

**BEAR CREEK TOWNSHIP  
EMMET COUNTY, MICHIGAN**

Summary of a Sewer Ordinance No. 22-05, adopted by the Bear Creek Board of Trustees at its regular meeting on July 6, 2005.

**ARTICLE ONE - DEFINITIONS.**

**Section 1- Definitions.** Provides definitions for certain terms used in the ordinance.

**ARTICLE TWO – SEWER USE.**

**Section 1 – Use of Publicly-Owned Sewers Required.**

A. Disposal in sanitary manner. Prohibits disposal of sewage in an unsanitary manner.

B. Unlawful discharge. Prohibits discharge of sewage without treatment.

C. Privies; outhouses. Prohibits private sewage disposal systems except as permitted by the ordinance.

D. Connection to sewer within 200 feet. Indicates instances in which the township may require a structure to connect to an available public sanitary sewer. Provides definitions for this subsection.

E. Information that may be required. Indicates information that may be required from sewer users and potential sewer users.

F. Additional rules, regulations, orders. Authorizes the township and the sewer authority to make further rules and guidelines concerning the use and operation of the sewer system.

**Section 2 - Use of Sewers.** Prohibits the discharges of certain types of water to the sewer system.

**Section 3 - Prohibited Discharge Standards.**

A. General prohibitions. Generally prohibits certain types of discharges to the sewer treatment works.

B. Specific prohibitions. Specifically prohibits certain types of discharges to the sewer treatment works.

C. Restricted sewage. Authorizes rejecting prohibited wastes or requiring the pretreatment of such wastes.

D. Grease traps. Indicates when grease or other traps are required and requires the proper maintenance of such traps.

E. Maintenance of pretreatment facilities. Requires the maintenance of pretreatment facilities.

F. Sewage exceeding normal strength. Indicates that a manhole and related facilities can be required for the inspection and monitoring of properties that discharge sewage exceeding normal strength.

G. Tests of water and waste. Provides for the use of "Standard Methods for the Examination of Water and Sewage" for sampling and testing sewage.

H. Sampling. Provides the manner in which sampling is to occur.

I. Agreements with industrial concerns. Permits agreements with industrial users concerning the treatment of waste of unusual strength or character.

J. Authorization to enter property for testing. Permits entry onto property for purposes of testing sewer discharge.

#### **Section 4 – Private Sewage Disposal.**

A. Unavailability of publicly owned sewer. Indicates requirements for sewer service when a publicly owned sewer is not available or required.

B. Later availability of publicly owned sewer. Provides for the disconnection of private sewer connections when a publicly owned sewer is made available to a property and a connection is required by the ordinance.

C. No expense to township. Provides that private sewage disposal systems shall be maintained by the owner.

D. Additional requirements of MDEQ. Provides that this section shall not interfere with requirements of the Michigan Department of Environmental Quality.

### **ARTICLE THREE – BUILDING SEWERS AND CONNECTIONS**

#### **Section 1 – Operation.**

A. Sewer Authority. Permits management of the sewer system to be placed under control of the sewer authority. Authorizes the Authority to employ or contract persons to assist with the operation of the sewer system. Authorizes the Authority to make rules and regulation concerning the operation and management of the sewer system.

B. Installation of building sewer. Requires customers to have the building sewer installed from the public sewer main to the premises being served.

C. Jurisdiction. Provides that the sewer authority shall own the sewer system up to the point at which the system leaves a public right-of-way or easement.

#### **Section 2 – Connection to System.**

A. Permits for connections. Requires a building sewer permit for buildings requiring new connections for sanitary sewer service.

B. Connections to system. Prohibits connections without a permit. Requires the person seeking such a permit to have the connection performed by a person or entity with liability insurance for the protection of the township and others.

C. Separate building sewers. Requires separate building sewers for each commercial and residential building, and for each individually owned unit within a building. Permits combined services if the combined portion of the sewer is a Publicly Owned Sewer or a Privately Owned Sewer Constructed to Public Standards.

D. Reuse of building sewers for new buildings. Permits reuse of old building sewers under certain circumstances.

E. Materials and methods of construction. Requires materials and methods of construction to conform to "Sanitary Sewer Guidelines for Bear Creek Township."

F. No connection without capacity. Provides that no connection to the sewer system will be permitted unless there is sufficient capacity in the system as determined by the sewer authority. Permits the Authority to reserve a limited amount of capacity for annual allocation to users of two or less Residential Equivalent Units.

G. No application for sewer connection without zoning approval. Prohibits an application for sewer connection without final zoning approval.

