

**SEWER ORDINANCE
TOWNSHIP OF BEAR CREEK
ORDINANCE NO. 22-05**

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Exhibit A - Table of Residential Equivalent Unit Factors for Computation of Connection Charges

**SEWER ORDINANCE
TOWNSHIP OF BEAR CREEK
ORDINANCE NO. 22-05**

An ordinance regulating 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 public sewer, system; and establishing and providing for the collection of rates and charges for sewage disposal service; and providing penalties for violation of sections thereof, in the Township of Bear Creek, Emmet County, Michigan.

BE IT ORDAINED and enacted by the Township Board, of the Township of Bear Creek, Emmet County, Michigan, as follows:

ARTICLE ONE - DEFINITIONS

Section 1 - Definitions. Unless the context specifically indicates otherwise, the meaning for terms used in this Ordinance shall be as follows:

- A. "Authority" shall mean the Springvale-Bear Creek Sewage Disposal Authority.
- B. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen required to biochemically decompose organic matter under standard laboratory procedure in 5 days at 20 degrees C., expressed in milligrams per liter.
- C. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.
- D. "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- E. "Classes of users" shall mean the division of sanitary sewer customers into classes by similar process or discharge flow characteristics as follows:
 - (1) Residential User - shall mean a single family home or dwelling unit, a mobile home, or one unit (lot) of a site condominium that discharges only segregated domestic waste or wastes from sanitary conveniences.
 - (2) Multiple Family Residential User - shall mean an apartment building, a building containing multiple condominium units, a duplex, a triplex, foster homes, care homes, or other multiple family dwellings that discharge only segregated domestic waste or wastes from sanitary conveniences.
 - (3) Commercial User - shall mean any business or other non residential, non-industrial user including stores, offices, churches, schools, restaurants that discharges only segregated domestic waste or wastes from sanitary conveniences.
 - (4) Industrial User - shall mean any manufacturing establishment that provides a product from raw or purchased material, as well as hospitals and nursing homes. This category shall also refer to any user of the publicly owned treatment works identified in the Standard Industrial Classification Manual, under Divisions A, B, D, E, or I, excluding those users already identified in one of the other user classes. A user

may be excluded from the "Industrial User" class if it is determined that such user will discharge only segregated domestic wastes.

F. "Connection charge" shall mean the amount charged at the time, and in the amount hereinafter provided, to each premise in the Township which requires a new connection to the sanitary sewer. The charge is based upon the proportionate cost allocable to such premises of the trunkage and availability costs associated with providing sanitary sewers and sewage treatment. Also called a "Tap Fee".

G. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

H. "Industrial cost recovery" shall mean the recovery from each, eligible industrial user that portion of U.S. Environmental Protection Agency grants which are, allocable to the collection and treatment of industrial wastes from said users (see Article Five).

I. "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from segregated domestic strength wastes, or wastes from sanitary conveniences.

J. "Infiltration" shall mean any waters entering the system from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

K. "Inflow" shall mean any waters entering the system.

L. "Infiltration/inflow" shall mean the total quantity of water from both infiltration and inflow.

M. "Inspector" shall mean any person or persons authorized by the Township to inspect and approve the installation of building sewers and their connection to the public sewer system:

N. "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

O. "Normal strength sewage" shall mean a sanitary wastewater flow containing an average daily BOD of not more than 200 mg/l or an average daily suspended solids concentration of not more than 250 mg/l.

P. "NPDES permit" shall mean the permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of wastewater, into the waters of the State.

Q. "Operation and maintenance costs" shall mean all costs, direct and indirect (other than debt service), necessary to insure adequate wastewater collection and treatment on a continuing basis, to conform with all related federal, state and local requirements, and to assure optimal long-term facility management (O & M costs include repair and replacement costs).

R. "Person" shall mean any individual, firm, company, association, society, trust, corporation, group, or other entity.

S. "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

T. "Pretreatment" shall mean the treatment of extra strength wastewater flows in privately owned pretreatment facilities prior to discharge into publicly owned sewage works.

U. "Private sewage disposal system" shall mean a sewage disposal system that is owned by a private individual or entity, and that is not subject to standards for construction and/or operation of a private sewer

V. "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in dimension.

W. "Privately owned sewer constructed to public standards" shall mean a sewer that is owned by a private individual or entity, but that serves more than one parcel of property in separate ownership and is therefore subject to public standards for construction and/or operation.

X. "Publicly owned sewer" shall mean a sewer that is owned and controlled by a public authority.

Y. POTW shall mean publicly owned treatment works.

Z. "Ready to serve charge" is a charge for the costs of having the publicly owned sewer available to a property or potential user, regardless of the connection to the sewer or the level of actual sewer usage.

AA. "Replacement costs" shall mean expenditures made during the service life of the Sewage Works to replace equipment and appurtenances necessary to maintain the intended performance of the Sewage Works.

BB: "Residential equivalent unit", is the standard daily quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a single family of ordinary size, and shall be established from time to time by the Township.

CC. "Sanitary sewer" shall mean a sewer that carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

DD. "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

EE. "Sewage system" or "Sewage works" shall mean all facilities of the Township and all subsequent additions, including all sewers, pumps, lift stations, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

FF. "Sewage treatment facility" shall mean any arrangement of devices and structures used for treating sewage.

GG. "Sewer" shall mean a pipe or conduit for carrying sewage.

HH. "Significant industrial user" shall mean: (1) All categorical industrial users as defined Title 40 of the Code of Federal Regulations; (2) Any noncategorical industrial user that (a) discharges 25,000 gallons or more per day of process wastewater, or (b) contributes a process waste stream which makes up five (5%) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or (c) has a reasonable potential, in the opinion of the Township, to adversely affect the Treatment Works (i.e., inhibition, pass through of pollutants, sludge contamination, or endangerment of Treatment Works workers).

II. "Sludge" shall mean any discharge of sewage or industrial waste that has a solids content of 2% or higher.

JJ. "Suspended solids" shall mean solids that either float on the surface of, or in suspension in, water, sewage, or other liquids, and that can be removed by laboratory filtering.

KK. "Township" shall mean the Township of Bear Creek, Emmet County, Michigan, as represented by the Bear Creek Township Board of Trustees or, where appropriately delegated, the Authority.

LL. "User O & M charge" shall mean the charge levied on all users of the sewage works for the cost of operation and maintenance, including repair and replacement of such treatment works.

