

TOWNSHIP OF COLUMBIA

COUNTY OF JACKSON

MICHIGAN

Minutes of a regular meeting of the Township Board of the Township of Columbia, County of Jackson, Michigan, held in the Columbia Township Hall located at 8500 Jefferson Road, Brooklyn, Michigan, on the 18th day of October, 2004, at 7:00 p.m. Local Time.

PRESENT: Members: Burich, Hill, Owczarzak, Beamish, Raczkowski, Hulburt, Kuzminski

ABSENT: Members: None

It was moved by Hulburt and seconded by Hill that the following Ordinance be adopted pursuant to procedures set forth in the Revenue Bond Act of 1933, being Act 94 of the Public Acts of Michigan of 1933, as amended:

ORDINANCE NO. 55

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

The Ordinance was then discussed.

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

YEAS: Members: Hill, Kuzminski, Raczkowski, Hulburt, Burich, Beamish

NAYS: Members: Owczarzak

The Township Clerk declared the Ordinance adopted.

The following is Ordinance No. 55 as adopted:

THE TOWNSHIP OF COLUMBIA ORDAINS:

ORDINANCE NO. 55

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

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ARTICLE I
SHORT TITLE; FINDINGS; PURPOSE

Section 101. Short Title. This Ordinance shall be known as the "Sewer Connection, Use and Rate Ordinance" and may be cited as such.

Section 102. Objectives Re: Contract Requirements. This Ordinance is adopted in accordance with and in furtherance of the Township's obligations as set forth in the Jackson County Wastewater Disposal Facility (Clark Lake Section) Bond Contract, dated August 1, 1993, by and between the County (as defined in Section 217) and the Township of Columbia (as defined in Section 267); the Jackson County Wastewater Disposal Facility (Vineyard Lake Area Section) Bond Contract, dated April 1, 2003, by and between the County, the Township and the Township of Norvell, Jackson County and the Township of Cambridge, Lenawee County, as amended by the First Amendment to Jackson County Wastewater Disposal Facility (Vineyard Lake Area Section) Bond Contract, dated September 2, 2003, by and between the County, the Township, Norvell Township and Cambridge Township; the Jackson County Wastewater Disposal Facility (Lake Columbia Area Section) Bond Contract, dated February 1, 2004, by and between the County and the Township; the Southern Regional Interceptor Contract (as defined in Section 257b), dated December 1, 2004, by and between the County, the Township and the Township of Hanover, Jackson County, the Township of Liberty, Jackson County, and the Township of Leoni, Jackson County; the US-127 Extension Contract (as defined in Section 268b), dated as of July 1, 2006 by and between the County, the Township and the Township of Liberty, Jackson County, Liberty Environmentalist, Inc, and Dunigan Brothers, Inc.; the Wastewater Treatment Agreement dated as of August 31, 1994 by and between the Township and the Township of Leoni; the Wastewater Treatment Agreement dated as of October 1, 2003 by and between the Township, Norvell Township and Cambridge Township; and the Wastewater Service Agreement dated as of December 1, 2004 by and between the Township, the County, the Township of Hanover, Jackson County, the Township of Liberty, Jackson County, and the Township of Leoni, Jackson County.

It is the purpose of the Township by enacting and keeping in force and effect this Ordinance to comply with the foregoing requirements of the aforementioned agreements and contracts and to protect and promote the health and welfare of the residents of the Township.

Section 103. Objectives Re: State and Federal Law Requirements. This Ordinance sets forth uniform requirements for Users of the Public Sewer System and enables the Township to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*). In addition, the objectives of this Ordinance include the following:

- (a) To prevent the introduction of pollutants into the Public Sewer System which will interfere with the operation of the System or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the Public Sewer System which will pass through the System, inadequately treated, into the receiving stream or the atmosphere or otherwise be incompatible with the Public Sewer System;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sledges from the Public Sewer System;

(d) To provide for equitable distribution of the cost of the Public Sewer System;
and

(e) To protect the physical integrity of the Public Sewer System and the Sewage Treatment Facility and to provide for the safety of the public and workers on and in the Public Sewer System and the Sewage Treatment Facility.

Section 104. Findings Re: Public Health, Safety and Welfare. The Township hereby determines that the Public Sewer System is immediately necessary to protect and preserve the public health, safety and welfare of the Township. This determination is based upon reports by the Township's Engineer, OMM Engineering, Inc. and the express determination of the State Legislature set forth in Section 12752 of the Michigan Public Health Code and which reads as follows:

"Sec. 12752. Public sanitary sewer systems are essential to the health, safety, and welfare of the people of the state. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety, and welfare; presents a potential for ill health, transmission of disease, mortality, and economic blight; and constitutes a threat to the quality of surface and subsurface waters of this state. The connection to available public sanitary sewer systems at the earliest, reasonable date is a matter for the protection of the public health, safety, and welfare and necessary in the public interest which is declared as a matter of legislative determination."

Section 105. Finding Re: Measure of Sewer Use by Metering of Water Supply. The Township hereby finds that for non-single family residential use that the metering of domestic water supply is the best available technology for measuring with relative precision the discharge to and the use of the Public Sewer System. The Township further finds that the metering of domestic water supply is the best available technology and preferred method for measuring with relative precision the discharge to and the use of the Public Sewer System. However, the Township recognizes that the cost for the implementation, use and maintenance of this technology is often high especially for residential users of the Public Sewer System. To the extent practicable, the Township will seek to use and require metering for measuring discharges to and use of the Public Sewer System. The Township declares, as its goal, the eventual use of metering of domestic water supply for all Users of the Public Sewer System at that time when (a) all or substantially all Users of the Public Sewer System are connected to a public water supply system and/or (b) in the opinion of the Township, the costs for using and maintaining the metering technology is practical and cost effective for residential users of the Public Sewer System. In the interim, the Township finds that, with respect to detached single family residential users, the use of a flat-rate User Charge based upon Units is a valid, cost effective, and practical method for measuring use of the Public Sewer System.

ARTICLE II DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Section 201. Available Public Sanitary Sewer System. A public sanitary sewer system (tapped or untapped) located in a right of way, easement, highway, street or public way which crosses, adjoins, or abuts upon the property and passes not more than 300 feet at the nearest point from a Structure in which Sanitary Sewage Originates; provided, however, that with respect to a Township approved PUD, the terms of which PUD require connection of all property within the PUD to public sewer, an Available Public Sewer System shall be a public sewer which is part of the Public Sewer System (tapped or untapped) located in a right of way, easement, highway, street or public way which crosses, adjoins, or abuts the PUD. With respect to properties located in a Service District, an Available Public Sanitary Sewer System shall be a public sewer which is part of the Public Sewer System (tapped or untapped) located in a right of way, easement, highway, street or public way which crosses, adjoins, or abuts upon the properties contiguous to Clark Lake, Lake Columbia, or Vineyard Lake regardless of distance from the Structure in which Sanitary Sewage Originates and, with respect to properties not contiguous to Clark Lake, Lake Columbia, or Vineyard Lake, passes not more than 300 feet at the nearest point from a Structure in which Sanitary Sewage originates.

Section 202. Board of Appeals. The Township Board acting in the capacity as the Wastewater Board of Appeals pursuant to Article X of this Ordinance.

Section 203. B.O.D.₅ or Biochemical Oxygen Demand. As used in this Ordinance, the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20° C., expressed in PPM by weight.

Section 204. Brooklyn Interceptor. The interceptor sewer main, exclusive of related pump stations and pumping facilities, which transports Sewage from the Brooklyn area and the Vineyard Lake Interceptor to the Clark Lake Interceptor, a map of which is attached hereto as Appendix V.

Section 205. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge of Sewage inside of the walls of the building and conveys said discharge to the Building Sewer.

Section 206. Building Sewer. The extension from the Building Drain which conveys the discharge of Sewage to the Public Sewer System and its components or other place of disposal.

Section 207. Claimant. Any person who makes a claim for economic damages which allegedly were caused by a Sewage Disposal System Event, as defined in Section 901.

Section 208. Clark Lake Contract. The Jackson County Wastewater Disposal Facility (Clark Lake Section) Bond Contract, dated August 1, 1993, by and between the County and the Township of Columbia.

Section 209. Clark Lake Interceptor. The interceptor sewer main, exclusive of related pump stations and pumping facilities, which transports Sewage from the Clark Lake Area and the Brooklyn Interceptor to the Leoni Township Sewer System for treatment by the Sewage Disposal Facility, a map of which is attached hereto as Appendix IV.

Section 210. C.O.D. or Chemical Oxygen Demand. The oxygen consuming capacity of inorganic and organic matter present in Sewage.

Section 210a. Commercial User. An establishment listed in the current edition of the NAICS involved in a commercial enterprise, business or service which, based on a determination by the Township, discharges primarily segregated Domestic Sewage and which is not a Residential User or an Industrial User.

Section 211. Compatible Pollutant. The pollutants which can be treated and removed to a substantial degree by the Sewage Treatment Facility. These pollutants include but are not limited to defined maximum concentrations of B.O.D.₅, S.S., pH and additional pollutants identified in the Discharge Permit if the Sewage Treatment Facility was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree.

Section 212. Connection Fee. The charge imposed by the Township to regulate the connection of a Building Sewer, either directly or indirectly, to the Public Sewer System. This fee represents (a) the proportional cost attributable to each Structure in which Sanitary Sewage Originates to regulate access to the Public Sewer System and ensures that sufficient capacity exists to accommodate the additional use without overburdening the Public Sewer System or adversely affecting the Township's ability to provide service to the Public Sewer System's existing customers; and (b) the benefit to the owner of a Structure in which Sanitary Sewage Originates derived from the connection to the Public Sewer System including, but not limited to, eliminating or reducing the risk of failure of private Sewage Disposal Facilities and the contamination of ground water. See also Direct Connection and Indirect Connection.

Section 213. Contract. An agreement between the County and the Township for the acquisition, construction and financing of a component, improvement or repair of the System, which includes the Clark Lake Contract, the Vineyard Lake Contract, the Lake Columbia Contract, the Southern Regional Interceptor Contract, the US-127 Extension Contract, and the Wastewater Service Agreement.

Section 214. Control Manhole. The structure installed on the Building Sewer or Service Connection pipeline to allow access for measurement and sampling of Sewage discharging from industrial and commercial establishments.

Section 215. Cost of Operation and Maintenance. All costs, direct and indirect, inclusive of all expenditures attributable to administration, Cost of Replacement, treatment and collection of Sewage, necessary to insure adequate collection and treatment of Sewage on a continuing basis in conformance with the Discharge Permit, and other applicable local, state and federal regulations.

Section 216. Cost of Replacement. Expenditures and costs for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the System to maintain the capacity and performance for which the System was designed and constructed.

Section 217. County. The County of Jackson, Michigan, acting by and through its Board of Public Works, the designated County Agency under Act 185 of the Public Acts of Michigan of 1957, as amended, or Act 342 of the Public Acts of Michigan of 1939, as amended.

Section 218. Debt Service Charge. The amount charged to Users of the Public Sewer System to pay all or a portion of the principal, interest and administrative costs of retiring the debt incurred for acquisition and construction of the Public Sewer System.

Section 219. Direct Connection. The connection of the Building Sewer directly to the Public Sewer System.

Section 220. Discharge Permit. Permit issued by the MDEQ for the discharge of treated Sewage from the Sewage Treatment Facility.

Section 221. Domestic Sewage. The liquid wastes from all habitable buildings and residences and shall include human excreta and wastes from sinks, lavatories, bathtubs, showers, laundries and all other water-carried wastes of organic nature either singly or in combination thereof.

Section 222. Garbage. Solid wastes from the preparation, cooking and dispensing of food, and the handling, sale and storage of produce and, in addition, shall include all paper, plastic and other household items, including containers, whether or not disposable or biodegradable in nature.

Section 223. Grinder Pump. In a Grinder Pump System, the device to which the Building Sewer connects and which grinds and pumps the Sewage to the Public Sewer System for transportation to the Sewage Treatment Facility.

Section 224. Grinder Pump System. The publicly owned Grinder Pump, controls and pressure discharge pipe, including all control boards, controls, floats, pumps, storage tanks and appurtenances thereto which provides the connection between the privately-owned Building Sewer and the Public Sewer System. A diagram of a typical Grinder Pump System is attached to this Ordinance as Appendix II.

Section 225. Health Department. Jackson County Health Department.

Section 226. Indirect Connection. The connection of a Building Sewer to a sewage collection system which is

(a) installed to applicable Township and County specifications and with Township approval;

(b) paid for by special assessment or private funds;

(c) serves multiple users; and

(d) connected to the Public Sewer System and, after construction, turned over to the Township and/or the County in accordance with the Contract and becomes part of the Public Sewer System (e.g. if a developer constructs collection sewers in a plat and connects the collection sewers to the Public Sewer System, the connection of each lot in the plat would be an Indirect Connection).

Section 227. Industrial Users. Users which discharge Industrial Wastes.

Section 228. Industrial Wastes. The liquid wastes, solids or semisolids from industrial, manufacturing, trade or business processes as distinct from Domestic Sewage.

