

**CHARTER TOWNSHIP OF KINROSS
COUNTY OF CHIPPEWA, MICHIGAN**

At a regular meeting of the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan, held at the Kinross Township Hall located at 4884 W. Curtis Street, in the Township, on the 7th day of December, 2009, at 7:00 p.m. Local Time.

PRESENT: Members: Lawrence Palma, Marvin Besteman, Ed DeWitt, Julie Munro, Brenda Case and Harvey O'Brien

ABSENT: Members: David Kauer

Supervisor Palma introduced Ordinance No. 1.131 entitled:

AN ORDINANCE TO ADMINISTER, REGULATE AND PROVIDE FOR THE CONNECTION TO AND USE OF THE PUBLIC WATER AND SEWER SYSTEMS; TO REGULATE PRIVATE SEWAGE DISPOSAL; TO PROHIBIT CROSS CONNECTIONS TO THE WATER SYSTEM; TO PROVIDE FOR THE SETTING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE WATER AND SEWER SYSTEMS; AND TO PROVIDE PENALTIES FOR ORDINANCE VIOLATIONS.

The Ordinance was then discussed.

It was moved by Member Brenda Case and seconded by Member Ed DeWitt that Ordinance No. 1.131 be adopted under the authority of the Revenue Bond Act of 1933, being Act 94 of the Public Acts of Michigan of 1933, as amended.

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

YEAS: Members: O'Brien, DeWitt, Besteman, Palma and Case

NAYS: Members: Munro

The Township Clerk declared the Ordinance adopted.

The following is Ordinance No. 1.131 as adopted:

TABLE OF CONTENTS

	Page
ARTICLE I TITLE, OBJECTIVES AND FINDINGS	1
Section 101. Short Title	1
Section 102. Objectives Re: Water System	1
Section 103. Objectives Re: Sewer System	1
Section 104. Findings Re: Public Health, Safety and Welfare	2
Section 105. Findings Re: Useful Life of Sewer System and Water System	2
Section 106. Finding Re: Measure of Sewer and Water Use by Metering	2
ARTICLE II DEFINITIONS	2
ARTICLE III PUBLIC SEWER SYSTEM; PRIVATE SEWAGE DISPOSAL	12
Section 301. Unlawful Discharge	12
Section 302. Sewage Disposal Facilities Regulated	12
Section 303. Required Connection	12
Section 304. Time for Connection; Civil Penalty	12
Section 305. Enforcement in the Event of a Failure to Connect	13
Section 306. Incidentally Available Sewer	13
Section 307. Private Sewage Disposal	13
Section 308. Abandonment	13
Section 309. Maintenance	13
Section 310. Additional Standards	13
Section 311. Permit Application	14
Section 312. Approval of Permit	14
Section 313. Contractor Requirements	14
Section 314. Installation of Sewer Lateral	14
Section 315. Sewer Laterals	15
Section 316. Connections	16
Section 317. Excavations	16
Section 318. Maintenance of Building Drain and Sewer Lateral	16
Section 319. Township Control	17
Section 320. Abatement of Nuisance	17
Section 321. No Connection of Drains	17
Section 322. Stormwater	17
Section 323. Prohibited Discharge	17
Section 324. Additional Prohibited Discharge	18
Section 325. Grease, Oil and Sand Interceptors	20
Section 326. Metering	20
Section 327. Unusual Strength Sewage	20
Section 328. Industrial Customers; Filings	21
Section 329. Maintenance of Pretreatment Works	21
Section 330. Control Manhole	21
Section 331. Measurements; Standards	22
Section 332. No Agreement Implied	22
Section 333. Industrial Cooling Waters Prohibited	22
Section 334. Entry by Agents	22

Section 335.	Limitation of Liability.....	22
Section 336.	Responsibility.	23
Section 337.	Plans.....	23
Section 338.	Concentrates.....	23
Section 339.	Secondary Containment.....	23
Section 340.	Costs.....	23
Section 341.	Notice and Claim Procedures Applicable to Overflow or Backup of the Sewer System. 23	
ARTICLE IV PUBLIC WATER SYSTEM.....		26
Section 401.	Mandatory Connection to Water System.....	26
Section 402.	Connection of New Construction to Water System.....	26
Section 403.	Connection of Existing Improved Properties to Water System.....	26
Section 404.	Water System Connection Deadline; Civil Penalty.....	27
Section 405.	Enforcement in the Event of a Failure to Connect to Water System.....	27
Section 406.	Permit.....	27
Section 407.	Installation of Service Connection.....	27
Section 408.	Individual Service Connection/Shutoff Required.....	28
Section 409.	Service Lines.....	28
Section 410.	Service Line; Specifications.....	28
Section 411.	Installation.....	28
Section 412.	Location.....	28
Section 413.	Non-Obstruction.....	28
Section 414.	Protecting Service Lines or Service Connections.....	29
Section 415.	Discontinuance of Service.....	29
Section 416.	Excavations.....	29
Section 417.	Pre-existing Service Connections and Service Lines.....	29
Section 418.	Meters/Installation.....	29
Section 419.	Size.....	29
Section 420.	Location.....	29
Section 421.	Access.....	29
Section 422.	Damage.....	30
Section 423.	Meter Bypass.....	30
Section 424.	Existing Meter.....	30
Section 425.	Accuracy.....	30
Section 426.	Irrigation and Other Meters.....	30
Section 427.	Turn Off/On.....	30
Section 428.	Unlawful Actions.....	31
Section 429.	Interruption of Service.....	31
Section 430.	Tampering Prohibited.....	31
Section 431.	State Rules.....	31
Section 432.	Control Program.....	31
Section 433.	Cross-Connection Prohibited.....	32
Section 434.	Approved Devices.....	32
Section 435.	Corrective Action.....	32
Section 436.	Identification of Secondary Water Source.....	32
Section 437.	Private Water Storage Tank.....	32
Section 438.	Maintenance of Devices.....	32

Section 439.	Testing.....	32
Section 440.	Discontinuance of Service.....	33
Section 441.	Imminent Health Hazard.....	33
Section 442.	Operation/Maintenance.....	33
Section 443.	Maintenance of Plumbing System, Service Line and Service Connection...	33
Section 444.	Other Water Sources Prohibited.....	33
Section 445.	Right to Limit Use.....	33
Section 446.	Limitation of Liability.....	34
Section 447.	No Limitation on Powers.....	34
Section 448.	Tampering; Permit to Use.....	34
Section 449.	Private Hydrants.....	34
Section 450.	Obstruction Prohibited.....	34
ARTICLE V SYSTEM EXTENSIONS		34
Section 501.	By Township.....	34
Section 502.	Voluntary Extension.....	35
Section 503.	Required Extensions of System to Service New Development.....	35
ARTICLE VI SYSTEM RATES AND CHARGES.....		35
Section 601.	Public Utility.....	35
Section 602.	No Free Service.....	36
Section 603.	Rates Established by Resolution.....	36
Section 604.	Inspection Fee.....	36
Section 605.	Fees for Connection to the Sewer System.....	36
a.	Sewer Availability Fee.....	36
b.	Sewer Trunkage Fee.....	37
c.	Sewer Availability Fee and Sewer Trunkage Fee.....	37
d.	Sewer Lateral Fee.....	37
Section 606.	Sewer Readiness to Serve Charge.....	37
Section 607.	Sewer Commodity Charge.....	37
Section 608.	Customer Surcharge Fee.....	38
Section 609.	Miscellaneous Customer Fees.....	38
Section 610.	Inspection Fee.....	39
Section 611.	Fees for Connection to the Water System.....	39
a.	Water Availability Fee.....	39
b.	Water Trunkage Fee.....	39
c.	Water Availability Fee and Water Trunkage Fee.....	39
d.	Service Connection Fee.....	40
e.	Meter Fee.....	40
Section 612.	Water Readiness to Serve Charge.....	40
Section 613.	Water Commodity Charge.....	40
Section 614.	Unmetered Fire Protection Fee.....	41
Section 615.	Miscellaneous Customer Fees.....	41
Section 616.	Collection of Rates and Charges.....	41
Section 617.	Accrual Date.....	41
Section 618.	Billing.....	41
Section 619.	Payment of Connection Fees.....	42
Section 620.	Special Assessment District (SAD).....	42
Section 621.	Person Responsible.....	42

Section 622.	Unpaid Rates and Charges.....	43
Section 623.	Lien.....	43
Section 624.	Rental Properties.....	44
Section 625.	Cancellation of Permits; Disconnection of Service.....	45
Section 626.	Security Deposit.....	45
Section 627.	Revenues, Depository.....	45
a.	Public Works Enterprise Fund.....	46
(1)	Operation and Maintenance Account.....	46
(2)	Debt Service Account.....	46
(3)	Payment Account.....	46
(4)	Improvement Account.....	46
(5)	System Extension Account.....	46
(6)	Surplus Account.....	46
b.	Bank Accounts.....	47
Section 628.	Transfer of Funds.....	47
Section 629.	Investment of Funds.....	47
ARTICLE VII APPEALS; VARIANCES.....		47
Section 701.	Appeals; Variances.....	47
Section 702.	Informal Hearing Committee.....	47
Section 703.	Appeals from Informal Hearing Committee to Board of Appeals.....	48
Section 704.	Effect of Administrative Action; Payment of Amounts Outstanding During Appeal Process.....	48
Section 705.	Refunds; Variances.....	48
Section 706.	Appeal from Board of Appeals.....	49
ARTICLE VIII POWER AND AUTHORITY OF TOWNSHIP EMPLOYEES OR REPRESENTATIVES.....		49
Section 801.	Entry on Premises and Inspection by Township.....	49
Section 802.	Compliance with Safety Rules.....	49
ARTICLE IX ENFORCEMENT.....		49
Section 901.	Damage to System.....	49
Section 902.	Notice to Cease and Desist.....	49
Section 903.	Civil Infraction.....	49
Section 904.	Nuisance; Abatement.....	50
Section 905.	Liability for Expenses.....	50
Section 906.	Remedies.....	50
ARTICLE X VALIDITY.....		50
Section 1001.	Conflicting Ordinances/Repeal.....	50
Section 1002.	Severability.....	50
Section 1003.	Higher Standards.....	50
ARTICLE XI PUBLICATION AND EFFECTIVE DATE.....		51
Section 1101.	Publication.....	51
Section 1102.	Effective Date.....	51
ARTICLE XII AMENDMENT.....		51
Section 1201.	Right to Amend.....	51

ORDINANCE NO. 1.131

AN ORDINANCE TO ADMINISTER, REGULATE AND PROVIDE FOR THE CONNECTION TO AND USE OF THE PUBLIC WATER AND SEWER SYSTEMS; TO REGULATE PRIVATE SEWAGE DISPOSAL; TO PROHIBIT CROSS CONNECTIONS TO THE WATER SYSTEM; TO PROVIDE FOR THE SETTING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE WATER AND SEWER SYSTEMS; AND TO PROVIDE PENALTIES FOR ORDINANCE VIOLATIONS.

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

ARTICLE I TITLE, OBJECTIVES AND FINDINGS

Section 101. **Short Title.** This Ordinance shall be known as the “Water and Sewer Ordinance” and may be cited as such.

Section 102. **Objectives Re: Water System.** The Water System is maintained by the Township to protect and promote the health, safety and welfare of the Township by assuring to residents and property owners in the Service Area an adequate and reliable supply of Potable Water on a continuous basis for household and drinking purposes, including protection of the Water System against contamination and, in general, maintaining a high quality of water for distribution to Customers. The Township is adopting this Ordinance to provide for appropriate means of administering, managing and regulating the connection to, use of and payment of fair and equitable rates for use of the Water System and to provide in general for compliance with the state and federal safe drinking water acts and other applicable laws and regulations.

Section 103. **Objectives Re: Sewer System.**

a. The Sewer System is maintained by the Township to promote the health, safety and welfare of the residents of the Township. The Township is adopting this Ordinance to provide for appropriate means of administering, managing and regulating the connection to, use of and payment of fair and equitable rates for use of the Sewer System.

b. This Ordinance sets forth uniform requirements for Customers of the 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.), including the following:

(1) To prevent the introduction of pollutants into the Sewer System which will interfere with the operation of the Sewer System or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the Sewer System which will pass through the Sewer System, inadequately treated, into the receiving stream or the atmosphere or otherwise be incompatible with the Sewer System;

(3) To improve the opportunity to recycle and reclaim wastewaters and sludge’s from the Sewer System;

and (4) To provide for equitable distribution of the cost of the Sewer System;

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

Section 104. **Findings Re: Public Health, Safety and Welfare.** The Township hereby determines that the Water System and the Sewer System are immediately necessary to protect and preserve the public health, safety and welfare of the Township. This determination is based upon:

a. 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.”

b. The ground water in that portion of the Service Area located within the former Kincheloe Air Force Base is contaminated by trichloroethylene.

Section 105. **Findings Re: Useful Life of Sewer System and Water System.** The Township Engineer has advised the Township and the Township so finds that the useful life of System components comprised of public watermain, valves and fittings, storage facilities and water booster and meter stations, exclusive of mechanical and electrical components and Public Sewer, manholes and pumping stations, exclusive of mechanical and electrical components, is 50 years and upwards and that the useful life of other System components is 15 years and upwards for mechanical and electrical components and 10 years and upwards for paint systems such as elevated storage tanks.

Section 106. **Finding Re: Measure of Sewer and Water Use by Metering.** The Township hereby finds that the metering of domestic water supply is the best available technology for measuring with relative precision the use of the Water System and the discharge to and the use of the Sewer System.

ARTICLE II DEFINITIONS

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

“**Act 451**” is the Natural Resources and Environmental Protection Act, which is Act 451 of the Public Acts of Michigan of 1994, as amended.

“**Approved**” means approved by the Township and in the case of Article IV, Part E, by the Michigan Department of Environmental Quality as well.

“**Available Public Sewer**” means a Public Sewer to which connection can be made located in a right-of-way, easement, highway, street or public way which crosses, adjoins, or abuts upon the Premises in question and passes not more than two hundred (200) feet at the nearest point from a Structure in which Sanitary Sewage Originates and located on the Premises in question. Provided, however, the Public Sewer shall also be considered to be available to Commercial and Industrial Customers located on individual Premises or condominium units divided or created from what was formerly an undivided Premises, if the Public Sewer would have been available to a building on the undivided Premises pursuant to the preceding sentence, notwithstanding the 200-foot requirement, at the time of such division.

“**Available Water System**” means a public water system to which connection can be made located in a right-of-way, easement, highway, street or public way which crosses, adjoins, or abuts upon the Premises in question and passes not more than two hundred (200) feet at the nearest point from a structure in which Potable Water is used and located on the Premises in question. Provided, however, the public water system shall also be considered to be available to Commercial and Industrial Customers located on individual Premises or condominium units divided or created from what was formerly an undivided Premises, if the public water system would have been available to a building on the undivided Premises pursuant to the preceding sentence, notwithstanding the 200-foot requirement, at the time of such division.