MM. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

NN. "Wye branch" shall mean a local service connection to the sewer that is made at an angle similar to a "wye" so that a sewer cleaning rod will not come into the sewer at a right angle and penetrate the far side, but will travel down the course of the sewer.

ARTICLE TWO - SEWER USE

Section 1 - Use of Publicly-Owned Sewers Required.

A. Disposal in sanitary manner. It shall be unlawful for any person to place, deposit or permit to be deposited any sewage upon public or private property within the Township in any unsanitary manner.

B. Unlawful discharge. It shall be unlawful to discharge to any natural outlet within the Township, or in any area under the jurisdiction of the Township, any sewage or polluted waters, except where suitable treatment has been provided in accordance with the provisions of the Ordinance.

C. Privies; outhouses. Except as hereinafter provided in Section 4 of this Article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other private sewage disposal system.

D. Connection to sewer within 200 feet. If required by the Township, a structure in which sanitary sewage originates that is located within the Township shall be connected to an available public sanitary sewer in the Township. "Available public sanitary sewer" means a public sanitary sewer located within the Township in a right of way, easement, highway, street, or public way that crosses, adjoins, or abuts the property on which the structure is located and that passes not more than 200 feet at the nearest point from the structure in which sanitary sewage originates. "Structure in which sanitary sewage originates" means a building in which toilet, kitchen, laundry, bathing, or other facilities which generate water-carried sanitary sewage are used or are available for use for household, commercial, industrial, or other purposes. When given official notice by the Township to do so, such connection shall be made at the expense of the owner of the structure and shall be made in accordance with the provision of this Ordinance. However, with regard to an existing structure, a connection shall not be required to be made less than six (6) months after a sewer is made available for connection thereto.

E. Information that may be required. The Township may reject sewer service if the constituents of the discharge are found to be incompatible with the treatment process or works. The Township may require each person who applies for sewer service, receives sewer service, or through the nature of the enterprise creates a potential environmental problem in the sewer system, to file the material listed below. Any user discharging industrial wastes to the sanitary sewer, storm sewer or receiving stream shall also provide the material listed below to the Authority.

- (1) A written statement setting forth the nature of the enterprise, the source and amount of water used, and the amount(s) of water to be discharged, with the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.
- (2) A plan map of the building, works or complex, with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse, or groundwaters noted, described and the waste stream identified.
- (3) Sample, test and file reports with the Authority and the appropriate State agencies on appropriate characteristics of wastes on a schedule, at locations, and according to methods outlined in this Ordinance.

- (4) An Affidavit placing waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate State agency as properly qualified to supervise such facilities.
- (5) A report on raw materials entering the process or support system, intermediate materials, final product, and waste byproducts as those factors may affect waste control
- (6) Maintain records and file reports on the final disposal of specific liquid, solids, sludge, oil, radioactive material, solvent or other waste.
- (7) If any industrial process is to be altered so as to increase or decrease process waste or potential waste discharge to the sanitary sewer, written notification shall be given to the Township and Authority. Discharge of said altered waste streams shall be subject to the Authority's approval and shall comply with all other provisions of this Ordinance and any applicable laws or regulations.

F. Additional rules, regulations, orders. The Township or Authority may make and adopt such further rules, orders, regulations, guidelines, and policies as it deems advisable and necessary to assure the efficient and proper use of sewers, installation and connection of building sewers, and discharge of wastes into the public sewer system, all in accordance with this Ordinance. Such rules, orders, regulations, guidelines, and policies shall be effective upon approval by the Township or Authority.

Section 2 - Use of Sewers.

A. Prohibited discharges of water; storm water. No person shall discharge, or cause to be discharged, any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to sewers or drains specifically designated for such use; or to a natural outlet approved by the appropriate state agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state agency, to a storm sewer or natural outlet.

Section 3 - Prohibited Discharge Standards

A. General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to special pretreatment standards or any other National, State, or local pretreatment standards or requirements. All users are subject to the discharge standards of the owner of the POTW or WWTP; if such standards are more restrictive than the specific standards of this ordinance, the more restrictive standards shall apply.

B. Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

- (2) Wastewater having a pH less than 5.5 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference;
- (4) Conventional pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW. Specific limitations for conventional pollutants include:

BOD5	200 mg/l
Total Suspended Solids	250 mg/l
Total Phosphorus	7 mg/l
Ammonia	45 mg/l
Fats, Oils and Grease (FOG)	50 mg/l

Discharges of conventional pollutants above these limits may be permitted by the Township with an associated surcharge for high strength sewage as required under this ordinance.

- (5) Wastewater having a temperature greater than 150°F , or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Township;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the discharge permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Township;

- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the Township in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW; or
- (17) The following pollutants shall have limitations set forth to comply with current State and Federal discharge standards to protect against pass through and interference.

Arsenic	benzene
Beryllium	cadmium
Chromium	copper
Cyanide	lead
Mercury	nickel
Selenium	silver
total phenols	zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise.

C. Restricted sewage. If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in this Section, and which in the judgment of the Authority may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Township may:

- (1) Reject the wastes.
- (2) Require pretreatment to the level defined as "normal strength sewage".
- (3) Require pretreatment to an acceptable level and in accordance with applicable Federal and State pretreatment regulations (other than normal strength sewage) for discharge to the public sewers.

If the Township permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Authority and subject to the requirements of all applicable codes, ordinances and laws.

D. Grease traps. Grease, oil and sand interceptors shall be provided when, in the opinion of the Authority, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Authority,

and shall be located as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be maintained by the users thereof to provide for and maintain proper function.

E. Maintenance of pre-treatment facilities. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

F. Sewage exceeding normal strength. When required by the Township, the owner of any property serviced by a building sewer carrying sewage that exceeds normal strength wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Township. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

G. Tests of water and waste. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Ordinance shall be determined in accordance with the most recent edition of the "Standard Methods for the Examination of Water and Sewage", or any successor thereof and shall be determined at the control manhole provided for, or upon suitable samples taken at, said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

H. Sampling. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether grab sample or samples should be taken. The responsibilities of industry are further defined in the "Industrial Waste Control Program" shown in Article Five of this ordinance.

I. Agreements with industrial concerns. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Township and any industrial concern after recommendation by the Authority whereby an industrial waste of unusual strength or character may be accepted by the Township for treatment, subject to payment therefore, by the industrial concern.