Section 229. Inspection and Administration Fee. The amount charged to each applicant by the Township at the time an application is made to the Township for connection to the Public

Sewer System to cover the actual routine cost of inspecting and approving the physical connection of a Building Sewer and Service Connection to the Public Sewer System, the issuance of a connection permit and related administrative expenses.

Section 230. Inspector. The persons responsible for inspecting connections of Building Sewers and Service Connection to the Public Sewer System as designated by the Township.

Section 231. Interceptor Connection Fee. The charge imposed by the Township as part of the Connection Fee for the capital cost attributable to the Clark Lake Interceptor, the Brooklyn Interceptor, the Vineyard Lake Interceptor, and/or the Southern Regional Interceptor.

Section 232. Interceptor O, M & R Charge. That component of the User Charge attributable to the Cost of Operation and Maintenance of the Clark Lake Interceptor, Brooklyn Interceptor, the Vineyard Lake Interceptor, and/or the Southern Regional Interceptor.

Section 233. Lake Columbia Contract. The Jackson County Wastewater Disposal Facility (Lake Columbia Area Section) Bond Contract, dated February 1, 2004, by and between the County and the Township.

Section 234. May. Is permissive.

Section 235. MDEQ. Michigan Department of Natural Resources.

Section 236. MG/L. Milligrams per liter.

Section 237. Miscellaneous User Fee. The amount charged to Users for miscellaneous services and related administrative costs associated with the System.

Section 238. NAICS. The North American Classification System or the successor publication, if replaced.

Section 239. Natural Outlet. Any outlet into a Watercourse, pond, ditch, lake or other body of surface or ground water.

Section 240. Normal Strength. Sewage which when analyzed shows a daily average concentration of not more than 200 mg/l of BOD, nor more than 240 mg/l of Suspended Solids; nor more than 10 mg/l of phosphorous; nor more than 50 mg/l of fats, oils and grease; nor other substances which may solidify or become viscous between 32 degrees F and 150 degrees F; nor more than 40 mg/l of TKN.

Section 241. Nuisance. Without limitation, any condition where Sewage or the effluent from any Sewage Disposal Facility is exposed to the surface of the ground; or is permitted to drain on or to the surface of the ground or into any Natural Outlet.

Section 242. pH. The negative logarithm of the concentration of hydrogen ions in solution, in grams per liter. A measure of relative acidity (pH less than 7) or alkalinity (pH greater than 7) of the solution tested. A neutral solution has a pH of 7.

Section 243. PPM. Parts per million.

Section 244. Person. Any individual, firm, company, association, society, corporation or group, public or private.

Section 245. Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of foods that have been shredded or cut to such degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than one-half inch in any dimension.

Section 246. Public Sewer System or System. The sanitary sewer collection and transmission system known generally as the Jackson County Wastewater Disposal Facility (Clark Lake Section), the Jackson County Wastewater Disposal Facility (Vineyard Lake Area Section), the Jackson County Wastewater Disposal Facility (Lake Columbia Area Section), the Jackson County Wastewater Disposal Facility (Southern Regional Interceptor Section), and the US-127 Extension, including all publicly-owned Service Connections, mains, lift stations, odor control facilities and all appurtenances thereto, located in the Service District, and in addition the Clark Lake Interceptor, the Brooklyn Interceptor, the Vineyard Lake Interceptor, the Southern Regional Interceptor, and the US-127 Extension.

Section 247. Receiving Fund. The fund established pursuant to Article VIII to receive collections of Sewer Rates and Charges.

Section 248. Septic Tank. A watertight tank or receptacle used to receive Domestic Sewage and is intended to provide for the separation of substantial portions of the Suspended Solids in such Sewage and the partial decomposition by bacterial action on solids so separated.

Section 249. Service Connection. The portion of the Public Sewer System which extends either to or onto the parcel of land adjacent to the path of the Public Sewer System, and includes the sewer main, tee/wye, valve, check valve, connector pipes, the Sewer Lead, the Grinder Pump System, electrical controls and connections, related pumping facilities and appurtenances, but not including the Building Sewer.

Section 250. Service District. All geographic areas located within the Township served by any of the following: Jackson County Wastewater District (Clark Lake Section); the Jackson County Wastewater District (Vineyard Lake Section); the Jackson County Wastewater District (Lake Columbia Section); Jackson County Wastewater Disposal Facility (Southern Regional Interceptor Section); and the US-127 Extension, as outlined in the attached Appendix I.

Section 251. Sewage. Any combination of the water-carried waste material from residences, business buildings, institutions and industrial establishments, including Industrial Wastes and Domestic Sewage.

Section 252. Sewage Disposal Facilities. Any on-site, private septic tank, Subsurface Disposal System or other devices used in the disposal of Sewage and which are not part of the System.

Section 253. Sewage Treatment Facility. The publicly-owned physical plant and appurtenances designated to receive and treat the raw, untreated Sewage of the properties located in the Service District and served by the Public Sewer System, and owned by the Township of Leoni subject to a contract dated as of April 20, 1971, by and between the Township of Leoni and the

County of Jackson by and through its Board of Public Works, and further subject to the rights of the Township in the Wastewater Treatment Agreement.

Section 253a. Sewage Meter. An instrument for measuring the rate of flow and volume of Sewage.

Section 253b. Sewage Meter Fee. The fee charged to cover the cost of the Sewage Meter and its installation determined by Leoni Township based upon the size of the meter to be installed.

Section 254. Sewer Lead. That portion of the Service Connection which connects to the sewer main located in the public right-of-way and extends therefrom to the property line.

Section 255. Sewer Rates and Charges. The Connection Fee (including the Interceptor Connection Fee), Inspection and Administration Fee, User Charge (including the Interceptor O,M&R Charge and the Treatment O,M&R Charge) Debt Service Charge, Sewage Meter Fee, if any, User Surcharge, Miscellaneous User Fee and the civil penalty imposed pursuant to Section 307.

Section 256. Shall. Is mandatory.

Section 257. Slug. Any discharge of water, Sewage or Industrial Wastes which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of time longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

Section 257a. Southern Regional Interceptor. The interceptor sewer main and its related lift stations and appurtenances which transports Sewage from the Round/Farwell Lakes Sewer System and other areas including, but not limited to the US-127 Extension, to the Clark Lake Interceptor for transportation to the Township of Leoni for treatment at the Sewage Treatment Facility.

Section 257b. Southern Regional Interceptor Contract. The Jackson County Wastewater Disposal Facility (Southern Regional Interceptor Section) Bond Contract, dated December 1, 2004, by and between the County, the Township and the Township of Hanover, Jackson County, the Township of Liberty, Jackson County, and the Township of Leoni, Jackson County.

Section 258. Special Assessment District. All Special Assessment Districts determined at any time by the Township Board within the Service District for the provision of sanitary sewer service by the Public Sewer System.

Section 259. Special Assessment Roll. All Special Assessment District Rolls confirmed at any time for a Special Assessment District by the Township Board.

Section 260. Storm Sewer or Storm Drain. A sewer which carries storm or surface waters, or drainage, but excludes Sewage.

Section 261. Structure in which Sanitary Sewage Originates. A building in which toilet, kitchen, laundry, bathing, or other facilities which generate Sewage are used or are available for use for household, commercial, industrial, or other purposes.

Section 262. S.S. or Suspended Solids. Solids either floating or suspended in Sewage, or other liquids and which are removable by laboratory filtering and biologic processes.

Section 263. Subsurface Disposal System. An arrangement for distribution of septic tank effluent beneath the ground surface (also referred to as a "drainfield system," "tile field" or "dry well" or a "soil absorption system").

Section 264. Supervisor. The Supervisor of the Township or his or her authorized representative.

Section 265. System. The Public Sewer System.

Section 266. System Receiving Funds. The funds established pursuant to Article VIII to receive collections of Sewer Rates and Charges.

Section 267. Township. The Township of Columbia, located in Jackson County, Michigan, acting by and through its duly authorized agent or representative.

Section 268. Treatment O,M&R Charge. That component of the User Charge attributable to the cost charged by the Township of Leoni for the treatment of Sewage by the Sewage Treatment Facility.

Section 268a. US-127 Extension. The sewer transmission main located in part or in whole within the Township that extends from the intersection of US-127 and Jefferson Road northerly to the Liberty Landfill.

Section 268b. US-127 Extension Contract. The Agreement for the Construction and Conveyance of Public Sanitary Sewer Improvements (US-127 Extension), dated as of July 1, 2006, by and between the County, the Township and the Township of Liberty, Jackson County, the Township of Leoni, Jackson County, Liberty Environmentalist, Inc, and Dunigan Brothers, Inc.

Section 269. U.S. EPA. The United States Environmental Protection Agency.

Section 270. Unit or Units. A standard basis of measuring the relative quantity of Sewage, including the benefits derived from the disposal thereof, arising from the occupancy of a freestanding single-family residential dwelling (but such term shall not necessarily be related to actual use arising from any particular dwelling), with an average daily sewage discharge of 200 gallons. A listing of the relative relationship between the various Users of the System is hereby determined by the Township and is set forth in Appendix III to this Ordinance. The assignment of Unit(s) to a particular User shall be determined from time to time by the Township, based upon available information, studies and investigation of the use to which the User's property is put. In the assignment of Units, the number of Units shall be rounded to the nearest whole number. The assignment of Unit(s) for any use not enumerated in Appendix III shall, in the sole discretion of the Township, be based upon the most similar use enumerated in Appendix III.

Section 271. User. A recipient of services provided by the System including premises which are connected to and discharge Sewage into the System.

Section 272. User Charge. A charge, based on Units, charged to Users of the System for use of the System. The charge represents (a) that User's proportionate share of the Cost of the Operation and Maintenance (and may include Cost of Replacement of the System) and (b) the benefit to that User derived from the availability and use of the System.

Section 273. User Class. The kind of user class connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental.

(a) **Residential User:** A User of the System whose premises or buildings are used primarily as a domicile for one or more persons including Dwelling Units such as detached, semi-detached and row houses, mobile homes, apartments or permanent multi-family dwellings (transit lodging is not included, it is considered a Commercial User).

(b) **Industrial User:** A User of the System which discharges Industrial Wastes as distinct from their employees Domestic Sewage.

(c) **Commercial User:** An establishment listed in the current edition of the NAICS involved in a commercial enterprise, business or service which, based on a determination by the Township, discharges primarily segregated Domestic Sewage and which is not a Residential User or an Industrial User.

(d) **Institutional User:** Any establishment listed in the current edition of the NAICS involved in a social, charitable, religious or educational function which, based on the determination by the Township, discharges primarily segregated Domestic Sewage.

(e) **Governmental User:** Any federal, state or local government User of the waste system.

Section 274. User Surcharge. A charge imposed on a User of the System for discharges of Sewage that are in excess of Normal Strength Sewage.

Section 275. Vineyard Lake Contract. The Jackson County Wastewater Disposal Facility (Vineyard Lake Area Section) Bond Contract, dated April 1, 2003, by and between the County, the Township and the Township of Norvell, Jackson County and the Township of Cambridge, Lenawee County, as amended by the First Amendment to Jackson County Wastewater Disposal Facility (Vineyard Lake Area Section) Bond Contract, dated September 2, 2003, by and between the County, the Township, Norvell Township and Cambridge Township.

Section 276. Vineyard Lake Interceptor. The interceptor sewer main, exclusive of related pump stations and pumping facilities, which transports Sewage from the M-50 and adjoining areas to the Brooklyn Interceptor, a map of which is attached hereto as Appendix VI.

Section 276a. Wastewater Service Agreement. The Wastewater Service Agreement dated as of December 1, 2004 by and between the Township, the County, the Township of Hanover, Jackson County, the Township of Liberty, Jackson County, and the Township of Leoni, Jackson County.

Section 277. Wastewater Treatment Agreement. The Wastewater Treatment Agreement dated as of August 31, 1994 by and between the Township and the Township of Leoni pursuant to

which Leoni Township has agreed to treat at the Sewage Treatment Facility the sanitary sewage transported by the Clark Lake Interceptor and the Wastewater Treatment Agreement dated as of October 1, 2003 by and between the Township, Norvell Township and Cambridge Township pursuant to which Columbia agreed to allocate a portion of the capacity in the Clark Lake Interceptor for the Jackson County Wastewater Disposal Facility (Vineyard Lake Area Section).

Section 278. Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE III USE OF PUBLIC SEWER SYSTEM REQUIRED

Section 301. Discharge of Sewage. No Person shall discharge to any Natural Outlet within the Service District any Sewage or other polluted waters except where suitable treatment has been provided in accordance with standards established by the MDEQ, U.S. EPA and this Ordinance.

Section 302. Sewage Disposal Facilities. Except as provided in this Ordinance, no Person shall construct or maintain in the Service District any Sewage Disposal Facilities. Any person owning property connected to the Public Sewer System shall provide for the proper abandonment or destruction of existing Sewage Disposal Facilities.