“**Backflow**” is the flow of water or other liquids, mixtures or substances into the Water System from any source other than its intended source, due to a reversal of flow.

“**Backflow Preventer**” is a device to prevent Backflow.

“**Board of Appeals**” means the Township Board acting in the capacity as the Wastewater Board of Appeals pursuant to Article VII of this Ordinance.

“**BOD**” (denoting Biochemical Oxygen Demand) means the quantity of oxygen required to biochemically decompose organic matter under standard laboratory procedure in 5 days at 20 degrees C., expressed in milligrams per liter.

“**Building Drain**” means that part of the lowest horizontal piping of a drainage system which receives the Sewage discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the Sewer Lateral, beginning five (5) feet outside the inner face of the building wall.

“**Cesspool**” is an underground pit into which raw Domestic Sewage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.

“Combined Sewer” means a Sewer receiving both storm waters, surface runoff, street wash water and drainage and Sewage.

“Compatible Pollutant” means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the NPDES permit if the Sewer System was designed to treat such pollutants and can, in fact, remove such pollutants to a substantial degree. The term substantial degree generally means removal within NPDES Permit requirements.

“Contamination” means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to pollute or degrade the quality of the water so as to constitute a Health Hazard or to render the water Nonpotable.

“County” means Chippewa County.

“Cross Connection” is any physical connection between the Water System and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system, any Potable water supply outlet which is submerged or can be submerged in Sewage and/or any other source of Contamination. See “Backflow.”

“Customer” means the Person who owns or, subject to the limitations of Section 624, below, leases any Premises which are connected to or served by either of the Systems. “Customers” are divided further into the following classes:

“Residential Customer” - the owner of an individual home or dwelling unit, including manufactured housing units, apartments, condominiums or multi-family dwelling units that are served by individual Sewer Laterals or Service Connections, which discharges only Domestic Sewage which is Normal Strength Sewage.

“Commercial Customer” - any retail or wholesale business engaged in selling merchandise or a service, or multi-family dwelling units served by a single Sewer Lateral or Service Connection, which discharges only Sewage which is Normal Strength Sewage.

“Institutional Customer” - shall mean any educational, religious or social organization such as a school, church, nursing home, hospital, correctional facility or other institutional Customer.

“Governmental Customer” - shall mean any federal, state or local government office or government service facility.

“Industrial Customer” - any manufacturing, assembly or similar establishment, or any establishment which discharges Sewage other than Normal Strength Sewage.

“Customer Class” means either a Residential, Commercial, Institutional, Governmental or Industrial group of Customers.

“Customer Surcharge Fee” means a charge imposed on a Customer of the System which discharges Sewage in excess of Normal Strength Sewage.

“Department of Public Works” (“DPW”) means the Department of the Township which is responsible for the day-to-day operations of the Water System and Sewer System, among other responsibilities assigned to the DPW by the Township from time to time.

“Direct Connection” means the connection of the Building Drain or Service Line directly to the Sewer System or Water System.

“Domestic Sewage” means 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 either singly or in combination.

“Dwelling Unit” means a building or a part thereof which is intended for or used for occupancy by a family or group of persons living together as a single housekeeping unit.

“Engineer” means the engineer retained by the Township.

“Garbage” means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

“Health Hazard” with respect to the Water System, is any condition, device or practice in the Water System and its operation which creates, or, in the judgment of the Township, may create by Contamination or otherwise, a danger to the health and well-being of the Customer. An example of a Health Hazard is a structural defect in the Water System, whether of location, design or construction, that regularly or occasionally may prevent satisfactory purification of the water supply or cause it to be contaminated.

“Incompatible Pollutant” means any pollutant that is not a Compatible Pollutant, as defined above.

“Indirect Connection” means the connection of a Building Drain or Service Line to a sewage collection or water distribution system which is installed and paid for by special assessment or private funds, which collection or distribution system is, after construction, turned over to the Township and becomes part of the Sewer System or Water System (e.g., if a developer constructs sanitary sewers and water mains in a plat and connects the sewers and water mains to the public Systems, the connection in each lot in the plat would be an Indirect Connection).

“Infiltration” means any waters entering the Sanitary Sewers from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, Inflow.

“Inflow” means any waters entering the Sanitary Sewers through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas, and storm drain cross connections.

“Infiltration/Inflow” means the total quantity of water from both Infiltration and Inflow.

“Industrial Wastes” means the solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.

“Informal Hearing Committee” means the three-person committee, comprised of the Superintendent of the DPW and two members of the Township Board, which shall be appointed by the Township Board from time to time, responsible under Article VII of this Ordinance for hearing informal appeals on Rates and Charges and the application of this Ordinance.

“Inspection Fee” means the amount charged to each applicant by the Township at the time an application is made to the Township for connection to either or both Systems to cover the issuance of a connection permit and the routine cost of inspecting and approving the physical connection of the building to the System.

“Inspector” means the Person designated by the Township and responsible for inspecting connections to the Public Water or Sewer System and for inspection of other components of the Systems to ensure compliance with the Ordinance as to avoid damage to the Systems, or his duly authorized representative.

“Interceptor Sewer Lines” means those lines whose basic function is to collect Sewage from two or more separate trunk sewer lines and to transport such Sewage to the Sewage Treatment Plant.

“May” is permissive.

“Meter” means an instrument for measuring the rate of flow of Public Water.

“Meter Fee” means the amount charged to each water permit applicant to cover the cost of the Meter, horn and assembly and/or its installation.

“Miscellaneous Customer Fee” is an amount charged to Customers for miscellaneous services and related administrative costs associated with the System and not covered by Rates and Charges, including additional fees for inspections required by the Township, expenses of plan review, damages caused by violation of this Ordinance, unauthorized connections, reimbursement for unauthorized water and sewer usage, industrial pretreatment fees, surcharges, fines, penalties and other expenses applicable to a Customer of the System, attorney and professional fees related to such matters, and similar expenses authorized by this Ordinance.

“Natural Outlet” means any outlet into a Watercourse, pond, ditch, lake or other body of surface or ground water.

“Nonpotable Water” is water that is not safe for human consumption or that is of questionable potability.

“Normal Strength Sewage” means a sanitary wastewater flow containing an average daily BOD of not more than 315 mg/l; an average daily suspended solids concentration of not more than 270 mg/l; or an average daily total phosphorus concentration of not more than 8 mg/l.

“NPDES Permit” means the permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of treated Sewage from the Sewage Treatment Plant into the waters of the State.

“Nuisance” means, but is not limited to, any condition where Sewage or the effluent from any sewage disposal facility is exposed to the surface of the ground or discharged into any Natural Outlet or when the odor, appearance, or presence of said Sewage or effluent has an obnoxious or detrimental effect on or to the senses and/or health of Persons, or when it shall obstruct the comfortable use or sale of adjacent property.

“pH” means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

“Person” means any individual, or any public or private firm, company, association, society, tribe, corporation, or group.

“Plumbing System” includes the water supply and distribution pipes, plumbing fixtures, and traps, soils, waste and vent pipes, Building Drains, Private Water Storage Tanks, water-treating or water-using equipment and all related connections, devices and appurtenances, all as located within the property lines of the Premises.

“Potable Water” is water suitable for human consumption and contact; free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the Federal Drinking Water Standards or to the regulations of the Michigan Department of Environmental Quality.

“Premises” shall mean a parcel of property or lot and includes appurtenant land and improvements.

“Pretreatment” means the treatment of extra strength Sewage in privately owned Pretreatment facilities prior to discharge into the Sewer System.

“Private Disposal System” shall mean a privately-owned facility such as a septic tank, cesspool, or other facility intended or used for the disposal of Sewage.

“Private Water Storage Tank” means a storage tank which is owned by a private Person and is not part of the Water System.

“Properly shredded garbage” means Garbage from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than one-half inch (1/2) in any dimension.

“Public Sewer” means a local or main collector sewer which is owned and controlled by the Township.

“Public Water” is water provided by the Water System.

“Rates and Charges” when not specifically identified as Sewer Rates and Charges or Water Supply Rates and Charges, means either or both Sewer Rates and Charges or Water Supply Rates and Charges, or any component thereof, as the context shall dictate.

“Reduced Pressure Principle Backflow Preventer” is an assembly of differential valves and check valves, including an automatically opened spillage port to the atmosphere designed to prevent Backflow under conditions of pressure reversal.

“Replacement” means expenditures and costs for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the Systems to maintain the capacity and performance for which the Systems were designed and constructed.

“Residential Equivalent Unit” or “Unit” refers to a standard basis of measuring the relative quantity of Sewage generated or Water use demanded, and the benefits derived from the use of the Systems ordinarily 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 use of 200 gallons. A listing of the relative relationships between the various Customers of the Systems is hereby determined by the Township and is set forth in Exhibit A to this Ordinance. The assignment of Unit(s) to a particular Customer shall be determined from time to time by the Township, based upon the use to which the Customer’s property is put. Each Customer shall be assigned a minimum of one (1) Unit for each Sewer Lateral or Service Connection. Fractions of Units in excess of one (1) Unit may be computed and assigned to the nearest tenth. The assignment of Unit(s) for any use not enumerated in Exhibit A shall, in the sole discretion of the Township, be based upon the most similar use enumerated in Exhibit A.

“Safe Air Gap” or “Air Gap” means the minimum distance of a water inlet or opening above the maximum high water level or overflow rim in a fixture, device or container to which Public Water is furnished which must be at least two times the inside diameter of the water inlet pipe but must not be less than one inch and need not be more than twelve inches.

“Sanitary Sewer” means a sewer which carries Sewage and to which storm, surface and ground waters are not normally admitted.

“Schedule of Rates and Charges” is the Schedule of Rates and Charges listing the amounts of the various Water Supply Rates and Charges and Sewer Rates and Charges, together with other determinations and designations required by this ordinance. This schedule shall be adopted, and may be amended in part or in whole, by resolution of the Township Board from time to time.

“Secondary Water Supply” means a water supply system maintained in addition to the Public Water supply, including, but not limited to, water systems from ground or surface sources not meeting the requirements of applicable law, or water from a public water supply which in any way has been treated, processed, or exposed to any possible contaminant or stored in other than an Approved storage facility.

“Service Area” means those areas within the former Kincheloe Air Force Base, and other areas of the Township, which are now or hereafter served by the System. The term “Sewer Service Area” is used when reference is made only to the area served by the Sewer System; the term “Service Line Area” is used when reference is made only to the area served by the Water System.

“Service Connection” means the publicly owned corporation cock, pipe and curb stop that conveys Public Water from the Township mains to the curb stop and which connects to the Service Line.

“Service Connection Fee” means the amount charged by the Township to an applicant for water service to cover the cost of the installation of a Service Connection.

“Service Line” means a privately owned pipe connected to the Service Connection at the curb stop and extending into the Premises supplied with Public Water.

“Sewage” means any liquid or water carried waste including Domestic Sewage and Industrial Wastes and any Infiltration or Inflow as may be present.

“Sewage Treatment Plant” means the publicly-owned physical plant designated to receive and process the raw, untreated Sewage of the properties served by the System, including stabilization ponds, effluent sprayers and all appurtenant piping, manholes, chemical contact chambers, control structures, ground water monitor wells, earthwork, valves, gates, electrical circuitry, fencing and openings.

“Sewer” means a pipe, tile, tube or conduit for carrying Sewage.

“Sewer Availability Fee” means the amount charged to a Premises to make the local collection components of the Sewer System available to directly serve said Premises. This charge represents a cost allocable to such Premises for the Sewers directly available to the Premises for connection thereto, and associated costs.

“Sewer Commodity Charge” is a periodic charge based on metered (or assumed) water usage levied on Customers of the Sewer System for a portion of the fixed and all of the variable Sewer System Operation, Maintenance and Replacement Costs.

“Sewer Lateral” means the connection laterally from the local or main collector sewer to the Building Drain, including the Wye Branch.

“Sewer Lateral Fee” means the fee charged by the Township to construct and install a Sewer Lateral.

“Sewer System Operation, Maintenance and Replacement Costs” means all costs, direct and indirect, necessary to insure adequate treatment and collection of Sewage on a continuing basis to conform with all federal, state and local wastewater management requirements, and to assure optimum long term management of the Sewer System and shall include a reasonable allowance for the Replacement of the equipment and appurtenances necessary to maintain the intended performance of the Sewer System.

“Sewer Rates and Charges” shall include the Sewer Availability Fee, Sewer Trunkage Fee, Sewer Lateral Fee, Inspection Fee, Sewer Readiness to Serve Charge, Sewer Commodity Charge, Customer Surcharge Fee, Miscellaneous Customer Fee, any late fees or penalties incurred thereon pursuant to this Ordinance, and the civil penalty imposed pursuant to Section 304.

“Sewer Readiness to Serve Charge” is a periodic fee levied on each Customer of the Sewer System, based upon the size of the Customer’s Water Meter, for a portion of the fixed Sewer System Operation, Maintenance, and Replacement Costs.

“Sewer System” means the Sewage Treatment Plant and all Sewers and lift stations that convey Sewage to the Sewage Treatment Plant and appurtenances thereto, including all extensions and improvements thereto which are now owned or may hereafter be acquired by the Township, known generally as the Kinross Township Sewer System.

“Sewer Trunkage Fee” means the charge to a Premises for the installation, upgrade (including Replacement) and oversizing of trunk Sewers, Sewage Treatment Plant, lift stations and appurtenances necessary to serve the Premises so as to promote efficient operation of the Sewer System without overburdening the Sewer System.

“Shall” is mandatory.

“Slug” shall mean any discharge of Sewage or industrial waste, which, in concentration of any given constituent, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration during normal operation.

“State” means the State of Michigan.

“Storm Sewer” or “Storm Drain” means a sewer which carries stormwaters, surface runoff, street wash waters, and drainage, but is intended to exclude Sewage and industrial wastes, other than unpolluted cooling water.

“Structure in which Sanitary Sewage Originates” is 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.

“Submerged Inlet” means a Service Line or extension thereto from the Water System terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against Backflow.

“Sub-surface disposal field” means a facility for the distribution of septic tank overflow, or effluent below the ground surface through a line, or a series of branch lines, of drain tile laid with open joints to allow the overflow or effluent to be absorbed by the surrounding soil throughout the entire field.

“Superintendent of the DPW” means the highest executive official in the Department of Public Works.

“Suspended Solids” shall mean solids that either float on the surface of, or in suspension in, water, Sewage or other liquids and which can be removed by laboratory filtering.

“System” or “Systems” when not identified as the Sewer System or Water System, means either or both the Sewer or Water System, as the context requires.