J. Authorization to enter property for testing. Agents of the Township, Authority, Michigan Department of Environmental Quality, the U.S. Environmental Protection Agency, or any other public entity or authority having jurisdiction over the sewage works or any portion thereof shall have the right to enter all properties for the purpose of inspecting, measuring, sampling and testing the wastewater discharge.

Section 4 - Private Sewage Disposal.

A. Unavailability of publicly owned sewer. Where a connection to a publicly owned sewer is not available or required under the provisions of this Ordinance, the building sewer shall be connected to a private sewage disposal system or to a Privately Owned Sewer Constructed to Public Standards either of which shall comply with all requirements of the local health department and/or the Michigan Department of Environmental Quality.

B. Later availability of publicly owned sewer. At such time as a connection to a publicly owned sewer becomes available to a property served by a private sewage disposal system and required by the Township, as provided in Article 2, Section 1D, a direct connection shall be made to the public sewer in compliance with this Ordinance; and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned in a suitable manner and in accordance with the applicable public health department regulations.

C. No expense to Township. The owner shall operate and maintain a private sewage disposal system in a sanitary manner at all times, at no expense to the Township or Authority.

D. Additional requirements of MDEQ. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Michigan Department of Environmental Quality on either private sewage disposal systems or Privately Owned Sewer Constructed to Public Standards Public Sewers.

ARTICLE THREE - BUILDING SEWERS and CONNECTIONS

Section 1 - Operation.

A. Sewer Authority. The operation, maintenance, alteration, repair and management of the System may be placed under the supervision and control of the Authority by the Township. The Authority may employ or contract such person or persons in such capacity or capacities as it deems advisable to carry out the efficient management and operations of the System. The Authority may also make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System, including but not limited to the most current version of the "Sanitary Sewer Guidelines for Bear Creek Township".

B. Installation of building sewer. Customers shall install, at their expense, that portion of the building sewer from the public sewer main to the lot or easement line in addition to that portion of the building sewer from said lot or easement line to their premises.

C. Jurisdiction. The Sewer Authority's jurisdiction and ownership of the sewage works shall extend up to the point at which any sewer shall leave the public right of way or easement. Responsibility for building drains and for building sewers up to the point at which such building sewers enter the public right of way shall be the responsibility of the owner(s) of the land on which such building drains or building sewers are located, subject to the requirements of this ordinance and of all other applicable requirements of local and state law.

Section 2 - Connection to System.

A. Permits for connections. All buildings requiring connections for new sanitary sewer service must have building sewer permits. The owner or owner's agent shall make application for the permit on a form furnished by the Township. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Township.

B. Connections to system. No one shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof, without first obtaining a written permit from the Township. Before a particular permit may be issued for excavating for plumbing or drain laying in any public street way or alley, the person applying for such permit shall provide that the person or entity to perform such work has in place public liability insurance for the protection of the Township, the Authority, the property owner, and all persons, to indemnify them for all damages caused by accidents attributable to the work, with limits of \$500,000 for each person, \$1,000,000 per accident, and \$100,000 for property damages.

C. Separate building sewers. Each commercial/residential building shall have its own separate building sewer from the sanitary sewer to the building. If units within a building are to be separately owned, (i.e. condominium units), then separate sewer services to each unit are required from the sanitary sewer mainline. However, these services may be combined if the combined portion of the sewer is a Publicly Owned Sewer or a Privately Owned Sewer Constructed to Public Standards, as defined above and as otherwise provided by this ordinance. The Township reserves the right to require public ownership of any sanitary facilities as necessary to benefit the public.

D. Reuse of building sewers for new buildings. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on

examination and testing by the inspector or his representative, to meet all requirements of this Ordinance.

E. Materials and methods of construction. Materials and methods of construction of sewers shall conform to the most current version of the "Sanitary Sewer Guidelines for Bear Creek Township".

F. No connection without capacity. No connection will be allowed or connection permit will be granted unless there is capacity available in the sewage works as determined by the Authority. The Authority may set aside and reserve a limited amount of capacity for annual allocation to users of two or less Residential Equivalent Uses (REU's) pending the further expansion of capacity of the sewer works.

G. No application for sewer connection without zoning approval. No application for connection to the sewer shall be permitted unless the property or use for which such connection is being sought has already received final zoning approval. No capacity in the sewage works may be reserved in advance of zoning approval.

Section 3 - Sewer Connection Charges

A. Connection charge and inspection fee established by resolution. Each person desiring to connect to the System shall pay a connection charge and an inspection fee for the privilege of using the facilities and receiving the service of the system, in such amounts as shall be established from time-to-time by resolution of the Township Board. The table attached as Exhibit "A" shall be used in determining residential equivalent uses for purposes of determining connection charges.

B. Payable in cash or collected funds. Connection charges and inspection fees shall be due and payable in cash or collected funds such as a cashier's or certified check upon the filing of an application of a connection permit.

C. Non-transferable. A connection permit issued hereunder is not transferable to allow connection to the sewer for parcels of real property other than those described on the permit.

D. Previously approved projects. The provisions of this subparagraph shall apply to all building and construction projects that have received and maintained final zoning approval prior to the effective date of this Ordinance and that have been allocated capacity within the sewer system, but that have not yet connected to the system.

(1) For projects requiring less than 50 total or additional sewer taps or residential equivalents uses (REU's), the owners or developers of such projects shall have 120 days from the effective date of this Ordinance to pay all connection charges associated with the sewer services desired for their respective projects.

(2) For projects requiring 50 or more total or additional sewer taps or REU's, the owners or developers of such projects shall pay for sewer connection charges as they seek to connect to the sewer system and before any building permits are issued for structures that will require a sewer connection. However, a minimum payment of at least 1/3 of all connection charges associated with the overall sewer services desired for a particular project shall be made within 120 days of the effective date of this ordinance. Another minimum payment for at least the next 1/3 of the connection charges is due within the one-year period following 120 days after the effective date of this ordinance, and a final payment for any remaining connection charges would be due within the next one-year period.

(3) Inspection fees applicable to sewer taps are required to be paid when connection for taps to the sewer system is sought and before any building permits are issued for structures that will require a sewer connection.

