Revised Draft
Dated May 5, 2009

TOWNSHIP OF VOLINIA

COUNTY OF CASS

MICHIGAN

Minutes of a regular meeting of the Township Board of the Township of Volinia, County of Cass, Michigan, held in the Township Hall located at 53254 Goodenough Road, Marcellus, Michigan, on the 11th day of May, 2009, at 7:30 .m. Local Time.

PRESENT: Members: Huff, Johnson, Butler, Williams, Rasmussen

ABSENT: Members

It was moved by Huff and seconded by Johnson that the following Ordinance 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.

ORDINANCE NO. 509

AN ORDINANCE TO REGULATE THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS; PRIVATE SEWAGE DISPOSAL; THE INSTALLATION AND CONNECTION OF BUILDING SEWERS; AND THE DISCHARGE OF WATERS AND WASTES INTO THE CASS COUNTY SEWAGE DISPOSAL SYSTEM (LAKES AREA SEWER AUTHORITY SECTION); TO PROVIDE FOR THE CONNECTION TO AND THE FIXING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE SEWAGE DISPOSAL SYSTEM; THE ALLOCATION AND USE OF REVENUES DERIVED THEREFROM; AND THE ADMINISTRATION OF THE SYSTEM; AND TO PROVIDE PENALTIES FOR ORDINANCE VIOLATIONS AND OTHER MATTERS PERTAINING THERETO.

The Ordinance was then discussed.

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

YEAS: Members: Huff, Johnson, Butler, Williams

NAYS: Members: Rasmussen

ABSTAIN: Members: _____

The Township Clerk declared the Ordinance adopted.

The following is Ordinance No. 509 as adopted:

THE TOWNSHIP OF VOLINIA ORDAINS:

ORDINANCE NO. _____

AN ORDINANCE TO REGULATE THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS; PRIVATE SEWAGE DISPOSAL; THE INSTALLATION AND CONNECTION OF BUILDING SEWERS; AND THE DISCHARGE OF WATERS AND WASTES INTO THE CASS COUNTY SEWAGE DISPOSAL SYSTEM (LAKES AREA SEWER AUTHORITY SECTION); TO PROVIDE FOR THE CONNECTION TO AND THE FIXING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE SEWAGE DISPOSAL SYSTEM; THE ALLOCATION AND USE OF REVENUES DERIVED THEREFROM; AND THE ADMINISTRATION OF THE SYSTEM; AND TO PROVIDE PENALTIES FOR ORDINANCE VIOLATIONS AND OTHER MATTERS PERTAINING THERETO.

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ARTICLE I
SHORT TITLE; FINDINGS; PURPOSE

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

Section 102. Objectives Re: Contract Requirements. The Cass County Sewage Disposal System (Lakes Area Sewer Authority Section) (as defined in Section 249, the "Public Sewer System") was established in accordance with the Cass County Sewage Disposal System (Lakes Area Sewer Authority Section) Bond Contract dated August 1, 2008, (as defined in Section 214, the "Contract"), by and between the County of Cass (as defined in Section 218, the "County"), the County of Van Buren (as defined in Section 276, "Van Buren"), the Township of Porter (as defined in Section 245, "Porter"), the Township of Volinia (as defined in Section 269, the "Township"), the Township of Marcellus (as defined in Section 232, "Marcellus"), the Village of Marcellus (as defined in Section 277, the "Village"), and the Lakes Area Sewer Authority (as defined in Section 203, the "Authority"), to promote the public health, safety and welfare of the residents of the Township. The Authority is required by the terms of the Contract, to operate, maintain and administer the Public Sewer System. The Township is required to pay a proportion of all costs related to the Public Sewer System, including debt service on the bonds issued by the County in accordance with the Contract. Accordingly, it is necessary for the Township to establish rates and charges for services to persons using the Public Sewer System in amounts necessary to allow the Authority to operate, maintain and administer the Public Sewer System and to pay debt service on the bonds issued by the County in accordance with the Contract, and to adopt an ordinance that requires users of the Public Sewer System to pay rates and charges for sewer collection and disposal services. It is the purpose of the Township by enacting and keeping in force and effect this Ordinance to comply with the foregoing requirements of the Contract to protect and promote the public health, safety and welfare of the residents of the Township.

