

EXECUTION COPY

TOWNSHIP OF PIERSON
COUNTY OF MONTCALM, MICHIGAN

Minutes of a special meeting of the Township Board of the Township of Pierson, County of Montcalm, Michigan, held in the Pierson Township Hall located at 21156 Cannonsville Road, Pierson, Michigan, on the 11th day of February, 1997, at 7:00 p.m. Local Time.

PRESENT: Members: Rohrer, Maioho, Vukin, McMullen

ABSENT: Members: Paepke

It was moved by Rohrer and seconded by Vukin that the following Ordinance be adopted pursuant to authorization provided by Act 94 of the Public Acts of Michigan of 1933, as amended:

ORDINANCE NO. 97-1

AN ORDINANCE TO REGULATE THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE BIG WHITEFISH LAKE SEWER SYSTEM AND THE LITTLE WHITEFISH LAKE SEWER SYSTEM; TO PROVIDE FOR THE CONNECTION TO AND THE FIXING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE SEWER SYSTEM AND THE ALLOCATION AND USE OF REVENUES DERIVED THEREFROM; AND TO PROVIDE PENALTIES FOR ORDINANCE VIOLATIONS.

The Ordinance was then discussed.

Upon roll call vote, the vote upon the motion adopting said Ordinance was as follows:

YEAS: Rohrer, Maioho, Vukin, McMullen

NAYS: Paepke

The Township Clerk declared the Ordinance adopted.

The following is Ordinance No. 97-1 as adopted:

THE TOWNSHIP OF PIERSON ORDAINS:

ORDINANCE NO. 97-1

AN ORDINANCE TO REGULATE THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTIONS OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE BIG WHITEFISH LAKE SEWER SYSTEM AND THE LITTLE WHITEFISH LAKE SEWER SYSTEM; TO PROVIDE FOR THE CONNECTION TO AND THE FIXING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE SEWER SYSTEM AND THE ALLOCATION AND USE OF REVENUES DERIVED THEREFROM; AND TO PROVIDE PENALTIES FOR ORDINANCE VIOLATIONS.

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ARTICLE I

SHORT TITLE

Section 101. Short Title. This Ordinance shall be known as the “Big and Little Whitefish Lakes Sewer Connection, Use and Rate Ordinance” and may be cited as such.

ARTICLE II

DEFINITIONS

Section 201. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (1) Agency The Montcalm County Drain Commissioner as the designated County Agency under Act 342 of the public Acts of Michigan of 1939, as amended, and the Township’s designated representative pursuant to the Sewer Agreement for the operation, maintenance and administration of the Public Sewer System.

- (2) Availability Fee The amount charged to a Premises to make the collection sewer components of the Public Sewer System applicable to the respective service district available to directly serve said Premises.

- (3) Available Public Sanitary Sewer System A public sanitary sewer system (tapped or untapped) located in a right of way, easement, highway, street, or public way which crosses, adjoins, or abuts upon Premises contiguous to Big Whitefish Lake or Little Whitefish Lake, and with respect to Premises not contiguous to Big Whitefish Lake or Little Whitefish Lake, passes not more than 200 feet at the nearest point from a Structure in which Sanitary Sewage Originates.

- (4) Big Whitefish Lake Service District The area included in the Drainage District, a map of which is set forth in Appendix I.

- (5) Big Whitefish Lake Sewer System The Big Whitefish Lake Consolidated Sanitary Drain, under the jurisdiction of the Drainage District, which services properties in the Township in the area of Big Whitefish Lake.

- (6) B.O.D.₅ or Biochemical Oxygen Demand As used in this Ordinance, the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20° C., expressed in PPM by weight.
- (7) Building Drain That part of the lowest horizontal piping of a drainage system which receives the discharge of Sewage inside of the walls of the building and conveys said discharge to the Building Sewer.
- (8) Building Sewer The extension from the Building Drain which conveys the discharge of Sewage to the Service Connection and its components or other place of disposal.
- (9) C.O.D. or Chemical Oxygen Demand The oxygen consuming capacity of inorganic and organic matter present in Sewage.
- (10) Combined Service District Includes the Big Whitefish Lake Service District and the Little Whitefish Lake Service District
- (11) Compatible Pollutant The pollutants which can be treated and removed to a substantial degree by the Wastewater Treatment Plant. These pollutants include but are not limited to defined maximum concentrations of B.O.D.₅, S.S., pH and additional pollutants identified in the Discharge Permit if the Wastewater Treatment Plant was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree.
- (12) Contract The Montcalm County wastewater Disposal Facilities (Little Whitefish Lake Sanitary Sewer System) Bond Contract dated as of August 1, 1994, as amended by the First Amendment to Montcalm County Wastewater Disposal Facility (Little Whitefish Lake Sanitary Sewer System) Bond Contract dated as of February 1, 1997, each by and between the County, by and through the Agency, and the Township.
- (13) Control Manhole The structure installed on the Building Sewer or Service Connection pipeline to allow access for measurement and sampling of Sewage discharging from industrial and commercial establishments.

- (14) Cost of Operation & Maintenance All costs, direct and indirect, inclusive of all expenditures attributable to administration, cost of replacement, treatment and collection of Sewage, necessary to insure adequate collection, transportation and treatment of Sewage on a continuing basis in conformance with the Discharge Permit, and other applicable local, state and federal regulations.
- (15) Cost of Replacement Expenditures and costs for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the System to maintain the capacity and performance for which the System was designed and constructed.
- (16) County The County of Montcalm, Michigan, acting by and through its designed Agency, the County Drain Commissioner.
- (17) Debt Service Charge The amount charged to Users of the Public Sewer System to pay principal, interest and administrative costs of retiring debt incurred for construction or improvement of the various components of the Public Sewer System applicable to the respective service district.
- (18) Discharge Permit Permit(s) issued by the MDEQ for the discharge of treated Sewage from the Wastewater Treatment Plant.
- (19) Domestic Sewage The liquid wastes from all habitable buildings and residences and shall include human excreta and wastes from sinks, lavatories, bathtubs, showers, laundries and all other water-carried wastes of organic nature either singly or in combination thereof.
- (20) Drainage District The Big Whitefish Lake Consolidated Sanitary Drain Drainage District.
- (21) Dwelling Unit For purposes of assigning units, a “dwelling” unit shall contain, at a minimum: sleeping facilities, a toilet, bath or shower and a kitchen, and meet the minimum square footage standards for a residential dwelling as specified in the Township Zoning Ordinance.

- (22) Effluent Pump In a STEP System, the device which pumps septic tank effluent from the system septic tank to the public sewer system main for the transportation to the wastewater treatment plant.
- (23) Garbage Solid wastes from the preparation, cooking and dispensing of food, and the handling, sale and storage of produce and, in addition, shall include all paper, plastic and other household items, including containers, whether or not disposable or biodegradable in nature.
- (24) Health Department Mid-Michigan District Health Department
- (25) Industrial Users Users which discharge Industrial Wastes
- (26) Industrial Wastes The liquid wastes, solids or semisolids from industrial manufacturing, trade or business processes as distinct from Domestic Sewage.
- (27) Inspection Fee The amount charged to each applicant by the Agency at the time an application is made to the Agency for connection, or reconnection in the event of remodeling or reconstruction, to the Public Sewer System, to cover the routine cost of inspecting and approving the physical connection of a Building Sewer and Service Connection to the Public Sewer System, and the issuance of a connection permit.
- (28) Inspector The person responsible for inspecting connections of Building Sewers and Service Connections to the Public Sewer System as designated by the Agency.
- (29) Little Whitefish Lake Service District The Little Whitefish Lake Sanitary Sewer District established pursuant to the Contract, a map of which is set forth in the attached Appendix II.
- (30) Little Whitefish Lake Sewer System The Little Whitefish Lake Sanitary Sewer System established in accordance with the Contract, which services properties in the Township in the area of Little Whitefish Lake.
- (31) May Is permissive
- (32) MDEQ Michigan Department of Environmental Quality
- (33) MG/L Milligrams per liter.