### **Section 3 – Sewer Connection Charges.**

A. Connection charge and inspection fee established by resolution. Provides for payment of a connection charge and an inspection fee to seek connection to the sewer system. Amounts to be established by resolution of the township board. Refers to a table attached as Exhibit "A" to the ordinance to be used to determine residential equivalent uses for purposes of determining connection charges.

B. Payment by cash or collected funds. Requires connection charges and inspection fees to be paid in cash or collected funds upon filing an application for a connection permit.

C. Non-transferable. Prohibits the transfer of sewer connection permits to other properties.

D. Previously approved projects. Applies to building and construction projects that have received and maintained final zoning approval prior to the effective date of this ordinance, that have been allocated capacity within the sewer system, but that have not yet connected to the system. For projects requiring less than 50 total or additional sewer taps, owners or developers shall have 120 days from the effective date of the ordinance to pay all connection charges for such taps. For projects requiring more than 50 taps, provides a schedule for the purchase of such taps. This schedule is: at least 1/3 to be purchased within 120 days of the effective date of the ordinance; at least 1/3 to be purchased within the following year; and the remaining 1/3 to be purchased within the following year. Provides for the reversion of any remaining taps that are not purchased within 30 days of the date required for purchase.

E. New applications for sewer connections. Provides for the processing of new applications for sewer service on a first come, first served basis.

F. Length of permits. Provides that sewer connection permits are valid for 3 years from the date of issuance. After this, permits may be continued to be held upon payment of a periodic ready to serve charge for such taps. Provides for such charge to be established by township resolution. Provides for the reversion of such permits upon the failure to pay such charges within 30 days of their due date.

G. Plan review/inspection. Provides that the applicant will pay the actual costs for review of a sewer plan and inspection of a sewer.

H. Escrow deposit. Permits the requirement of an escrow deposit for estimated costs for an application or inspection.

I. Installation costs/indemnification. Requires a building owner to pay for the costs for installation and connection of a building sewer, and to indemnify the Township and Sewer Authority from any loss or damage related to such installation or connection.

J. Change in use of premises. Requires additional connection charges to be paid upon an increase or change of use in certain premises.

K. No refunds. Provides that there shall not be any refunds of sewer connection charges.

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**[the following is the actual text of Article Three, Section Three, of the sewer ordinance]**

### **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 equivalent 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.

**[the ordinance summary continues below]**

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#### **Section 4 – Dedications.**

A. Dedications of sewers to Authority. Provides the requirements for the dedication of a sewer to the Authority as a public sewer.

B. Funding/financing. Indicates that the Township and sewer authority shall not participate in funding or financing sewer extensions and improvements unless determined to be in the best interest of the system and its users.

**Section 5 – Privately Owned Sewer Constructed to Public Standards.** Provides the requirements for construction of a sewer for more than one parcel or unit of property under separate ownership when such sewer will not be dedicated to the public.

### **ARTICLE FOUR – USE CHARGES AND METERS**

#### **Section 1 – Sewer Use Charges.**

A. Rates/fees for use and operation of system. Provides for periodic payments to the Township for the operation and maintenance of the sewer system, including ready-to-serve charges. Rates to be established by resolution of the Township Board.

B. Agreements with bulk users. Permits agreements between the Township and a developer or association by which the developer or association shall pay sewer user charges and charge individual recipients of sewer service proportionately.

C. Lien for sewer charges. Provides that sewer charges shall be a lien on the property served. Provides for the addition of delinquent charges to the property tax roll.

D. Periodic adjustment of charges. Permits the periodic adjustment of use charge.

E. User class for charges. Provides for the classification of users for allocation of use charges.

F. Industrial user costs. Provides that industrial users shall pay a proportionate share of costs incurred in the treatment of industrial wastes.

G. Industrial users – normal strength sewage. Provides that industrial users discharging normal strength sewage shall be charged based upon actual waste volume and strength.

H. Pretreatment or surcharge for sewage exceeding normal strength. Requires discharges that exceed normal strength sewage to be pretreated or surcharged for additional treatment costs. Provides a formula for the calculation of surcharges.

I. Surcharge for single event discharges. Permits surcharges to be assessed for isolated discharges that violate ordinance conditions.

## **Section 2 - Payments and Collections.**

A. Billing. Provides for bills to be issued at least quarterly. Provides for interest on delinquent bills. Provides for discontinuation of sewer service for premises having bills over 60 days' past due.

B. Billing addresses. Provides for all bills to be mailed to address of record.

C. Commencement of Billing. Provides for sewer use charges to begin at the time of connection to the sewer. Permits exceptions under certain circumstances.

D. Cancellation/disconnection of sewer service for violations. Permits the cancellation or disconnection of sewer service for certain types of violations.