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

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

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

(c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the Public Sewer System;

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

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

Section 104. Findings Re: Public Health, Safety and Welfare. The Township hereby determines that the Public Sewer System is immediately necessary to protect and preserve the public health, safety and welfare of the Township by abating pollution caused by failed or failing septic systems in the District as documented by the Engineering Study for a Wastewater Collection and Treatment System dated June 2006 and the subsequent amendment thereto, Lakes Area Sewer Authority Engineering Study for a Wastewater Collection and Treatment System dated March 2008, which were both prepared by Wightman & Associates, Inc. This determination is also based upon the express determination of the State Legislature set forth in Section 12752 of the Michigan Public Health Code and which reads as follows:

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

Section 105. Findings Re: Useful Life of Public Sewer System. Based upon the written certification of Wightman & Associates, the consulting engineer that designed the Public Sewer System, assets which comprise a significant portion of the Public Sewer System have a useful life of forty (40) years. Accordingly, the Sewer Rates and Charges established in accordance with this Ordinance are intended to pay a corresponding portion of the cost of debt service on the bonds issued by the County in accordance with the Contract.

Section 106. Finding Re: Measure of Sewer Use by Metering of Water Supply. The Township hereby finds that for non-residential use that the metering of domestic water supply is the best available technology for measuring with relative precision the discharge to and the use of the Public Sewer System. The Township further finds that the metering of domestic water supply is the best available technology and preferred method for measuring with relative precision the discharge to and the use of the Public Sewer System. However, the Township recognizes that the cost for the implementation, use and maintenance of this technology is often high especially for Residential Users of the Public Sewer System. To the extent practicable, the Township will seek to use and require metering for measuring discharges to and use of the Public Sewer System. The Township declares, as its goal, the eventual use of metering of domestic water supply for all Users of the Public Sewer System at that time when (a) all or substantially all Users of the Public Sewer System are connected to a public water supply system and/or (b) in the opinion of the Township, the costs for using and maintaining the metering technology is practical and cost effective for Residential Users of the Public Sewer System. In the interim, the

Township finds that, with respect to Residential Users, the use of a flat-rate User Charge based upon Units is a valid, cost effective, and practical method for measuring use of the Public Sewer System.

ARTICLE II
DEFINITIONS

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

Section 201. Act 222. Act 222 of the Public Acts of Michigan of 2001, as amended.

Section 202. Act 233. Act 233 of the Public Acts of Michigan of 1955, as amended.

Section 203. Authority. The Lakes Area Sewer Authority created by the Township, Marcellus and Porter in accordance with Act 233.

Section 204. Available Public Sanitary Sewer System. To be an Available Public Sanitary Sewer System to a Structure in Which Sanitary Sewage Originates located on a Premises, a public sanitary sewer system (tapped or untapped) must:

(a) have physical availability to the Premises, i.e., be located in a right-of-way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the Premises;

(b) have capacity availability for the Premises, i.e., adequate capacity in the abutting sewer main and all downstream facilities, which will collect, transport, pump and treat the Sewage reasonably expected to be discharged from the Structure in Which Sanitary Sewage Originates;

(c) be located:

(i) with respect to a non-lakefront Premises, not more than 250 feet at the nearest point from the Structure in which Sanitary Sewage Originates;

(ii) with respect to a lakefront Premises, any distance from a Structure in which Sanitary Sewage Originates; and

(d) be a Gravity Flow Sewer.

The distance from the public sanitary sewer system shall be measured (a) from the Sewer Lead with respect to Premises for which a Sewer Lead has been installed by or for the Township; and (b) from the sewer main for Premises for which no Sewer Lead has been installed by or for the Township.

Section 205. Board of Appeals. The Authority Commission acting in the capacity as the Wastewater Board of Appeals pursuant to Article IX of this Ordinance.