“Township” means the Charter Township of Kinross, located in Chippewa County, Michigan, and/or duly authorized agent or representative.

“Treasurer” means the Treasurer of the Charter Township of Kinross or his or her authorized deputies, assistants or agents.

“Unmetered Fire Protection Connection” is a pipe extending from the Water System to supply a sprinkler, yard main, or other fire protection system.

“Unmetered Fire Protection Fee” is the monthly charge to a Customer with an Unmetered Fire Protection Connection for the availability of the Water System to provide fire protection to the Premises.

“Water Availability Fee” means the amount charged to a Premises to make the local distribution components of the Water System available to directly serve said Premises. This charge represents a cost allocable to such Premises for the watermains made directly available to the Premises for connection thereto, fire hydrants, valves, and associated costs.

“Water Commodity Charge” is a charge based upon metered (or assumed) water usage levied on Customers of the Water System for a portion of the fixed and all of the variable Water System Operation, Maintenance and Replacement Costs.

“Water Readiness to Serve Charge” is a periodic fee levied on each Customer of the Water System based upon the size of a Customer’s Water Meter, for a portion of the fixed Water System Operation, Maintenance and Replacement Costs.

“Water Supply Rates and Charges” shall include the Water Availability Fee, Meter Fee, Service Connection Fee, Water Trunkage Fee, Inspection Fee, Water Readiness to Serve Charge, Unmetered Fire Protection Fee, Water Commodity Charge, Miscellaneous Customer Fee, any late fees or penalties incurred thereon pursuant to this Ordinance, and the civil penalty imposed pursuant to Section 404.

“Water System” means all facilities of the Township and all subsequent additions, including the water works, wells, pumps, mains, hydrants, storage tanks, Service Connections, Meters, and all other facilities used or useful in the pumping, treatment, and distribution of Public Water, including all extensions and improvements thereto which are now owned or may hereafter be acquired by the Township, known generally as the Kinross Township Water System.

“Water System Operation, Maintenance and Replacement Costs” means all costs, direct and indirect, necessary to provide adequate water supply on a continuing basis to conform with all federal, state and local water management requirements and to assure optimum long-term management of the Water System and shall include a reasonable allowance for debt service and the Replacement of the equipment and appurtenances necessary to maintain the intended performance of the Water System.

“Water Trunkage Fee” means the charge to a Premises for the installation, upgrade (including Replacement) and oversizing of trunk water mains, pumping stations, storage facilities

and other Water System facilities and appurtenances necessary to serve the Premises so as to promote efficient operation of the Water System without overburdening the Water System.

“**Watercourse**” means a channel, natural or artificial, in which a flow of water occurs either continuously or intermittently.

“**Wye Branch**” means the portion of the Sewer Lateral connected to a public Sanitary Sewer that is made at an angle similar to a “wye” so that a sewer cleaning rod will not come into the Sewer at a right angle and penetrate the far side, but will travel down the course of the Sewer.

ARTICLE III PUBLIC SEWER SYSTEM; PRIVATE SEWAGE DISPOSAL

PART A: USE OF PUBLIC SEWERS REQUIRED

Section 301. **Unlawful Discharge.** It shall be unlawful to discharge to any Natural Outlet, Watercourse, or public or private property within the Township, or in any area under the jurisdiction of said Township, any Sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

Section 302. **Sewage Disposal Facilities Regulated.** Except as provided in this Ordinance, no Person shall construct or maintain in the Sewer Service Area any Private Disposal System.

Section 303. **Required Connection.**

a. Except as provided in Section 306, the owners of each Structure in which Sanitary Sewage Originates and located in the Sewer Service Area are hereby required at their expense to install suitable plumbing fixtures and connect such facilities directly with an Available Public Sewer in accordance with the provisions of this Ordinance, subject to availability of capacity in the Sewer System. The Township may require any such owners, pursuant to the authority conferred upon it by law or ordinance, to make such installations or connections.

b. Notwithstanding Section 306, all newly-constructed Structures in which Sanitary Sewage Originates shall be connected to an Available Public Sewer prior to occupancy, subject to availability of capacity in the Sewer System.

c. In general, an Available Public Sewer is a Public Sewer to which connection can be made located in a right-of-way, easement, highway, street or public way which crosses, adjoins, or abuts upon the Premises in question and passes not more than two hundred (200) feet at the nearest point from the Structure in Which Sanitary Sewage Originates located on the Premises in question. See Article II for a more detailed definition of Available Public Sewer.

Section 304. **Time for Connection; Civil Penalty.** Except as provided in Sections 303(b) and 306, as a matter of public health, all new connections to the Available Public Sewer required hereunder, shall be completed no later than ninety (90) days after the last to occur of the date of official notice by the Township to make said connections or the modifications of a structure so as to become a Structure in which Sanitary Sewage Originates. Persons who fail to complete a required connection to the Available Public Sewer within such period shall be liable for a civil penalty equal

in amount to the Sewer Readiness to Serve Charge and Sewer Commodity Charge that, based upon similarly situated Customers, would have accrued and been payable had the connection been made as required. Notwithstanding the preceding, if the Township Board by resolution or the Chippewa County Health Department by rule requires completion of a connection within a shorter period of time for reasons of public health, such connection shall be so completed.

Section 305. **Enforcement in the Event of a Failure to Connect.** In the event a required connection to the Available Public Sewer is not made within the time provided by Section 304, 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 Sewer 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 Sewer.

Section 306. **Incidentally Available Sewer.** A Person may be permitted by the Township, in the sole discretion of the Township Board, to extend the Public Sewer at the cost and expense of such Person, in such a manner that the Public Sewer is made incidentally available to Premises other than those owned by the developer or outside the area for which sanitary sewers are declared a necessity by the Township for the public health and welfare, or are otherwise required to be constructed. Existing buildings on Premises to which the Public Sewer is so incidentally made available shall not be required to connect to the Public Sewer until such time as new Private Disposal System are required, or until repairs or replacement of the Private Disposal System of the premises are required, or until connection of all Premises within the area in which the Premises is located is declared a necessity by the Township for the public health and welfare. When such connection is made to the Public Sewer, the owners of the Premises shall pay the Sewer Rates and Charges required by Article VI of this Ordinance for connection.

PART B: PRIVATE SEWAGE DISPOSAL

Section 307. **Private Sewage Disposal.** Where connection to a Public Sewer is not required, a Structure in which Sanitary Sewage Originates shall be connected to a Private Disposal System which shall comply with all regulations of the Chippewa County Health Department.

Section 308. **Abandonment.** At such time as connection to the Public Sewer is made, any Private Disposal System shall be abandoned, pumped out and filled with clean sand.

Section 309. **Maintenance.** The owner shall operate and maintain Private Disposal System in a sanitary manner at all times with no expense to the Township.

Section 310. **Additional Standards.** No statement contained in this Ordinance shall be construed to interfere with any additional requirements that may be imposed by the Chippewa County Health Department, or by any other governmental unit or body having jurisdiction or to which the Township has delegated such jurisdiction.

PART C: SEWER LATERALS AND CONNECTIONS TO PUBLIC SEWER SYSTEM

Section 311. **Permit Application.** No person shall make any connection to the Sewer System without first obtaining a permit from the Township. The owner or his agent shall make application on a special form furnished by the Township which shall be accompanied by payment in full of the Sewer Availability Fee, Sewer Lateral Fee, Sewer Trunkage Fee, Inspection Fee, any civil penalty which has accrued pursuant to Section 304, above, and such other charges or deposits required by this Ordinance, except to the extent provided in Section 617.

Section 312. **Approval of Permit.** The approval of a permit application shall be subject to (a) compliance with all terms of this Ordinance, (b) the availability of capacity in the Sewer System, (c) compliance of the plans and specifications with the standards for construction required by this Ordinance, and (d) compliance with all applicable administrative and regulatory requirements.

Section 313. **Contractor Requirements.** Any contractor or plumber desiring to construct a Sewer Lateral or Service Connection or uncover, make any connection with, or disconnection from, or opening into, use, alter or disturb the System or appurtenances thereof, must first secure an annual license from the Township. The license shall not be valid until signed and dated by the Superintendent of the DPW or the designee of the Superintendent of the DPW. The license shall be issued on the basis of the Township's April 1/March 31 fiscal year. An applicant for a license shall pay a license fee and execute unto the Township and deposit with the Township a cash bond or irrevocable letter of credit, 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, pertaining to the System and plumbing. This bond shall state that the licensee will indemnify and save harmless the Township 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 the part of the licensee in connection with Sewer Lateral or Service Connection installation and connection, or disconnection or other use, alteration or disturbance of the System or appurtenances thereof. Such bond or letter of credit 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 prior to issuance of the license, 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. Thirty (30) days' prior written notice of cancellation of licensee's public liability insurance shall be given to the Township and written evidence of this notice requirement shall be provided to the Township prior to the issuance of the license. The amount of the license fee, cash bond, letter of credit and the limits of the public liability insurance required by this Section 313 shall be approved by the Township Board and set forth in the Schedule of Rates and Charges. Any subcontractor to a licensed contractor or plumber must also obtain a license from the Township and comply with all requirements of this Section 313.

Section 314. **Installation of Sewer Lateral.** A Sewer Lateral shall be installed only by a plumber or qualified contractor, licensed by the Township in accordance with Section 313, at the Customer's expense and only after approval of the permit application by the Township.

Section 315. Sewer Laterals.

a. All costs and expenses incident to the installation, connection, maintenance and replacement of the Sewer Lateral shall be borne by the owner. The owner shall indemnify the Township and its authorized representatives against any loss or damage that may directly or indirectly result from the installation and connection of the Sewer Lateral to the Public Sewer.

b. A separate and independent Sewer Lateral shall be provided for each building except that, where one building stands at the rear of another on an interior lot and no private sewer is available nor can one be constructed to the rear building through an adjoining alley, courtyard or driveway, the Sewer Lateral from the front building may be extended to the rear building and the whole considered as one Sewer Lateral. In areas where Sewer Laterals have not been constructed to the Premises and complete street improvements have been made or where unusual lot splits have occurred leaving only one Sewer Lateral for two Premises, joint use of this Sewer Lateral may be approved by the Township with the connection being made to the System if there is no health or other danger. Compliance with pretreatment standards or local discharge limits prescribed by Ordinance or other regulation shall be determined within each tributary to the common Sewer Lateral prior to commingling with other wastewater.

c. Old Sewer Laterals may be used in connection with new buildings only when, on examination and test by the Township, they are found to meet all requirements of this Ordinance.

d. The Sewer Lateral shall be constructed of one of the following types of pipe meeting the current ASTM specifications:

- (1) Plastic (ABS) ASTM D 1527 SDR 35
- (2) Plastic (PVS) ASTM D 1785 SDR 35
- (3) Vitrified Clay (VC) ASTM C-700 Extra Strength
- (4) Asbestos-Cement (AC) ASTM C-428 C1-2400
- (5) Cast Iron Extra Heavy ASTM A-74
- (6) Non-reinforced Concrete ASTM C-14 Extra Strength

Provided, however, that in filled or unstable ground the pipe shall be extra heavy cast iron.

e. The size and slope of the Sewer Laterals shall be approved by the Township, but in no event shall the diameter be less than four inches. The minimum grade shall be as follows:

- 6-inch pipe – 1/8” per foot or 1” per 8 feet
- 4-inch pipe – 1/4” per foot or 2” per 8 feet

f. Whenever possible the Sewer Lateral shall be brought to the building at an elevation below the basement floor. No Sewer Lateral shall be laid parallel to and within three (3)

feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The Sewer Lateral shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe or long radius fittings. Each bend of 45° or over shall have a cleanout.

g. In all buildings in which any Building Drain is too low to permit gravity flow to the Sewer Lateral, the Sewage carried by the Building Drain shall be lifted by approved means and discharged to the Sewer Lateral.

h. All excavations which are made for the installation of Sewer Laterals shall be done in complete conformance with the requirements and standards of the Inspector. Pipe laying and backfill shall be performed in accordance with the applicable provisions of ASTM designated C-12, except that no back fill shall be placed until the work has been inspected and approved by the Inspector or his representative. Cinders shall not be used for backfill.

i. All joints shall be tight and sealed with neoprene gasket of a type approved by the Inspector.

j. All Sewer Laterals shall be tested by exfiltration. The test shall be made with a minimum head of six (6) feet. The exfiltration rate shall not exceed one hundred fifty (150) gallons per inch of pipe diameter per mile of pipe per day. The test will be made by the installer in the presence of the Inspector. Certification of the test shall be a requirement for approval of the installation.

k. The applicant for the Sewer Lateral permit shall notify the Township when the Sewer Lateral is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Inspector or his direct representative.

Section 316. **Connections.** The connection of the Sewer Lateral into the Public Sewer shall be made at the Wye Branch designated for the property if such branch is available at a suitable location. Any connection not made at the designated Wye Branch in the Public Sewer shall be made only as directed by the Township.

Section 317. **Excavations.** All excavations for Sewer Lateral installation and connection to the Public Sewer shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the cost of the property owner in a manner satisfactory to the Township. No such work shall be commenced before such owner obtains the necessary permission to work in the public right-of-way from the Township and the County Road Commission.

Section 318. **Maintenance of Building Drain and Sewer Lateral.**

a. The owner of a Premises shall be responsible for the maintenance and repair of the Building Drain and Sewer Lateral. Existing Sewer Laterals shall meet all requirements of this Ordinance. Whenever any examination determines that an existing Sewer Lateral does not meet the requirements of this Ordinance and the Township determines that the connection is creating a health hazard, odor or public nuisance, or environmental hazard the Sewer Lateral shall be reconstructed by

the Township and the cost thereof shall be imposed against the Customer as a Miscellaneous Customer Fee.

b. The Sewer Lateral is part of the System; however, because the Sewer Lateral serves only an individual Premises, the cost of maintenance, repair or replacement of a Sewer Lateral shall be the responsibility of the owner of the Premises which is served by the Sewer Lateral. Any necessary maintenance, repair or replacement shall be performed by an authorized contractor at the expense of the owner, in the manner provided for installation of new Sewer Laterals, or by the Township, and the cost thereof shall be imposed against the owner as a Miscellaneous Customer Fee.

PART D: OPERATION, MAINTENANCE AND USE OF PUBLIC SEWER

Section 319. **Township Control.** The operation, maintenance, alteration, repair and management of the Sewer System shall be under the supervision and control of the Township. The Township may employ such Person or Persons in such capacity or capacities as it deems advisable to carry out the efficient management and operation of the Sewer System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the Sewer System.

Section 320. **Abatement of Nuisance.** This Ordinance shall not be construed to limit the power of the Township to order the immediate and complete abatement of a public Nuisance or menace to the public health.

Section 321. **No Connection of Drains.** No person shall discharge, or cause to be 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 any Public Sewer. No footing drains shall be connected to a Public Sewer. All footing drain water shall be discharged to storm sewers or dry wells.