- (34) Miscellaneous User Fee The amount charged to Users for miscellaneous services and related administrative costs associated with the System.
- (35) Natural Outlet Any outlet into a Watercourse, pond, ditch, lake or other body of surface or ground water.
- (36) Normal Strength Sewage which when analyzed shows a daily average concentration of not more than 200 mg/l of BOD₅, nor more than 240 mg/l of suspended solids; nor more than 10 mg/l of phosphorous; nor more than 50 mg/l of fats, oils and grease; nor other substances which may solidify or become viscous between 32 degrees F and 150 degrees F; nor more than 40 mg/l of TKN.
- (37) Nuisance Without limitation, any condition where Sewage or the effluent from any Sewage Disposal Facility is exposed to the surface of the ground or is permitted to drain on or to the surface of the ground or into any Natural Outlet.
- (38) pH The negative logarithm of the concentration of hydrogen ions in solution, in grams per liter. A measure of relative acidity (pH less than 7) or alkalinity (pH greater than 7) of the solution tested. A neutral solution has a pH of 7.
- (39) PPM Parts per million.
- (40) Person Any individual, firm, company, association, society, corporation or group, public or private.
- (41) Premises The lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the Township as a single taxable parcel of property.
- (42) Public Sewer System or System The Big Whitefish Lake Sewer System and the Little Whitefish Lake Sewer System, including the respective sanitary sewer collection and transmission systems, including all publicly-owned Service Connections, mains, lift stations, odor control facilities and all

appurtenances thereto, located in the combined service district, and in addition the wastewater treatment plant.

- (43) Septic Tank A watertight tank or receptacle used to receive domestic sewage and intended to provide for the separation of substantial portions of the suspended solids in such sewage and the partial decomposition by bacterial action on solids so separated.
- (44) Septic Tank Effluent The partially treated liquid portion of domestic sewage that has been held in a septic tank for a specified minimum retention period
- (45) Service Connection The portion of the public sewer system which extends either to or onto the parcel of land adjacent to the path of the public sewer system, and includes the sewer main tee/wye, valve, check valve, connector pipes, the service stub, the STEP System, electrical controls and appurtenances, but not including the building sewer.
- (46) Service Stub That portion of the service connection which connects to the sewer main located in the public right-of-way and extends therefrom to the property line (also referred to as a lateral).
- (47) Service Stub Fee The fee charged by the Township for an existing Service Stub.
- (48) Sewage Disposal Facilities Any septic tank, subsurface disposal system or other devices used in the disposal of sewage and which are not part of the public sewer system.
- (49) Sewage Any combination of the water-carried waste material from residences, business buildings, institutions and industrial establishments, including industrial wastes and domestic sewage.
- (50) Sewer Agreement The Sanitary Sewer Management and Treatment Contract dated as of February 1, 1997, by and between the Drainage District, the County, by and through the Agency, and the Township.
- (51) Sewer Rates and Charges The availability fee, trunkage fee, service stub fee, inspection fee, user charge, debt service charge, user surcharge, miscellaneous user fee and the civil penalty imposed pursuant to Section 306.
- (52) Shall Is mandatory

- (53) Slug Any discharge of water, sewage or industrial wastes which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of time longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
- (54) Special Assessment District All special assessment districts determined at any time by the Township Board within the combined service district for the provision of sanitary sewer service by the public sewer system.
- (55) Special Assessment Roll All special assessment rolls confirmed at any time for a special assessment district by the Township Board.
- (56) STEP System The publicly owned system septic tank, effluent pump, motor control panel and pressure discharge pipe, which provides the connection between the privately-owned building sewer and the public sewer system. A sketch of a typical STEP System is attached to this Ordinance as Appendix III.
- (57) Structure in which Sanitary Sewage Originates A building in which toilet, kitchen, laundry, bathing, or other facilities which generate sewage are used or are available for use for household, commercial, industrial, or other purposes.
- (58) Storm Sewer or Storm Drain A sewer which carries storm or surface waters, or drainage, but is intended to exclude Sewage.
- (59) Subsurface Disposal An arrangement for distribution of septic tank effluent beneath the ground surface (also referred to as a “drainfield system”, “tile field” or a “soil absorption system”).
- (60) S.S. or Suspended Solids Solids either floating or suspended in sewage, or other liquids and which are removable by laboratory filtering and biologic processes
- (61) System Septic Tank The septic tank(s) specified by the Agency for use in a STEP System.
- (62) Township The Township of Pierson, located in Montcalm County, Michigan and/or its duly authorized agent or representative.

- (63) Trunkage Fee The charge imposed by the Township to grant permission to connect a building sewer to the Public Sewer System. This fee represents the proportional cost attributable to each premises for making the trunk, interceptor and treatment components of the Public Sewer System applicable to the respective service district available with sufficient capacity to service said premises.
- (64) Unit or Units A standard basis of measuring the relative quantity of sewage, including the benefits derived from the disposal thereof, arising from the occupancy of a freestanding single-family residential dwelling (but such term shall not necessarily be related to actual use arising from any particular dwelling.) A listing of the relative relationships between the various users of the system is hereby determined by the Township and is set forth in appendix IV to this Ordinance. The assignment of Unit(s) to a particular user shall be determined from time to time by the Township, based upon the use to which the User's property is put. Each user shall be assigned a minimum of one (1) Unit. A building containing multiple users shall be assigned a minimum of one (1) Unit for each user. Fractions of Units in excess of one (1) Unit may be computed and assigned to the nearest tenth. The assignment of Unit(s) for any use not enumerated in Appendix IV shall, in the sole discretion of the Township, be based upon the most similar use enumerated in Appendix IV.
- (65) User A recipient of services provided by the public sewer system including premises which are connected to and discharge sewage in the public sewer system.
- (66) User Charge A charge, based on Units, levied on users of the system which represents that user's proportionate share of the cost of cost of operation and maintenance (including cost of replacement) of the System.
- (67) User Surcharge A charge imposed on a user of the system for discharges of sewage that are in excess of normal strength sewage.

- (68) Wastewater Treatment Plant The publicly-owned physical plants and appurtenances designated to receive and treat the raw, untreated sewage of the properties located in the combined service district and served by the Public Sewer System, and owned by the Drainage District. The wastewater treatment plant, which serves the Little Whitefish Lake Sewer System in accordance with the sewer agreement and the northerly portion of the Big Whitefish Lake Sewer System is located at approximately 23000 Woods Lake Road. The wastewater treatment plant which serves the southerly portion of the Big Whitefish Lake Sewer System is located southeast of Lake Street.
- (69) Watercourse A channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE III

USE OF PUBLIC SEWER SYSTEM REQUIRED

Section 301. Discharge of Sewage. No person shall discharge to any natural outlet within the combined service district any sewage or other polluted waters except where suitable treatment has been provided in accordance with standards established by the MDEQ and this Ordinance.

Section 302. Sewage Disposal Facilities. Except as provided in this Ordinance, no person shall construct or maintain in the combined service district any privately owned sewage disposal facilities.