Section 206. B.O.D.$_5$ or Biochemical Oxygen Demand. As used in this Ordinance, the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20° C., expressed in PPM by weight.

Section 207. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge of Sewage inside of the walls of the building and conveys said discharge to the Building Sewer.

Section 208. Building Sewer. The extension from the Building Drain which conveys the discharge of Sewage to the Public Sewer System and its components or other place of disposal.

Section 209. Claimant. Any person who makes a claim for economic damages which allegedly were caused by a Sewage Disposal System Event.

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

Section 211. Common Fund. The fund established to receive collections of Sewer Rates and Charges and special assessments pursuant to Paragraph 10 of the Contract and held and administered by the Authority.

Section 212. Compatible Pollutant. The pollutants which can be treated and removed to a substantial degree by the Sewage Treatment Facility. These pollutants include but are not limited to defined maximum concentrations of B.O.D.$_5$, S.S., pH and additional pollutants identified in the Discharge Permit if the Sewage Treatment Facility was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree.

Section 213. Connection Fee. The charge imposed by the Township to regulate the connection of a Building Sewer, either directly or indirectly, to the Public Sewer System. This fee represents (a) the proportional cost attributable to each Structure in which Sanitary Sewage Originates to regulate access to the Public Sewer System and ensures that sufficient capacity exists to accommodate the additional use without overburdening the Public Sewer System or adversely affecting the ability of the Township or the Authority to provide service to the Public Sewer System's existing and future customers; and (b) the benefit to the owner of a Structure in which Sanitary Sewage Originates derived from the connection to the Public Sewer System including, but not limited to, eliminating or reducing the risk of failure of private Sewage Disposal Facilities and the contamination of ground water. See also Direct Connection and Indirect Connection.

Section 214. Contract. The Cass County Sewage Disposal System (Lakes Area Sewer Authority Section) Bond Contract dated August 1, 2008, by and between the County, Van Buren, the Township, Porter, Marcellus, the Village and the Authority.

Section 215. Control Manhole. The structure installed on the Building Sewer or Sewer Lead pipeline to allow access for measurement and sampling of Sewage discharging from industrial and commercial establishments.

Section 216. Cost of Operation and Maintenance. All costs, direct and indirect, inclusive of all expenditures attributable to administration, Cost of Replacement, treatment and collection of Sewage, necessary to insure adequate collection and treatment of Sewage on a continuing basis in conformance with the Discharge Permit, and other applicable local, state and federal regulations.

Section 217. Cost of Replacement. Expenditures and costs for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the System to maintain the capacity and performance for which the System was designed and constructed.

Section 218. County. The County of Cass, Michigan, acting by and through its Board of Public Works under Act 185 of the Public Acts of Michigan of 1957, as amended.

Section 219. Debt Service Charge. The amount charged to Users of the Public Sewer System to pay all or a portion of the principal, interest and administrative costs of retiring the debt incurred for acquisition and construction of the Public Sewer System.

Section 220. Direct Connection. The connection of the Building Sewer directly to the Public Sewer System in a manner such that the Premises served by the Building Sewer utilizes the existing collection, transportation and treatment components of the Public Sewer System.

Section 221. Discharge Permit. Permit issued by the MDEQ for the discharge of treated Sewage from the Sewage Treatment Facility.

Section 222. Domestic Sewage. Normal Strength liquid wastes from all habitable buildings and residences and shall include human excreta and wastes from sinks, lavatories, bathtubs, showers, laundries and all other water-carried wastes of organic nature either singly or in combination thereof.

Section 223. Garbage. Solid wastes from the preparation, cooking and dispensing of food, and the handling, sale and storage of produce and meat products and, in addition, shall include all paper, plastic and other household items, including containers, whether or not disposable or biodegradable in nature.

Section 224. Gravity Flow Sewer. A sewer line that flows solely due to the earth's gravitational forces and that does not rely upon mechanical means or pumps to impart the necessary energy to convey Sewage from one point to another, whether located upon public or private property.