Section 322. **Stormwater.** Stormwater and all other unpolluted drainage shall be discharged to sewers specifically designated as Storm Sewers or Storm Drains or to a Natural Outlet approved by the Chippewa County Road Commission, Chippewa County Drain Commissioner, Michigan Department of Environmental Quality, and/or other interested governmental agencies. Industrial cooling water, unpolluted air conditioning water, or unpolluted process waters may be discharged to a Storm Sewer, Storm Drain or Natural Outlet upon approval of the Chippewa County Road Commission, and, where appropriate, upon approval of the Chippewa County Drain Commissioner, Michigan Department of Environmental Quality, and/or other interested governmental agencies.

Section 323. **Prohibited Discharge.** No Person shall discharge or cause to be discharged any of the following described waters or wastes to any Public Sewers:

a. Any gasoline, benzene, naphtha, motor oil, fuel oil, or other flammable or explosive liquid, solid or gas.

b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any treatment process, constitute a hazard to humans or animals, create a public Nuisance or create any

hazard in the receiving waters of the Sewage Treatment Plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes discharged to the Public Sewer.

c. Chlorine demand in excess of 15 mg/l.

d. Any waters or wastes having a pH lower than 6.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the Sewer System.

e. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the Sewer System such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

f. Wastes which contain the following substances in concentrations exceeding limitations set forth by State or Federal agencies to protect the Sewage Treatment Plant or receiving waters, to minimize deleterious concentrations in sludges, and/or comply with NPDES Permit limitations:

Arsenic
Cyanide
Cadmium
Hexavalent Chromium
Total Chromium
Copper
Iron
Nickel
Lead
Mercury
Phenols
Zinc

Any other compound or substance in quantities which, individually or collectively, impair the operation or maintenance of the Sewer System or which are prohibited by State or Federal regulations.

g. Noxious or malodorous gas (such as, but not limited to, hydrogen sulfide, sulphur oxide, or oxides of nitrogen) and other substances capable of public Nuisance.

h. Color (as from, but not limited to, dyes, inks or vegetable tanning solutions) shall be controlled to prevent light absorbency which would interfere with treatment plant processes or that prevent analytical determinations.

Section 324. Additional Prohibited Discharge. No Person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Engineer that such wastes can harm either the Sewer System, sewage treatment

process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a Nuisance. In forming his opinion as to the acceptability of these wastes, the Engineer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the Public Sewers, materials of construction of the Public Sewers, nature of the sewage treatment process, capacity of the Sewage Treatment Plant, degree of treatability of wastes in the Sewage Treatment Plant, and other pertinent factors. The substances prohibited are:

a. Any liquid or vapor having a temperature less than thirty-two degrees Fahrenheit (32°F/0°C) or higher than one hundred fifty degrees Fahrenheit (150°F/66°C).

b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of fifty (50) mg/l or containing substances which may solidify or become viscous in temperatures between thirty two (32°) and one hundred fifty (150°) degrees Fahrenheit (0° to 65°C).

c. Any Garbage that has not been properly shredded (no particular size greater than one half (1/2) inch).

d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

e. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Engineer as necessary, after treatment of the composite Sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

f. Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Engineer in compliance with applicable State or Federal regulations.

g. Any waters or wastes having a pH in excess of 9.0.

h. Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids such as, but not limited to, Fullers earth, lime slurries, and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.

(2) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the Sewage Treatment Plant.

(4) Unusual volume of flow or concentration of wastes.

i. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such

degree that the Sewage Treatment Plant effluent cannot meet the requirements of other agencies having jurisdiction discharge to the receiving waters.

j. Discharges that would result in excess foaming during the treatment process. Excess foaming is any foam which, in the opinion of the Township, is a nuisance in the treatment process.

Section 325. Grease, Oil and Sand Interceptors.

a. Grease, oil and sand interceptors shall be provided for non-residential uses when, in the opinion of the Township, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the Township and shall be located so as to be readily accessible for cleaning and inspection.

b. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight, and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.

c. When a grease, oil or sand interceptor is determined by the Township to be necessary, the interceptor shall be installed either by the Customer in accordance with applicable Township specifications at the expense of the Customer or by the Township and the cost thereof shall be imposed against the Customer as a Miscellaneous Customer Fee.

d. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Section 326. Metering. If the Water System is available, all sewer Customers shall either have approved meters on all water intakes which are the source of wastes ultimately discharged to the Sewer System, or shall meter the liquid wastes in a manner acceptable to the Township.

Section 327. Unusual Strength Sewage. If any Sewage is discharged, or is proposed to be discharged, to the Sewer System, which contains the substances or possesses characteristics enumerated in Sections 323 or 324, or is not Normal Strength Sewage, and which in the judgment of the Township may have a deleterious effect upon the Sewage Treatment Plant, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitutes a public Nuisance, the Township may:

a. Reject the Sewage.

b. Require Pretreatment to the level defined as “Normal Strength Sewage” prior to discharge to the Sewer System.

c. Require Pretreatment to an acceptable level (other than Normal Strength Sewage) and in accordance with applicable Federal and State Pretreatment regulations prior to discharge to the Sewer System.

d. Impose a Customer Surcharge Fee determined by the relative concentration of BOD, Suspended Solids, or phosphorus which exceed the thresholds of “Normal Strength Sewage” or by the relative excess concentration of any other pollutant including grease, for example, which exceeds the limitations in Section 323 or 324, if the System has the capacity to handle such Sewage.

If the Township requires or permits the Pretreatment or equalization of Sewage prior to the discharge to the Sewer System, the design and installation of the plants and equipment shall be subject to the review and approval of the Township and subject to the requirements of all applicable codes, ordinances and laws.

Section 328. Industrial Customers; Filings. The Township shall require that each Industrial Customer file with the Township the material listed below. The Township may require the same information from any non-industrial Customer:

a. A written statement setting forth the unique nature of the enterprise, the source and amount of water used, and the amount(s) of water to be discharged, with the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.

b. A plan map of the building, works or complex, with each point of discharge to a Public Sewer, Storm Drain, Natural Outlet, or groundwaters noted, described and the waste stream identified.

c. Reports on appropriate characteristics of wastes, as sampled and tested, on a schedule, at locations, and according to methods outlined in this Ordinance.

d. An affidavit placing waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of Persons who have been certified by an appropriate State agency as properly qualified to supervise such facilities.

e. A report on raw materials entering the process or support system, intermediate materials, final product, and waste by-products as those factors may affect waste control.

f. Reports on the final disposal of specific liquid, solids, sludge, oil, radioactive material, solvent or other waste.

If any industrial process is to be altered so as to increase or decrease Industrial Wastes or potential industrial waste discharge to the Public Sewer, written notification shall be given to the Township. Discharge of said altered industrial waste streams shall be subject to the Township’s approval and shall comply with all other provisions of this Ordinance and any applicable laws or regulations.

Section 329. Maintenance of Pretreatment Works. Where Pretreatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Customer at his or her expense.

Section 330. Control Manhole. When required by the Township, the Customer serviced by a Sewer Lateral carrying Sewage shall install an adequate sampling vault or control manhole in a fully accessible place for Township personnel to obtain samples and flow measurement data,

together with such necessary meters and other appurtenances in the Sewer Lateral to facilitate observation, sampling and measurement of the Sewage. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Township. The complexity of the vault will vary with the sampling requirements the Township determines necessary to protect the Sewer System and receiving stream. Should the Township desire continual flow recording and twenty four (24) hour composite sampling, then a more complex manhole would be mandatory, complete with one hundred and ten (110) volt AC electric service. Samples collected may be divided between the Industrial Customer and Township for analysis if so desired by the Industrial Customer. The manhole shall be installed by the Customer at his or her expense, and shall be maintained by the Customer so as to be safe and accessible at all times.

Section 331. Measurements; Standards. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Ordinance shall be determined in accordance with the most recent edition of “Standard Methods for the Examination of Water and Wastewater” and/or Federal Regulation 40CFR136 and shall be determined at the control manhole provided for, or upon suitable samples taken at, said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Sewer System from the point at which the Sewer Lateral is connected.

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 to life, limb and property. The particular analyses involved will determine whether grab sample or samples should be taken. The responsibilities of industry are further defined in the “Industrial Waste Control Program” set forth in Part E, Article III of this Ordinance.

Section 332. No Agreement Implied. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Township and any Customer, after recommendation by the Township, whereby Sewage of unusual strength or character may be accepted by the Township for treatment, subject to equitable payment therefor by the Customer.

Section 333. Industrial Cooling Waters Prohibited. Industrial cooling water containing such pollutants as insoluble oils or grease, or other Suspended Solids, shall be treated for removal of the pollutants and then discharged to the Storm Drain.

Section 334. Entry by Agents. Agents of the Township, County, Michigan Department of Environmental Quality, or U.S. Environmental Protection Agency shall have the right to enter all properties for the purpose of inspecting, measuring, sampling and testing the wastewater discharge.

Section 335. Limitation of Liability. By connecting to the Sewer System, each Customer agrees to release the Township of any liability whatsoever as a result of interruption of service, or other cause. Each Customer further agrees to indemnify, save and defend the Township harmless against all claims, demands, costs and expenses for loss, damages or injuries to persons or property in any manner directly or indirectly arising out of the use of the Sewer System by the Customer.

PART E: INDUSTRIAL WASTE CONTROL PROGRAM

Section 336. **Responsibility.** Each Industrial Customer is responsible for the Industrial Wastes it discharges to the System. The Industrial Customer shall maintain any required Pretreatment facility operation and assure a continual high level of performance. In case no Pretreatment is provided, the Industrial Customer shall prevent accidental discharges of process wastes admitted to the Sewer System. The Industrial Customer shall catalog all chemicals stored, used or manufactured. Such a listing shall include specific chemical names, not manufacturer's codes. Those wastes admitted to the Sewer System are a prime concern; however, all discharges shall be cataloged. An estimate of daily average flows and strengths shall be made, including process, cooling, sanitary, etc. Such a determination should separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Township and shall be treated as confidential information.

Section 337. **Plans.** A sketch of the plant buildings shall be made by the Industrial Customer, including a diagram of process and chemical storage areas. Location of any Pretreatment equipment must be indicated, and floor drains located near process and storage areas must be noted. Manhole and sewer locations at the industry's point of discharge into the Sewer System must be included on the plant layout sketch.

Section 338. **Concentrates.** Spent concentrates shall be prevented from entering the Sewer System to prevent toxic wastes from upsetting the Sewage Treatment Plant. Supervision and operation of the Pretreatment equipment to treat spent concentrates, toxic wastes and high strength organic wastes to an acceptable level as defined by the Township is the responsibility of the Industrial Customer. All sludges generated by such treatment must be handled in an acceptable manner, as in a designated area of a sanitary landfill or by a licensed waste hauler.

Section 339. **Secondary Containment.** Adequate secondary containment or curbing shall be provided to protect all floor drains from accidental spills and discharges to the Sewer System. Such curbing should be sufficient to hold 150% of total process area tank volume. All floor drains within the containment area must be plugged and sealed. Spill-throughs or sumps within process areas must discharge to appropriate Pretreatment tanks. Secondary containment shall be provided for storage tanks and chemical storage areas serviced by commercial haulers.

Section 340. **Costs.** All costs for industrial waste monitoring incurred by the Township, including, without limitation, the cost incurred by the Township to observe, sample and measure wastes at a control manhole in accordance with Section 330, shall be paid by the Industrial Customer as a Miscellaneous Customer Fee. A yearly surveillance fee may be initiated to reduce some equipment costs or for maintenance of monitoring devices. If a graduated surveillance fee is deemed necessary to check industrial discharges, then a factor may be incorporated to reduce the costs as Industrial Customer lowers its waste strength.

PART F: OVERFLOW OR BACKUP OF THE SEWER SYSTEM

Section 341. **Notice and Claim Procedures Applicable to Overflow or Backup of the 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 Sewer System, which, as defined in Act 222, shall be referred to for purposes of this Section 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, a 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,” the Township 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, at the earliest possible time but not later than 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. Notwithstanding the foregoing, photographs of the area affected and all personal property damaged by the Sewage Disposal System Event shall be submitted to the Township with the written notice.

c. The written notice under subsection (a) shall be sent to the Superintendent of the DPW, who is hereby designated as the individual 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 Superintendent of the DPW 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).

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. Notwithstanding the foregoing, the inspection by the Township of the area affected by the Sewage Disposal System Event prior to the completion of all clean-up activities and the inspection by the Township of the personal property damaged by the Sewage Disposal System Event prior to the disposal of such personal property shall be a precondition to the payment of compensation, if any, by the Township.

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

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

(2) The Sewer System had a defect;

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

(4) 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 Sewer System; or

(5) The defect in the 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:

(1) An obstruction in the Plumbing System or Sewer Lateral not caused by the Township; and

(2) A connection on the affected Premises of a footing drain, sump system, surface drain, gutter, down spout or 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 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 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 Sewer System.

l. 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.

m. 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.

ARTICLE IV PUBLIC WATER SYSTEM

PART A: USE OF PUBLIC WATER SYSTEM REQUIRED

Section 401. Mandatory Connection to Water System.

a. All owners of a building using or requiring Potable Water, now situated within the Township, are hereby required at their expense to install suitable plumbing fixtures and connect such facilities directly with an Available Water System in accordance with the provisions of this Ordinance. The Township may require any such owners, pursuant to the authority conferred upon the Township by law or ordinance, to make such installations or connections.

b. In general, an Available Water System means a public water system to which connection can be made located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts upon the Premises in question and passes not more than two hundred (200) feet at the nearest point from the structure in which Potable Water is used and located on the Premises in question. See Article II for a more detailed definition of Available Water System.

Section 402. Connection of New Construction to Water System. All owners of Premises located in the Township which are presently undeveloped and which are hereafter improved by a building using or requiring Potable Water shall be required to connect to an Available Water System in the manner provided by Sections 401 and 404.

Section 403. Connection of Existing Improved Properties to Water System. Owners of an existing building using or requiring Potable Water, which are located in the Township and which are currently served by a private water well, shall not be required to connect to an Available Water System until such time as:

- a. a new private water well is required;
- b. the existing private water well fails to the extent it is necessary to drill a replacement well;
- c. 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; or
- d. a fire protection system utilizing water is installed.

Upon the occurrence of any such event, connection shall be made to an Available Water System in accordance with Sections 401 and 404. In the alternative, an owner of property not required to connect may voluntarily connect to an Available Water System at any time in compliance with the terms of this Ordinance.