Section 303. Mandatory Connection of Properties in Special Assessment District. All owners of Structures in which Sanitary Sewage Originates, now situated or hereafter constructed within a Special Assessment District located within the Service District, are hereby required at their expense to install suitable plumbing fixtures and connect such facilities directly with the Available Public Sanitary Sewer System in accordance with the provisions of this Ordinance. The Township may require any such owners, pursuant to the authority conferred upon it by law or ordinance, to make such installations or connections which must have the approval (during and after construction) of the Inspector.

Section 304. Mandatory Connection of New Construction in Service District Outside Special Assessment District. All owners of parcels located in the Service District, but outside a Special Assessment District, which are presently undeveloped and, if a septic permit has not been obtained prior to the effective date of this Ordinance, which are hereafter improved by a Structure in which Sanitary Sewage Originates, shall be required to connect to the Available Public Sanitary Sewer System in the manner provided by Sections 303 and 307.

Section 305. Connection of Existing Improved Properties in Service District Outside Special Assessment District. Owners of all presently situated Structures in which Sanitary Sewage Originates, which are located in the Service District, but outside of a Special Assessment District and which are currently served by private Sewage Disposal Facilities, shall not be required to connect to the Available Public Sanitary Sewer System until such time as

(a) the existing private Sewage Disposal Facilities fail (as determined by the Health Department) or

(b) connection of all improved properties within the area in which said premises are located is declared a necessity by the Township for the public health and welfare.

Upon the occurrence of any such event, connection shall be made to the Public Sewer System in accordance with Sections 303 and 307. In the alternative, an owner of property subject to this Section 305 may connect to the Public Sewer System at any time in compliance with the terms of this Ordinance.

Properties located within the "Hewitt Road Corridor," as defined in that certain resolution of the Township Board adopted on February 23, 2004 (the "Hewitt Road Mandatory Connection Resolution"), are required to connect to the Public Sewer System in accordance with the Hewitt Road Mandatory Connection Resolution, Township Ordinance No. 32, as amended, and this Ordinance.

Section 306. Connections Outside of Service District.

(a) **Connection of Existing Improved Properties and Vacant Properties Outside of Service District.** Owners of all presently situated Structures in which Sanitary Sewage Originates, which are located outside a Special Assessment District, the Service District, and which are currently served by private Sewage Disposal Facilities, shall not be required to connect to the Available Public Sanitary Sewer System until such time as

(i) the existing private Sewage Disposal Facilities fail (as determined by the Health Department) or

(ii) connection of all improved properties within the area in which said premises are located is declared a necessity by the Township for the public health and welfare.

(iii) Upon the occurrence of any such event, connection shall be made to the Public Sewer System in accordance with Sections 303 and 307.

(b) **Vacant Properties Located Outside of Service District Adjacent to an Available Public Sanitary Sewer System.** All owners of parcels located outside of the Service District but adjacent to an Available Public Sanitary Sewer System, which are presently undeveloped, and which are hereafter improved by a Structure in which Sanitary Sewer Originates, shall be required to connect to the Available Public Sanitary Sewer System in the manner provided by Sections 303 and 307.

Section 307. Connection Deadline. As a matter of public health, all connections to the Public Sewer System required hereunder shall be completed no later than twelve (12) months after the last to occur of the date of official notice by the Township to make said connections or the modification of a structure so as to become a Structure in which Sanitary Sewage Originates. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Persons who fail to complete a required connection to the Public Sewer System within such twelve (12) month period shall be liable for a civil penalty equal in amount to the User Charges and Debt Service Charges that would have accrued and been payable had the connection been made as required, in addition to the penalties provided in this Ordinance.

Section 308. Enforcement in the Event of a Failure to Connect. In the event a required connection to the Public Sewer System is not made within the time provided by Section 307, the Township shall require the connection to be made immediately after notice given by first class or

certified mail or by posting on the property. The notice shall give the approximate location of the Available Public Sanitary Sewer System and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Township ordinance and state law. In the event the required connection is not made within 90 days after the date of mailing or posting of the written notice, the Township may bring an action in the manner provided by law in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property to the Available Public Sanitary Sewer System.

Section 309. Extensions of Public Sewer System to Service New Developments.

(a) The owner of premises located within the Service District but not served by an Available Public Sanitary Sewer System may elect to extend the Public Sewer System and connect his premises thereto, subject to the conditions for sewer extensions set forth in Section 310.

(b) The owner (or developer) of lands in the Township proposed for development (whether by site condominium, subdivision, land division or otherwise) for which land use approval is received after the effective date of this Sewer Connection, Use and Rate Ordinance, shall be required to extend the Public Sewer System and connect the premises so developed to the Public Sewer System subject to the conditions for sewer extensions set forth in Section 311 if the distance measured in feet from the nearest edge of the proposed development to the nearest point of the Public Sewer System when divided by the number of Units proposed for the development equals one hundred feet or less. This subsection 309(b) shall not apply to lands improved by one single family residence located adjacent to the then existing terminus of the Public Sewer System.

Section 310. Connection of Premises Located Outside the Service District. Except as otherwise provided in Section 306 of this Ordinance, premises located outside the Service District shall be permitted to connect to the Public Sewer System only upon the consent of the Township Board. The consent of the Township Board shall be granted or denied by the Township Board in the exercise of its reasonable discretion and shall be based upon the continued availability of capacity in the Public Sewer System for premises located within the Service District and may be based upon such other considerations deemed appropriate by the Township Board and consistent with this Ordinance, including, but not limited to, the terms of the Wastewater Treatment Agreement, if applicable. To the extent an extension of the Public Sewer System is required, the conditions set forth in Section 311 shall apply. In its discretion, the Township Board may require the person requesting the connection of premises located outside the Service District to provide, at the sole expense of said person, an engineering report by a consulting engineer acceptable to the Township addressing the cost and feasibility of the proposed sewer service (and any sewer extension necessitated thereby) in the context of the foregoing considerations.

Section 311. Conditions for Extension of Public Sewer System by Property Owner. If connection to the Public Sewer System is required by Section 309(b) of this Ordinance, but there is no Available Public Sanitary Sewer System adjacent to the premises, or if a property owner elects to extend the Public Sewer, such extension shall be in accordance with the following requirements, unless modified by the terms of a written agreement between the Township and the property owner pursuant to Section 312:

(a) The sewer main shall be extended to the premises in a public right-of-way, or in an easement owned by the public to the premises in question. If the sewer is to be extended for the purpose of serving a new development, including but not limited to a site condominium, subdivision, or division of land which involves the installation of a new public or private road, the sewer main shall be extended throughout such new road so that the sewer abuts all units or lots within the development, within an easement dedicated to the public if not located in a public street right of way.

(b) If a sewer main is extended to a premises, the main shall be installed across the entire frontage of the premises served, to the border of the adjacent premises. For developments for which a new public or private road is constructed, the sewer main shall be extended across the entire frontage of the development on the existing adjacent public or private road, in addition to being extended within the new road to all lots or units within the development. All sewer main extensions shall be located within an easement dedicated to the public, if not located in a public street right of way.

(c) The sewer main shall be constructed in accordance with specifications approved by the Township.

(d) Upon completion of the sewer main, verification by the Inspector that it has been properly constructed, and proof that all contractors have been paid for the cost thereof (including lien waivers if requested), the sewer main shall be dedicated to the Township, without cost to the Township. Upon acceptance of dedication, the Township shall thereafter be responsible for maintenance of the sewer main. The Township shall be assigned, or be a third party beneficiary of, all construction contracts and material and equipment warranties.

(e) The person responsible for installing the sewer shall also reimburse the Township for the cost of acquisition of right-of-way, if necessary, including attorney fees, appraisal fees, cost of land title research and all other expenses of any condemnation proceedings. The person responsible for installing the sewer shall pay an amount to the Township, in advance, at least equal to the estimated fees for such acquisition. Any excess not required to complete the improvements shall be refunded to the responsible party; any shortfall shall be paid before connection of any premises is permitted.

(f) The entire cost of installation of the sewer main, including but not limited to engineering, construction, permits and restoration shall be paid by the owner or owners of the premises to whom sewer is being extended.

(g) In addition to the extension of a sewer main as required, the owner of Premises to be connected to the System shall reimburse the Township for the cost of making improvements to downstream facilities, which are necessary as a result of the additional connections proposed to be made by the owner of the premises or by a development which will be provided with public sewer, including but not limited to increasing the size of downstream sewer mains to provide sufficient capacity, increase in the capacity of lift stations, and increase in treatment capacity of the Wastewater Treatment Plant. In such a situation, the responsible party and the Township shall enter into an agreement whereby the responsible party pays to the Township, in advance, an amount equal to at least the estimated cost of making such improvements. Any excess not required to complete the improvements

shall be refunded to the responsible party; any shortfall shall be paid before connection of any premises is permitted.

(h) In its discretion, the Township Board may require the person requesting the extension or required to construct an extension to provide at the sole expense of said person an engineering report by a consulting engineer acceptable to the Township addressing the cost and feasibility of the proposed extension in the context of the foregoing conditions.

Section 312. Sewer Extension Agreements. The Township shall have the authority to negotiate agreements for sewer extensions with landowners, developers and other municipalities, which agreements may take into consideration issues of demand, benefit, capacity, necessity, timing and funding and may provide for construction advances, prepayment of rates and charges, pay back arrangements of up to 20 years, and similar matters.

ARTICLE IV PRIVATE SEWAGE DISPOSAL

Section 401. Private Sewage Disposal Facilities. If a Public Sewer System is not available to a parcel of land located in the Service District in accordance with the provisions of Article III, the Building Sewer shall be connected to private Sewage Disposal Facilities constructed in compliance with requirements of the Health Department and the MDEQ.

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

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

Section 404. Connection to Public Sewer System; Abandonment. At such time as the Public Sewer System becomes available to a parcel served by private Sewage Disposal Facilities, as provided in accordance with Article III, the Building Sewer shall be connected to the Public Sewer System in compliance with this Ordinance, except as provided in Section 305, and the private Sewage Disposal Facilities shall be abandoned for sanitary use in the manner required by the Health Department.

ARTICLE V BUILDING SEWERS AND CONNECTIONS

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

Section 502. Permit Application. A connection to the Public Sewer System shall be made only by an authorized contractor or plumber upon written authorization and a Service Connection permit issued by the Township. Prior to said connection, the property owner or his agent shall submit a permit application to the Township. This permit application shall be on a form furnished by the Township and shall be accompanied by payment of the applicable Connection Fee determined

in accordance with Section 702, any civil penalty which has accrued pursuant to Section 307 above and the Inspection Fee, the plans and specifications of all plumbing construction within the premises (when requested), and all other information required by the Township.

Section 503. Approval of Application. The approval of a Service Connection permit application shall be subject to

(a) compliance with all terms of this Ordinance, including, without limitation, Section 502, above, and the rules and regulations of the Health Department and the MDEQ,

(b) the availability of capacity in the System, including Compatible Pollutant capacity,

(c) to the extent required by Section 504, below, execution of an easement and

(d) compliance of the plans and specifications for connection with the following standards for construction:

(i) The design, installation and connection of the Building Sewer and Service Connection shall meet the specifications approved from time to time by the Township and on file for public inspection at the Township offices. The Sewer Lead shall not be less than four (4) inches in diameter for a Gravity System and not less than 1 1/4 inches in diameter for a Grinder Pump System and a larger diameter may be required by the Township based upon the length of run or grade of the Sewer Lead.

(ii) The size of the Building Sewer shall not be less than four (4) inches in diameter and is subject to inspection by the Inspector at the time of connection to the Service Connection. In the event such inspection reveals a deficiency or non-conformity in the Building Sewer, the connection of the Building Sewer to the Service Connection shall not be completed or approved until the owner has corrected the said deficiency or non-conformity to the satisfaction of the Inspector.

(iii) In all buildings in which any Building Drain is too low to permit gravity flow to the Service Connection, the Sewage carried by the Building Drain shall be lifted by means acceptable to the Township and discharged to the Service Connection. However, operation and maintenance of all interior lift pumps and injectors shall be the responsibility of the property owner.

(iv) Where the Public Sewer System is more than twelve (12) feet deep measured from established street grade, a riser may be constructed on the Service Connection using methods and materials approved by the Township.

(v) All joints and connections shall be made gastight and watertight.

(vi) A separate and independent Building Sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard, or driveway, the Building Sewer from the front building

may be extended to the rear building and the whole considered as one Building Sewer. Other exceptions will be allowed only by special permission granted by the Township.

(vii) Connection of the Building Sewer to the Public Sewer System shall conform to requirements of the building and plumbing code or other applicable rules and regulations of the Township and/or County. Any deviation from the prescribed procedures and materials must be approved by the Inspector.

Section 504. On-Lot Easement Requirements. Prior to the approval and issuance of a Service Connection permit for a Grinder Pump System, the applicant will be requested to have executed by the property owner(s) of record for the premises to be connected, an easement in a form provided by the Township granting permission to the Township to install, construct, operate, maintain, repair and replace the Service Connection to be installed on the premises.

(a) If the applicant provides such easement, then the Township shall provide, at its cost, all needed repairs, operation, maintenance and replacement of the Service Connection in accordance with Section 511, below.

