking. The township will be responsible for coordinating a compliance tracking and reporting procedure acceptable to the city to document that the mitigation work was completed.
- (11) New sanitary sewer system connections for single or two family homes currently using on-site sewage disposal systems shall be exempt from offset-mitigation requirements.

**2:42.6 – Annexing properties; disconnection of footing drains from sanitary sewer.**

Properties annexing into the city must disconnect on-site footing drains from the sanitary sewer within 90 days after notice from the City.

Section 2. That this ordinance shall take effect on the tenth day following legal publication.