Section 404. **Water System Connection Deadline; Civil Penalty.** All connections to the Available Water System required hereunder shall be completed no later than ninety (90) days after the last to occur of the date of official notice by the Township to make said connections, the occurrence of any event requiring connection as set forth in Section 403 or the modification of a building so as to become a building using or requiring Potable Water. Newly constructed structures required to connect shall be connected to an Available Water System prior to occupancy thereof. Notwithstanding the preceding, if the Township Board or Chippewa County Health Department requires completion of a connection within a shorter period of time for reasons of public health, such connection shall be so completed. Persons who fail to complete a required connection to an Available Water System when required shall be liable for a civil penalty equal in amount to the Water Readiness to Serve Charge and Water Commodity Charge that, based upon similarly situated Customers, would have accrued and been payable, effective upon the expiration of the connection period, had the connection been made as required.

Section 405. **Enforcement in the Event of a Failure to Connect to Water System.** In the event a required connection to an Available Water System is not made within the time provided by Section 404, 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 Water System and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Township ordinance. 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 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 Water System.

PART B: SERVICE LINE CONNECTION, SERVICE CONNECTION AND CONNECTION TO PUBLIC WATER SYSTEM

Section 406. **Permit.** Prior to the connection of a Service Line to a Service Connection, a prospective Customer must file a permit application on a form to be supplied by the Township. The application must be accompanied by payment in full of the Water Availability Fee, Meter Fee, Service Connection Fee, Water Trunkage Fee, the Inspection Fee, any civil penalty which has accrued pursuant to Section 404 and such other charges or deposits required by this Ordinance, except to the extent provided in Section 617. The approval of a permit application shall be subject to (a) compliance with all terms of this Ordinance, (b) the availability of capacity in the Water System, (c) if the Premises is, or is to be, connected to the Sewer System, the availability of capacity in the Sewer System, (d) compliance of the plans and specifications with the standards for construction required by this Ordinance, and (e) compliance with all applicable administrative and regulatory requirements.

Section 407. **Installation of Service Connection.** A Service Connection shall be installed only by the Township or the Township's authorized representative at the Customer's expense and only after approval of the permit application by the Township.

Section 408. **Individual Service Connection/Shutoff Required.**

a. For any new construction, a single Service Connection shall not serve more than one individual dwelling, commercial or industrial unit intended for separate occupancy unless approved by the Township Board, even though the ownership of the adjacent Premises may be the same. Duplexes or multi-family dwellings, including apartment buildings, condominiums, and single-family dwellings converted to multi-family dwellings, may be served by a single Service Connection, provided each Dwelling Unit is metered separately, and if required by the Township Board, there is an individual curbside shutoff (or shutoff valve in another location which is accessible without entering the building or unit) for each individual Dwelling Unit, located, installed and secured in a manner approved by the Township. If the shutoff valve is located on private property, then, as a condition of service, authorized representatives of the Township shall be permitted access to the shutoff valve.

b. In the existing Water System, many dwellings do not presently have curbside shutoffs, and many duplexes and multi-family dwellings do not have individual Service Connections or individual curbside shutoffs for each Dwelling Unit. The Township may install curbside shutoff valves in accordance with a program for installing such valves for all connections to the System.

c. The curbside shutoff and individual Service Connection shall be installed only by the Township or the Township's representative. The cost of installation by the Township shall be charged as a Miscellaneous Customer Fee against the Customer. Any necessary additional Service Line shall be installed by the Customer at the Customer's sole expense.

d. The Township reserves the right to utilize or require any type of technology available for shutoff valves, including remote control valves.

Section 409. **Service Lines.** All Service Lines shall be installed in an approved manner by a licensed plumber at the Customer's expense. The Plumbing System in or on the Premises in connection therewith must conform in character, design and quality to the law of the State of Michigan and the State Plumbing Code.

Section 410. **Service Line; Specifications.** All Service Connection and Service Lines shall be of Type "K" copper. All underground fittings and connections shall be Approved. No Service Connection or Service Line of less than 3/4" diameter will be permitted. Service Connections of larger size shall be determined and approved by the Township.

Section 411. **Installation.** All Service Connections and Service Lines must be laid on solid ground not less than six feet below finished grade. The installation must be inspected by the Township or its authorized representative before it is covered. A separation distance of ten feet from all sewer or septic lines shall be maintained, unless approved by the Township.

Section 412. **Location.** No Service Connection shall be installed where the Service Line is in line with a driveway, tree, fire hydrant, catch basin or other obstruction.

Section 413. **Non-Obstruction.** No Person shall obstruct or interfere in any way with any Service Connection, curbside shutoff or other appurtenance of the System, including Meters, by

placing in, on or about said Service Connection, Meter, or other appurtenance, building materials, rubbish, shrubbery, flowers, or otherwise hindering the easy and free access thereto.

Section 414. **Protecting Service Lines or Service Connections.** Service Lines and Service Connections shall be protected from damage of every nature and needed repairs shall be made by the Customer when notified by the Township. The expense of repairing or thawing the Service Line or Service Connection, if frozen, shall be borne by the Customer. The Service Line and Service Connection, as repaired or thawed, shall not be covered until inspected and approved by the Township or its authorized representatives. The Township shall not be responsible for thawing Service Lines and Service Connections

Section 415. **Discontinuance of Service.** The Township may discontinue service if a Customer fails to maintain the Service Line in a leak-free condition or if the Customer makes an unauthorized plumbing connection which bypasses the Meter.

Section 416. **Excavations.** All excavation for Service Connection or Service Line installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township at the Customer's expense.

Section 417. **Pre-existing Service Connections and Service Lines.** All Service Connections and Service Lines installed prior to the adoption of this Ordinance shall conform to the standards set forth in this Article and shall be subject to inspection by the Township or its authorized representative. Any replacement or improvement costs necessary to bring the Service Connection and Service Line into conformity with this Article shall be borne by the Customer.

PART C: METERS

Section 418. **Meters/Installation.** The Public Water used by each Customer shall be metered. The Water Meter will be furnished, installed, tested and maintained by the Township at the Customer's expense and shall remain the property of and under the control of the Township. The expense of the Water Meter and its installation shall be billed to the Customer as a Meter Fee.

Section 419. **Size.** Meters for ordinary domestic service shall be of 5/8 inch x 3/4 inch size. The Meter shall contain remote readouts. A separate gate valve the same size as the Meter connections shall be installed on the Service Line on both sides of the Meter. Where application for a larger service is made, determination as to size shall be made by the Township. Larger sizes may be required for an Industrial Customer, a Commercial Customer or multiple dwelling use.

Section 420. **Location.** Meters shall be set in an accessible location and in a manner approved by the Township. Where due to unusual circumstances it is necessary to place the Meter in a pit, such pit shall be installed by the Township at the expense of the Customer, as a Miscellaneous Customer Fee, as directed by the Township.

Section 421. **Access.** The Township shall have the right to shut off the Public Water to any Customer where access is not available to the Meter, subject to the notice requirements set forth in Section 622. Qualified employees of the Township shall at all reasonable hours have the right to enter the Premises where such Meters are installed, for the purpose of reading, testing, removing or

inspecting same and no Person shall hinder, obstruct, or interfere with any such employee in the discharge of his or her duties.

Section 422. **Damage.** Any damages to a Meter resulting from intentional harm carelessness or neglect of a Customer to properly secure and protect the Meter from damages caused by frost, hot water, steam or other misuse shall be paid by the Customer as a Miscellaneous Customer Fee.

Section 423. **Meter Bypass.** Meter bypass piping valves are prohibited, except as provided in this Section. A Commercial or Industrial Customer may submit a written request to install meter bypass piping and valves. The request shall explain the reason that installation of meter bypass piping is necessary. The Superintendent of the DPW may approve meter bypass piping if he determines, in his discretion, that it is necessary for the protection of equipment or the public health.

Section 424. **Existing Meter.** Any Meter installed prior to adoption of this Ordinance shall be subject to inspection and testing by the Township. All repair or replacement costs shall be borne by the Township.

Section 425. **Accuracy.**

a. If any Meter shall fail to register properly, the Township shall estimate the consumption of Public Water and bill accordingly.

b. A Customer may require that a Meter be tested upon depositing a sum, which shall be established by the Township Board as part of the Schedule of Rates and Charges. If the Meter is found to register more than two percent (2%) fast, the deposit shall be returned to the Customer. If the Meter is found to register less than two percent (2%) fast, the Township shall retain the deposit.

c. When the Township, on its own initiative, tests a Meter and finds same to register five percent (5%) or more slow, the Township may estimate such consumption loss for the previous six (6) months and bill accordingly.

Section 426. **Irrigation and Other Meters.** One Water Meter shall be installed for each Service Connection, except that one or more additional Water Meters may be installed at the expense of the Customer to meter uses of Public Water which do not generate Sewage to be discharged to the Sewer System (e.g. lawn and garden irrigation water, cooling water, unpolluted air conditioning water or unpolluted industrial process water).

PART D: WATER SYSTEM USE

Section 427. **Turn Off/On.** No person other than an authorized representative of the Township shall turn on or off any Service Connection without the written permission of the Township.

Section 428. **Unlawful Actions.** It shall be unlawful for any Person to do any of the following.

- a. Damage or destroy any portion of the Water System;
- b. To do anything which will in any way contaminate the Water System; or
- c. To connect any pipe to said Water System or take or run any water from any line of the Water System without complying with all the provisions of this Ordinance.

Section 429. **Interruption of Service.** The Township may stop service to any Customer at any time for any reason, including repairs to the Water System, construction of extensions or accident. All Customers which have facilities which depend upon pressure from the main to keep them filled are hereby put on notice of the danger of collapse. The Township shall give reasonable notice except during emergencies and conditions of imminent hazard and will, so far as practical, use reasonable efforts to prevent inconvenience and damage in the event of a stoppage of service. Should it become necessary to shut off water from any section of the Water System because of any accident or for the purpose of making repairs or extensions, the Township will endeavor to give timely notice to the Customers affected thereby and will, so far as practical, use reasonable efforts to prevent inconvenience and damage arising from any such causes, but the failure of a Customer to receive such notice shall not render the Township responsible or liable in damage for any inconvenience, injury, or loss which may result therefrom. The Township shall not be responsible or liable in damage for any inconvenience, injury or loss caused by the failure of a Customer to receive Public Water for any reason, including the shutting off of such supply by the Township, nor shall the Township be liable for any damage caused by any change in the pressure of Public Water delivered to any Customer.

Section 430. **Tampering Prohibited.** No Person, except an authorized representative of the Township in the performance of his or her duties, shall uncover or tamper with any portion of the Water System. Any Person responsible for any injury or damage to the Water System shall reimburse the Township therefor and for the loss of water caused thereby and shall be responsible for any damage caused by escaping water.

PART E: PROHIBITING CROSS-CONNECTION

Section 431. **State Rules.** The Township adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality being R 325.11401 to R 325.11407 of the Michigan Administrative Code, as amended or superseded.

Section 432. **Control Program.** The Township shall develop a comprehensive control program for the elimination and prevention of all Cross-Connections. The plan for the program shall be submitted to the Michigan Department of Environmental Quality for review and approval. After the plan has been approved by the Michigan Department of Environmental Quality, the Township shall implement the program for removal of all existing Cross-Connections and prevention of all future Cross-Connections.

Section 433. **Cross-Connection Prohibited.** A Cross-Connection shall be not be made:

- a. between the Water System and a Secondary Water Supply;
- b. by a Submerged Inlet;
- c. between the Water System and piping which may contain sanitary waste or chemical contaminant; and
- d. between the Water System and piping immersed in a tank or vessel which may contain a contaminant.

Section 434. **Approved Devices.** All devices for the prevention of Cross-Connection shall be Approved. The devices shall be installed in good working condition at the Customer's expense. The Township will inspect, routinely, such devices and, if found to be defective or inoperative, shall require replacement thereof.

Section 435. **Corrective Action.** The Customer shall obtain prior written approval from the Township before taking or installing any proposed corrective action or protective device. The total time allowed for completion of corrections ordered by the Township shall take into account the degree of hazard involved and the time required to obtain and install necessary equipment. If the Cross-Connection has not been removed within the time specified, the Township shall physically separate the Water System from the on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized Person.

Section 436. **Identification of Secondary Water Source.** When a Secondary Water Supply is used in addition to the Water System, or in other high risk installations involving extensive plumbing, exposed Water System and Secondary Water Supply piping shall be identified by the American Water Works Association Standard Color Code and tags and so maintained that each pipe may be traced readily in its entirety. If piping is so installed that it is impossible to trace in its entirety, it shall be considered a Cross-Connection.

Section 437. **Private Water Storage Tank.** A Private Water Storage Tank supplied from the Water System shall be deemed a Secondary Water Supply unless it is approved for Potable Water use.

Section 438. **Maintenance of Devices.** It shall be the responsibility of the Customer to maintain Cross Connection prevention devices in good working order and to make no piping or other arrangements for the purpose of altering or bypassing said devices.

Section 439. **Testing.** Periodic testing and inspection schedules shall be established by the Township for all Cross Connection prevention devices. The interval between such testing and inspections and overhauls of each device shall be established in accordance with the age and condition of the device. Inspection intervals should not exceed one year, and overhaul intervals should not exceed five years. These devices should be inspected frequently after the initial installation to assure that they have been installed properly and that debris resulting from the installation has not interfered with the functioning of the device. The testing procedures shall be in accordance with the manufacturer's instructions when Approved. Certified testing of a Reduced

Pressure Principle Back Flow Preventer is required by a licensed plumber at the Customer's expense on an annual basis. Records of the test as well as records of repair shall be provided to the Township by the Customer.

Section 440. **Discontinuance of Service.** The Township is hereby authorized to discontinue water service after reasonable notice to any Premises where a Cross-Connection exists. The Township may take such other precautionary measures as necessary to eliminate any danger of Contamination of the Water System. Water service to such Premises shall not be restored until such Cross-Connection has been eliminated and the Customer pays a turn-on charge.

Section 441. **Imminent Health Hazard.** The Township shall immediately stop water service to any Customer discovered to have a Cross-Connection which creates an imminent Health Hazard. Water service shall not be restored until the violation is permanently corrected.

PART F: OPERATION, MAINTENANCE AND USE OF WATER SYSTEM

Section 442. **Operation/Maintenance.** The operation, maintenance, alteration, repair and management of the Water System shall be under the supervision and control of the Township. The Township may employ such Person or Persons in such capacity or capacities as it deems advisable to carry out the efficient management and operation of the Water System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the Water System.

Section 443. Maintenance of Plumbing System, Service Line and Service Connection.

a. The owner of a Premises shall be responsible for the maintenance and repair of the Plumbing System and Service Line. Existing Service Lines shall meet all requirements of this Ordinance. If the Service Line from the curb stop to the Meter is found to be deteriorated or leaking, the Township may condemn or discontinue the service to the Premises and require that the Service Line be repaired or replaced at the Customer's expense.

b. The Service Connection is part of the System. However, because the Service Connection serves only an individual Premises, the cost of maintenance, repair or replacement of a Service Connection shall be the responsibility of the owner of the Premises which is served by the Service Connection. Any necessary maintenance, repair or replacement shall be performed by the Township, and the cost thereof imposed against the Customer as a Miscellaneous Customer Fee.