(4) If any payment for connection charges required by this section is not made within 30 days of its due date, any sewer taps or REU's that have been sought for a project but that have not been purchased shall revert to the Township. Any later connections for such developments or projects that are sought shall be treated as a new application for sewer connection, as specified in subsection (E) below.

(5) The Township will send written notice to the last known address of the owners or developers that may be affected by this section within the 120 day period after this ordinance takes effect. However, the failure of any owner or developer to receive such actual notice of this section shall not preclude the operation of this Ordinance with regard to any particular development or project.

E. New applications for sewer connections. All other applications for sewer connections shall be processed on a first come, first served basis.

F. Length of permits. Any sewer connection permit issued under either D or E above shall be valid for a period of three (3) years from the date of issuance. Following the expiration of the three (3) year period, a sewer connection permit may be continued to be held for as long as the holder of the permit pays a periodic ready to serve charge for all permitted but not yet active sewer use equivalents. The amount and frequency of the payment of such charges shall be established from time to time by resolution of the Township. The failure of a permit holder to make a ready to serve charge payment within 30 days of its due date will result in the reversion to the Township of the permitted but not yet active sewer use equivalents.

G. Plan review/inspection. If the Township or Authority determines that the standard application/inspection fees will not cover the actual costs for review of a sewer plan or inspection of a sewer, or that it is necessary or advisable to have any portion of the plan or sewer reviewed or inspected by other engineers or other consultants, then the applicant shall be required to pay the actual costs of this additional review or inspection. Such actual costs shall be billed to and paid by the applicant, and no occupancy permit shall be issued or maintained for the subject premises until such actual costs have been paid in full.

H. Escrow deposit. The Township or Authority may require an applicant to deposit an amount equal to the estimated actual costs associated with the review of an application or an inspection. This amount shall be held in escrow in the applicant's name and may be used solely to pay the actual costs associated with the subject application or inspection. Any unexpended funds held in escrow shall be returned to the applicant, without interest. Any actual costs in excess of the amount held in escrow shall be billed to the applicant and no occupancy permit shall be issued or maintained for the subject premises until such actual costs have been paid in full.

I. Installation costs; indemnification. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify the Township and Authority from any loss or damage that may directly or indirectly be caused by the installation or connection of the building sewer.

J. Change in use of premises. In the event there is an increase or change in the use of any particular multi-family, commercial, or industrial user's premises being served by the sewer system, or a change in use from a single family residential use to another type of use, additional connection charges consistent with the new or increased use shall be assessed and shall be payable in the same manner as a sewer use charge when billed. This charge shall be based upon the difference of the then applicable connection charges for the new or increased use and the then applicable connection charges for the immediately preceding use.

K. No refunds. There shall be no refund of any sewer connection charges paid to the Township or Authority under this ordinance or any predecessor thereof.

Section 4 - Dedications

A. Dedication of sewers to Authority. If a person desires to construct a sewer line with more than one user which includes a portion to be dedicated to the Authority as a public sewer, the person must comply with the following before the Authority will accept the dedication as a part of the public sewer system:

- (1) The portion of the sewage system to be dedicated shall be constructed pursuant to a Part 41, PA 451, construction permit from the Michigan Department of Environmental Quality.
- (2) A connection permit must be obtained in accordance with the requirements of this ordinance.
- (3) The sewer line shall be constructed in accordance with the approved plans and inspected as necessary by representatives of the Authority or the Township.
- (4) Upon completion of the construction of the public portions of the sewer line, the passing of the final inspection, and the receipt of a "bill of sale" or similar instrument transferring ownership of the dedicated portion of the system to the Township or the Authority, such sewer lines shall become part of the public sewer.
- (5) Two sets of the record drawings sealed by a Michigan professional engineer shall be provided to the Authority upon completion of the construction. Such drawings shall also be provided in electronic (AutoCAD) format.
- (6) All sewer lines offered to the Authority as a public sewer shall be located within public right-of-ways or accompanied by a public easement in perpetuity for the purpose of obtaining access to and performing maintenance on the sewer.
- (7) The Authority may require the extension of any easement for a public sewer to a property line or boundary for the purpose of facilitating future potential extensions of such sewer to serve other properties.
- (8) Any other documents or records requested by the Authority in connection with the design, construction, or location of the sewer being dedicated shall be provided to the Authority upon request. This shall include, but is not limited to, items such as operation and service manuals, shop drawings, maps, and recorded easement documents and agreements.

B. Funding/financing. Neither the Township nor the Authority shall provide any funding or participate in the financing for any extension of or improvement to the sewage

works that is to be provided and dedicated to the public unless the Township and Authority determine it is in the best interests of the overall sewer system and its users for such participation to occur. In such instances, the level, extent, and method of any public participation shall be determined with due regard being given to the degree of public benefit that may be derived from such participation.

Section 5 - Privately Owned Sewer Constructed to Public Standards

A. Privately owned sewer constructed to public standards. If a person desires to construct a sewer with more than one parcel or unit of property under separate ownership connected to it, and the line is not located in the public right-of-way, and will not be dedicated to the public, the person must comply with the following:

- (1) The portion of the sewage system serving more than one parcel or unit of property under separate ownership shall be constructed pursuant to a Part 41, PA 451, construction permit from the Michigan Department of Environmental Quality.
- (2) Two sets of the record drawings sealed by a Michigan professional engineer shall be provided to the Authority upon completion of the construction. Such drawings shall also be provided in electronic (AutoCAD) format.
- (3) Submit written verification to the Authority from the project engineer certifying that the sewer line has been successfully tested and inspected and meets all requisite requirements.
- (4) Comply with all applicable state requirements for the issuance of a permit for such a system.

ARTICLE FOUR - USE CHARGES AND METERS

Section 1 - Sewer Use Charges

A. Rates/fees for use and operation of system. All premises connected directly or indirectly to the sanitary sewers of the Township, except as otherwise provided, shall make periodic payments to the Township for the operation, maintenance, replacement and debt service costs, as applicable, allocable to said system or portion thereof. Such payments may include a ready-to-serve charge. The Township may also impose a ready-to-serve charge on premises that are not yet connected to the sewer system, but for which sewer taps have been purchased and reserved for future usage. The rates and fees to be charged for sewer service and/or ready-to-serve charges shall be established from time-to-time by resolution of the Township Board, which resolution may also proscribe billing procedures and penalties for late payment.