(b) If the applicant, for any reason, declines to provide said easement, then the permit shall be issued by the Township, together with an appropriate bill of sale conveying from the Township to the property owner title to all components comprising the Service Connection. Following installation of the Service Connection by the property owner (which installation is subject to inspection by the Inspector in accordance with the terms of this Ordinance), the property owner shall, at his or her expense, repair, operate, maintain and replace the Service Connection in accordance with Section 512, below.

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

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

(i) appropriate repairs of the Service Connection at the expense of the property owner,

(ii) replacement of the Service Connection or individual components thereof at the expense of the property owner or

(iii) such other conditions as the Township, in the exercise of its reasonable judgment, deems appropriate.

The acceptance of the easement by the Township shall be accompanied by an executed Bill of Sale by the property owner conveying the Service Connection to the Township.

(a) Section 504 shall not apply to any premises for which the installation of the Service Connection was made by a contractor engaged by the Township or the County pursuant to the Contract or any future supplement or amendment thereto, it being the assumption in these circumstances that the property owner had granted an appropriate easement prior to said installation.

(b) Section 504 shall not apply if the Service Connection is a Gravity System.

Section 505. Excavations, Pipe Laying and Backfill. All excavations, pipe laying and backfill required for the installation of Building Sewers and Service Connections shall be done to conform to requirements and standards approved by the Township. No backfill shall be placed until the work has been inspected and approved by the Inspector.

Section 506. Connection of Building Sewer. The connection of the Building Sewer to the Public Sewer System shall be made at the Service Connection.

Section 507. Connection of Certain Drains is Prohibited. No Person shall make connection of roof downspouts, exterior footing or foundation drains, areaway drains, storm drains, sump pumps, or other points of entry of surface runoff or groundwater to a Building Sewer or Building Drain which in turn is connected directly or indirectly to the Public Sewer System.

Section 508. Public Safety Requirements; Restoration. All excavations for Building Sewer installation and connection to the Public Sewer System shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the installation of the Building Sewer and connection to the Public Sewer System and/or installation of the Service Connection (where the Service Connection is installed by the property owner) shall be restored at the cost of the property owner in a manner satisfactory to the Township, the County Road Commission and all other governmental entities having jurisdiction.

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

Section 510. Inspection. A Service Connection permittee shall notify the Inspector when the Building Sewer and Service Connection are ready for inspection. The excavation shall be left open until inspection is complete. If the Inspector determines that the Building Sewer and Service Connection have been constructed and installed in accordance with the requirements of this Ordinance, the Building Sewer shall then be connected with the Service Connection under the observation of the Inspector. The inspection shall include the installation of all required components of the Service Connection, including without limitation, wiring, conduit, sealants, riser, discharge lines and related necessary appurtenances. The inspection required by this Section shall include the

abandonment of the private Sewage Disposal Facilities in the manner required by the Health Department.

Section 511. Township's Responsibility for Repairs, Operation and Maintenance. The cost of all repairs, operation, maintenance and replacement of the Public Sewer System, as well as each Service Connection which is a Gravity System or for which the property owner has granted an easement to the Township, shall be borne by the Township as part of the Township's budgeted annual expense of the System, subject to the right of the Township to impose a Miscellaneous User Fee in accordance with Section 705, below.

Section 512. Property Owner's Responsibility for Repairs, Operation and Maintenance. The cost of all repairs, operation, maintenance and replacements of existing Building Sewers and their connection to Public Sewer Systems shall be borne by the property owner. If the property owner has not granted an easement to the Township to maintain the Service Connection which is a Grinder Pump System, then the cost of all repairs, operation, maintenance and replacement of the Service Connection shall also be borne by the property owner.

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

ARTICLE VI USE OF THE PUBLIC SEWER SYSTEM

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

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

Section 603. Prohibited Discharges to Public Sewer System.

(a) No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the System or the Sewage Treatment Facility. These general prohibitions apply to all such Users whether or not the User is subject to the National Categorical Pretreatment Standards of any other national, state or local Pretreatment Standards or requirements. A User may not contribute the following substances to the System or the Sewage Treatment Facility:

(i) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the System or the Sewage Treatment Facility or to the operation of the System or the Sewer Treatment Facility. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(ii) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage that is not Properly Shredded Garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(iii) Any Sewage having a pH less than 5.5 or greater than 9.5, or Sewage having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the System or the Sewage Treatment Facility.

(iv) Any Sewage containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the Sewage Treatment Facility, or exceed the limitation set forth in a categorical pretreatment standard.

(v) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard or to prevent entry into the sewers for maintenance and repair.

(vi) Any substance which may cause the System's or Sewage Treatment Facility's effluent or any other product thereof such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

(vii) Any substance which will cause the Sewage Treatment Facility to violate its Discharge Permit or the receiving water quality standards.

(viii) Any Sewage with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(ix) Any Sewage having a temperature which will inhibit biological activity in the System or the Sewage Treatment Facility resulting in interference, but in no case Sewage with a temperature at the introduction into the System or Sewage Treatment Facility which exceeds 40°C (104°F).

(x) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the System or Sewage Treatment Facility.

(xi) Any Sewage containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Township in compliance with applicable state or federal regulations.

(xii) Any Sewage which causes a hazard to human life or creates a public Nuisance.

(xiii) Any unpolluted water including, but not limited to, non-contact cooling water.

(xiv) Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.

Upon the promulgation of the national categorical pretreatment standards for a particular industry subcategory, the pretreatment standard if more stringent than limitations imposed under this Ordinance shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance and the Township shall notify all affected Users of the applicable reporting requirements.

Section 604. Discharge Permit Limitations. No Person shall discharge or cause to be discharged into the System any Sewage which would cause effluent from the Sewage Treatment Facility to exceed discharge limits established in the Discharge Permit issued for operation of the System.

Section 605. Remedies; Pre-Treatment. If any Sewage is discharged, or is proposed to be discharged to the Public Sewer System, and such Sewage contains the substances or possesses the characteristics enumerated in Section 603 or Section 604, and which in the judgment of the Township and/or the County may have a harmful effect upon the System or Sewage Treatment Facility, or receiving waters, or which otherwise create a hazard to life or constitute a public Nuisance, the Township may take the actions necessary to:

(a) Effect a cease and desist of the discharge of the Sewage to the Public Sewer System.

(b) Reject the Sewage.

(c) Require pre-treatment of the Sewage to an acceptable condition prior to discharge to the Public Sewer System.

- (d) Require control over the quantities and rates of discharge.
- (e) Require payment of a User Surcharge to cover the added cost of handling and treating the Sewage pursuant to Sections 607, 703(b) and 704 hereof.

Any Industrial User who discharges Sewage to the System shall pretreat or limit the discharge to conform to standards set forth in the Code of Federal Regulations 40 CFR 403 (Pretreatment) or any applicable more stringent state or local rules, regulations or standards.

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

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

Section 607. Special Arrangements; Surcharge. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Township and any User whereby Sewage of unusual strength or character may be accepted by the Township for treatment, subject to the consent of Leoni and the payment of a User Surcharge by the User and provided such Sewage will not damage the System, the Sewage Treatment Facility or the receiving water.

Section 608. Grease, Oil and Sand Interceptors. Grease, oil, and sand interceptors shall be installed, operated, maintained, repaired and replaced by the individual User and at no cost to the other Users of the System when determined by the Township to be necessary for the proper handling of Sewage containing ingredients described in Section 603 of this Article; provided that all restaurants shall install a grease interceptor within ninety (90) days after the effective date of this Ordinance. All interceptors shall be properly maintained on a regular basis by the individual user and shall be:

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

Section 609. Control Manhole. When required by the Township, the owner(s) of any property serviced by a Building Sewer carrying Industrial Wastes shall install a suitable Control Manhole upstream from the connection to the Public Sewer System. The purpose of this Control Manhole shall be to enable observation, sampling, and measurements of the Industrial Wastes. The Control Manhole shall be at the property line or in a location approved by the Township, shall be easily accessible, and shall be constructed in accordance with plans and specifications approved by the Township and the Township's engineer. Installation of the Control Manhole, sampling equipment and other appurtenances required by the Township shall be at the expense of the property owner. The owner shall operate, maintain, repair and replace the Control Manhole and appurtenances in a safe, accessible and operable manner at all times at the owner's expense.

Section 610. Testing of Industrial Wastes. All measurements, tests, and analyses of characteristics of Industrial Wastes shall be conducted on samples obtained at the Control Manhole. Where no specific control manhole has been constructed, the Control Manhole shall be considered to be in the nearest downstream manhole in the Public Sewer System to the point at which the Building Sewer is connected. Costs incurred by the Township for said testing may, at the discretion of the Township, be charged to the User discharging the Industrial Wastes as a Miscellaneous User Fee.

Section 611. Test Standards. All measurements, tests, and analyses of Sewage characteristics described in this Article shall be determined in accordance with the current "Standard Methods for the Examination of Water and Sewage," as published by the A.P.H.A., A.W.W.A. and W.E.F. (or their successor entities). Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the System and to determine the existence of hazards of life and property. The particular analyses involved will determine whether a 24 hour composite of all outfalls of a premise is appropriate or whether samples should be taken.

ARTICLE VII SEWER RATES AND CHARGES

Section 701. Public Utility Basis; Fiscal Year. The System shall be operated and maintained by the Township on a public utility basis pursuant to state law under the supervision and control of the Township Board, subject to the terms of each Contract. The Township Board may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operations of the System. The System shall be operated on the same fiscal year as the Township. The Township shall annually, on or before July 1 of each year, submit for information a report to the County on the revenues and expenditures of the System, including a projected budget for the ensuing fiscal year and recommendations for the Sewer Rates and Charges for such ensuing year.

Section 702. Connection Fee. The owner of all premises required or permitted by Article III to connect to the System shall pay a Connection Fee.

(a) **Computation.** The Connection Fee shall be computed in the following manner:

(i) For a Direct Connection to the Public Sewer System, the Connection Fee, which shall include an Interceptor Connection Fee, shall be a rate per Unit established by resolution of the Township Board from time to time.

(ii) For an Indirect Connection to the Public Sewer System, the Connection Fee, including the Interceptor Connection Fee, shall be a rate per Unit established by resolution of the Township Board from time to time.

(iii) The Interceptor Connection Fee shall be determined separately for the Clark Lake Interceptor, the Brooklyn Interceptor, the Vineyard Lake Interceptor and the Southern Regional Interceptor. The Connection Fee for premises the Sewage from which shall be transported only by the Clark Lake Interceptor shall include the Interceptor Connection Fee for the Clark Lake Interceptor. The Connection Fee for premises the Sewage from which shall be transported by both the Clark Lake Interceptor and the Brooklyn Interceptor shall include the Interceptor Connection Fee for the Clark Lake Interceptor and the Interceptor Connection Fee for the Brooklyn Interceptor. The Connection Fee for premises the Sewage from which shall be transported by the Clark Lake Interceptor, the Brooklyn Interceptor and the Vineyard Lake Interceptor shall include the Interceptor Connection Fee for each of said three interceptors. The Connection Fee for premises the Sewage from which shall be transported by the Clark Lake Interceptor and the Southern Regional Interceptor shall include the Interceptor Connection Fee for each of said two interceptors. The Interceptor Connection Fees for the Clark Lake Interceptor and the Southern Regional Interceptor attributable to Users which are connected directly or indirectly to the Southern Regional Interceptor are together intended to constitute the "Transportation and Treatment Fee" provided for by paragraph 8 of the Wastewater Service Agreement.

(iv) The Connection Fee may be set in different amounts for Direct Connections, Indirect Connections and Interceptor Connection Fees for connections to the Clark Lake Sewer System, the Vineyard Lake Sewer System, the Lake Columbia Sewer System, the Southern Regional Interceptor, and the US-127 Extension, based upon the applicable Contract and the differences in cost attributable to each portion of the Public Sewer System.

(b) **Cost and Expense of Service Connection.** In addition to the Connection Fee as computed in (a) above, the owner of the premises shall be liable for the costs and expenses of acquiring from the Township and installing the Service Connection pursuant to Township specifications on file at the Township. The Township shall determine the type of Service Connection for each User on the basis of conformity to prior installations and the integrity of the Public Sewer System.

(c) **Special Assessments.** Those parcels located in a Special Assessment District and subject to a full special assessment on the Special Assessment Roll shall be deemed to have paid the Connection Fee and, if applicable, the cost of acquiring and installing the Service Connection; provided, however, that such credit shall not result in a full or partial refund of the special assessment paid or payable pursuant to the Special Assessment Roll, unless specifically established by the Township at the time the Special Assessment Roll was

confirmed by the Township; provided further that a partial special assessment (levied for example, on a vacant lot) shall be offset against the Connection Fee and, if applicable, the cost of acquiring a Service Connection.

(d) **Multiple Unit Users.**

(i) A single family residential building which includes two or fewer Dwelling Units will be charged a Connection Fee based on one Unit per Dwelling Unit. All other premises shall pay a Connection Fee based upon the number of Units assigned to such premises by the Table of Unit Factors attached as Appendix III, and the Connection Fee payable with respect to a premises so assigned more than one Unit shall be subject to redetermination in the manner provided in Sections 702(d)(ii) and 702(d)(iii) (the "Users Subject to Redetermination").