Section 444. **Other Water Sources Prohibited.** Only Public Water shall be used in the Water System. No other source of water, raw or otherwise, shall be tapped into, piped into or connected into, directly or indirectly, the Water System.

Section 445. **Right to Limit Use.** The Township may regulate, limit or prohibit the use of Public Water to the extent deemed necessary to ensure an adequate supply for essential domestic and commercial needs, firefighting, and protection of the Water System, or to make necessary repairs, extensions, or for other proper purposes.

Section 446. **Limitation of Liability.** By connecting to the Water System, each Customer agrees to release the Township from any liability whatsoever as a result of interruption of water service or water pressure. Each Customer further agrees to indemnify, save and defend the Township against all claims, demands, costs or expenses for loss, damage or injuries to persons or property in any manner directly or indirectly growing out of the transmission and use of water by the Customer.

Section 447. **No Limitation on Powers.** This Ordinance shall not be construed to limit the power of the Township to order the immediate and complete abatement of a public nuisance or menace to the public health.

PART G: FIRE HYDRANTS

Section 448. **Tampering; Permit to Use.** No person shall open or cause to be open any fire hydrant except for authorized representatives of the Township, except in the case of an emergency, without first securing a "Permit to Use Fire Hydrant" from the Township and paying a deposit to the Township, which shall be established by Resolution of the Township Board as part of the Schedule of Rates and Charges. Such Person must report to the Township when such use is terminated, at which time a hydrant inspection will be made by the Township. The cost of the estimated amount of Public Water used and the cost of any necessary repair, if needed, shall be deducted from the deposit and the difference (if any) shall be refunded to the permit holder. If the deposit is insufficient to cover said costs, the permit holder shall pay the difference.

Section 449. **Private Hydrants.** The Township must approve the type, size of openings, and types of nozzle thread on all hydrants installed on private property serviced by the Water System.

Section 450. **Obstruction Prohibited.** No Person shall, in any manner, obstruct or prevent free access to or place or store temporarily or otherwise any object, material, snow, debris, automobile or structure of any kind within a distance of twenty (20) feet of any fire hydrant. Upon the failure of said Person to remove said obstruction which shall be set forth in a notice which shall be mailed to said Person by the Township, the Township is hereby authorized and empowered to remove said obstruction and charge the cost of said removal to said Person as a Miscellaneous Customer Fee.

ARTICLE V SYSTEM EXTENSIONS

Section 501. **By Township.**

a. Extension of or changes in the Water System or Sewer System may be initiated by the Township or by written request, including petitions, from property owners. The Township may grant the petition, in its discretion, and may prescribe the terms and conditions upon which the petition will be granted and may require the written acceptance of such terms and conditions by the petitioners.

b. If the petition is granted, the Township will proceed as promptly as practical with the proposed work under the terms and conditions prescribed by the Township. The said work

will be done at the expense of the property owners unless otherwise stipulated, and any and all extensions shall be subject to the provisions of this Ordinance.

Section 502. Voluntary Extension.

a. In the alternative, the Township may permit, in its sole discretion, a private party to arrange to construct an extension of the Water System or Sewer System, which shall be transferred to the Township upon completion.

b. Any such extension shall be approved by the Township, in its discretion, and the Township's engineer, who shall determine the location of the Public Sewer and/or water mains, and approve the construction plans and specifications. The persons responsible for the extension shall obtain all necessary permission to work in the public right-of-way from the Township and the County Road Commission, and shall be responsible for the payment of all costs related to construction of the sewer mains, Sewer Laterals, water mains, and Service Connections, including, but not limited to, actual construction costs, improvement or enlargement of existing System facilities, if necessary to accommodate the extension, restoration and replacement costs, cost of connecting to the existing Sewer System or Water System, permit and inspection fees, and reimbursement to the Township for out-of-pocket expenses for Township engineer review and any other applicable professional services. These costs shall be in addition to all applicable Rates and Charges for individual premises to be connected to and use of the Systems. Upon satisfactory completion of the extension, it shall be dedicated to the public and become part of the Systems, to be owned and controlled solely by the Township thereafter.

Section 503. Required Extensions of System to Service New Development. 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 Ordinance, shall be required to extend the Sewer System or Water System or both and connect the Premises so developed, including all divisions of the parent parcel, to the System extension, subject to the conditions for extensions set forth in Section 502(b) and the condition for approval of a permit application set forth in Section 312, if the distance measured in feet from the nearest edge of the proposed development to the nearest point of the System when divided by the number of Units proposed for the development equals one hundred feet or less. This requirement for a system extension shall be applied separately to the Water System and the Sewer System. This subsection 503 shall not apply to lands improved by one single family residence located adjacent to the then existing terminus of the System.

**ARTICLE VI
SYSTEM RATES AND CHARGES**

PART A: GENERAL

Section 601. Public Utility. The Systems shall, as far as possible, be operated and maintained by the Township on a public utility basis as authorized by state law, including Act 94 of the Public Acts of Michigan of 1933, as amended. The Systems shall be operated on the same fiscal year as that of the Township.

Section 602. **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 603. **Rates Established by Resolution.** The Rates and Charges described in this Article shall be set forth in the Schedule of Rates and Charges established and adjusted by resolution of the Township Board from time to time. The listing of various Rates and Charges in this Article is not to imply that such Rates and Charges are necessarily payable by all Premises. As provided by resolution of the Township Board from time to time, certain Rates and Charges or components of Rates and Charges may not be applicable based upon the circumstances of the Premises in question.

PART B: SEWER RATES AND CHARGES

Section 604. **Inspection Fee.** An Inspection Fee for connection to the Sewer System shall be established by the Schedule of Rates and Charges. Additional fees may be charged as a Miscellaneous Customer Fee based on the actual expense incurred by the Township for missed inspection appointments, repeat inspections and complicated inspections requiring more than one hour.

Section 605. **Fees for Connection to the Sewer System.**

a. **Sewer Availability Fee.**

(1) The Sewer Availability Fee shall be based upon the frontage of the Premises upon the adjacent public street right-of-way and/or the frontage of the Premises upon an adjacent public utility easement intended for the Sewer System and/or any combination thereof.

(2) The amount of the Sewer Availability Fee shall be provided in the Schedule of Rates and Charges.

(3) No Sewer Availability Fee shall be charged for a Premises if a developer or other private party has installed and dedicated a Public Sewer for the purpose of making the Sewer System available to the Premises or the development of which the Premises is a part, at private expense. A Sewer Availability Fee shall be charged, however, if a Public Sewer was made incidentally available to the Premises as a result of the installation and dedication of a Public Sewer by a developer or private party in order to reach a building or development beyond the Premises in question.

(4) The Township may determine to charge a portion of the Sewer Availability Fee otherwise applicable to a Premises only for a portion of the Premises, based upon frontage, area and other characteristics of a Premises, including that portion of the Premises served by an Available Public Sewer. For such Premises, the Township shall maintain an accurate record of the portion of the Sewer Availability Fee paid for the Premises. The remaining Sewer Availability Fee applicable to the Premises shall be charged for subsequent connections on other parts of the Premises at the rates in effect at the time of connection on the Schedule of Rates and Charges.

b. Sewer Trunkage Fee.

(1) The amount of the Sewer Trunkage Fee shall be set on a per Unit basis, as provided by the Schedule of Rates and Charges.

(2) An additional Sewer Trunkage Fee shall be charged to a Premises, if following connection to the System, the use of the Premises is changed to a more intensive use (e.g., a Premises formerly used as a single-family dwelling is converted to a duplex).

c. Sewer Availability Fee and Sewer Trunkage Fee. The Sewer Availability Fee and Sewer Trunkage Fee may be set in different amounts for different districts within the Service Area based upon the cost of providing Sewer System infrastructure.

d. Sewer Lateral Fee.

(1) For a Sewer Lateral installed by the Township at public expense, the Sewer Lateral Fee shall be as provided by the Schedule of Rates and Charges.

(2) No Sewer Lateral Fee shall be charged for a Premises if a developer or other private party has at private expense installed and dedicated a Sewer Lateral for the purpose of making the Sewer System available to the Premises. A Sewer Lateral Fee shall be charged, however, if the Sewer Lateral was installed by a developer or private party as part of a project to extend Public Sewer to a building or development beyond the Premises in question.

(3) If no Sewer Lateral is available, no Sewer Lateral Fee shall be payable, and the applicant shall be responsible for all costs of installing the Sewer Lateral, including restoration.

Section 606. Sewer Readiness to Serve Charge.

a. Customers shall pay a monthly Sewer Readiness to Serve Charge based on the size of the Water Meter which serves the Premises in accordance with the schedule of meter equivalents set forth in Section 612(b) and as provided in the Schedule of Rates and Charges.

b. A Customer without Public Water service shall install a Meter on each private water well or source of water which is the source of Sewage ultimately discharged to the Sewer System and pay monthly a Sewer Readiness to Serve Charge based upon the size of the private well Meter.

Section 607. Sewer Commodity Charge.

a. Customers shall pay monthly a Sewer Commodity Charge to be paid in arrears based upon metered Public Water usage during the immediately preceding month, in an amount provided by the Schedule of Rates and Charges.

b. The Township reserves the right to establish a minimum monthly Sewer Commodity Charge, which shall entitle a Customer to use up to a specified amount of metered Public Water.

c. A Sewer Customer may install one or more separate evaporation meters downstream of the primary water Meter to meter Public Water that does not enter the Sewer System (e.g., lawn and garden irrigation water, cooling water, unpolluted air-conditioning water or unpolluted industrial process water). In this circumstance the Water Commodity Charge shall be based upon the total Public Water usage as metered by the primary water Meter and the Sewer Commodity Charge shall be based upon the “net” metered Public Water usage determined by subtracting the Public Water metered by the evaporation meter from the Public Water metered by the primary water Meter at the point of entry of the Public Water into the Premises. The evaporation meter is available from the Township for the cost provided by the Schedule of Rates and Charges. The Customer shall be responsible for reading the evaporation meter on a monthly basis and providing the meter read information to the Township. If the Customer does not provide the evaporation meter read information to the Township, the Water Commodity Charge shall be based upon 100% of Public Water usage metered at the primary water Meter.

d. The Sewer Commodity Charge for a Customer without Public Water service shall be based upon the private water so metered, less water metered by an evaporation meter that does not enter the Sewer System.

e. The Township reserves the right to base the Sewer Use Fee on estimated water usage due to the inability to read the Water Meter as a result of inclement weather, acts of God, a broken Water Meter, blocked access to the Water Meter readout (by dogs or otherwise), a program malfunction and similar events beyond the control of the Township.

Section 608. Customer Surcharge Fee. Each Customer that discharges Sewage of a strength which exceeds “Normal Strength Sewage” or a limitation set forth in Sections 323 and 324 shall pay a surcharge in the amounts provided by the Schedule of Rates and Charges.

Section 609. Miscellaneous Customer Fees.

a. The Township shall, from time to time, establish or charge Miscellaneous Customer Fees, as necessary, for miscellaneous services, repairs and related administrative costs associated with the Sewer System, including without limitation, services to turn service on and off. Whenever the Township is requested to provide turn-on or off services at times other than regular business hours of the Township, there will be imposed an additional charge of labor and materials.

b. In addition to the minimum Inspection Fee, persons connecting structures to, disconnecting from, or extending the Public Sewer, or proposing to make such connection or extension, shall reimburse the Township for expenses incurred by the Township for review of preliminary and final plans for connection or extension, for inspection, for review of right-of-way, easement, or other documents, including, as applicable, fees billed to the Township by outside consultants and fees for Township staff review.

c. The amount, or the methodology for determining the amount, of the Miscellaneous Customer Fee shall be set forth in the Schedule of Rates and Charges.

PART C: WATER RATES AND CHARGES

Section 610. **Inspection Fee.** An Inspection Fee for connection to the Water System shall be established by the Schedule of Rates and Charges. Additional fees may be charged as a Miscellaneous Customer Fee based on the actual expense incurred by the Township for missed inspection appointments, repeat inspections and complicated inspections requiring more than one hour.

Section 611. **Fees for Connection to the Water System.**

a. **Water Availability Fee.**

(1) The Water Availability Fee shall be based upon the frontage of the Premises upon a public street right-of-way and/or the frontage of the Premises upon an adjacent public utility easement intended for the Water System or any combination thereof.

(2) The amount of the Water Availability Fee shall be provided in the Schedule of Rates and Charges.

(3) No Water Availability Fee shall be charged for a Premises if a developer or other private party has installed and dedicated a Public Water main for the purpose of making the Water System available to the Premises or the development of which the Premises is a part, at private expense. A Water Availability Fee shall be charged, however, if Public Water was made incidentally available to the Premises as a result of installation and dedication of a Public Water Main by a developer or private party in order to reach a building or development beyond the Premises in question.

(4) The Township may determine to charge a portion of the Water Availability Fee otherwise applicable to a Premises only for a portion of the Premises, based upon frontage, area and other characteristics of that portion of the Premises, including that portion of the Premises served by an Available Public Water Main. For such Premises, the Township shall maintain an accurate record of the portion of the Water Availability paid for the Premises. The remaining applicable Water Availability Fee, at the rate in effect on the Schedule of Rates and Charges at the time of connection, shall be charged for subsequent connections on other parts of the Premises.

b. **Water Trunkage Fee.**

(1) The amount of the Water Trunkage Fee shall be set on a per Unit basis as provided by the Schedule of Rates and Charges.

(2) An additional Water Trunkage Fee shall be charged to a Premises, if following connection to the Water System, the use of the Premises is changed to a more intensive use (e.g., a Premises formerly used as a single-family home is converted to a duplex).

c. **Water Availability Fee and Water Trunkage Fee.** The Water Availability Fee and Water Trunkage Fee may be set in different amounts for different districts within the Service Area based upon the cost of providing necessary Water System infrastructure.

d. Service Connection Fee.

(1) For a Service Connection installed by the Township at public expense, the Service Connection Fee shall be as provided by the Schedule of Rates and Charges.

(2) No Service Connection Fee shall be charged for a Premises if a developer or other private party has at private expense installed and dedicated a Service Connection for the purpose of making the Water System available to the Premises. A Service Connection Fee shall be charged if the Service Connection was installed by a developer or private party as part of a project to extend Public Water to a building or development beyond the Premises in question.

(3) If no Service Connection is available, no Service Connection Fee shall be payable, and the applicant shall be responsible for all costs of installing a Service Connection, including restoration.

e. Meter Fee. The Meter Fee shall be as provided in the Schedule of Water Supply Rates and Charges.