Section 225. Gravity System. The publicly-owned Sewer Lead which is a Gravity Flow Sewer and provides the connection between the privately-owned Building Sewer and the Public Sewer System. A diagram of a typical Gravity System is attached to this Ordinance as Appendix II.

Section 226. Health Department. The Van Buren/Cass County District Health Department.

Section 227. Indirect Connection. The connection of a Building Sewer to a sewage collection system which is installed to applicable Township, Authority and County specifications and with Township and Authority approval that is:

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

(b) serves multiple users; and

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

Section 228. Industrial Users. Users which discharge Industrial Wastes.

Section 229. Industrial Wastes. The liquid wastes, solids or semisolids from industrial, manufacturing, trade or business processes as distinct from Domestic Sewage.

Section 230. Inspection and Administration Fee. The amount charged, to each applicant by the Township at the time an application is made to the Township for connection to the Public Sewer System to cover the routine cost of inspecting and approving the physical connection of a Building Sewer and Sewer Lead to the Public Sewer System, the issuance of a connection permit and related administrative expenses.

Section 231. Inspector. The persons responsible for inspecting connections of Building Sewers and Sewer Leads to the Public Sewer System as designated by the Township.

Section 232. Marcellus. The Township of Marcellus, County of Cass, Michigan.

Section 233. May. Is permissive.

Section 234. MDEQ. Michigan Department of Environmental Quality.

Section 235. MG/L. Milligrams per liter.

Section 236. Miscellaneous User Fee. The amount charged to Users for miscellaneous services and related administrative costs associated with the System.

Section 237. NAICS. The North American Classification System or the successor publication, if replaced.

Section 238. Natural Outlet. Any outlet into a Watercourse, pond, ditch, lake or other body of surface or ground water.

Section 239. Normal Strength. Sewage which when analyzed shows a daily average concentration of not more than 250 mg/l of BOD, nor more than 300 mg/l of Suspended Solids; nor more than 8 mg/l of phosphorous; nor more than 50 mg/l of fats, oils and grease; nor other

substances which may solidify or become viscous between 32 degrees F and 150 degrees F; nor more than 40 mg/l of TKN.

Section 240. Nuisance. Without limitation, any condition where Sewage or the effluent from any Sewage Disposal Facility is exposed to the surface of the ground; or is permitted to drain on or to the surface of the ground or into any Natural Outlet.

Section 241. pH. The negative logarithm of the concentration of hydrogen ions in solution, in grams per liter. A measure of relative acidity (pH less than 7) or alkalinity (pH greater than 7) of the solution tested. A neutral solution has a pH of 7.

Section 242. PPM. Parts per million.

Section 243. Parcel Fee. The fee charged by the Township for the construction and installation of a Sewer Lead.

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

Section 245. Porter. The Township of Porter, County of Van Buren, Michigan.

Section 246. Premises. The lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the Township as a single taxable parcel of property, including all structures located thereon.

Section 247. Pressure Sewer or Forcemain. A sewer line that conveys Sewage from one point to another through the use of a pump or other mechanical means, whether located upon public or private property.

Section 248. Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of foods that have been shredded or cut to such degree that all particles will be carried freely under the flow conditions normally prevailing in the Public Sewer System, with no particle greater than one-half inch in any dimension.

Section 249. Public Sewer System. The sanitary sewer collection, transmission and treatment system known generally as the Cass County Sewage Disposal System (Lakes Area Sewer Authority Section), including all publicly-owned Gravity Flow Sewers, Pressure Sewers, Forcemains, lift stations, odor control facilities, Sewer Leads, the Sewage Treatment Facility and all appurtenances thereto, located in the Service District or which transport Sewage from one portion of the Service District to another portion of the Service District.

Section 250. Rules and Regulations. The Rules and Regulations adopted by the Authority from time to time in accordance with Act 233.

Section 251. Septic Tank. A watertight tank or receptacle used to receive Domestic Sewage and is intended to provide for the separation of substantial portions of the Suspended Solids in such Sewage and the partial decomposition by bacterial action on solids so separated.