(ii) Upon connection to the System, all Users Subject to Redetermination, shall have a water meter, of the size and type approved by the Township, installed on the User's water supply. The cost of both the meter and the installation shall be paid for by the User with the installation to be made or approved by the Township. The meter shall be read on a quarterly basis by the Township.

(iii) After two (2) years of meter readings have been obtained, the Units assigned to the premises, in accordance with Section 702(d)(i) above, shall be redetermined based on said meter readings using an equation, the numerator of which shall be the meter readings, in gallons, for the twenty four (24) month period and the denominator of which shall be 100,000 gallons. Meter readings shall be annualized for seasonal Users, taking into account the months each year of seasonal use and non-use. The resulting number of Units so redetermined, which shall not in any event be less than one, shall be multiplied by the requisite Connection Fee, direct or indirect, to determine the adjusted Connection Fee for the Premises.

(iv) A User Subject to Redetermination and located in a Special Assessment District shall have the option to pay the Connection Fee, as originally determined pursuant to Section 702(d)(i) above and/or redetermined pursuant to Section 702(d)(iii) above, to the extent not offset by a credit pursuant to Section 702(c) above, in installments pursuant to the terms of a written agreement to be entered between the Township and said User(s). This installment payment agreement shall provide for the payment of equal annual installment payments of principal to the Township for a period of time not to extend beyond the term of the special assignments imposed for the construction of that component of the System, with interest on the unpaid balance at a rate not more than 1% higher than the average rate of interest on the bonds sold by the County for the initial construction of the applicable component of the System. This agreement shall be executed and the first installment shall be payable as the case may be (a) prior to the issuance of a Service Connection permit pursuant to Article V or (b) within thirty (30) days after the date of redetermination of the Connection Fee. All subsequent installments plus interest shall be paid annually on or before June 1 of each year thereafter.

(v) Any additional Connection Fees required, based on the redetermination in Section 702(d)(iii), shall be immediately paid in cash by a User located outside of the Special Assessment District within 30 days after notice to the User, or, with respect to a User located within the Special Assessment District, (A) by installment payment in the manner provided by Section 702(d)(iv) or (B) with respect to a User already subject to an installment payment agreement, by an increase in the annual installment payments sufficient to amortize the additional principal amount ratably over the remaining term of the installment payment agreement provided by Section 702(d)(iv). Any reduction in Connection Fees resulting from said redetermination shall be credited towards payment of last installments coming due on the installment payment agreement, if any, and the balance shall be refunded (to the extent said Connection Fees were previously paid) to the User by the Township within 30 days of notice of the redetermination, or, in the discretion of the Township, credited against payment of User Charges and Debt Service Charges accruing or to accrue to the premises.

(e) **Installment Payment.** A single family residential building which includes two or fewer Dwelling Units required or electing to connect, for which an application for Service Connection Permit is filed with the Township prior to the expiration of the twelve (12) month connection period provided by Section 307 shall be entitled to pay the Connection Fee determined in accordance with Section 702(a) to the extent not offset by a credit for a special assessment in accordance with Section 702(c), in equal annual installments of principal, plus interest on the unpaid balance, pursuant to the terms of a written agreement to be entered between the Township and said User providing for annual installment payments to the Township for a period of years at a specified rate of interest. The first installment shall be due and payable prior to the issuance of a permit for a Service Connection in accordance with Section 502.

(f) **Cash Payment.** Except as otherwise provided in Section 702(e) and to the extent not offset by a credit, the Connection Fee shall be paid in cash prior to the issuance by the Township of a Service Connection permit to connect to the Public Sewer System pursuant to Article V.

(g) **Increased Utilization of Public Sewer System.** In the event a change in use of a premises is proposed which will increase the utilization by that premises of the Public Sewer System, then the owner of the premises shall submit a new application for a Service Connection permit to the Township. The Township shall assign additional Units to the premises to reflect such increased utilization and an additional Connection Fee and Inspection and Administration Fee based on the additional assigned Units. Such fees shall be payable in accordance with the procedures set forth in Article V for the issuance of a Service Connection permit. No refunds are given for a change in use which lessens the unit calculations and assignment.

(h) **Hardship Deferment.** The owner or owners of a single family residence, in which residence said owner or owners reside and upon which a Connection Fee has been imposed, may submit a hardship application to the Township seeking a deferment in the partial or total payment of the Connection Fee provided for herein, based upon a showing of financial hardship, subject to and in accordance with the following:

(i) The owners of the premises shall, under oath, complete a hardship application provided by the Township Board, and file said application, together with all other information and documentation reasonably required by the Township, with the Township Board not less than 60 days prior to the due date of the Connection Fee. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, excepting financial institutions having only security interests in the premises.

(ii) Hardship applications shall be reviewed by the Township Board, and after due deliberation of hardship applications, the Township Board shall determine, in each case, whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicants of said determination.

(iii) An applicant aggrieved by the determination of the Township Board may request the opportunity to appear before the Township Board in person for the purpose of showing hardship and presenting any argument or additional evidence. A denial of hardship following such a personal appearance before the Township Board shall be final and conclusive.

(iv) In the event that the Township Board makes a finding of hardship, the Township Board shall fix the amount of partial or total deferment of the Connection Fee, and in so doing, shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status of an applicant, said applicant shall immediately notify the Clerk of the Township so that a further review of the matter may be made by the Township Board, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:

A. A change in the financial status of any applicant which removes the basis for financial hardship;

B. A conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest in the premises or extension thereof;

C. A death of any of the applicants.

(v) Upon a determination of the Township Board deferring all or part of the Connection Fee, the owners of the premises shall, within one month after such determination, execute and deliver to the Township as the secured party a recordable security instrument covering the premises, guaranteeing payment of the deferred amounts on or before the death of any of the applicants or, in any event, upon the sale or transfer of the premises. Said security interest shall guarantee payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this Ordinance.

Section 703. User Charge; Debt Service Charge.

(a) **Computation.** Except as otherwise provided in Section 703(h) below, a User Charge and Debt Service Charge shall be charged in advance to each premises within the District connected to the Public Sewer System as follows:

(i) **User Charge:** a rate per month per Unit which includes the Interceptor O,M&R Charge and the Treatment O,M&R Charge, established by resolution of the Township Board from time to time.

(ii) **Debt Service Charge:** a rate per month per Unit established by resolution of the Township Board from time to time.

(iii) The Units upon which the User Charge and Debt Service Charge shall be based shall be the Units assigned to the premises in accordance with Section 702 for purposes of the Connection Fee, and in the event the number of Units assigned to the premises is redetermined in accordance with Section 702(d)(ii) and Section 702(d)(iii), then the User shall be billed or credited, as appropriate, for the User Charge and Debt Service Charge from the accrual date established in accordance with Section 703(d) for the number of Units so redetermined.

(iv) The User Charge and the Debt Service Charge may be set in different amounts for Users of the Clark Lake Sewer System, the Vineyard Lake Sewer System, the Lake Columbia Sewer System, the Southern Regional Interceptor, and the US-127 Extension, based upon each Contract, as the case may be, and the differences in cost attributable to each portion of the Public Sewer System.

(b) **Normal Strength Domestic Sewage.** The User Charges imposed pursuant to this Section are applicable only to Users who discharge Normal Strength Domestic Sewage. A User who discharges toxic pollutants or Sewage into the System that does not qualify as Normal Strength Domestic Sewage shall also pay a User Surcharge determined pursuant to Section 704 below.

(c) **Industrial Users.** As of the date of adoption of this Ordinance, it is determined that no Users of the System are Industrial Users. Before the Township permits any Industrial User to connect to the System in the future, the Township shall take the necessary action, including adoption of necessary ordinances, to comply with federal and state guidelines applicable to the collection and treatment of Industrial Wastes.

(d) **Accrual Date.** User Charges and Debt Service Charges shall begin to accrue with respect to an existing structure as of the date of the connection of the Building Sewer to the Public Sewer System in accordance with Article V, above and with respect to a new structure, upon the date of issuance of an occupancy permit. If appropriate, the billing of said charges for the initial billing period shall be pro rated in arrears.

(e) **Responsibility of User to Pay for Service Connection Power.** In addition to the User Charge, each User shall provide and pay for the electrical power necessary for the operation of their individual Service Connection, which is a Grinder Pump System as such electrical power is independently metered and billed.

(f) **Change in Use.** After connection of a premises to the System, subsequent changes in the character of use or type of occupancy of the premises shall not abate the obligation of the User to pay User Charges and Debt Service Charges for the premises based upon the number of Units originally allocated thereto, unless and until the Township determines that the number of Units allocated to such premises shall be increased or decreased based upon such changes in use or occupancy.

(g) **Unoccupied Premises.** A User Charge shall not be charged to a premises which is not used for a period of twelve (12) consecutive months (which fact shall be established to the reasonable satisfaction of the Township). The sewer service for such premises shall be turned off by the Township and the appropriate Miscellaneous User Fee shall be paid by the User.

(h) **Commercial Users.** The Township, in its sole discretion, may require a Commercial User, or a Commercial User may voluntarily elect, to acquire from the Township and install a Sewage Meter to meter discharges of Sewage to the System so as to permit the Township to determine the number of Units for which the Commercial User shall be billed the User Charge and Debt Service Charge.

(i) The Commercial User shall pay the Sewage Meter Fee for the acquisition of the Sewage Meter and the costs to install the Sewage Meter. Upon installation, the Sewage Meter shall be considered part of the System and shall be tested and maintained by the Township at the Commercial User's expense.

(ii) Determination as to size and type of Sewage Meter shall be made by the Township.

(iii) Sewage Meters shall be set in an accessible location and in a manner approved by the Township and the Township shall have the right to shut off the Public Sewer to any Commercial User where access is not available to the Sewage Meter. Qualified employees of the Township shall at all reasonable hours have the right to enter each Premises where a Sewage Meter is installed, for the purpose of reading, testing, removing or inspecting the Sewage Meter and no Person shall hinder, obstruct, or interfere with any such employee in the discharge of his or her duties.

(iv) Any Sewage Meter installed on the Premises of a Commercial User shall be read on a quarterly or more frequent basis by the Township. The total flow measured by the Sewage Meter shall be divided by the number of days elapsed since the previous meter reading and the result shall again be divided by 210 gallons per day, with the result equaling the number of Units to be billed for the billing period.

(v) The Township may inspect and test any Sewage Meter, including remote read out wiring and equipment, as deemed necessary by the Township to insure accurate readings. The cost of repair or replacement of a Sewage Meter for damage resulting from carelessness or neglect of a Commercial User to properly secure and protect the Sewage Meter from damages caused by blockage, frost, hot

water, steam or other misuse shall be paid for by the Commercial User as a Miscellaneous User Fee.

Section 704. User Surcharge. The User Surcharge payable pursuant to Section 703(b) above, shall be determined from time to time by resolution of the Township Board and shall be sufficient to provide for the proportional distribution of the increased expense of Cost of Operation and Maintenance of the System. Factors such as Sewage strength, volume, discharge flow rate characteristics and the increased expense of the System for the transportation and treatment of non-qualifying Sewage shall be considered and included as a basis for determining the User Surcharge.

Section 705. Miscellaneous User Fee. The Township shall, from time to time, establish by resolution of the Township Board and impose on one or more Users a Miscellaneous User Fee, as necessary, for miscellaneous service, repairs and related administrative costs associated with the System and incurred, without limitation, as a result of the intentional or negligent acts of such User or Users, including for example, excessive inspection services not covered by the Inspection Fee, costs of repairing and/or replacing a damaged Service Connection, costs of abating a nuisance pursuant to Section 1005 hereof, and costs incurred by the Township to shut off and turn on sewer service.

Section 706. Inspection and Administration Fee. The Inspection and Administration Fee shall be determined from time to time by resolution of the Township Board and shall be based upon the actual cost borne by the Township for its Inspectors.

Section 707. Billing of Sewer Rates and Charges. The Township shall bill and collect all Sewer Rates and Charges on a quarterly or monthly basis as determined in the sole discretion of the Township Board.

If billed on a monthly basis, the Township shall mail each User a bill on or before the 1st day of the month. Payment of the monthly bill which is rendered by the Township is due and payable on or before the 15th day of the month.

If billed on a quarterly basis, the Township shall mail each User a bill on or before the 1st day of each quarter. Payment of the quarterly bill which is rendered by the Township is due and payable on or before the 15th day of that month.

The bill shall separately itemize the Sewer Rates and Charges. All Users will receive an annual notification either printed on the bill or enclosed in a separate letter which will show the breakdown of the sewer bill in its components for operation, maintenance and replacement and for debt retirement. Payment of said bill shall be made at a location and in a manner designated by the Township.

Section 708. Unpaid Sewer Rates and Charges; Penalty. If Sewer Rates and Charges are not paid on or before the due date then a penalty in the amount of 10% shall be added to the balance due.