B. Agreements with bulk users. The Township Board may enter into a contract with a resort association or other incorporated association; subdivider or developer whereby, such association, subdivider or developer shall agree to pay to the Township User Charges as established in this ordinance. The association, developer or subdivision shall agree to charge each recipient of sewer service proportionately and equitably.

C. Lien for sewer charges. The charges for services shall be a lien on all premises served thereby, and are hereby recognized to constitute such lien; and whenever any such charge against any piece of property shall be delinquent for six (6) months, the Township official or officials in charge of the collection thereof shall certify annually to the tax-assessing officer of the Township the facts of such delinquency whereupon such charge shall be by him or her entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Township taxes against such premises are collected and the lien thereof enforced.

D. Periodic adjustment of charges. The Township shall have the right to periodically adjust the "User Charge" based on an audit review of the Sewage Works Operation and Maintenance costs.

E. User class for charges. All customers of the Sewage Works will be included in a user class and each user class will pay for its proportionate use of the Sewage Works in terms of volume and pollutant loading. Sewer user charges are levied to defray the cost of operation, maintenance (including replacement and depreciation), and debt retirement of the Sewage Works.

F. Industrial user costs. Each industrial user shall pay the proportionate share of the operation, maintenance and replacement depreciation costs of the Sewage Works that are allocable to the treatment of said user's industrial wastes.

G. Industrial users - normal strength sewage. Each industrial user that discharges process wastewater which does not exceed the limits of "normal strength sewage" shall be charged and shall make payments to the Township in amounts based on the actual waste volume and strength from such premises.

H. Pretreatment or surcharge for sewage exceeding normal strength. Any user that proposes to discharge process wastewater to the system which exceeds the limits of "normal strength sewage" will be required to either: a) provide satisfactory pretreatment to reduce the strength of the wastewater to "normal strength sewage"; or (b) pay a surcharge determined by the relative concentration of BOD, suspended solids, or other pollutant as

compared to "normal strength sewage". Any applicable surcharge shall be calculated as follows:

1. The normal usage charge shall be multiplied by a surcharge factor.
2. The surcharge factor shall be determined as the sum of the following:
 - a. 20% of the normal usage charge
 - b. 30% of the normal usage charge, times the ratio of actual BOD₅ to normal strength BOD₅.
 - b. 30% of the normal usage charge, times the ratio of actual suspended solids to normal strength suspended solids.
 - c. 20% of the normal usage charge, times the ratio of any other pollutant to normal strength sewage as established by the POTW.

The formula for such a calculation is:

$$Cs = C \left(0.2 + 0.3 \frac{B}{200 \text{ mg/l}} + 0.3 \frac{S}{250 \text{ mg/l}} + 0.2 \frac{P}{Pn} \right)$$

Cs = Total cost of surcharged usage.

C = Normal usage charge.

B = Concentration of B.O.D. discharged by user (mg/l) - value not to be less than 200 mg/l

S = Concentration of suspended solids discharged by user (mg/l) - value not to be less than 250 mg/l

P = Concentration of any pollutant discharged by user (mg/l)

Pn = Concentration of any pollutant discharged to be acceptable as "normal strength sewage"

I. Surcharges for single event discharges. Surcharges may also be levied for single event discharges that violate the conditions of this ordinance. Said charges shall be reflective of the additional cost to treat or maintain the sewage works due to the high strength discharge.

Section 2 - Payments and Collections

A. Billing. Bills shall be dated and mailed at least quarterly. Bills for sewage disposal service are due and payable at the business office of the Township and, if not paid by the due date, shall be deemed delinquent. Interest at 1.5% per month shall be charged on delinquent bills. If the bill is not paid within sixty (60) days after date of issuance, the Township may also discontinue sewer service to the premises and take such other measures as are permitted by law.

B. Billing addresses. All bills and notices relating to the conduct of the business of the Township and of the Sewage Works will be mailed to the customer at the address listed on the application for the connection permit, unless a change of address has been filed in writing at the business office of the Township; it shall not be responsible for delivery of any

bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.

C. Commencement of billing. Except as may otherwise be provided for ready-to-serve charges, billing for sewer use shall be commenced at the time of connection of a service to the sewer. However, if the connecting party can establish to the satisfaction of the Township that use of the sewer will not begin until a later date following connection, the Township may defer the commencement of billing until the date on which use is to begin.

D. Cancellation/disconnection of sewer service for violations. Applications for connection permits may be cancelled and/or sewer service disconnected by the Township for any violation of any rule, regulation or condition of service, including but not limited to:

- (1) Misrepresentation in the permit application as to the property to be served.
- (2) Nonpayment of bills.
- (3) Improper or imperfect service pipes and fixtures or failure to keep the same in a suitable state of repair.

E. Deposits for service. Where the sewer service supplied to a customer has been discontinued for nonpayment of delinquent bill, the Township reserves the right to request a nominal sum be placed on deposit with the Township for the purpose of establishing or maintaining any customer's credit. Service shall not be reestablished until all delinquent charges and penalties, and a turn-on charge to be specified by the Township, have been paid. Further, such charges and penalties may be recovered by the Township by court action.

F. Service interruptions. The Township and Authority shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for the purpose of working on the Sewage Works, all customers affected by such interruption will be notified in advance whenever it is practical to do so. However, the Township or Authority shall not be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

G. Appeals. Any user has the right to appeal any charges assessed under this Ordinance. Appeals shall be directed to the Township along with any supporting documentation for appeal of the charges in question. Any additional information that may be required to resolve the appeal, as directed by the Township, shall be obtained by the user at his expense. Resolution of appeals shall be made within sixty (60) days, in writing, in accordance with best available data and the formulations presented in this Ordinance. A user may request a hearing before the Township prior to its decision. Any appeal from the Township's decision shall be to the Circuit Court for the County of Emmet, and shall be filed within 21 days of the date the Township renders its written decision.

Section 3 - Meters.

A. Water meters. All non-residential users shall have their water use metered. Any Residential user shall also have their water use metered if directed to by the Township. No person except an employee or authorized designee of the Township shall break or injure the seal or change the location or interfere in any way with any meter which shall at all times remain the property of the Township. The Township shall purchase the initial meter

required by this section; the user shall pay for the installation of the meter required by this section.