Section 252. Service District. The Cass County Sewage Disposal District located in the Township and in Marcellus, Porter and the Village and served by the System, as outlined in the attached Appendix I.

Section 253. Sewage. Any combination of the water-carried waste material from residences, business buildings, institutions and industrial establishments, including Industrial Wastes and Domestic Sewage.

Section 254. Sewage Disposal Facilities. Any Septic Tank, Subsurface Disposal System or other devices used in the disposal of Sewage and which are not part of the System.

Section 255. Sewage Disposal System Event. An overflow or backup of the Public Sewer System as defined in Act 222.

Section 256. Sewage Treatment Facility. The physical plant and appurtenances owned by the County in accordance with the Contract and designated to receive and treat the raw, untreated Sewage of the properties located in the Service District and served by the Public Sewer System.

Section 257. Sewer Lead. That portion of the Public Sewer System which connects to the sewer main located in the public right-of-way and extends approximately therefrom to the property line, for connection to Building Sewer.

Section 258. Sewer Rates and Charges. The Connection Fee (for both Direct Connections and Indirect Connections), Parcel Fee, Inspection and Administration Fee, User Charge, Debt Service Charge, User Surcharge, Miscellaneous User Fee and the penalty imposed pursuant to Section 304.

Section 259. Shall. Is mandatory.

Section 260. Slug. Any discharge of water, Sewage or Industrial Wastes which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of time longer than fifteen (15) minutes, more than five (5) times Normal Strength or the average twenty-four (24) hour flows during normal operation.

Section 261. Special Assessment District. Any Special Assessment District determined at any time by the Township Board within the Service District for the provision of sanitary sewer service by the Public Sewer System.

Section 262. Special Assessment Roll. Any Special Assessment Roll confirmed at any time for a Special Assessment District by the Township Board.

Section 263. Storm Sewer or Storm Drain. A sewer which carries storm or surface waters, or drainage, but excludes Sewage.

Section 264. Structure in which Sanitary Sewage Originates. A building in which toilet, kitchen, laundry, bathing, or other facilities which generate Sewage are used or are available for use for household, commercial, industrial, or other purposes.

Section 265. Subsurface Disposal System. An arrangement for distribution of septic tank effluent beneath the ground surface (also referred to as a "drainfield system", "tile field" or "dry well" or a "soil absorption system").

Section 266. Supervisor. The Supervisor of the Township or his or her authorized representative.

Section 267. S.S. or Suspended Solids. Solids either floating or suspended in Sewage, or other liquids and which are removable by laboratory filtering and biologic processes.

Section 268. System. The Public Sewer System.

Section 269. Township. The Township of Volinia, located in Cass County, Michigan, and/or its duly authorized agent or representative.

Section 270. U.S. EPA. The United States Environmental Protection Agency.

Section 271. Unit or Units. A standard basis of measuring the relative quantity of Sewage, including the benefits derived from the disposal thereof, arising from the occupancy of a freestanding single-family residential dwelling (but such term shall not necessarily be related to actual use arising from any particular dwelling), with an average daily discharge of 260 gallons. A listing of the relative relationships between the various Users of the System is hereby determined by the Township and is set forth in Appendix III to this Ordinance. The assignment of Unit(s) to a particular User shall be determined from time to time by the Township, based upon available information, studies and investigation of the use to which the User's property is put. The assignment of Unit(s) for any use not enumerated in Appendix III shall, in the sole discretion of the Township, be based upon the most similar use enumerated in Appendix III. Notwithstanding the foregoing, the Township reserves the right to assign Units to non-Residential Users based upon metering in accordance with Appendix III.

Section 272. User. A recipient of services provided by the System including Premises which are connected to and discharge Sewage into the System.

Section 273. User Charge. A charge, based on Units, charged to Users of the System for use of the System and the Sewage Treatment Facility, and represents (a) that User's proportionate share of the cost of Cost of Operation and Maintenance of the System and the Sewage Treatment Facility; and (b) the benefit to that User derived from the availability and use of the System and the Sewage Treatment Facility.

Section 274. User Class. A class of Users connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental.