Section 709. Unpaid Sewer Rates and Charges; Remedies. If Sewer Rates and Charges are not paid on or before the due date, the Township, pursuant to Act 178 of the Public Acts of Michigan of 1939, as amended, may

(a) discontinue the services provided by the System by disconnecting the Building Sewer from the Service Connection, and the service so discontinued shall not be reinstated until all sums then due and owing, including time price differential, penalties, interest and all expenses incurred by the Township for shutting off and turning on the service, shall be paid to the Township;

(b) institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or

(c) enforce the lien created in Section 710 below.

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

Under no circumstances shall action taken by the Township to collect unpaid Sewer Rates and Charges and/or penalties and interest, invalidate or waive the lien created by Section 710 below. Before disconnecting service, the Township shall give thirty (30) days written notice to the User at the last known address according to the Township records and the Township Tax Assessment Roll. The notice shall inform the User that the User may request an informal hearing to present reasons why service should not be disconnected.

Section 710. Lien. The Sewer Rates and Charges shall be a lien on the respective premises served by the System. Whenever Sewer Rates and Charges shall be unpaid for six (6) months or more, they shall be considered delinquent. The Township shall certify all Sewer Rates and Charges delinquent as of August 1 and penalties thereon, annually, on or before September 1, of each year, to the tax-assessing officer of the Township, who shall enter the delinquent Sewer Rates and Charges and interest and penalties, together with an additional penalty equal to 15% of the total, upon the next tax roll as a charge against the premises affected and such charge shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such premises.

Section 711. No Free Service. No free service shall be furnished by the System to any Person, public or private, or to any public agency or instrumentality.

Section 712. Rental Properties. A lien shall not attach for Sewer Rates and Charges to a Premises which is subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the Premises or a dwelling unit thereon shall be liable for payment of Sewer Rates and Charges, effective for services which accrue after the date an affidavit is filed by the landlord with the Township. This affidavit shall include the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the Township thirty (30) days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit in the amount equal to the Debt Service Charge and the User Charge for the preceding six (6) monthly billing periods, if billing on a monthly basis, or for the preceding two (2) billing quarters, if billing on a quarterly basis. Upon the failure of the tenant to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including interest and penalties. The tenant shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in Sections 709 and 710 of this

Article shall be applicable with respect to the unpaid Sewer Rates and Charges, including time price differential, interest and penalties. The security deposit shall be held by the Township without interest and shall be returned to the landlord upon proof of termination of the lease.

Section 713. Cancellation of Permits; Disconnection of Service. Applications for connection permits may be canceled and/or sewer service disconnected by the Township for any violation of any part of this Ordinance, including, without limitation, any of the following reasons:

- (a) Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the System.
- (b) Nonpayment of Sewer Rates and Charges.
- (c) Failure to keep Building Sewers and Control Manholes in a suitable state of repair.
- (d) Discharges in violation of this Ordinance.
- (e) Damage to any part of the System.

Section 714. Security Deposit. If the sewer service supplied to a User has been discontinued for nonpayment of Sewer Rates and Charges, service shall not be reestablished until all delinquent Sewer Rates and Charges, interest and penalties, and the turn-on charge has been paid. The Township may, as a condition to reconnecting said service, request that a sum equal to the Debt Service Charge and the User Charge for the preceding six (6) monthly billing periods, if billing on a monthly basis, or for the preceding two (2) billing quarters, if billing on a quarterly basis, be placed on deposit with the Township for the purpose of establishing or maintaining any User's credit. Said deposit shall not be considered in lieu of any future billing for Sewer Rates and Charges. Upon the failure of the User to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including interest and penalties. The User shall immediately make sufficient payment to the Township to reinstate the amount of the security deposit so advanced. Upon the failure of the User to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in Sections 709 and 710 of this Article shall be applicable with respect to any unpaid Sewer Rates and Charges, including interest and penalties. The security deposit shall be held by the Township without interest and shall be returned to the User upon continued timely payments by the User of all Sewer Rates and Charges as and when due, for a minimum of four (4) consecutive quarters.

Section 715. Billing Address. Bills and notices relating to the conduct of the business of the Township will be mailed to the User at the address listed on the permit application filed pursuant to Article V unless a change of address has been filed in writing at the business office of the Township; and the Township shall not otherwise be responsible for delivery of any bill or notice, nor will the User be excused from non-payment of a bill or from any performance required in said notice.

Section 716. Interruption of Service; Claims. The Township shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the System, all Users affected by such interruption will be notified in advance whenever

it is possible to do so. The Township shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

ARTICLE VIII REVENUES

Section 801. Estimated Rates; Sufficiency. The User Charges hereby fixed are established to be sufficient to provide for the Cost of Operation and Maintenance of the System as are necessary to preserve the same in good repair and working order. Such rates shall be fixed and revised by resolution of the Township Board from time to time as may be necessary to produce these amounts and to comply with the Township's obligations pursuant to each Contract. The Township Board shall not take any action that would impair the Township's ability to comply with the aforementioned contracts and obligations. An annual audit shall be prepared. Based on this audit, rates for sewage services shall be reviewed annually and revised as necessary to meet system expenses and to insure that all User Classes pay their proportionate share of the Cost of Operation and Maintenance.

Section 802. Revenues; Depository. The revenues of the System shall be deposited as follows:

(a) Revenues of the System derived from the Vineyard Lake Sewer System shall be deposited to the Common Fund, as defined in and in accordance with the Vineyard Lake Contract.

(b) All other revenues of the System, to the extent the handling of said revenues are not expressly provided for by the terms of subsection (a) above shall be set aside, as collected, and deposited into a separate depository account in a bank duly qualified to do business in Michigan, in an account to be designated Columbia Township Sewer System Receiving Fund (the "Receiving Fund"), and said revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the time herein specified.

(i) **System Operation and Maintenance Fund.** Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a separate account, designed "System Operation and Maintenance Fund," a sum sufficient, to the extent not already provided for, to provide for the payment of the next quarter's current expenses of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order. Moneys deposits in the System Operation and Maintenance Fund shall not be transferred out of this fund.

(ii) **Payment Fund.** There shall next be established and maintained an account, designated "Payment Fund," which shall include separate subaccounts for the Township's contractual payment obligations under each Contract, exclusive of debt service on bonds issued by or on behalf of the Township which are provided for in Section 802(a), above. The Payment Account shall include, without limitation, separate subaccounts to provide for payment of the contractual payments derived

from the proceeds of certain Connection Fees payable to the extent and in the manner provided in the US-127 Extension Contract or any other payback agreement entered into by the Township.

(iii) **System Improvement Fund.** There shall next be established and maintained a separate depository account, designated "System Improvement Fund," which shall be used for the purpose of making improvements in the efficiency of the System through the use of new technology and the replacement or repair of obsolete or inefficient components to prevent overburdening of or failures in the System. There shall be set aside into said fund, after provision has been made for the System Operation and Maintenance Fund, such revenues derived from User Charges as the Township Board shall deem necessary for this purpose. Moneys deposited in this fund shall not be transferred out of this fund.

(iv) **System Extensions Fund.** There shall next be established and maintained a "System Extension Fund" for the purpose of making extensions and enlargements to the System. Where the Township has utilized System revenues for the enlargement or extension of the System to provide service to a new User of the System, the Connection Fee paid by the new User shall be deposited into the Extension Fund and used by the Township to repay the costs for the enlargement or extension of the Public Sewer System to serve that User. To the extent that there are any unused funds derived from Connection Fees remaining in the Extension Fund after the costs for enlargement or expansion of the Public Sewer System have been paid, the unused funds shall be deposited in the System Improvement Fund.

(v) **Surplus Moneys.** Moneys remaining in the System Receiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the Township Board, be transferred to the System Improvement Fund, or used in connection with any other project of the Township reasonably related to purposes of the System.

(vi) **Bank Accounts.** All moneys belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the Township within this single bank account, in the manner above set forth.

Section 803. Transfer of Funds. In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any moneys and/or securities in other funds of the System, except sums derived from special assessment collections or tax levies, shall be transferred to the Operation and Maintenance Fund, to the extent of any deficit therein and these moneys shall be replaced in the next operating year. User charges shall then be adjusted to the extent that such transfers are not required.

Section 804. Investment of Funds. Moneys in any fund or account established by the provisions of this Ordinance may be invested in the manner and subject to the limitations provided in the Township Investment Policy, subject to the limitations set forth in Act 94 of the Public Acts of Michigan of 1933, as amended. Income received from such investments shall be credited to the fund from which said investments were made.

ARTICLE IX
ADMINISTRATIVE APPEALS; BOARD OF APPEALS

Section 901. Informal Hearing. In order that the provisions of this Ordinance may be reasonably applied and substantial justice done in instances where this Ordinance is misapplied or unnecessary financial hardship would result from carrying out the strict letter of this Ordinance, an informal hearing before the Supervisor may be requested in writing by any Person deeming itself aggrieved by a citation, order, charge, fee, surcharge, penalty or action within thirty (30) days after the date thereof, stating the reasons therefore with supporting documents and data. The informal hearing shall be scheduled at the earliest practicable date, but not later than fifteen (15) days after receipt of the request, unless extended by mutual written agreement. The hearing shall be conducted on an informal basis at the Township Hall or at such place as designated by the Supervisor. The Supervisor shall issue a written statement of his decision within fifteen (15) business days after the informal hearing.

Section 902. Board of Appeals. In order that the provisions of this Ordinance may be reasonably applied and substantial justice done in instances where this Ordinance is misapplied or unnecessary hardship would result from carrying out the strict letter of this Ordinance, the Township Board shall serve as a Wastewater Board of Appeals. The duty of such Board shall be to consider appeals from the decision of the Supervisor and to determine, in particular cases, whether this Ordinance has been misapplied or any deviation from strict enforcement will violate the intent of the Ordinance or jeopardize the public health or safety. In all appeals, the appellant shall have the burden of proof.

Section 903. Appeals from Informal Hearing. Appeals from the written decisions of the Supervisor may be made to the Township Board, acting as a Board of Appeals, within thirty (30) days from the date of written decision of the Supervisor. Such appeal may be taken by any Person aggrieved. The appellant shall file a Notice of Appeal with the Supervisor and with the Board, specifying the ground therefor. Prior to a hearing, the Supervisor shall transmit to the Board a summary report of all previous action taken. The Board may, at its discretion, call upon the Supervisor to explain the action. The final disposition of the appeal shall be in the form of a resolution, either reserving, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the Board must concur. The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the same Board of Appeals may reserve or affirm, in whole or in part, or may make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end have all the powers of the official from whom said appeal is taken. The decision of said Board shall be final.

The Board of Appeals shall meet at such times as the Board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public in accordance with applicable laws. The Board shall adopt its own rules or procedure and keep a record of its proceedings, showing findings of fact, the action of the Board, and the vote of each member upon each question considered. The presence of four (4) members shall be necessary to constitute a quorum.

Section 904. Payment of Amounts Outstanding. All Sewer Rates and Charges outstanding during any appeal process shall be due and payable to the Township. Upon resolution of

any appeal, the Township shall adjust such amounts accordingly; however, such adjustments shall be limited to the previous one year's billing unless otherwise directed by court order.

Section 905. Effect of Administrative Action. If any informal or formal hearing is not demanded within the periods specified herein, such administrative action shall be deemed final. In the event either or both such hearings are demanded, the action shall be suspended until a final determination has been made, except for immediate cease and desist order issued pursuant to this Ordinance.

Section 906. Appeal from Board of Appeals. Appeals from the determinations of the Board of Appeals may be made to the Circuit Court for the County of Jackson within twenty (20) days as provided by law. Such appeals shall be governed procedurally by the Administrative Procedures Act of the State of Michigan, Act 306 of the Public Acts of Michigan of 1969. All findings of fact, if supported by the evidence, made by the Board shall be conclusive upon the Court.

ARTICLE X NOTICE AND CLAIM PROCEDURES FOR SEWER OVERFLOW OR BACKUP

Section 1001. Notice and Claim Procedures Applicable to Overflow or Backup of the Public Sewer System. This Section has been adopted in accordance with Act 222 of the Public Acts of Michigan of 2001 ("Act 222") to set forth the notice and claim procedures applicable to an overflow or backup of the Public Sewer System, which, as defined in Act 222, shall be referred to for purposes of this Article as a "Sewage Disposal System Event." To afford property owners, individuals and the Township greater efficiency, certainty and consistency in the provision of relief for damages or physical injuries caused by a Sewage Disposal System Event, the Township and any Person making a claim for economic damages, which, as defined in Act 222, shall be referred to for purposes of this Section as a "Claimant," shall follow the following procedures:

(a) A Claimant is not entitled to compensation unless the Claimant notifies the Township of a claim of damage or physical injury, in writing, within 45 days after the date the damage or physical injury was discovered by the Claimant, or in the exercise of reasonable diligence should have been discovered by the Claimant.

(b) The written notice under subsection (a) shall contain the Claimant's name, address, and telephone number, the address of the affected property, the date of discovery of any property damages or physical injuries, and a brief description of the claim. As part of the description of the claim, the Claimant shall submit an explanation of the Sewage Disposal System Event and reasonable proof of ownership and the value of any damaged personal property. Reasonable proof of ownership and the purchase price or value of the property may include testimony or records. Reasonable proof of the value of the property may also include photographic or similar evidence.