Section 303. Mandatory Connection of Porperties in Special Assessment District. All owners of structures in which sanitary sewage originates, now situated or hereafter constructed within special assessment districts located in the combined service district, are hereby required at their expense to install suitable plumbing fixtures and connect such facilities directly with the available Public Sanitary Sewer System in accordance with the provisions of this Ordinance. The Township may require any such owners, pursuant to the authority conferred upon it by law or ordinance, to make such installations or connections which must have the approval (during and after construction) of the Inspector.

Section 304. Mandatory Connection of New Construction in Combined Service District Outside Special Assessment District. As a matter of public health, all owners of parcels located in the combined service district, but outside the special assessment district, which are presently undeveloped and which are hereafter improved by a structure in which sanitary sewage originates shall be required to connect to the available public sanitary sewer system in the manner provided by Section 303 and 306, subject to the availability of capacity in the System.

Section 305. Connection of Existing Improved Properties in Combined Service District Outside Special Assessment District. Owners of all presently situated structures in which sanitary sewage originates, which are located in the combined service district, but outside the special assessment district and which are currently served by private sewage disposal facilities, shall not be required to connect to the available public sanitary sewer system until such time as:

- (a) The existing private sewage disposal facilities fail (as determined by the Health Department) and said owner is subject to written order of the Health Department to connect to the Public Sewer System in lieu of repairing or replacing the failed private sewage disposal facility or
- (b) Connection of all improved properties within the area in which said premises are located is declared a necessity by the Township for the public health and welfare.

Upon the occurrence of any such event, connection shall be made to the Public Sewer System in accordance with Sections 303 and 306, subject to the availability of capacity in the System. In the alternative, an owner of property subject to this Section 305, may voluntarily connect to the Public Sewer System at any time in compliance with the terms of this ordinance, subject to the availability of capacity in the System.

Section 306. Connection Deadline. As a matter of public health, all connections to the Public Sewer System required hereunder, shall be completed, except as provided in the following sentence, no later than twelve (12) months after the last to occur of the date of official notice by the Township or the Agency to make said connections or the modification of a structure so as to become a structure in which sanitary sewage originates. Notwithstanding the twelve (12) month mandatory connection requirement set forth in the preceding sentence, all connections of structures in which sanitary sewage originates located in the Big Whitefish Lake service district shall be completed by the following deadlines:

Premises located within the former Big Whitefish Lake Sanitary Drain Drainage District

May 31, 1998 (as established pursuant to former Township Ordinance adopted May 3, 1983)

Premises located within the former Big Whitefish Lake Sanitary Drain Extension Drainage District

September 1, 1997, (as established pursuant to former Township Extension Ordinance No. 30 adopted January 6, 1987)

Newly constructed structures required to connect shall be connected prior to occupancy thereof. Persons who fail to complete a required connection to the Public Sewer System within such twelve (12) month or other applicable period specified above shall be liable for a civil penalty equal in amount to the user charges and debt service charges that would have accrued and been payable had the connection been made as required.

Section 307. Enforcement in the Event of a Failure to Connect. In the event a required connection to the Public Sewer System is not made within the time provided by Section 306, the Township shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the available public sanitary sewer system and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Township ordinance and state law. In the event the required connection is not made within 90 days after the date of mailing or posting of the written notice, the Township may bring an action in the manner provided by law in a court of competent jurisdiction for a mandatory injunction or to compel the property owner to immediately connect the affected property to the available public sanitary sewer system.

Section 308. Voluntary Extension of and Connection to Public Sewer System in Combined Service District. The owner of a structure in which sanitary sewage originates, now situated or here after constructed within the combined service district, but not located adjacent to an available public sanitary sewer system, may elect to extend the public sewer system so as to become an available public sanitary sewer system with respect to the affected premises and connect thereto. The owner of the premises in this circumstance shall, in addition to all requirements imposed by this Ordinance, pay all expense of the extension of the public sewer system. The extension of the public sewer system shall be dedicated to the Agency (subject to the contract) upon completion. The owner of a structure in which sanitary sewage originates, now situated or hereafter constructed within the combined service district and located more than 200 feet from a public sanitary sewer located in a right of way, easement, highway, street or public way which crosses, adjoins or abuts upon the premises, may elect to connect said structure to the public sewer system in compliance with this Ordinance.

Section 309. Connection of Premises located Outside the Combined Service District. Premises located outside the combined service district shall be permitted to connect to the public sewer only upon the consent of the Agency and the Township Board, subject to the continued availability of capacity for premises located within the service district.

ARTICLE IV

PRIVATE SEWAGE DISPOSAL

Section 401. Private Sewage Disposal Facilities. If a public sewer system is not available to a parcel of land located in the combined service district in accordance with the provisions of Article III, the building sewer shall be connected to private sewage disposal facilities constructed in compliance with requirements of the Health Department and the MDEQ.

Section 402. Operation and Maintenance. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Township.

Section 403. Governmental Requirements. No statement contained in the Article shall be construed to interfere with any additional requirements that may be imposed by the Township, the Health Department, the MDEQ, or any other governmental agency with jurisdiction over the combined service district.

Section 404. Connection to Public Sewer System: Abandonment. At such time as the public sewer system becomes available to a property served by private sewage disposal facilities in accordance with Article III, the building sewer shall be connected to the public sewer system in compliance with this Ordinance and the private sewage disposal facilities shall be abandoned at the expense of the property owner for sanitary use in the manner required by the Health Department.

ARTICLE V

BUILDING SEWERS AND CONNECTIONS

Section 501. Permit Requirement. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any portion of the public sewer system without first obtaining a written permit from the Agency in accordance with Section 502.

Section 502. Permit Application. A connection to the public sewer system shall be made only by an authorized contractor or plumber licensed in accordance with Section 513 and a service connection permit issued by the Agency. Prior to said connection, the property owner or his agent shall submit a permit application to the Agency. This permit application shall be on a form furnished by the Agency and shall be accompanied by payment in full of the applicable fees determined in accordance with Section 702, any civil penalty, which has accrued pursuant to Section 306 above, and the inspection fee, the plans and specifications or all plumbing construction within the premises (when required), and all other information required by the Agency. For new construction or remodeling of existing premises which affects the building

sewer, the service connection and/or the connection or reconnection of the building sewer to the service connection a permit for a service connection must be obtained prior to filing an application with the Township for a building permit. If the building permit expires prior to commencement of construction, then the permit for service connection shall also be deemed to have expired.

Section 503. Approval of Application. The approval of a service connection permit application shall be subject to:

- (a) compliance with all terms of this Ordinance, including, without limitation, Section 502 above, and the rules and regulations of the Township, the Agency, the Health Department, and the MDEQ.
- (b) the availability of capacity in the system, including compatible pollutant capacity
- (c) to the extent required by Section 504, below, execution of an easement and
- (d) compliance of the plans and specifications for connection with the following standards for construction:
 1. The design, installation and connection of the building sewer and service connection shall meet the specifications approved from time to time by the agency and on file for public inspection at the Agency's offices.
 2. The size of the building sewer shall not be less than four (4) inches in diameter and is subject to inspection by the Inspector at the time of connection to the service connection. In the event such inspection reveals a deficiency or non-conformity in the building sewer, the connection of the building sewer to the service connection shall not be completed or approved until the owner of the premises has corrected the said deficiency or non-conformity to the satisfaction of the Inspector.
 3. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer or service connection shall be laid parallel to and within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. Where this minimum depth cannot be obtained, the building sewer shall be laid at a minimum grade of one-quarter (1/4) inch per foot, sloping towards the service connection.
 4. In all buildings in which any building drain is too low to permit gravity flow to the service connection, the sewage carried by the building drain shall be lifted by means acceptable to the Agency and discharged to the

service connection. However, operation and maintenance of all interior lift pumps and injectors shall be the responsibility of the property owner.