Section 612. Water Readiness to Serve Charge.

a. Customers shall pay a Water Readiness to Serve Charge, based on the size of the public water meter or private well meter, as the case may be, as provided in the Schedule of Rates and Charges. The Water Readiness to Serve Charge shall be billed monthly in arrears.

b. The Water Readiness to Serve Charge shall be based upon the following meter equivalents:

<u>Meter Size</u>	<u>Meter Equivalent</u>
5/8" x 3/4"	1.00
1"	1.60
1 1/2"	3.20
2"	4.80
3"	12.80
4"	20.00
6"	40.00
8"	64.00
10"	To be set forth in the Schedule of Rates and Charges

Section 613. Water Commodity Charge.

a. Customers shall pay monthly a Water Commodity Charge, to be paid in arrears based upon metered Public Water usage during the immediately preceding month, in an amount provided by the Schedule of Rates and Charges.

b. The Township reserves the right to establish a minimum monthly Water Commodity Charge, which shall entitle a Customer to use up to a specified amount of metered Public Water.

c. The Township reserves the right to base the Water Commodity Charge on estimated water usage due to the inability to read the Water Meter as a result of inclement weather, acts of God, a broken Water Meter, blocked access to the Water Meter readout, a program malfunction and similar events beyond the control of the Township.

Section 614. Unmetered Fire Protection Fee. Customers who have an Unmetered Fire Protection Connection shall pay monthly an Unmetered Fire Protection Fee based upon the size of the Service Connection, as provided by the Schedule of Rates and Charges. No Water Use Fee shall be charged to the Customer for the Public Water used to test the Unmetered Fire Protection Connection or to fight a fire on the Premises.

Section 615. Miscellaneous Customer Fees.

a. The Township shall, from time to time, charge a Miscellaneous Customer Fee, as necessary, for miscellaneous services, repairs and related administrative costs associated with the Water System, including without limitation, the Township's cost to install a water shut-off valve and services to turn service on and off. Whenever the Township is requested to provide turn-on or off services at times other than regular business hours of the Township, there will be imposed an additional charge of labor and materials.

b. In addition to the minimum Inspection Fee, persons connecting structures to, disconnecting from, or extending the Public Water, or proposing to make such connection or extension, shall reimburse the Township for expenses incurred by the Township for review of preliminary and final plans for connection or extension, for inspection, for review of right-of-way, easement, or other documents, including, as applicable, fees billed to the Township by outside consultants and fees for Township staff review.

c. The amount, or the methodology for determining the amount, of the Miscellaneous Customer Fee shall be set forth in the Schedule of Rates and Charges.

PART D: COLLECTION

Section 616. Collection of Rates and Charges. It shall be the duty of the Superintendent of the DPW or his designee to bill and collect all Rates and Charges.

Section 617. Accrual Date. Water Readiness to Serve Charges, Water Commodity Charges, Unmetered Fire Protection Fees, Sewer Readiness to Serve Charges, Sewer Commodity Charges, Customer Surcharge Fees, and Miscellaneous Customer Fees shall accrue as of the day of connection to the System. The billing of said charges for the initial billing period shall be prorated in arrears.

Section 618. Billing.

a. Bills for Water Readiness to Serve Charges, Water Commodity Charges, Unmetered Fire Protection Fees, Sewer Readiness to Serve Charges, Sewer Commodity Charges, Customer Surcharge Fees and Miscellaneous Customer Fees shall be billed in arrears on a monthly basis.

b. The Township shall endeavor to mail bills on or before the seventh day of each month. Failure to mail or receive a bill shall not excuse payment. The bill shall separately itemize the Rates and Charges payable.

c. Monthly bills shall be due and payable at the business office of the Township on or before the 20th day of the month. If not paid by the due date, a per-month penalty shall be charged on the unpaid balance of Water Supply Rates and Charges and on the unpaid balance of Sewer Rates and Charges in an amount set forth on the Schedule of Rates and Charges.

Section 619. Payment of Connection Fees. The owner of a Premises who applies for connection to the System shall pay the applicable Sewer Availability Fee, Sewer Trunkage Fee, Water Availability Fee and Water Trunkage Fee in a single lump sum at the time of application, unless such fees are payable as a special assessment pursuant to Sections 620.

Section 620. Special Assessment District (SAD). Premises located in a special assessment district established by the Township to finance a portion of the System and subject to a “full special assessment” on the respective special assessment roll shall receive full credit towards payment of the Sewer Availability Fee, Sewer Trunkage Fee, Water Availability Fee and Water Trunkage Fee, as the case may be, as determined by the Township; 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. For purposes of this Section 620, a “full special assessment” shall be deemed to be a special assessment levied by the Township and comprised of components related to the costs which are intended to be offset by the components of the applicable availability or trunkage fee. The Township reserves the right to charge additional components of the applicable availability or trunkage fees for Premises for which there has been a lot split, a charge in the use of all or part of the Premises to a more intensive use or for which an availability fee was not charged, regardless of the reasons, for the entire eligible frontage of the Premises.

Section 621. Person Responsible.

a. The Owner of the Premises shall be listed as the Customer, and shall be responsible for payment of all Rates and Charges, and the Premises shall be subject to all liens and penalties for non-payment of Rates and Charges, unless compliance is made and maintained with Section 624 hereof pertaining to rental properties. Bills and notices relating to the conduct of the business of these Systems will be mailed to the property owner at the address on the permit application or application for change of billing provided by the Township. Such property owner shall continue to be responsible for such billings, until such time as the Township has approved a change in billing. In the event of a name change on a billing account, a name change/same account fee shall be charged to the Customer in the amount established in the Schedule of Rates and Charges as a Miscellaneous Customer Fee. No change in billing information will be approved until all unpaid Rates and Charges have been paid with respect to the Premises.

b. Upon sale or change in occupancy of a Premises, the previous owner or occupant may request the Service Line to the Premises be discontinued, until such time as the new owner or occupant makes application for service. In such case, the new owner or occupant shall pay a new account fee in the amount established in the Schedule of Rates and Charges as a Miscellaneous Customer Fee.

c. Parties wishing to avoid interruption of service upon change of ownership or occupancy may do so by completing an application on a form provided by the Township, and by paying all Rates and Charges due and payable at the time of such application, and in addition the estimated Rates and Charges for the upcoming month. Appropriate adjustment shall be made for such payment made in advance.

PART E: REMEDIES FOR NON-PAYMENT

Section 622. **Unpaid Rates and Charges.** If Rates and Charges are not paid on or before the due date, or if Township access to the Meter is not available, 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 Drain from the Sewer Lateral, or disconnecting the Service Line from the Service Connection, and the service so discontinued shall not be reinstated until all sums then due and owing, including penalties and all expenses incurred by the Township for shutting off and turning on the service, shall be paid to the Township as a Miscellaneous Customer Fee, and, if applicable, Township access to the Meter is restored and, if also applicable, the requirements for individual Service Connections and curbside shut-off valves have been complied with;

b. Institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties and reasonable attorney fees; or

c. Enforce the lien in the manner provided by Section 623 below.

d. Apply the security deposit, if any, provided in accordance with Section 624(b) or Section 626 against the unpaid Rates and Charges.

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 Rates and Charges and penalties invalidate or waive the lien created by Section 623 below. Before disconnecting service, the Township shall give written notice to the Customer at the last known address according to the Township records and the Township Tax Assessment Roll.

Section 623. **Lien.** Except as provided by Section 624, the Rates and Charges shall be a lien on the respective premises served by the System, effective immediately upon provision of water or sewer service. Rates and Charges which are ninety (90) days or more past due, as of September 1 each year, shall be certified by the Superintendent of the DPW or his designee, along with all penalties, to the tax-assessing officer of the Township, who shall enter the delinquent Rates and Charges and penalties 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 624. Rental Properties.

a. Unless the landlord satisfies, and maintains compliance with, the provisions of (b) below, billings for leased premises shall be sent to the landlord and the Premises shall be subject to all liens and other mechanisms provided by this Ordinance for collection of Rates and Charges.

b. A lien shall not attach for 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 Rates and Charges, effective only for services which accrue after the date an affidavit is furnished and filed by the landlord with the Township. This affidavit shall include the names and addresses of the parties, the expiration date of the lease, shall be signed by both the landlord and the tenant, shall contain the written consent of the landlord and the tenant for the authorized representatives of the Township to enter onto the Premises for the purposes and under the circumstances set forth in Article VIII of this Ordinance and an agreement by the landlord to give the Township twenty (20) 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 an amount determined by the Township Board and set forth in the Schedule of Rates and Charges. Upon the failure of the tenant to pay the 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 622 and 623 of this Article shall be applicable with respect to the unpaid Rates and Charges, including penalties. The security deposit shall be held by the Township and shall be returned to the tenant without interest upon proof of termination of the lease, following the final payment of all accrued and outstanding Rates and Charges.

c. In the event a landlord, tenant or occupant of a Premises for which an affidavit is on file with the Township in accordance with Section 624(b) denies an authorized representative of the Township access to the Premises for the purposes and under the circumstances set forth in Article VIII of this Ordinance, the Affidavit shall be void, a lien shall attach for Rates and Charges for the Premises as of such date, the security deposit held by the Township shall be applied by the Township against any unpaid balance of Rates and Charges, including interest and penalties, regardless of whether said Rates and Charges, interest and penalties are then due or past due, and the remaining balance of the security deposit shall be returned to the tenant without interest accompanied by written notice of the foregoing.

d. At the time of a change in occupancy of any Premises for which an affidavit is on file with the Township in accordance with Section 624(b), the landlord must comply with all requirements of Section 624(b) with respect to the new tenant for each rental unit in question. Furthermore, as a condition of continuing service, all unpaid Rates and Charges pertaining to that rental unit must be paid in full, and separate Service Connections and shutoff valves shall be installed if required by the Township Board in accordance with Section 408.

Section 625. **Cancellation of Permits; Disconnection of Service.** Applications for connection permits may be canceled and/or water 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 Rates and Charges.
- c. Failure to keep Sewer Laterals, Control Manholes, Service Connections and Service Lines in a suitable state of repair.
- d. Discharges to the Sewer System in violation of this Ordinance.
- e. Damage to any part of the System.
- f. Existence of Cross Connection.

Before disconnecting water or sewer service, the Township shall give written notice to the Customer at the last known address according to the Township records and the Township Tax Assessment Roll.

Section 626. **Security Deposit.** If the service supplied to a Customer has been discontinued for nonpayment of Rates and Charges, service shall not be reestablished until all delinquent Rates and Charges and penalties, and a turn-on charge, in the amount established in the Schedule of Rates and Charges as a Miscellaneous Customer Fee, has been paid, and, if also applicable, the requirements for individual Service Connections and curbside shut-off valves have been complied with. The Township may, as a condition to reconnecting said service, request that a security deposit, in an amount determined by the Township Board and set forth in the Schedule of Rates and Charges, be placed on deposit with the Township for the purpose of establishing or maintaining any Customer's credit. Said deposit shall not be considered in lieu of any future billing for Rates and Charges. Upon the failure of the Customer to pay future billings of Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including penalties. The Customer shall immediately make sufficient payment to the Township to reinstate the amount of the security deposit so advanced. Upon the failure of the Customer to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in this Part shall be applicable with respect to any unpaid Rates and Charges, including penalties. The security deposit shall be held by the Township and shall be returned to the Customer without interest upon (a) continued timely payments by the Customer of all Rates and Charges as and when due, for a minimum of twelve (12) months, or (b) when the Customer no longer occupies the Premises.

PART F: FLOW OF FUNDS

Section 627. **Revenues, Depository.** All revenues of the System, including collections of Rates and Charges together with penalties thereon and all rental income derived from the System, including, for example, lease income from water tower antenna leases shall be set aside, as collected

and deposited into a bank designated by the Township Board and duly qualified to do business in Michigan in the manner and at the time(s) hereafter specified:

a. **Public Works Enterprise Fund.** All Revenues of the System shall be deposited into a separate depository bank account entitled “Public Works Enterprise Fund” and allocated to separate subaccounts in the following manner:

(1) **Operation and Maintenance Account.** On a monthly basis, adequate revenues from the collection of Rates and Charges sufficient to provide for the payment of the next month’s current expenses of administration and operation of the System and such current expenses for the maintenance of the System to preserve the System in good repair and working order shall be deposited to the Operation and Maintenance Account.

(2) **Debt Service Account.** There shall next be established and maintained an account, designated “Debt Service Account,” into which shall be periodically deposited such sums as shall be necessary to enable the Township to repay bonds, notes or other indebtedness, if any, incurred from time to time by or on behalf of the Township with respect to the System. The Township acknowledges that as of the effective date of the Township Water and Sewer Ordinance, the Township has no outstanding indebtedness with respect to the System.

(3) **Payment Account.** There shall next be established and maintained an account, designated “Payment Account,” which shall include separate subaccounts for each of the Township’s contractual payment obligations. The Payment Account shall include, without limitation, separate subaccounts (a) to provide for repayment to the Township General Fund or other Township funds and accounts for interfund loans, if any, and (b) to provide for payment of contractual payments to be derived from the proceeds of certain Rates and Charges payable to the extent and in the manner provided in specific agreements, if any, for System extensions.

(4) **Improvement Account.** There shall next be established and maintained an account, designated “Improvement Account,” 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 Operation and Maintenance Account, Debt Service Account and Payment Account, such revenues derived from Rates and Charges as the Township Board shall deem necessary for this purpose.

(5) **System Extension Account.** There shall next be established and maintained a System Extension Account for the purpose of making extensions and enlargements to the System. To the extent the cost of System extensions and enlargements are funded from System revenues, it is the intent of the Township that such revenues are derived from Rates and Charges paid by Customers that benefit from such extensions and enlargements. Consistent with this intent, the System revenues may be deposited to the Sewer Extension Account.

(6) **Surplus Account.** Collections of revenues not allocated to one of the above described accounts shall be allocated to the “Surplus Account.” The funds on deposit in the Surplus Account may be used for any lawful purpose related to the System.

b. **Bank Accounts.** Moneys belonging to a single fund and all sub-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 set forth above.

Section 628. **Transfer of Funds.** In the event the moneys in the Operation and Maintenance Account are insufficient to provide for the current requirements of the Operation and Maintenance Account, any moneys and/or securities in other accounts of the Sewer and Water Enterprise Fund, with the exception of the Debt Service Account, shall be transferred to the Operation and Maintenance Account, to the extent of any deficit therein and these monies shall be replaced in the next operating year.

Section 629. **Investment of Funds.** Moneys in any fund or account established by the provisions of this Ordinance may be invested in the manner provided in the Township investment policy. Income received from such investments shall be credited to the fund or account from which said investments were made.