(c) The written notice under subsection (a) shall be sent to the Township Supervisor, who is hereby designated as the individual at the Township to receive such notices pursuant to Section 19 of Act 222.

(d) If a Claimant who owns or occupies affected property notifies the Township orally or in writing of a Sewage Disposal System Event before providing a notice of a claim

that complies with subsections (a), (b) and (c), the Township Supervisor shall provide the Claimant with a written explanation of the notice requirements of subsections (a), (b) and (c) sufficiently detailed to allow the Claimant to comply with said requirements.

(e) If the Township is notified of a claim under subsection (a) and the Township believes that a different or additional governmental agency may be responsible for the claimed property damages or physical injuries, the Township shall notify the contacting agency of each additional or different governmental agency of that fact, in writing, within 15 business days after the date the Township receives the Claimant's notice under subsection (a). The Township shall give notice of a claim to the County and Leoni.

(f) If the Township receives a notice from a Claimant or a different or additional governmental agency that complies with this Section, the Township may inspect the damaged property or investigate the physical injury. A Claimant or the owner or occupant of affected property shall not unreasonably refuse to allow the Township or its duly authorized representatives to inspect damaged property or investigate a physical injury.

(g) Prior to a determination of payment of compensation by the Township, the Claimant shall provide to the Township additional documentation and proof that:

(i) At the time of the Sewage Disposal System Event, the Township owned or operated, or directly or indirectly discharged into, that portion of the Public Sewer System that allegedly caused damage or physical injury;

(ii) The Public Sewer System had a defect;

(iii) The Township knew, or in the exercise of reasonable diligence, should have known, about the defect in the Public Sewer System;

(iv) The Township, having the legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect in the Public Sewer System; and

(v) The defect in the Public Sewer System was a proximate cause that was 50% or more of the cause of the Sewage Disposal System Event and the property damage or physical injury.

(h) Prior to a determination of payment of compensation by the Township, the Claimant shall also provide to the Township additional documentation and proof that neither of the following were a proximate cause that was 50% or more of the cause of the Sewage Disposal System Event:

(i) An obstruction in a Service Connection or a Building Sewer that was not caused by the Township; or,

(ii) A connection on the affected premises, including, but not limited to, a footing drain, sump system, surface drain, gutter, down spout or connection of any other sort that discharged any storm water, surface water, ground water, roof runoff,

sub surface drainage, cooling water, unpolluted air conditioning water or unpolluted industrial process waters to the Public Sewer System.

(i) If the Township and a Claimant do not reach an agreement on the amount of compensation for the property damages or physical injury within 45 days after the receipt of notice under subsection (a), the Claimant may institute a civil action in accordance with Act 222.

(j) To facilitate compliance with this Section, the Township shall make available to the public information about the notice and claim procedures under this Section.

(k) The notice and claim procedures set forth in this Section shall be applicable to a Sewage Disposal System Event involving the Public Sewer System.

(l) The Township does not own or operate any Storm Sewer, Storm Drain or combined sewer and, accordingly, the notice and claim procedures set forth in this Section, with the exception of subsection (e), do not apply to a Sewage Disposal System Event involving a Storm Sewer, Storm Drain or a combined sewer.

(m) In the event of a conflict between the notice and claim procedures set forth in this Section and the specific requirements of Act 222, the specific requirements of Act 222 shall control.

(n) As provided in Section 19(7) of Act 222, the notice and claim procedures of this Section do not apply to claims for non-economic damages (as defined in Act 222) arising out of a Sewage Disposal System Event.

Any word, term or phrase used in this Section, if defined in Act 222, shall have the same meaning provided under Act 222.

ARTICLE XI ENFORCEMENT

Section 1101. Inspection by Township. The duly authorized representatives, employees or agents of the Township and the County, including, but not limited to, the Inspector, the Township Supervisor, the Township's engineer, the County Drain Commissioner, the Health Department and representatives of MDEQ bearing proper identification shall be permitted to enter at any time during reasonable or usual business hours in and upon all properties in the Service District for the purposes of inspection, observation, measurement, sampling, testing and emergency repairs in accordance with the provisions of this Ordinance. Any Person who applies for and receives sewer services from the Township or owns real property in the Service District shall be deemed to have given consent for all such activities including entrance upon that Person's property.

Section 1102. Damage to System. No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the Public Sewer System.

Section 1103. Notice to Cease and Desist. Except for violations of Section 1102 hereof, any Person found to be violating any provision of this Ordinance shall be served by the Township

with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 1104. Civil Infraction. Any violation of Section 1102, or any violation beyond the time limit provided for in Section 1103, shall be a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this Section, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense. Any person violating any of the provisions of this Ordinance shall, in addition, become liable for any expense, including reasonable attorney fees, loss, or damage occasioned by reason of such violation. The Supervisor is hereby authorized to issue, in the manner provided by law, citations for municipal civil infractions for violations of this Ordinance.

Section 1105. Nuisance; Abatement. Any Nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The Township in the furtherance of the public health may enforce the requirements of this Ordinance by injunction or other remedy and is hereby empowered to make all necessary repairs or take other corrective action necessitated by such nuisance or violation. The Person who violated the Ordinance or permitted such nuisance or violation to occur shall be responsible to the Township for the costs and expenses, including reasonable attorney fees, incurred by the Township in making such repairs or taking such action as a Miscellaneous User Fee.

Section 1106. Liability for Expenses. Any Person violating any of the provisions of this Ordinance shall become liable to the Township and their authorized representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the Township by reason of such violation.

Section 1107. Remedies Are Cumulative. The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive with any other remedies available to the Township.

ARTICLE XII MISCELLANEOUS

Section 1201. Repeal of Conflicts. All ordinances or parts of ordinances in conflict herewith and relating to the Public Sewer System, including without limitation, Township Ordinance No. 32, adopted by the Township Board on August 29, 1994, Township Ordinance No. 38, adopted by the Township Board on September 9, 1995, Township Ordinance No. 48, adopted by the Township Board on August 17, 1998, and Township Ordinance No. 49, adopted by the Township Board on February 21, 2000, are hereby repealed.

Section 1202. Severability. The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 1203. State and Federal Law Requirements. If any provision of applicable state or federal law imposes greater restrictions than are set forth in this Ordinance then the provisions of such state or federal law shall control.

Section 1204. Article and Section Headings. The Article and Section headings used in this Ordinance are for convenience of reference only and shall not be taken into account in construing the meaning of any portion of this Ordinance.

**ARTICLE XIII
PUBLICATION AND EFFECTIVE DATE**

Section 1301. Publication. A true copy or a summary of this Ordinance shall be published in *The Brooklyn Exponent* within thirty (30) days after the adoption of the Ordinance by the Township.

Section 1302. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its publication as provided by law.

**ARTICLE XIV
AMENDMENT**

Section 1401. Reservation of Right to Amend. Subject to the provisions of each Contract, the Township specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease, or otherwise modify any of the fees, charges or rates herein provided.

Passed and adopted by the Township Board of the Township of Columbia, County of Jackson, Michigan on October 18, 2004, and approved by me on _____, 2004.

Daniel Burich, Supervisor
Township of Columbia

Attest:

Barbara Hulburt, Clerk
Township of Columbia

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Columbia, County of Jackson, State of Michigan, at a regular meeting held on October 18, 2004, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

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

Barbara Hulburt, Township Clerk

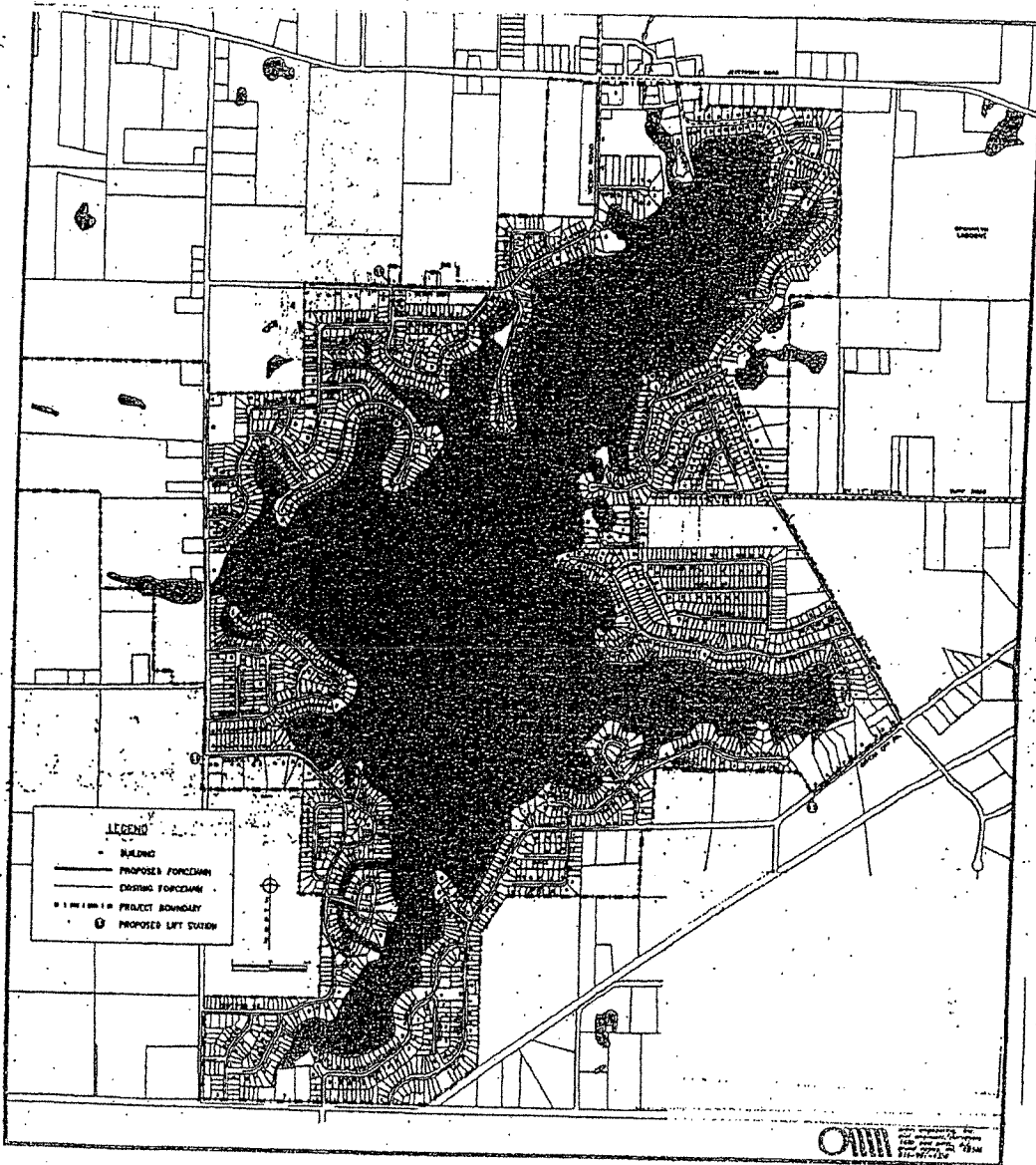
CERTIFICATE OF PUBLICATION

I, the undersigned, Township Clerk of the Township of Columbia, County of Jackson, Michigan, hereby certify pursuant to MCL 41.184 that the Sewer Connection, Use and Rate Ordinance (Township Ordinance No. 55) or a summary thereof was published in *The Brooklyn Exponent* on October 26, 2004.