5. Where the public sewer system is more than twelve (12) feet deep measured from established street grade, a riser may be constructed on the service connection using methods and materials approved by the Agency.
6. All joints and connections shall be made gastight and watertight.
7. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
8. Connection of the building sewer to the public sewer system shall conform to requirements of the building and plumbing code or other applicable rules and regulations of the Township and/or Agency (including, if applicable, recommendations of the Agency engineer). Any deviation from the prescribed procedures and materials must be approved by the Inspector.
9. Under no circumstances shall any portion of a structure be constructed over any portion of a service connection without the prior written consent of the Agency.

Section 504. On-Lot Easement Requirements. Prior to the approval and issuance of a service connection permit for a service connection which includes a STEP system, the applicant will be requested to have executed by the property owner(s) of record for the premises to be connected, an easement in a form provided by the Agency granting permission to the Agency to operate, maintain, repair and replace the service connection to be installed on the premises.

- (a) If the applicant provides such easement, then the Agency shall provide, at its cost, all needed repairs, operation, maintenance and replacement of the service connection in accordance with Section 511, below.
- (b) If the applicant, for any reason, declines to provide said easement, then the permit shall be issued in the discretion of the Agency, together with an appropriate bill of sale conveying to the property owner, title to all components comprising the service connection. Following installation of the service connection by the property owner (which installation is subject to inspection by the inspector in accordance with the terms of this Ordinance), the property owner shall, at his or her expense, repair, operate, maintain and replace the service connection in accordance with Section 512, below.

- (c) A property owner or his or her successor may, at any time following the installation of a service connection on a premises for which no easement was provided to the Agency prior to the issuance of a permit, grant the appropriate easement to the Township. The Agency shall accept said easement and assume the responsibility for repair, operation, maintenance and replacement provided that the inspector has inspected the service connection (at the expense of the property owner) and is satisfied that the service connection is in good working order, reasonable wear and tear excepted.

In the event such inspection reveals that the service connection has not been properly maintained or that the condition of the service connection has deteriorated beyond reasonable wear and tear, the Agency may condition its acceptance of the easement and assumption of the financial responsibility for operation, maintenance and repair and replacement of the service connection upon

1. appropriate repairs of the service connection at the expense of the property owner
2. replacement of the service connection or individual components thereof at the expense of the property owner or
3. such other conditions as the Agency, in the exercise of its reasonable judgment, deems appropriate.

The acceptance of the easement by the Agency shall be accompanied by an executed Bill of Sale by the property owner conveying the service connection to the Agency.

Section 505. Excavation, Pipe Laying and Backfill. All excavations, pipe laying and backfill required for the installation of building sewers and service connections shall be done to conform to requirements and standards approved by the Agency. No backfill shall be placed until the work has been inspected and approved by the inspector.

Section 506. Connection of Building Sewer. The connection of the building sewer to the public sewer system shall be made at the service connection.

Section 507. Connection of Certain Drains is Prohibited. No person shall make connection of roof downspouts, exterior footing or foundation drains, areaway drains, storm drains, or other points of entry of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the public sewer system.

Section 508. Public Safety Requirements: Restoration. All excavations for building sewer installation and connection to the public sewer system shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored at the cost of the property owner in a manner satisfactory to the Township, the Agency, the County Road Commission and all other governmental entities having jurisdiction.

Section 509. Cost of Installation of Building Sewer and Connection to Public Sewer: Indemnification. All costs and expenses incidental to the installation of the building sewer and the connection thereof to the public sewer system shall be borne by the owner of the property being connected. No such work shall be commenced before such owner obtains any necessary permission to work in the public right of way from the County Road Commission. Said owner shall indemnify the Township, the Agency, the County and the Drainage District from all loss or damage that may directly or indirectly be caused by the installation and connection of the building sewer to the public sewer system.

Section 510. Inspection. A service connection permittee shall notify the inspector when the building sewer and service connection are ready for inspection. The excavation shall be left open until inspection is complete. If the inspector determines that the building sewer and service connection have been constructed and installed in accordance with the requirements of this Ordinance, the building sewer shall then be connected with the service connection under the observation of the inspector. The inspection shall include the installation of all required components of the service connection, including without limitation, wiring, conduit, sealants, riser, discharge lines and related necessary appurtenances. The inspection required by this Section shall include the abandonment of the private sewage disposal facilities in the manner required by the Health Department.

Section 511. Agency's Responsibility for Repairs, Operation, and Maintenance. All repairs, operation, maintenance and replacement of the public sewer system, as well as each service connection for which the property owner has granted an easement to the Agency, shall be performed by the Agency at the cost of the Township as part of the Township's budgeted annual expense of the system in accordance with the sewer agreement, subject to the right of the Township to impose a Miscellaneous Customer Fee in accordance with Section 706, below.

Section 512. Property Owner's Responsibility for Repairs, Operation and Maintenance. The cost of all repairs, operation, maintenance and replacements of existing building sewers and their connection to the service connection shall be borne by the property owner. If the property owner has not granted an easement to the Agency to maintain the service connection, then the cost of all repairs, operation, maintenance and replacement of the service connection shall also be borne by the property owner.

Section 513. Contractor Requirements. Any person desiring to construct a service connection or uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof, must secure an annual license from the Agency. The license shall be issued on a calendar year basis. The person applying for such license shall pay a license fee of \$50 and execute unto the Agency and deposit with the Agency, a cash bond or irrevocable letter of credit in the sum of \$5,000, conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of the Township and the Agency, pertaining to sewers and plumbing. This bond shall state that the person will indemnify and save harmless the Township, the Agency, the County, the Drainage District and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistakes or negligence on his part in connection with the service connection installation and connection as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of one (1) year, except that, upon such expiration, it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. The licensee shall also provide to the Agency, evidence of public liability insurance insuring the interests of the Township, the Agency, the County, the Drainage District, the property owner, and all persons, for all damages caused by accidents attributable to the work, with limits of \$100,000 for one (1) person, \$300,000 for bodily injuries per accident, and \$100,000 for property damages.

ARTICLE VI

USE OF THE PUBLIC SEWER SYSTEM

Section 601. Prohibited Discharge of Storm Water. No person shall discharge or cause to be discharged any storm water, surface water, ground water, water from footing drains, roof runoff, subsurface drainage, unpolluted cooling water or unpolluted industrial process waters to the public sewer system. Any premises connected to a storm sewer shall comply with county, state and federal requirements as well as those of the Township.

Section 602. Permissible Discharge of Storm Water. Unpolluted water, stormwater and all other unpolluted drain water shall be discharged to the ground surface, to a natural outlet or to a storm sewer or storm drain in accordance with applicable state and federal regulations.

Section 603. Prohibited Discharged to Public Sewer System.