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

b. **Industrial User**: A User of the System which discharges Industrial Wastes as distinct from its employees' Domestic Sewage.

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

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

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

Section 275. User Surcharge. A charge imposed on a User of the System for discharges of Sewage that are in excess of Normal Strength Sewage.

Section 276. Van Buren. The County of Van Buren, Michigan.

Section 277. Village. The Village of Marcellus, County of Cass, Michigan.

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

ARTICLE III
USE OF PUBLIC SEWER SYSTEM REQUIRED

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

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

Section 303. Mandatory Connection of Premises in Special Assessment District.

(a) **Lakefront Premises**. All owners of Structures in which Sanitary Sewage Originates, now situated or hereafter constructed within the Special Assessment District located on lakefront Premises, are hereby required at their expense to install suitable plumbing fixtures and connect such facilities directly with the Available Public Sanitary Sewer System in accordance with the provisions of this Ordinance.

(b) **Non-Lakefront Premises**. All owners of Structures in which Sanitary Sewage Originates, now situated or hereafter constructed within the Special Assessment District

located on non-lakefront Premises, are hereby required at their expense to install suitable plumbing fixtures and connect such facilities directly with the Available Public Sanitary Sewer System, if the Structure in Which Sanitary Sewage Originates is located within 250 feet of the Available Public Sanitary Sewer System, in accordance with the provisions of this Ordinance.

(c) **Township**. The Township shall require all such owners, pursuant to the authority conferred upon the Township by law or ordinance, to make such installations or connections which must have the approval (during and after construction) of the Inspector.

Section 304. Connection Deadline; Penalty. As a matter of public health, safety and welfare, all connections to the Public Sewer 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 or the modification of a structure so as to become a Structure in which Sanitary Sewage Originates. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Persons who fail to complete a required connection to the Public Sewer System within such ninety (90) day period shall, in addition to all other costs, fines and damages available in Section 305, be liable for a penalty equal in amount to the User Charges and Debt Service Charges that would have accrued and been payable had the connection been made as required.

Section 305. Enforcement in the Event of a Failure to Connect. In the event a required connection to the Public Sewer System is not made within the time provided by Section 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 Sanitary Sewer System and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Township ordinance and state law. In the event the required connection is not made within 90 days after the date of mailing or posting of the written notice, the Township may bring an action in any manner provided by law in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property to the Available Public Sanitary Sewer System.

Section 306. Voluntary Connection.

(a) An owner of property located in the Service District but not required to connect to the Available Public Sanitary Sewer System may voluntarily apply to have the property connected to the Public Sewer System at any time in compliance with the terms of this ordinance.

(b) As defined in Section 204, a Pressure Sewer or Force Main does not constitute an Available Public Sanitary Sewer System. A Structure in which Sanitary Sewage Originates may only be connected to a Pressure Sewer or Force Main upon the prior consent of the Authority. The consent of the Authority shall be based on whether a Sewer Lead can be connected to the Pressure Sewer or Force Main without impairing the physical integrity or proper function of the Public Sewer System, the requirements set forth in Section 503 and such other factors as the Authority, in its sole discretion, determines to be relevant and consistent with this Ordinance.

Section 307. Extensions of Public Sewer System to Service New Developments.

(a) The owner of Premises located within the Service District but not served by an Available Public Sanitary Sewer System may elect to extend the Public Sewer System and connect his Premises thereto, subject to the conditions for sewer extensions set forth in Section 308 and Section 309.

(b) The owner (or developer) of lands in the Township proposed for development (whether by site condominium, subdivision, land division or otherwise) for which land use approval is received after the effective date of this Ordinance, shall be required to extend the Public Sewer System and connect the Premises so developed to the Public Sewer System subject to the conditions for sewer extensions set forth in Section 308 and Section 309 if the distance measured in feet from the nearest edge of the proposed development to the nearest point of the Public Sewer System when divided by the number of Units proposed for the development equals one hundred feet or less. This subsection 307(b) shall not apply to lands improved by one single family residence located adjacent to the then existing terminus of the Public Sewer System.