E. Deposits for service. Permits a deposit for service to be provided to reestablish sewer service following the discontinuation of service for non-payment.

F. Service interruptions. Provides that efforts will be made to provide advanced notice of scheduled service interruptions. Disclaims liability for service interruptions.

G. Appeals. Provides the process for appeals of charges under the ordinance.

## **Section 3 – Meters.**

A. Water meters. Provides for the metering of water use. Prohibits interference with water meters.

B. Access to meters. Provides for access to water meters.

C. Reimbursement for damage. Provides for the reimbursement of charges related to damaged water meters.

D. Meter failure. Provides for estimating consumption following the failure of a meter.

E. Inaccurate meters. Provides for the testing of meters that are thought to be inaccurate.

F. Accuracy required. Provides for the standard of accuracy for meters.

G. Bill adjustment. Provides for the adjustment of inaccurate meters.

H. Irrigation water deduction meters. Permits the use of separate meters to deduct the flow of water for outdoor irrigation purposes from the consumption of water used to determine sewer charges.

## **ARTICLE FIVE – INDUSTRIAL USES/COSTS**

### **Section 1 – Industrial Waste Control Program.**

A. Designee from industrial user. Requires industrial users to delegate a person responsible for industrial wastes discharged to the sewer.

B. Catalog of chemicals used by industry. Requires the industrial representative to catalog all chemicals used, stored, or produced by that industry. Requires all discharges of such chemicals to be catalogued.

C. Projected process alterations. Requires the industrial representative to be aware of planned process alterations.

D. Map of industrial buildings. Requires a diagram of industrial plant buildings.

E. Segregation of wastes. Requires the segregation and pretreatment of toxic and high strength wastes. Requires appropriate handling of treatment sludges.

F. Containment. Requires containment areas to protect accidental spills and discharges from being discharged to the sewer.

G. Sampling manhole. Provides for the installation of sampling manholes for purposes of obtaining samples and measuring flows.

H. Surveillance fee. Provides that an annual charge may be assessed to defer charges associated with equipment used in monitoring industrial discharges.

### **Section 2 – Industrial Cost Recovery System.**

A. Industrial users liable for cost recovery. Provides that certain industrial users are liable for industrial cost recovery.

B. Excluded wastes. Excludes domestic wastes for purposes of computing industrial cost recovery.

C. Industrial cost recovery charge. Provides for the assessment of an industrial cost recovery charge.

D. Calculation of charge. Provides the formula for calculation of an industrial cost recovery charge.

E. Monitoring; sampling. Provides for monitoring of industrial waste streams for the purpose of computing industrial cost recovery charges.

F. Deposit of recovered industrial costs. Provides for the handling and division of industrial cost recovery charges.



## **ARTICLE SIX – VIOLATIONS/PENALTIES**

### **Section 1 – Violations/Penalties.**

- A. Municipal civil infractions. Provides that a violation of the ordinance is a municipal civil infraction, punishable by a civil fine.
- B. Public nuisance. Provides that a violation of the ordinance is also a public nuisance and that the Township may proceed in court for injunctions, restraining orders, or other remedies to compel compliance with the ordinance and to recover damages caused by ordinance violations.
- C. Responsibility for fines to assessed to township or authority. Provides that anyone responsible for fines or penalties associated with the sewer system being assessed to the township or sewer authority shall be liable for such fines or penalties.
- D. Penalties not exclusive. Provides that penalties specified by this ordinance shall be in addition to any other penalty or sanction that may be imposed by law.

## **ARTICLE SEVEN – GENERAL PROVISIONS**

**Section 1 – Power and Authority of Inspectors.** Provides for the entry of sewer employees and agents upon properties to inspect the sewer system.

**Section 2 - Protection from Damage.** Prohibits malicious or willful damage to the sewer works.

### **Section 3 – Validity.**

- A. Provides that all conflicting ordinances or parts of ordinances are superseded. Provides that all prior sewer ordinances are superseded.
- B. Provides that the invalidity of any part of the ordinance shall not affect the validity of any other part of the ordinance.

**Section 4 – Ordinance in Force.** Provides that the ordinance shall take effect 30 days following the publication of the ordinance or an ordinance summary.

**Exhibit A – Table of Residential Equivalent Unit Factors for Computation of Connection Charges.** Contains a table of residential equivalent unit factors for computation of connection charges.

A true copy of the entire Bear Creek Township Sewer Ordinance may be inspected or obtained at the Bear Creek Township Hall, 373 N. Division Road, Petoskey, Michigan, 49770.

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Judy Mays  
Bear Creek Township Clerk