- (a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the public sewer system or the wastewater treatment plant. These general prohibitions apply to all such users whether or not the user is subject to the National Categorical Pretreatment Standards, or any other national, state or local Pretreatment Standards or requirements. A user may not contribute the following substances to the public sewer system or the wastewater treatment plant:
1. Any liquids, solids or gases, which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the system or the wastewater treatment plant or to the operation of the system or the wastewater treatment plant. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benaene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
 2. Solid or viscous substances which may cause obstruction to the flow in a STEP system, sewer or other interference with the operation of the public sewer system such as, but not limited to: grease, garbage, animal or fish guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
 3. Any sewage having a pH less than 5.5 or greater than 9.5, or sewage having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system of the wastewater treatment plant.
 4. Any sewage containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the wastewater treatment plant, or exceed the limitation set forth in a categorical pretreatment standard.
 5. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a

public nuisance or hazard or are sufficient to prevent entry into the sewers for maintenance and repair.

6. Any substance which may cause the system's or wastewater treatment plant's effluent or any other product thereof such as residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
7. Any substance which will cause the wastewater treatment plant to violate its discharge permit or the receiving water quality standards.
8. Any sewage with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
9. Any sewage having a temperature which will inhibit biological activity in the system or the wastewater treatment plant resulting in interference, but in no case sewage with a temperature at the introduction into the system or wastewater treatment plant which exceeds 40°C (104°F).
10. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the system or wastewater treatment plant.
11. Any sewage containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Agency in compliance with applicable state or federal regulations.
12. Any sewage which causes a hazard to human life or creates a public nuisance.
13. Any unpolluted water including, but not limited to, non-contact cooling water.
14. Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.

Upon the promulgation of the National Categorical Pretreatment Standards for a particular industry subcategory, the pretreatment standard if more stringent than limitations imposed under this Ordinance shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance and the Agency shall notify all affected users of the applicable reporting requirements.

Section 604. Discharge Permit Limitations. No person shall discharge or cause to be discharged into the system any sewage which would cause effluent from the wastewater treatment plant to exceed discharge limits established in the discharge permit issued for operation of the system.

Section 605. Remedies: Pre-Treatment. If any sewage is discharged, or is proposed to be discharged to the public sewer system, and such sewage contains the substances or possesses the characteristics enumerated in Section 603 or Section 604, and which in the judgment of the Agency may have a harmful effect upon the system or wastewater treatment plant, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the agency may take the actions necessary to:

- (a) Effect a cease and desist of the discharge of the sewage to the public sewer system.
- (b) Reject the sewage
- (c) Require pre-treatment of the sewage to an acceptable condition prior to discharge to the public sewer system
- (d) Require control over the quantities and rates of discharge
- (e) Require payment of a user surcharge to cover the added cost of handling and treating the sewage pursuant to Sections 704(b) and 705 hereof.

Any industrial user who discharges sewage to the system shall pretreat or limit the discharge to conform to standards set forth in the Code of Federal Regulations 40 CFR 403 (pretreatment) or any applicable more stringent state or local rules, regulations or standards.

If the Agency permits the pre-treatment or equalization of sewage flows, the design and installation of the pre-treatment plants and equipment shall be subject to the review and approval of the Agency, the Health Department, MDEQ, and shall also be subject to the requirements of all applicable codes, ordinances, regulations and laws. No construction of pre-treatment or equalization facilities shall take place until all necessary approvals are obtained in writing, and copies of said approvals are forwarded to the Agency.

Section 606. Maintenance of Pre-Treatment Facilities. Where preliminary treatment of flow equalizing facilities are provided for any sewage, said facilities shall be maintained continuously in satisfactory and effective operation by the owner at no expense to the Agency, County, Township or Drainage District.

Section 607. Special Arrangements: Surcharge. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Agency and any user whereby sewage of unusual strength or character may be accepted by the Agency for treatment, subject to payment of a user surcharge by the user and provided such sewage will not damage the system, the wastewater treatment plant or the receiving water.

Section 608. Grease, Oil and Sand Interceptors. Grease, oil, and sand interceptors shall be installed, operated, maintained, repaired and replaced by the individual user and at no cost to the other users of the system when determined by the agency to be necessary for the proper handling of sewage containing ingredients described in Section 603 of this Article. As a general rule, all restaurants and similar facilities shall be required to install a standard grease trap. All interceptors shall be:

- (a) of the type and capacity prescribed by the Agency
- (b) located so as to be readily and easily accessible for cleaning and inspection
- (c) constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, and
- (d) of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. Interceptors shall not be required for private living quarters of dwelling units

Section 609. Control Manhole. When required by the Agency, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole upstream from the connection to the public sewer system. The purpose of this control manhole shall be to enable observation, sampling, and measurements of the industrial wastes. The control manhole shall be at the property line or in a location approved by the Agency, shall be easily accessible, and shall be constructed in accordance with plans and specifications approved by the Agency and the Agency engineer. Installation of the control manhole, sampling equipment and other appurtenances required by the Agency shall be at the expense of the property owner. The owner shall operate, maintain, repair and replace the control manhole and appurtenances in a safe, accessible and operable manner at all times at his or her expense.

Section 610. Testing of Industrial Wastes. All measurements, tests, and analyses of characteristics of industrial wastes shall be conducted on samples obtained at the control manhole. Where no specific control manhole has been constructed, the control manhole shall be considered to be in the nearest downstream manhole in the public sewer system to the point at which the building sewer is connected. Costs for said testing may be charged to the user discharging the industrial wastes as a miscellaneous customer fee.

Section 611. Test Standards. All measurements, tests, and analyses of sewage characteristics described in this article shall be determined in accordance with the current “Standard Methods for the Examination of Water and Sewage,” as published by the American Public Health Association. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the system and the wastewater treatment plant and to determine the existence of hazards of life and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether samples should be taken.

Section 612. Garbage Disposal is Prohibited. Users shall not discharge ground or shredded garbage from a mechanical garbage grinder or disposal unit to the service connection.

ARTICLE VII

SEWER RATES AND CHARGES

Section 701. Public Utility Basis: Fiscal Year. The system shall be operated and maintained by the Agency in accordance with the sewer agreement on a public utility basis pursuant to state law. The Agency may employ qualified personnel in such capacity or capacities as the Agency deems advisable to carry on the efficient management and operation of the system and may make such rules, orders and regulations as the Agency deems advisable and necessary to assure the efficient management and operations of the system, all in the manner provided in the sewer agreement. The system shall be operated on a October 1 to September 30 fiscal year. The Agency shall annually, on or before June 1 of each year, prepare a report on the revenues and expenditures of the system, including a projected budget for the ensuing fiscal year and recommendations for the sewer rates and charges for such ensuing year.

Section 702. Fees for Connection to System. The owner of all premises which connect to the system in accordance with Article III shall pay the following fees in full prior to the issuance by the Agency of a service connection permit to connect to the public sewer system pursuant to Article V:

- (a) Trunkage Fee. The Trunkage Fee shall be a rate per unit established by resolution of the Township Board from time to time. The trunkage fee may be established in separate amounts for the Big Whitefish Lake service district and the Little Whitefish Lake service district and may increase on a periodic basis.
- (b) Availability Fee. The Availability Fee shall be a rate per unit established by resolution of the Township Board from time to time. The availability fee may be established in separate amounts for the Big Whitefish Lake service district and the Little Whitefish Lake service district and may increase on a periodic basis.
- (c) Service Stub Fee. A fee per service stub for each service stub constructed by or on behalf of the Township in the amount established by resolution of the Township Board from time to time. The service stub fee may be established in separate amounts for the Big Whitefish Lake service district and the Little Whitefish Lake service district and may increase on a periodic basis. If the Township has not installed the service stub, no service stub fee shall be payable and the owner of the premises shall be liable for the costs and expenses of acquiring and installing the service stub pursuant to Township specification on file at the Township.
- (d) Service Connection. In addition to the fees set forth above, the owner of the premises shall be liable for the cost and expenses of acquiring and installing the service connection pursuant to township specifications on file at the township.
- (e) Credit for Special Assessments Levied on Premises Located in Little Whitefish Lake Service District. Those premises located in the special assessment district established for the Little Whitefish Lake Service District and subject to a full special assessment on the special assessment roll (e.g. \$5,750 for a single family home) shall be deemed to have paid the trunkage fee, availability fee and service stub fee in full and in addition, the cost of the service connection (subject to the obligation to pay debt service charges); provided, however, that such credit shall not result in a full or partial refund of the special assessment paid or payable pursuant to the special assessment roll; provided further that a partial special assessment (levied for example, on a vacant lot) shall be offset against the applicable fees.
- (f) Credit for Special Assessments Levied on Premises located in Big Whitefish Lake Service District. Consistent with the Township Ordinance adopted