B. Access to meters. Any employee or agent of the Township shall at all reasonable hours have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing or inspecting the same and no person shall hinder, obstruct, or interfere with such employee or agent in the lawful discharge of his/her duties in relation to the maintenance, testing, and reading of such meters. Any person in control of the premises wherein such meters are installed who hinders or in anyway interferes with access to such meters by a Township employee or agent shall be charged any cost sustained by the Township in having its employees or agents make more than one visit to the said premises. In cases where the bill is not paid within sixty (60) days the charges contained therein shall be added to the real property taxes assessed against the subject property and the same shall become a lien upon the said property unless and until such charges and taxes are duly paid.

C. Reimbursement for damage. Any damage which a meter, remote, or any part of either may sustain resulting from the carelessness of the owner, agent or tenant or from neglect of any of them to properly secure and protect the meter, as well as any damage which may be caused by weather, vandalism, or theft shall be paid by the owner of the property where the meter is located to the Township on presentation of a bill for such charges. Such charges may be a lien on the premises served by such equipment and said lien may be enforced in the manner provided in Section 1C of this Article.

D. Meter Failure. If any meter shall fail to register properly, the Township shall estimate the consumption on the basis of former consumption and bill accordingly.

E. Inaccurate meters. A user may request that the meter be tested. If the meter is found to be accurate, a reasonable charge for inspection will be assessed, based on the actual cost to remove, ship and test the meter. This charge will be assessed against the user. If the meter is found defective, it shall be removed and repaired or replaced, and there shall be no charge to the user for such removal, testing, repair or replacement unless damaged in a manner covered in Article Seven, Section 2. When the Township on its own initiative performs a test of a water meter, it shall be done without cost to the user.

F. Accuracy required. A meter shall be considered accurate if when tested it registers not to exceed two (2%) percent more or two (2%) percent less than the actual quantity of water passing through it. If a meter registers in excess of two (2%) percent more than the actual quantity of water passing through it, it shall be considered "fast" to that extent. If a meter registers in excess of two (2%) percent less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.

G. Bill adjustment. If a meter has been tested at the request of a user and shall have been determined to register "fast" the Township shall credit the user with a sum equal to the percent "fast" multiplied by the amount of bills incurred by said user, within the three (3) months prior to the test, and if a meter so tested is determined to register "slow", the Township may collect from the user a sum equal to the percent "slow" multiplied by the amount of all the bills incurred by the user for the prior three (3) months.

H. Irrigation water deduction meters. Any user may have a separate meter installed, at the user's expense, for the purpose of deducting only the flow of water for outdoor irrigation purposes from any other water flow on the subject premises that is used for purpose of use charge calculations. Water passing through the deduction meter shall not be permitted to be combined with sewage flow entering the sewer system.

ARTICLE FIVE - INDUSTRIAL USES/COSTS

Section 1 - Industrial Waste Control Program

A. Designee from industrial user. One person from each industry shall be delegated the authority to be responsible for industrial wastes admitted to the Township sewers. He shall be involved with maintaining any pretreatment facility operations and assuring a continual high level of performance. In case no pretreatment is provided, he shall be involved with prevention of accidental discharges of process wastes admitted to the sanitary sewer system. He must become aware of all potential and routine toxic wastes generated by his industry. He must be informed of all process alterations which could, in any manner, increase or decrease normal daily flow or waste strength discharged to the sanitary sewers.

B. Catalog of chemicals used by industry. This industrial representative shall catalog all chemicals stored, used or manufactured by his industry and maintain MSDS information for each chemical. Such a listing shall include specific chemical names, not manufacturer's codes. These wastes admitted to the sanitary sewer are a prime concern; however, all discharges shall be cataloged. An estimate of daily average flows and strengths shall be made including process, cooling, sanitary, etc. Such a determination should separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Authority and shall be treated as confidential information.

C. Projected process alterations. The industrial representative should attempt to determine whether or not large process alterations will occur during the next few years - one year, two years, five years. He should consult with management to determine if such alterations are scheduled and forthcoming.

D. Map of industrial buildings. A sketch of the plant buildings shall be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment must be indicated, and floor drains located near process and storage areas must be noted. Manhole and sewer locations at the industry's point of discharge into the municipal collection system must be included on the plant layout sketch.

E. Segregation of wastes. There shall be separation of spent concentrates from the sanitary sewer to prevent toxic wastes from upsetting the treatment plant. Supervision and operation of the pretreatment equipment for spent concentrates, as well as all toxic wastes and high strength organic wastes to an acceptable level as detailed in this Ordinance, is the responsibility of the industrial representative. All sludges generated by such treatment must be handled in an acceptable manner - such as in a designated area of a sanitary landfill or by a licensed waste hauler. Adequate segregation of those waters and wastes to be pretreated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems at the wastewater treatment plant.

F. Containment. Throughout the industry, adequate secondary containment or curbing must be provided to protect all floor drains from accidental spills and discharges to the receiving sewers. Such curbing should be sufficient to hold 150% of the total process area tank volume. All floor drains found within the containment area must be plugged and sealed. Spill-throughs or sumps within process areas must discharge to appropriate pretreatment tanks. Secondary containment should be provided for storage tanks which may be serviced by commercial haulers and for chemical storage areas.

G. Sampling manhole. If so directed by the Township, an adequate sampling vault or manhole must be provided in a fully accessible place for personnel to obtain samples and

flow measurement data. The complexity of the vault will vary with the sampling requirements the Authority determines necessary to protect the treatment plant and receiving streams. Should the Authority desire continual flow recording and long duration, 24-hour composite sampling, then a more complex manhole would be mandatory -complete with 110 volt AC. Samples collected may be divided between the industry and Authority for analysis if so desired by the industry.

H. Surveillance fee. A yearly surveillance fee may be initiated to reduce some equipment costs or for maintenance of monitoring devices. If a graduated surcharge is deemed necessary to check industrial discharges, then a factor should be incorporated to reduce the costs as industry lowers its waste strength. The Township will encourage continued progress in industrial waste control. A graduated surcharge may not be required if industry provides adequate safeguard devices and treatment facilities to insure protection of the municipal treatment plant and biological processes involved.