ARTICLE VII APPEALS; VARIANCES

Section 701. Appeals; Variances.

a. Any Person may appeal the Rates or Charges levied in accordance with this Ordinance, or the application of any other provision of this Ordinance.

b. A variance may be granted from the Rates or Charges or application of any provision of this Ordinance if it is determined by the Township:

- (1) That strict application of this Ordinance would cause undue hardship;
- (2) That there are special circumstances applicable to the property in question which are not applicable to a significant number of other properties;
- (3) That the hardship does not result from actions taken by the applicant itself; and
- (4) That a variance would be consistent with the intent and purpose of this Ordinance, and it would not be contrary to the public health and safety.

Section 702. **Informal Hearing Committee.** An informal hearing before the Informal Hearing Committee may be requested in writing by any Person deeming itself aggrieved by a citation, order, charge, fee, surcharge, penalty, action or shut-off notice within ten days after the date thereof, or the application of any other provision of this Ordinance, stating the reasons therefore with supporting documents and data. Any additional information required to resolve the appeal, as directed by the Superintendent of the DPW or the Informal Hearing Committee, shall be provided by the Customer at his or her own expense. The informal hearing shall be scheduled at the earliest practicable date, but not later than fourteen (14) 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 Superintendent of the DPW. The Informal Hearing

Committee shall base its decision on determinations made in accordance with Section 701(b) and shall issue a written statement of its decision within ten (10) business days after the informal hearing.

Section 703. Appeals from Informal Hearing Committee to Board of Appeals.

a. Appeals from the written decision of the Informal Hearing Committee may be made to the Township Board, acting as a Board of Appeals, within thirty (30) days from the date of the written decision. Such appeal may be taken by any Person aggrieved. The appellant shall file a notice of appeal with the Superintendent of the DPW and with the Board of Appeals, specifying the grounds therefore. Prior to a hearing, the Superintendent of the DPW shall transmit to the Board of Appeals a summary report of all previous action taken by the Informal Hearing Committee. The Township Board of Appeals may, at its discretion, call upon the Superintendent of the DPW to explain the decision of the Informal Hearing Committee.

b. 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. In order to find for the appellant, a majority of the Board of Appeals must concur. Within the limits of its jurisdiction, the Board of Appeals may reverse or affirm, in whole or in part, the decision of the Informal Hearing Committee or may make such order, requirement, decision or determination as, in its opinion, ought to be made in the case under consideration, based upon determinations made in accordance with Section 701(b). The final disposition of the appeal shall be in the form of a resolution of the Board of Appeals either reversing, modifying, or affirming, in whole or in part, the appealed Informal Hearing Committee decision or determination. The decision of the Board of Appeals shall be final.

c. The Board of Appeals shall meet at such times as the Board of Appeals 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 of Appeals shall adopt its own rules of procedure and keep a record of its proceedings, findings of fact, the action of the Board of Appeals, and the vote of each member upon each question considered. The presence of four (4) members shall be necessary to constitute a quorum.

Section 704. Effect of Administrative Action; Payment of Amounts Outstanding During Appeal Process. If an informal or formal hearing is not demanded within the periods specified herein, all Township administrative action shall be deemed final. In the event either or both such hearings are demanded, Township administrative action undertaken pursuant to the ordinance provision subject to appeal shall be suspended until a final determination has been made, except that all bills for Rates and Charges outstanding during the appeal process shall continue to be due and payable to the Township.

Section 705. Refunds; Variances. If a variance is approved by the Informal Hearing Committee or the Board of Appeals, the Township shall, if necessary, adjust Rates and Charges accordingly, including any refunds due. Appropriate conditions may be placed upon a variance to accomplish the purposes of this Ordinance. Refunds shall be retroactive for the previous twelve months' billings only, but no adjustments shall be made to any Rates and Charges which are delinquent under the terms of this Ordinance.

Section 706. **Appeal from Board of Appeals.** Appeals from the determinations of the Board of Appeals may be made to the County Circuit Court within twenty (20) days after the decision of the Board of Appeals as provided by law. All findings of fact, if supported by the evidence, made by the Board of Appeals shall be conclusive upon the Circuit Court.

**ARTICLE VIII
POWER AND AUTHORITY OF
TOWNSHIP EMPLOYEES OR REPRESENTATIVES**

Section 801. **Entry on Premises and Inspection by Township.** The duly authorized representatives, employees or agents of the Township, including, but not limited to, the Inspector, the Township Supervisor, the Superintendent of the DPW, the Township's Engineer, the Chippewa County Health Department and representatives of the Michigan Department of Environmental Quality bearing proper identification shall be permitted to enter at any time during reasonable or usual business hours in and upon all properties served by the System for the purposes of inspection, observation, measurement, sampling, testing, meter reading, installation of separate Service Connections and/or shutoff valves in accordance with Section 408, discontinuance of service, emergency repairs in accordance with the provisions of this Ordinance, including without limitation, inspection for the presence of a Cross Connection and the testing and inspection of devices preventing Cross Connection and enforcement of this Ordinance. Any Person who applies for or receives sewer or water service from the Township shall be deemed to have given consent for all such activities including entrance upon that Person's property.

Section 802. **Compliance with Safety Rules.** While performing the duties in Section 801 above, the duly authorized employees, representatives or agents of the Township shall observe all reasonable safety rules applicable to the Premises established by the Customer.

**ARTICLE IX
ENFORCEMENT**

Section 901. **Damage to System.** No unauthorized Person shall maliciously, willfully, recklessly or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the System or connect or disconnect any Building Drain to or from a Sewer Lateral or any Service Line to or from a Service Connection or tamper with or modify any Meter, fire hydrant, pump, valving appurtenance, flow control section or sampling equipment with the effect, without limitation, of rendering inaccurate any Meter or other monitoring equipment.

Section 902. **Notice to Cease and Desist.** Except for violations of Section 901 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 903. **Civil Infraction.** Any violation of Section 901 or any violation beyond the time limit provided for in Section 902, 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’s fees, loss, or damage occasioned by reason of such violation. The Supervisor is hereby authorized to issue citations for municipal civil infractions for violations of the Ordinance.

Section 904. **Nuisance; Abatement.** Any Nuisance, Health Hazard 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 this Ordinance by injunction or other legal or equitable remedy and is hereby empowered to make all necessary repairs or take other corrective action necessitated by such Nuisance, Health Hazard or violation. The person who violated the Ordinance or permitted such Nuisance, Health Hazard or violation to occur shall be responsible to the Township for the costs and expenses, including reasonable attorney’s fees, incurred by the Township in making such repairs or taking such action as a Miscellaneous Customer Fee.

Section 905. **Liability for Expenses.** Any Person violating any of the provisions of this Ordinance shall become liable to the Township and its authorized representatives for any expense, including reasonable attorney’s fees, loss, or damage incurred by the Township or its authorized representative by reason of such violation as Miscellaneous Customer Fee.

Section 906. **Remedies.** 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 X VALIDITY

Section 1001. **Conflicting Ordinances/Repeal.** This Ordinance is intended to consolidate, replace, and supersede all currently existing Township Ordinances concerning the administration, use, connection and related matters pertaining to the Water System and the Sewer System, including the setting of rates and fees. Without limiting the generality of the foregoing, Ordinance No. 1.123 adopted March 4, 2002, and entitled the Township “Water Ordinance”, as amended, and Ordinance No. 1.124, also adopted March 4, 2002, entitled the Township “Sewer Ordinance”, as amended, are hereby repealed effective upon the effective date of this Ordinance.

Section 1002. **Severability.** The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 1003. **Higher Standards.** 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.

**ARTICLE XI
PUBLICATION AND EFFECTIVE DATE**

Section 1101. **Publication.** A true copy or a summary of this Ordinance shall be published as provided by law.

Section 1102. **Effective Date.** This Ordinance shall be in full force and effect on December 18, 2009.

**ARTICLE XII
AMENDMENT**

Section 1201. **Right to Amend.** 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 Charter Township of Kinross, County of Chippewa, Michigan, on December 7, 2009, and approved by me on December 7, 2009.

Lawrence Palma, Supervisor
Charter Township of Kinross

Attest:

Marvin Besteman, Jr., Township Clerk

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, State of Michigan, at a regular meeting held on December 7, 2009, and that the public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267 of Public Acts of Michigan of 1976, as amended 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.

Marvin Besteman, Jr., Clerk
Charter Township of Kinross

CERTIFICATE OF PUBLICATION

I, Marvin Besteman, Jr., Township Clerk of the Charter Township of Kinross, County of Chippewa, State of Michigan, hereby certify pursuant to MCL 42.22 that Township Ordinance No. 1.131 or a summary thereof was published in The Evening News on December 18, 2009.

Marvin Besteman, Jr., Clerk
Charter Township of Kinross

EXHIBIT A

TABLE OF RESIDENTIAL EQUIVALENT UNITS

Usage	Unit	Unit Factors	Remarks
Athletic Field w/ restrooms	Field	2.00	Also, see School
Auditorium	Seat	.007	Also, see School
Auto Dealer	1,000 sq. ft. of building	0.40	
Bar	Seat	0.05	
Barber Shop	Barber Chair	0.14	
Beauty Shop	Booth/Work-Station	0.25	
Bowling Alley (No Bar/Restaurant)	Alley	0.16	Add Bar or Restaurant if applicable
Car/Truck Wash	Water Usage (73,000 gallons per year)	1.00	
Church	1 – 400 seats	1.00	
	401 – 800 seats	2.00	
	801 – 1,200 seats	3.00	
Cleaners:			
Pick Up Only	1,000 sq. ft.	0.25	
Dry Cleaners	Press	1.25	
Clinic/Med Station	1,000 sq. ft.	1.00	
Correctional Facility	Prisoner	.3 per prisoner	
Golf Course, Country Club (including Pro Shop/Snack Area)	1,000 sq. ft. Clubhouse	2.00	If applicable, add Restaurant or Swimming Pool: add showers @ 0.16 units/head if not with pool

Usage	Unit	Unit Factors	Remarks
Gymnasium	Shower Head	0.16	Add Auditorium factor if spectator oriented (Also, see School)
Hall/Convention Facility:			
Members Only	Hall	1.00	
Members & Rentals	Hall	2.00	
Hospital:			
Medical	Bed	1.10	
Psychiatric		1.00	
	Water Usage (73,000 gallons per year)		
Hotel/Motel	Guest Room	0.25	Add unit for associated facilities (i.e., Bar, Restaurant, Swimming Pool, Hall or Convention facilities)
Industry (2):			
Exclusive of Wet Process	1,000 sq. ft.	0.50	
Warehouse	1,000 sq. ft.	0.10	
Wet Process	Water Usage (73,000 gallons per year)	1.00	
Industrial Complex	Water Usage (73,000 gallons per year)	1.00	
Laundry, Laundromat, etc.:			
Laundry/Laundromat (including dry cleaning pick-up area)	Washer	0.50	
	Oversize Washer	0.75	
Laundry: (Commercial)	Water Usage (73,000 gallons per year)	1.00	
Office Building	1,000 sq. ft.	0.40	

Usage	Unit	Unit Factors	Remarks
Personal Care:			
Nursing Homes	Bed	0.25	
Supportive Care	Bed	0.25	
Independent Living (including auxiliary service space)	Living Unit	0.50	
Day Care	1,000 sq. ft.	1.00	
Public Institutions:			
Library, Fire Station, Museum	Sewer Lateral	1.00	Also see Twp. Offices
Park	Sewer Lateral	2.00	
Township Offices	1,000 sq. ft.	0.40	Add Halls Plus other public institutions if part of building or site
Residential:			
Single family Housing	Living Unit	1.00	
Multi-family Housing (Apt's/Condos/Duplex)	Living Unit Space	1.00	
Mobile Home Parks	Mobile Home Space	1.00	No extra units for central meeting areas, pools, etc.
Campground with central bath house	Camping Site	0.35	
Restaurant (1):			
Dinner and/or Drinks	Seat	0.083	
Fast food (Inside Seats)	Seat	0.083	
Fast food (Takeout only)	1,000 sq. ft.	1.00	

Usage	Unit	Unit Factors	Remarks
School:			
No Cafeteria or Showers	Classroom including labs, art & music rms as classrooms	0.75	
W/Cafeteria/No Showers	Classroom, etc.	1.25	
W/Cafeteria & Showers	Classroom, etc.	1.50	
Administrative Offices	1,000 sq. ft.	0.40	Incidental if part of school structure with classrooms: treat as office if separate structure
Auditorium	Seat	.007	Incidental if part of regular school structure w/ classrooms
Gymnasium	Shower Head	0.16	Incidental if part of regular school structure w/ classrooms
Hockey Rink	Rink	9.00	Intended to include approximately 1,000 spectator seats w/ associated restrooms & team shower areas
Athletic Field w/ restrooms	Field	2.00	Incidental if field does not have its own restrooms
Service Station including Convenience Store and/or Incidental Car Servicing Area	Pumping location intended to service one vehicle at a time	1.0 + .20 per pump	
Stadium	Seat	.007	
Store: (3)			
Grocery/Super Market as Primary Use	1,000 sq. ft.	0.40	
Other (Including Mini-Malls)	1,000 sq. ft.	0.25	

Usage	Unit	Unit Factors	Remarks
Swimming Pool w/Access to Showers	1,000 sq. ft. of pool surface	3.00	
Theaters:			
Drive-In	Car Space	0.02	
Inside	Seat	.007	

1. **Bar/Restaurant:** An establishment shall be classified as a bar or restaurant depending on its primary characteristic. A restaurant is primarily a food serving establishment, but may serve drinks (alcoholic), and have a bar area. A bar is primarily a drink (alcoholic) serving establishment, but may have limited snack or meal serving facilities. Where an establishment has a clearly defined bar and restaurant they may be computed separately.

2. **Industry:** Industry is intended to cover a large variety of uses not specifically listed, including, but not limited to, vehicle or equipment repair, parts, or servicing, and for packing, assembling, and manufacturing facilities. Warehousing may be computed separately from industrial when part of the same structure. Industrial and warehousing units applied to a complete structure shall include incidental office areas. Where an office area comprises more than 10% of an industrial or warehouse structure, it shall be computed separately.

Industrial complex shall be considered large multi-use facilities where numerous diverse operations are involved on a site. It may consist of one or more buildings.

3. **Multi-Use Premises – i.e. Strip Mall:** Where the entire structure is served by one Sewer Lateral and/or Service Connection, the unit factors for the various uses shall be computed separately, and then totaled for the entire premises.

Where each space has its own Sewer Lateral or Service Connection, a minimum of one (1) Unit per space shall be assigned.

4. **Note:** A Premises served by a Sewer Lateral or Service Connector shall be assigned a minimum of One (1) Unit.

One Unit shall be assigned when a connection permit is issued. Remaining units applicable to a permit (i.e., Multi-family, Industrial, Commercial, etc.) shall be added when occupancy permit is issued.