May 3, 1983 and Ordinance No. 30, adopted January 6, 1987, those premises located in the special assessment districts established for the Big Whitefish Lake service district and subject to a special assessment on the Special Assessment Roll (whether previously paid in cash or installments or currently outstanding) shall receive credit against trunkage fee, availability fee and service stub fee equal to the original principal amount of the special assessment levied on the special assessment roll, except with respect to the trunkage fee, credit shall be given in the amount of \$2,500, and the remaining balance of said fees shall be paid in full prior to the issuance by the Agency of a service connection permit to connect to the public sewer system pursuant to Article V; provided, however, that such credit shall not result in a full or partial refund of the special assessment paid or payable pursuant to the special assessment roll.

(g) Multiple Unit Users.

(1) A single family residential building which constitutes a dwelling unit will be charged a trunkage fee and availability fee based on one unit. A multiple unit user shall pay a trunkage fee and availability fee based upon the number of units assigned to such premises by the table of unit factors attached as Appendix IV.

(2) Upon connection to the system, a multiple unit user shall have a sewage meter, of the size and type approved by the Agency, installed at the point of connection of the user's building sewer to the service connection. The cost of both the meter and the installation shall be paid for by the user with the installation to be made or approved by the Agency. The meter shall be read on a quarterly basis by the Agency.

(3) After two (2) years of meter readings have been obtained, the units assigned to the premises, in accordance with Section 702(g)(1) above, shall be redetermined based on said meter readings using an equation, the numerator of which shall be the meter readings, in gallons, annualized for the twenty-four (24) month period and the denominator of which shall be 116,800 gallons. The resulting number of units so redetermined, which shall not in any event be less than one, shall be multiplied by the applicable trunkage fee and availability fee, to determine the adjusted trunkage fee and availability fee for the premises.

(4) Any additional trunkage fees and availability fees required, based on the redetermination in Section 702(g)(3), shall be immediately paid in cash after 30 days notice to the user. Any reduction in trunkage fees and availability fees resulting from said redetermination shall be credited towards payment of the last installments coming due on outstanding special assessments levied on the premises, if any, and the balance shall be

refunded (to the extent said excess trunkage fees and availability fees, or the corresponding special assessment, were previously paid) to the user by the Township within 30 days of notice of the redetermination.

- (h) Little Whitefish Lake Sewer System. In the discretion of the Township Board, the trunkage fee, availability fee and/or service stub fee may be combined into a single unallocated lump sum per unit for connections to the Little Whitefish Lake sewer system.

Section 703. Considerations Relating to Connection to System.

- (a) Increase in Use. If subsequent changes at any time increase the amount of sewage originating from the premises, the number of units assigned to said premises shall be increased and thereupon a trunkage fee and availability fee for the additional units shall be payable in cash at the time a building or other permit is issued by the Township for such changes in use or at the time such change in use occurs, if no permit issued or required.
- (b) Repair and Replacement of Service Connection. In the event the connection of a building sewer to a service connection for a premises for which sewer rates and charges have been paid is repaired, revised, or replaced, no additional trunkage fees shall be payable provided that an increase in the utilization by said premises of the public sewer system does not occur as a result of said repair, revision or replacement. An additional inspection fee may be payable as a result of said repair, revision or replacement, depending upon the circumstances.
- (c) Destruction of Premises. In the event a premises connected to the public sewer system is destroyed or rendered uninhabitable by fire, casualty or act of God and a building permit is issued to replace, repair or rebuild said premises within two (2) years there after, the provisions of Section 703(b) shall be applicable to the repair, revision or replacement of the service connection. In the event no building permit is issued to replace, repair or rebuild said premises within two (2) years after the occurrence of the fire, casualty, or act of God, the capacity in the public sewer system attributable to said premises may be reallocated by the Agency to new connections to the system and in such event there shall be no refunds of special assessments or sewer rates and charges paid with respect to said, destroyed or uninhabitable premises. In the event a building permit is issued to replace, repair or rebuild said premises more than two (2) years after occurrence of the fire, casualty or act of God, the provision of Section 703(b) shall be applicable to the repair, revision

or replacement of the service connection, subject to the availability of capacity in the public sewer system.

Section 704. Charges for Use of System.

- (a) User Charge and Debt Service Charge. A user charge and debt service charge shall be charged periodically in advance to each premises within the combined service district connected to the public sewer system as follows:
 - (1) User Charge: A rate per month per unit established separately for the Little Whitefish Lake Service District and the Big Whitefish Lake Service District by resolution of the Township Board from time to time
 - (2) Debt Service Charge: A rate per month per unit established separately for the Little Whitefish lake Service District and the Big Whitefish Lake Service District by resolution of the Township Board from time to time.
- (b) Normal Strength Domestic Sewage. The user charges imposed pursuant to this section are applicable only to users who discharge normal strength domestic sewage. A user who discharges toxic pollutants or sewage into the system that does not qualify as normal strength domestic sewage shall also pay a user surcharge determined pursuant to Section 705 below.
- (c) Industrial Users. As of the date of adoption of this ordinance, it is determined that no users of the public sewer system are industrial users. Before the Agency permits any industrial user to connect to the system in the future, the Township shall take the necessary action, including adoption of necessary ordinances, to comply with federal and state guidelines applicable to the collection and treatment of industrial wastes.
- (d) Accrual Date. User charges and debit service charges shall begin to accrue as of the day of the connection of the building sewer to the public sewer system in accordance with Article V, above. If appropriate, the billing of user charges and debt service charges for the initial billing period shall be pro rated in arrears.
- (e) Responsibility of User to pay for Service Connection Power. In addition to the user charge, each user shall provide and pay for the electrical power necessary for the operation of their individual service connection, as such electrical power is independently metered and billed.

- (f) Unoccupied Premises. A user charge and debt service charge shall not be charged to a premises which (1) is not used for a period of twelve (12) consecutive months (which fact shall be established to the reasonable satisfaction of the Agency) or (2) is destroyed or rendered uninhabitable by fire, casualty or act of God. The sewer service for such premises shall be turned off by the Agency and the appropriate miscellaneous customer fee shall be paid by the user.

Section 705. User Surcharge. The user surcharge payable pursuant to Section 704(b) above, shall be determined from time to time by resolution of the Township Board and shall be sufficient to provide for the proportional distribution of the increased expense of cost of operation and maintenance of the system. Factors such as sewage strength, volume, discharge flow rate characteristics and the increased expense of the system for the transportation and treatment of non-qualifying sewage shall be considered and included as a basis for determining the user surcharge.