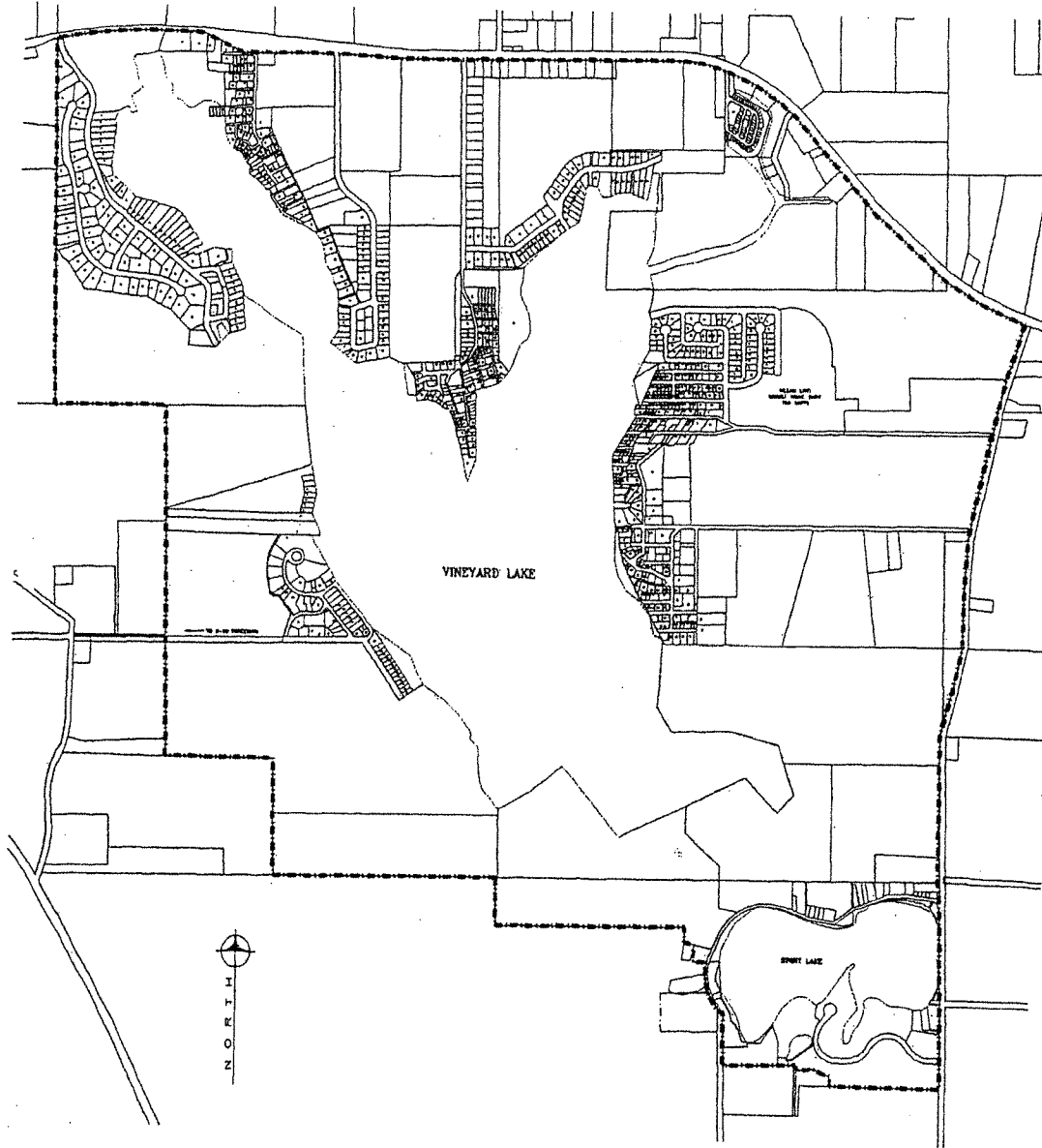
Dated: _____, 2004


Barbara Hulburt, Township Clerk

COLUMBIA TOWNSHIP
JACKSON COUNTY, MICHIGAN
SANITARY SEWER IMPROVEMENTS
LAKE COLUMBIA COLLECTION SYSTEM



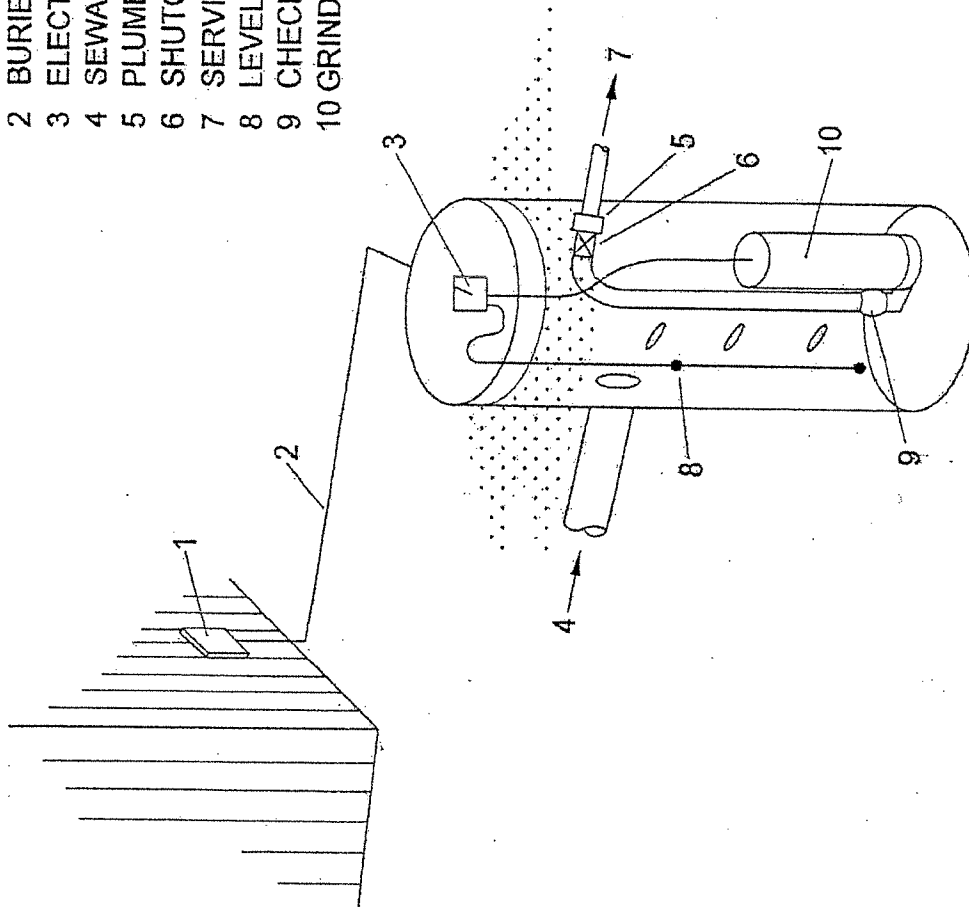
COLUMBIA AND NORVELL TOWNSHIPS
JACKSON COUNTY, MICHIGAN
SANITARY SEWER SERVICE AREA
VINEYARD LAKE



 OMM ENGINEERING, INC.
1500 ENGINEERS/ARCHITECTS
1680 9011 ROAD, S.W.
GRAND RAPIDS, MI 49506
616-957-4350

APPENDIX II
 DIAGRAM OF TYPICAL GRINDER PUMP SYSTEM

- 1 CONTROL PANEL
- 2 BURIED ELECTRICAL CABLE
- 3 ELECTRICAL JUNCTION BOX
- 4 SEWAGE FLOW FROM HOME
- 5 PLUMBING DISCONNECT
- 6 SHUTOFF VALVE
- 7 SERVICE LINE TO MAIN
- 8 LEVEL SENSORRS
- 9 CHECK VALVE
- 10 GRINDER PUMP



TYPICAL GRINDER PUMP PRESSURE SEWER SCHEMATIC

APPENDIX III
TABLE OF UNIT FACTORS

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PAGE 81

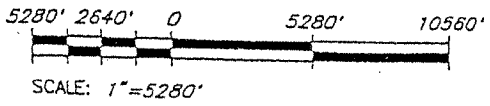
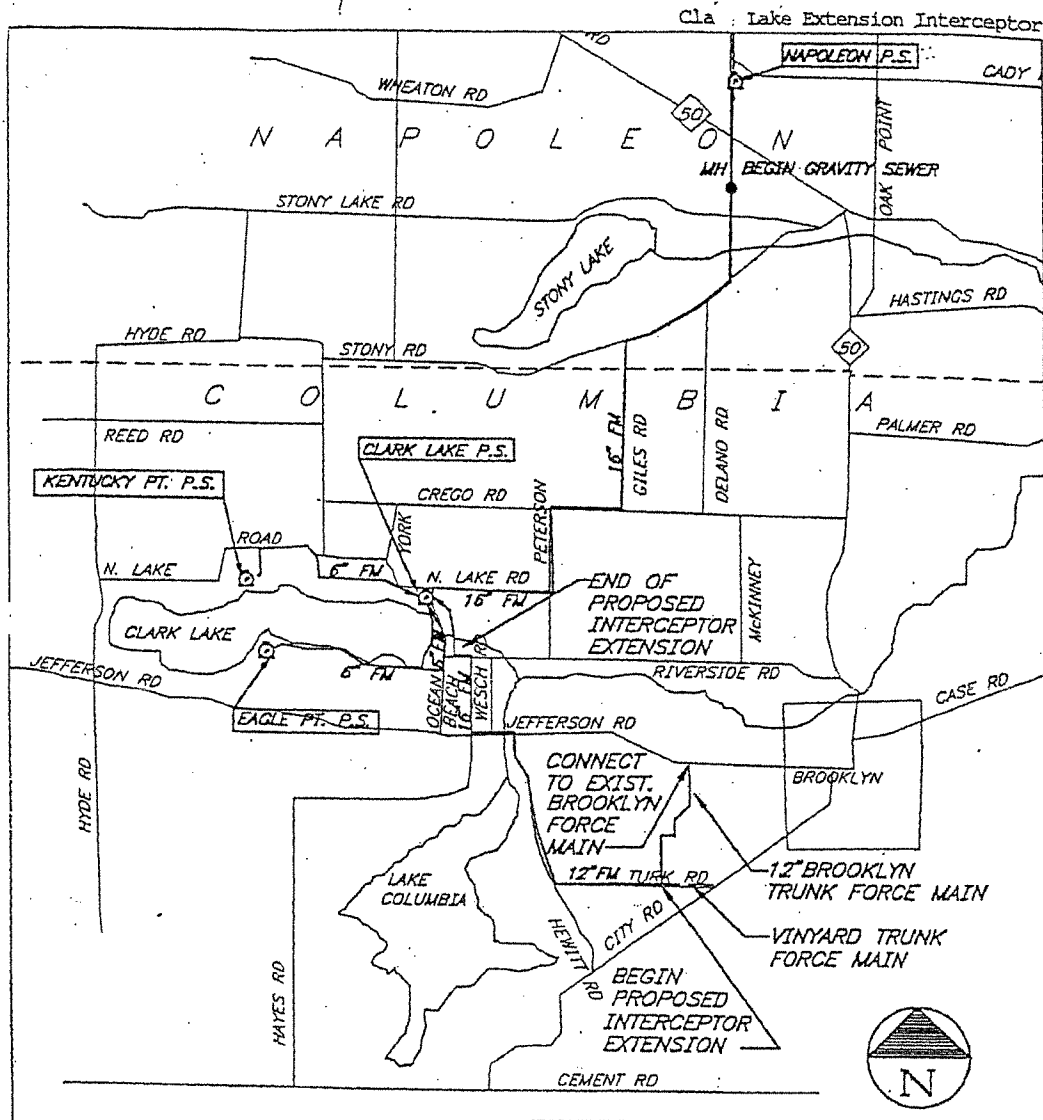
SCHEDULE "A" REVISED
Effective February 21, 2003

	<u>REU'S</u>
Residence	1.00
Duplex Housing Unit	1.00 per unit
Apartment or Condo	1.00 per apartment or condo
Adult Foster Care Home (residential)	1.50 plus .50 per bed
Arena	2.00 minimum (To be determined by water meter, then adjusted after two years)
Auto Body Shop	1.00 per each 7 employees
Auto Detail Shop	1.00 per each 7 employees
Auto Dealership (w/o car wash)	1.00 per each 7 employees
Bakery (w/o seating)	1.00 per each 7 employees
(with seating)	1.00 plus .07 per seat
Bank	1.00 per each 7 employees
Beauty Shop	1.00 plus .25 per chair
Barber Shop	1.00
Boat & Marine Supply	1.00
Boarding Kennels	1.00 plus .10 per kennel
Bowling Alley	.25 per lane
(With bar and/or restaurant)	2.00 plus .07 per seat
Car Wash Production (with recycling)	5.00
(w/o recycling)	10.00
Car Wash Self Serve	1.00 per stall
Campgrounds (one owner)	1.00 plus .50 per camp site
Campground (individually owned lots)	1.00
Church (w/o kitchen)	1.00
(with kitchen)	1.50
Convalescent Home or Hospital	1.50 plus .50 per bed
Country Club	2.00 minimum (To be determined by water meter, then adjusted after two years)
Doctor and Dentist Offices	1.50 per Doctor
Drive In Theater	2.00 minimum (To be determined by water meter, then adjusted after two years)
Driving Range	1.00
Drug Store	1.00 per 7 employees
Dry Cleaners	1.00
(Pressing & cleaning on premises)	2.00
Factory (w/o industrial waste)	1.00 per 7 employees
(with industrial waste)	To be determined
Feed Store	1.00
Fire Station	2.00
Fraternal Organization	See Restaurant
Funeral Home	2.00
(with residence)	1.00 per residence
Furniture Repair	1.00 per each 7 employees

APPENDIX IV
 MAP OF CLARK LAKE INTERCEPTOR



APPENDIX V MAP OF BROOKLYN INTERCEPTOR



Ann Arbor, Michigan Detroit, Michigan Escanaba, Michigan Grand Rapids, Michigan Lansing, Michigan		 McNAMEE ENGINEERING EXCELLENCE SINCE 1914
McNAMEE, PORTER & SEELEY, INC.		
DESIGNED <i>J. YOUNG</i>	CHECKED <i>R. HINSON</i>	
SCALE 1" = 5280'	CADD DATE 10-01-98	
DRAWN: M/PS/07/17/0000/8/COLUMB/PS 2 OF 2 JGH 5		

APPENDIX VI
MAP OF VINEYARD LAKE INTERCEPTOR