Section 2 - Industrial Cost Recovery System

A. Industrial users liable for cost recovery. Industrial users which are liable for Industrial Cost Recovery, as defined, shall include the following:

- (1) Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges process wastes which are more than the equivalent of 25,000 gallons per day (gpd) of normal strength sewage wastes, as defined, and which is identified in the Standard Industrial Classification manual, 1972, Office of Management and Budget, as amended, and supplemented, under one of the following divisions:

Division A.	Agriculture, Forestry, and Fishing
Division B.	Mining
Division D.	Manufacturing
Division E.	Transportation, Communications, Electric, Gas, and Sanitary Services
Division I.	Services

- (2) Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure, on to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in, or has an adverse effect on, the waters receiving any discharge from the treatment works.
- (3) All commercial users of an individual system constructed with grant assistance under Section 201 (h) of P. L. 95-217, as amended or superseded.

B. Excluded wastes. For purposes of industrial cost recovery, computations of amounts of industrial wastes shall exclude domestic wastes and/or wastes from human sanitary conveniences.

C. Industrial cost recovery charge. Each-industrial user which is subject to Industrial Cost Recovery, will be assessed an industrial cost recovery charge for use of Township Sewage Works which were funded in part by U. S. EPA Construction Grants received after March 1, 1973. The charge will be levied in accordance with Federal Regulations in force after July 1, 1980 and will be based on waste volume, delivery flow rate, and pollutant loadings as they may affect the capacity of eligible Sewage Works. The Township shall

reserve the right to adjust said industrial cost recovery charges to any sewer user that significantly alters its waste volume or delivery flow rate. Affected users shall only be required to pay charges for those years that they use the system and only at an annual rate in proportion to the length of the entire recovery period. The industrial cost recovery period is the time period that is provided to allow industrial users to pay their total industrial cost recovery charge and shall be equal to thirty (30) years.

D. Calculation of charge. The industrial cost recovery charge for each affected industrial user shall be a portion of the Federal construction grant amount equal in proportion to said user's proportionate share of the total capacity of the System in terms of strength, volume and delivery flow rate. Specifically, the total industrial cost recovery charge shall be determined by the sum of the three following calculations:

- | | | | |
|-----|---|---|--|
| (1) | $\frac{\text{Industrial Volume Contribution per unit of time}}{\text{Plant design volume per unit of time}}$ | x | (EPA grant portion allocable to volume handling) |
| (2) | $\frac{\text{Industrial BOD contribution per unit of time}}{\text{Plant BOD design capacity per unit of time}}$ | x | (EPA grant portion allocable of BOD handling) |
| (3) | $\frac{\text{Industrial Suspended Solids contribution per unit of time}}{\text{Plant Suspended Solids design capacity per unit of time}}$ | x | (EPA grant portion allocable to suspended solids handling) |

Industrial cost recovery charges shall be calculated and paid annually in an amount equal to the total industrial cost recovery charge for any industrial user divided by thirty (30) years.

E. Monitoring; sampling. For purposes of industrial cost recovery calculations, the affected industrial user shall monitor its industrial waste stream(s), as directed by the Authority, and no less than quarterly and at the user's expense. The Authority shall reserve the right to request split samples from the user and analyze the wastes independently, the costs of which shall be borne by the user.

F. Deposit of recovered industrial costs. Costs recovered from industrial users shall be deposited by the Authority in a separate account identified as the "Industrial Cost Recovery Account". Funds shall be distributed from the "Industrial Cost Recovery Account" in accordance with U. S. Environmental Protection Agency rules and in the following manner:

- (1) The Authority shall retain fifty percent of the total recovered amount. The remainder, together with any interest earned thereon, shall be returned to the U.S. Treasury on an annual basis.
- (2) Eighty percent of the retained amount, together with interest earned thereon, shall be used solely for the eligible costs of expansion or reconstruction of the treatment works and only upon written approval of the EPA Administrator, Region V. The remainder of the retained amount may be used as the Authority so desires.

- (3) Pending use, the Authority shall invest the retained amounts for expansion and reconstruction in: (1) obligations of the U.S. Government; (2) obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof; or (3) shall deposit said amounts in accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.

ARTICLE SIX - VIOLATIONS/PENALTIES

Section 1 - Violations

A. Municipal civil infractions. Any person or entity that violates this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punished by a civil fine determined in accordance with the following schedule:

	<u>Minimum</u>	<u>Maximum</u>
1 st Offense within 3-year period* 2nd	\$ 75.00	\$ 500.00
Offense within 3-year period* 3rd	150.00	500.00
Offense within 3-year period* 4th or More	325.00	500.00
Offense within 3-year period*	500.00	500.00

Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Bear Creek Township has been put in connection with the municipal civil infraction. In no case however, shall costs of less than \$9 or more than \$500 be ordered. Each day that a violation exists shall constitute a separate offense.

B. Public nuisance. A violation of this Ordinance is also declared to be a public nuisance, and the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance, including the right to correct the violation and bill the owner or person in charge of the premises for such expenses, and to recover for any damages caused by Ordinance violations.

C. Responsibility for fines assessed to township or authority. Any business, industry or person violating any of the provisions of this Ordinance, which results in fines or penalties being levied against the Township or Authority, shall become liable for said fine or penalty, plus any expenses, loss or damage occasioned by such violation. This fine or penalty would be levied in addition to the fine identified in Section 1A of this Article.

D. Penalties not exclusive. Any penalty provided for by this ordinance shall be in addition to, rather than in lieu of, any other penalty or sanction that may be imposed pursuant to state or federal laws relating to sewage works.

ARTICLE SEVEN - GENERAL PROVISIONS

Section 1 - Powers and Authority of Inspectors

A. Authority of inspectors. Duly authorized employees or agents of the Township or Authority, bearing proper credentials and identification, shall be permitted to enter upon all properties at reasonable times for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provision of this ordinance.

Section 2 - Protection from Damage

A. Damage to sewage works. No person shall maliciously or willfully break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to the penalties identified in Article Six herein.

Section 3 - Validity

A. Prior ordinances superseded. All ordinances or parts of ordinances in conflict herewith are hereby superseded. Previous sewer ordinance and amendments thereto are hereby superseded.

B. Invalidity of any part does not affect entire ordinance. The invalidity 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 4 - Ordinance in Force

A. Effective Date. This Ordinance shall take effect thirty (30) days after publication of the ordinance or an ordinance summary in the manner provided by law.