Section 706. Miscellaneous Customer Fee. The Township shall, from time to time, establish by resolution of the Township Board the basis for and impose on one or more users a miscellaneous customer fee, as necessary, for miscellaneous service, repairs and related administrative costs associated with the public sewer system and incurred, without limitation, as a result of the intentional or negligent acts of such user or users, including for example, excessive inspection services not covered by the inspection fee, costs of repairing and/or replacing a damaged effluent pump, costs of abating a nuisance pursuant to Section 805 hereof, and cost incurred by the Township to shut off and turn on sewer service. A miscellaneous customer fee may be imposed directly by the Agency, acting on behalf of the Township pursuant to the sewer agreement.

Section 707. Inspection Fee. The Inspection Fee shall be established from time to time by resolution of the Township Board and shall be based upon the actual cost borne by the Agency for its inspectors. The amount so established shall be considered a minimum charge. If, however, unusual circumstances demand, the Agency may charge inspection and approval costs in excess of said minimum fee on an hourly or other reasonable basis intended to reimburse the Agency for its actual costs, including the costs of outside consultants.

Section 708. Billing of Sewer Rates and Charges. The Township shall bill in advance and collect all sewer rates and charges on a semi-annual or more frequent basis. The Township shall mail each user a bill on or before the 1st day of the first month in the billing period. The bill shall separately itemize the sewer rates and charges. Payment of the bill, which is rendered by the Township, is due and payable on or before the 1st day of the second month in the billing period. Payment of said bill shall be made at the office of the Agency. In accordance with the sewer agreement, the Agency shall be responsible for the billing, mailing and collection of billings for sewer rates and charges. All sewer rates and charges collected by the Agency pursuant to the terms of the sewer agreement shall be deposited by the agency into the receiving fund established pursuant to Paragraph 13 of the sewer agreement.

Section 709. Unpaid Sewer Rates and Charges. If sewer rates and charges are not paid on or before the due date then a penalty in the amount of 10% shall be added to the balance due and the unpaid balance shall also draw interest at the rate of one percent (1%) per month. Partial payments will be applied first to outstanding penalties and interest, if any, and then to sewer rates and charges.

Section 710. Unpaid Sewer Rates and Charges: Remedies. If sewer rates and charges are not paid on or before the due date, the Township or the Agency, on behalf of th Township pursuant to Act 178 of the Public Acts of Michigan of 1939, as amended, may:

- (a) discontinue the services provided by the system by disconnecting the building sewer from the service connection, and the service so discontinued shall not be reinstated until all sums then due and owing, including penalties, interest and all expenses incurred by the Agency for shutting off and turning on the service, shall be paid to the Agency;
- (b) institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees or:
- (c) enforce the lien created in Section 711 below.

These remedies shall be cumulative and shall be in addition to any other remedy provided in this ordinance or now or hereafter existing at law or equity.

Under no circumstances shall action taken by the Township or the Agency to collect unpaid sewer rates and charges, penalties and interest, invalidate or waive the lien created by Section 711 below. Before disconnecting service, the Township or the Agency shall give thirty (30) days written notice to the user at the last known address according the Agency records and the Township Tax Assessment Roll. The notice shall inform the user that the user may request an informal hearing to present reasons why service should not be disconnected.

Section 711. Lien. The sewer rates and charges shall be a lien on the respective premises served by the system. Whenever sewer rates and charges shall be unpaid for six (6) months or more, they shall be considered delinquent. The Township Treasurer shall certify all delinquent sewer rates and charges and penalties and interest thereon, annually, on or before September 1 of each year to the tax-assessing officer of the Township, who shall enter the delinquent sewer rates and charges and penalties plus an additional amount equal to 6% of the aggregate amount upon the next tax roll as a charge against the premises affected and such charge shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such premises.

Section 712. No Free Service. No free service shall be furnished by the system to any person, public or private, or to any public agency or instrumentality.

Section 713. Rental Properties. A lien shall not attach for sewer rates and charges to a premises which is subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the premises or a dwelling unit thereon shall be liable for payment of sewer rates and charges, effective for services which accrue after the date an affidavit is filed by the landlord with the Township and the Agency. This affidavit shall include the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the Township and the Agency thirty (30) days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit in the amount equal to the debt service charge and the user charge for the preceding twelve (12) months. Upon the failure of the tenant to pay the sewer rates and charges when due, the security deposit shall be applied by the Agency against the unpaid balance, including penalties. The tenant shall immediately make sufficient payment to the Agency to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in Sections 710 and 711 of this Article shall be applicable with respect to the unpaid sewer rates and charges, including penalties and interest. The security deposit shall be held by the Agency without interest and shall be returned to the landlord upon proof of termination of the lease.

Section 714. Cancellation of Permits; Disconnection of Service. Applications for connection permits may be canceled and/or sewer service disconnected by the Agency or the Township for any violation of any part of this Ordinance, including, without limitation, any of the following reasons:

- (a) Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the system
- (b) Nonpayment of sewer rates and charges.
- (c) Failure to keep building sewers and control manholes in a suitable state of repair
- (d) Discharges in violation of this Ordinance.
- (e) Damage to any part of the system

Section 715. Security Deposit. If the sewer service supplied to a user has been discontinued for nonpayment of sewer rates and charges, service shall not be reestablished until all delinquent sewer rates and charges, and penalties and interest, and the turn-on charge has been paid. The Agency may, as a condition to reconnecting said service, request that a sum equal to the debt service charge and the user charge for the proceeding twelve (12) months be placed on deposit with the Agency for the purpose of establishing or maintaining any user's credit. Said deposit

shall not be considered in lieu of any future billing for sewer rates and charges. Upon the failure of the user to pay the sewer rates and charges when due, the security deposit shall be applied by the Agency against the unpaid balance, including penalties and interest. The user shall immediately make sufficient payment to the Agency to reinstate the amount of the security deposit so advanced. Upon the failure of the user to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in Sections 710 and 711 of this Article shall be applicable with respect to any unpaid sewer rates and charges, including penalties and interest. The security deposit shall be held by the Agency without interest and shall be returned to the user upon continued timely payments by the user of all sewer rates and charges as and when due, for a minimum of twelve (12) months.

Section 716. Billing Address. Bills and notices relating to the conduct of the business of the public sewer system will be mailed to the user at the address listed on the permit application filed pursuant to Article V unless a change of address has been filed in writing at the business office of the Agency. The Agency shall not otherwise be responsible for delivery of any bill or notice, nor will the user be excused from non-payment of a bill or from any performance required in said notice.

Section 717. Interruption of Service; Claims. The Township and Agency shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the collection system or the treatment equipment, all users affected by such interruption will be notified in advance whenever it is possible to do so. The Township and Agency shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

ARTICLE VIII

ENFORCEMENT

Section 801. Inspection by Township. The duly authorized representatives, employees or agents of the Township, the Agency, the County and the Drainage District including, but not limited to, the inspector, the Township Supervisor, the Township's engineer, the Health Department and representatives of MDEQ bearing proper identification shall be permitted to enter at any time during reasonable or usual business hours in and upon all properties in the combined service district for the purposes of inspection, observation, measurement, sampling, testing and emergency repairs in accordance with the provisions of this Ordinance. Any person who applies for and receives sewer services from the Township or owns real property in the

combined service district shall be deemed to have given consent for all such activities including entry upon that person's property.

Section 802. Damage to System. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the public sewer system including the wastewater treatment plant, or any service connection, or connect or disconnect any building sewer to the system.

