

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager
DATE: September 1, 2010



RE: Proposed Change to Chapter 46 (Utilities) of the Ordinance Codes of the City of Clare:
Ordinance 2010-006

For the Agenda of September 7, 2010

Background. The City recently received an on-site evaluation by the Michigan Department of Natural Resources and Environment (MDNRE – formerly MDEQ). During the process of the evaluation, MDRNE officials noted (*see copy of att'd memo from John Holland*) that the City has not changed its ordinance codes to reflect a 2002 mandated wastewater discharge limit change and directed that we do so. The attached proposed ordinance amendment (Ordinance 2010-006), if adopted, incorporates the needed changes to our existing codes.

All changes, additions, or deletions of the City's Ordinance Codes require the approval of the Clare City Commission. Prior to adoption of any change, addition, or deletion, the City Commission is required to hold a public hearing and consider the proposed change at two separately scheduled public meetings.

We have noticed (*see copy of att'd public notice*) the City's intent to adopt the proposed ordinance amendments and the required public hearing to solicit comments regarding the proposed change; to date we have received no written comment.

The City Commission is asked to hold the required public hearing and allow a first reading of the proposed ordinance changes to facilitate the process of adopting the ordinances and thereby bringing the City's codes in conformance to the current MDNRE mandated standards.

Issues & Questions Specified. Should the City Commission hold the required public hearing and approve a first reading of the proposed ordinances

Alternatives.

1. Hold the hearing and allow a first reading.
2. Hold the hearing and insignificantly change the proposed ordinance.
3. Direct major change(s) to the proposed ordinance and require the City Clerk to issue new notice of the revised ordinance and schedule a new public hearing date.
4. Do not hold the hearing and first reading, thereby essentially disapproving the proposed ordinance revision in its current form.
5. Set aside decision regarding this matter to a later date.

Financial Impact. There is no immediate fiscal impact to the City.

Recommendation. I recommend that the City Commission, by appropriate motion, conduct a public hearing and allow a first reading of the proposed new ordinances.

Attachments.

1. Memo.
2. Proposed Ordinance 2010-006.
3. Public Notice.

INTEROFFICE MEMORANDUM

TO: KEN HIBL
FROM: JOHN HOLLAND
SUBJECT: ORDINANCE CHANGE
DATE: 8/13/2010
CC: DLANE SCHMIDT

Ken

I would like to propose changes to Chapter 46 – Utilities ordinance of the City. I have attached the proposed changes.

The rationale for the change of Section 46 – 71 is that the old MDEQ is mentioned by name. This department is of course no longer in existence as it has been incorporated in the new MDNRE. Referencing the State of Michigan should still keep us in compliance and would eliminate changing this section with every restructuring of State government.

The rationale for the change of Section 46 – 162 (f) is that these limits were enacted in 2002 as part of the local IPP maximum allowable discharge. A recent inspection by the MDNRE it was pointed out that these should have been added to the ordinance.

Thanks

John

ORDINANCE NUMBER 2010 - 005

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CLARE.

Chapter 46 - Utilities, Article II – Water System, Division 2 – Cross Connections, Section 46 – 71 of the Code of Ordinances, City of Clare, Michigan is hereby revoked and restated as follows:

Section 46-71. *State of Michigan* rules adopted by reference.

The city adopts by reference the water supply cross connection rules of the *State of Michigan*, being R 325.11401 to R 325.11407 of the Michigan Administrative Code.

Chapter 46 - Utilities, Article III – Sewer System, Division 2 – Industrial Pretreatment and Monitoring, Subdivision 1 – In General, Section 46-162 - Wastewater strength limitations, Subsection f – Specific Pollutant Limitations is hereby revoked and restated as follows:

No person shall discharge wastewater containing in excess of the following:

Material	Concentration (mg/l)
Arsenic	0.0285
Benzene	8.8
Cadmium	0.0111
<i>Carbonaceous Biochemical Oxygen Demand</i>	<i>7658</i>
Chromium	1.73
Copper	0.598
Cyanide	0.5
Ethylbenzene	6.3
Lead	0.336
Mercury	0.0000
Methylenechloride	16.5
Nickel	0.873
Phenol	338
<i>Phosphorus</i>	<i>18</i>
Silver	0.016
Toluene	31.4
Xylene	8.4
<i>Total Suspended Solids</i>	<i>1146</i>
Zinc	3.0506
111.Trichloroethane	23.4

This Ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Effective Date: XXX, XX, 2010

Adopted by the City Commission of the City of Clare this X day of XXX, 2010



CITY OF CLARE

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MANAGER**

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PUBLIC NOTICE

The City of Clare Commission will hold a public hearing on Tuesday, September 7, 2010 at 6:00 p.m. at Clare City Hall, 202 W Fifth Street, to receive public comments pertaining to revisions to the City of Clare Code of Ordinances, Chapter 46, Article II-Water System, Division 2-Cross Connections, Sections 46-71, and Chapter 46, Article III-Sewer System, Division 2-Industrial Pretreatment and Monitoring, Subdivision 1-In General, Sections 46-162-Wastewater strength limitations. A copy of the proposed Ordinance revision is available for review in the Clerk's office, Monday through Friday, 8 am to 5 pm. The City Commission will accept comments at the hearing or in writing if the written comments are received by the City Clerk not later than 5 p.m. on the date of the hearing.

**Diane Schmidt
City Clerk**

Publication Date: 08/20/2010