CLERK'S CERTIFICATION

I hereby certify this Ordinance was adopted by the Bear Creek Township Board at a regular meeting held on July 6, 2005, and that the vote was as follows:

FOR: Keiser, Hoffman, Notestine, VanHorn, Mays

AGAINST: None

I further certify this Ordinance or, a summary thereof, was published in the *Petoskey News-Review* on July 11, 2005.

Judy Mays/Clerk
Bear Creek Township

Table of Residential Equivalent Unit Factors for Computation
of Connection Charges

<u>Use of Property</u>	<u>Residential Equivalent Unit (REU)</u>
Auto Dealers	.30 per 1,000 sqft
Auto/Truck Repair or Service	.40 per 1,000 sqft
Athletic/Sport Facility	.08 per member
Barber/Beauty/Personal Care	.25 per service area
Banks	.40 per 1,000 sqft
Bakery	.75 per 1,000 sqft
Bars/Fast Food	2.00 per 1,000 sqft
Restaurant (sit down)	3.50 per 1,000 sqft
Boarding Facility	.35 per bed
Bowling Alleys	.16 per lane
Car Wash - Mechanical	10.00 per lane
Car Wash - Self Serve	1.00 per stall
Churches	.15 per 1,000 sqft
Day Care - Residential	2.00 per residence
Day Care - Commercial	1.00 per classroom
Food Service - Take Out Only	1.00 per 1,000 sqft
Fraternal Organizations / Banquet Halls	.20 per 1,000 sqft
Funeral Home	.75 per 1,000 sqft
Hospital/Medical Care	.75 per bed
Hotels/Motels/Cabins	.50 per unit
Industrial	Determined at time of application
Laundromat	.30 per washer
Mobile Homes (stand alone)	1.0 per unit
Mobile Homes (multiple in a park)	0.77 per unit
Multiple Family Residential	
Units/Apartments/Condos/Duplex units	1.0 per unit
Apartments/Attached Condos/Duplex units	
with 2 bedrooms or less	0.75 per unit
Office - General	.40 per 1,000 sqft
Office - Medical/Dental/Vet/Clinic/etc.	.85 per 1,000 sqft
Parks & Recreation Public Buildings	Determined at time of application
Schools	.40 per 1,000 sqft
Service Stations	1.00 per classroom
Store/Retail	.15 per service area
Single Family Residence/Detached Condo	.30 per 1,000 sqft
Swimming Pool - Non Residential Theater	1.00 per residence/unit
Warehouse	1.00 per 1,000 sqft
	.025 per seat
	.10 per 1,000 sqft

- 1,000 sqft = 1,000 square feet based on outside measurement of structure.
- More than one category may be applied to an individual premise.
- In the absence of a category or for exceptional use within a category, assignment of REU shall alternatively be based on an estimate of use determined by the Township and 240 gallons per day equal to one residential unit.
- No connected facility will be assigned less than 1.00 REU, and any partial REU's shall be rounded up to the next whole REU.

Exhibit "A"

**BEAR CREEK TOWNSHIP
EMMET COUNTY, MICHIGAN**

**SEWER ORDINANCE AMENDMENT
MARCH 5, 2008**

On July 6, 2005, Bear Creek Township adopted a Sewer Use Ordinance, No. 22-05. Bear Creek Township hereby ordains that its Sewer Ordinance be amended as follows:

Article 1, Section 1, Subsection W, shall be amended to read as follows:

W. "Privately owned sewer constructed to public standards" shall mean a sewer that is owned by a private individual or entity (or collectively by private individuals or entities), and that serves or has the potential to serve more than one parcel of property or more than one building or structure on a parcel of property. Such sewers shall be subject to public standards for construction and/or operation.

Article 3, Section 5 . shall be amended to read as follows:

Privately Owned Sewer Constructed to Public Standards

A. Privately owned sewer constructed to public standards. If a person desires to construct a sewer that serves or has the potential to serve more than one parcel or unit of property or more than one building or structure on a parcel of property, and the sewer line is not located in the public right-of-way, and will not be dedicated to the public, the following requirements shall be met:

- (1) The portion of the sewer serving or having the potential to serve more than one parcel or unit of property under separate ownership shall be constructed pursuant to a Part 41, PA 451, construction permit from the Michigan Department of Environmental Quality, if required. Any applicable state requirements for the issuance of a permit for such a sewer shall be met.
- (2) A connection permit must be obtained in accordance with the requirements of this ordinance.
- (3) The sewer line(s) shall be constructed in accordance with the approved plans and inspected as necessary by representatives of the Authority or the Township.
- (4) Written verification from the project engineer shall be submitted to the Authority certifying that the sewer line has been successfully tested and inspected and meets all requisite requirements.
- (5) Two sets of the record drawings sealed by a Michigan professional engineer shall be provided to the Authority upon completion of the construction. Such drawings shall also be provided in electronic (AutoCAD) format.
- (6) Arrangements satisfactory to the Authority shall be made to locate the private sewer line(s) within perpetual easements permitting any user or potential

future user of the private sewer line to have access to the sewer line for purposes of maintenance, repair, and replacement.

- (7) Arrangements satisfactory to the Authority shall be made to perpetually allocate the costs and responsibilities for maintaining, repairing, or replacing the private sewer line(s) between the various users and potential future users of the private sewer line(s).
- (8) Any other documents or records requested by the Authority in connection with the design, construction, or location of the sewer being dedicated shall be provided to the Authority upon request. This shall include, but is not limited to, items such as operation and service manuals, shop drawings, maps, and recorded easement documents and agreements.

Except as amended by this Ordinance Amendment, all provisions of the Bear Creek Township Sewer Ordinance shall remain the same as originally adopted and previously amended. All Ordinances or parts of Ordinances in conflict with this Ordinance Amendment are repealed to the extent necessary to give this Ordinance Amendment full force and effect. This Ordinance Amendment shall become effective thirty (30) days after publication as required by law. A copy of the Bear Creek Township Sewer Ordinance, as amended by this Ordinance Agreement, may be inspected or obtained at the Bear Creek Township Hall.

Clerk's Certification

I hereby certify this Ordinance Amendment was adopted by the Bear Creek Township Board at a regular meeting held March 5, 2008, and that the vote was as follows:

FOR: Keiser, Hoffman, Notestine, Van Horn, Mays

AGAINST: none

I further certify this Ordinance Amendment was published in the Petoskey News-Review on March 10, 2008.

Judy Mays
Bear Creek Township Clerk