Section 803. Notice to Cease and Desist. Except for violations of Section 802 hereof, any person found to be violating any provision of this Ordinance shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. In lieu of the Township, such notice may be served by the Agency. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 804. Civil Infraction. Any violation of Section 802, or any violation beyond the time limit provided for in Section 803, shall be a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense. Any person violating any of the provisions of this Ordinance shall, in addition, become liable for any expense, loss, or damage occasioned by reason of such violation.

Section 805. Nuisance: Abatement. Any nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The Township and/or the Agency, on behalf of the Township, in the furtherance of the public health may enforce the requirements of this Ordinance by injunction or other remedy and is hereby empowered to make all necessary repairs or take other corrective action necessitated by such nuisance or violation. The person who violated the Ordinance or permitted such nuisance or violation to occur shall be responsible to the Township and the Agency for the costs and expenses incurred by the Township and the Agency in making such repairs or taking such action as a miscellaneous customer fee.

Section 806. Liability for Expenses. Any person violating any of the provisions of this Ordinance shall become liable to the Township and the Agency and their authorized representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the Township and the Agency by reason of such violation.

Section 807. Remedies Are Cumulative. The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive with any other remedies available to the Township or the Agency.

ARTICLE IX

MISCELLANEOUS

Section 901. Repeal of Conflicts. All ordinances or parts of ordinances in conflict herewith and relating to the public sewer system including, without limitation, the Ordinance adopted on May 3, 1983 and Ordinance No. 30 adopted on June 6, 1987, as amended, are hereby repealed.

Section 902. Severability. The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 903. State and Federal Law Requirements. If any provision of applicable state or federal law imposes greater restrictions than are set forth in this Ordinance then the provisions of such state or federal law shall control.

Section 904. Article and Section Headings. The Article and Section headings used in this Ordinance are for convenience of reference only and shall not be taken into account in construing the meaning of any portion of this Ordinance.

ARTICLE X

PUBLICATION AND EFFECTIVE DATE

Section 1001. Publication. A true copy or a summary of this Ordinance shall be published in *The Greenville Daily News* within thirty (30) days after the adoption of the Ordinance by the Township.

Section 1002. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its publication as provided by law.

ARTICLE XI

AMENDMENT

Section 1101. Reservation of Right to Amend. Subject to the Sewer Agreement, the Township specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease, or otherwise modify any of the sewer rates and charges herein provided.

Passed and adopted by the Township Board of the Township of Pierson, County of Montcalm, Michigan on February 11, 1997, and approved by me on February 11, 1997.

Violet K. Rohrer, Supervisor
Township of Pierson
(signature on file at Pierson Township Hall
or Drain Commissioner's Office)

Attest:

James McMullen, Clerk
Township of Pierson
(signature on file at Pierson Township Hall or
Drain Commissioner's Office)

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Pierson, County of Montcalm, State of Michigan, at a special meeting held on February 11, 1997, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

James McMullen, Township Clerk
(signature on file in Pierson Township Hall
or Drain Commissioner's Office)

CERTIFICATE OF PUBLICATION

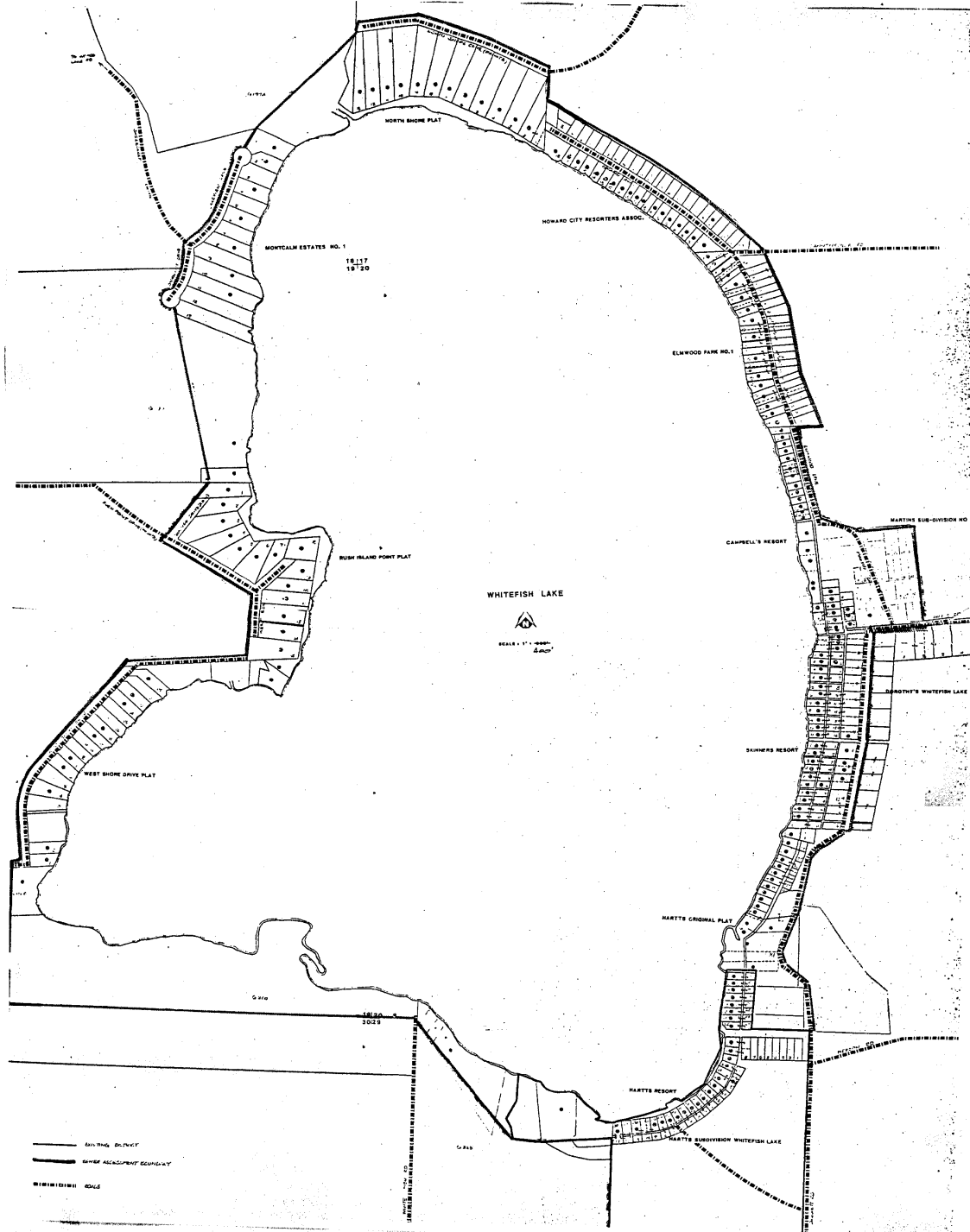
I, the undersigned, Township Clerk of the Township of Pierson County of Montcalm, Michigan, hereby certify pursuant to MCLA 41.184 that the Big and Little Whitefish Lakes Sewer Connection, Use and Rate Ordinance (Township Ordinance No. 97-1) or a summary thereof, was published in *The Greenville Daily News* on March 1, 1997.

Dated: March 14, 1997

James McMullen, Township Clerk
(signature on file in Pierson Township Hall
or Drain Commissioner's Office)

APPENDIX I

BIG WHITEFISH LAKE SANITARY SEWER DISTRICT
SERVICE AREA



APPENDIX II

LITTLE WHITEFISH LAKE SANITARY SEWER DISTRICT
SERVICE AREA