(c) The owner of a Premises located within the Service District and served by an Available Public Sanitary Sewer System who legally divides the Premises shall be required to extend the Public Sewer System such that all resulting divisions of the parent parcel are served by an Available Public Sanitary Sewer System.

Section 308. Connection of Premises Located Outside the Service District. Premises located outside the Service District shall be permitted to connect to the Public Sewer System only upon the consent of the Township Board and the Authority Commission. The consent of the Township Board and the Authority Commission shall be granted or denied by the Township Board or the Authority Commission in the exercise of their reasonable discretion and shall be based upon the continued availability of capacity in the Public Sewer System for Premises located within the Service District and may be based upon such other considerations deemed appropriate by the Township Board and the Authority Commission and consistent with this Ordinance. To the extent an extension of the Public Sewer System is required, the conditions set forth in Section 309 shall apply. In its discretion, either the Township Board or the Authority Commission may require the person requesting the connection of Premises located outside the Service District to provide, at the sole expense of said person, an engineering report by a consulting engineer acceptable to the Township and the Authority addressing the cost and feasibility of the proposed sewer service (and any sewer extension necessitated thereby) in the context of the foregoing considerations.

Section 309. Conditions for Extension of Public Sewer System by Property Owner. If connection to the Public Sewer System is required by Section 307(b) of this Ordinance, but there is no Available Public Sanitary Sewer System adjacent to the Premises, or if a property owner elects to extend the Public Sewer, such extension shall be in accordance with the following requirements, unless modified by the terms of a written agreement between the Township, the Authority and the property owner pursuant to Section 310:

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

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

(c) The Development System shall be constructed in accordance with specifications approved by the Township and the Authority.

(d) Upon completion of the Development System, verification by the Inspector that it has been properly constructed, and proof that all contractors have been paid for the cost thereof (including lien waivers), the Development System shall be dedicated to public ownership in accordance with the Contract, without cost to the Township, the Authority or the County. Upon acceptance of dedication, the Authority shall thereafter be responsible for maintenance of the Development System and the Development System shall become part of the Public Sewer System. The Township, the Authority and the County shall be assigned, or be a third party beneficiary of, all construction contracts and material and equipment warranties.

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

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

(g) In addition to the extension of a Development System as required, the owner of Premises to be connected to the System shall reimburse the Township or the Authority for the cost of making improvements to downstream facilities, which are necessary as a result of the additional connections proposed to be made by the owner of the Premises or by a development which will be provided with Public Sewer, including but not limited to increasing the size of downstream sewer mains and related facilities to provide sufficient capacity, increase

in the capacity of lift stations, and increase in treatment capacity of the Sewage Treatment Facility. In such a situation, the responsible party and the Township shall enter into an agreement whereby the responsible party pays to the Township or the Authority, in advance, an amount equal to at least the estimated cost of making such improvements. Any excess not required to complete the improvements shall be refunded to the responsible party; any shortfall shall be paid before connection of any Premises is permitted.

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

Section 310. Sewer Extension Agreements. The Township shall have the authority to negotiate agreements for sewer extensions with landowners, developers and other municipalities, which agreements shall be subject to the approval of the Authority and may take into consideration issues of demand, benefit, capacity, necessity, timing and funding and may provide for construction advances, prepayment of rates and charges, pay back arrangements of up to 10 years and similar matters.

ARTICLE IV
PRIVATE SEWAGE DISPOSAL

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

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

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

Section 404. Connection to Public Sewer System; Abandonment. At such time as the Public Sewer System becomes an Available Public Sanitary Sewer System capable of serving a Premises previously served by private Sewage Disposal Facilities, as provided in accordance with Article III, the Building Sewer shall be connected to the Public Sewer System in accordance with the requirements set forth in Article III and the private Sewage Disposal Facilities shall be abandoned for sanitary use in the manner required by the Health Department.

ARTICLE V
BUILDING SEWERS AND CONNECTIONS

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

Section 502. Permit Application. A connection to the Public Sewer System shall be made only by an authorized contractor or plumber upon written authorization and a connection permit issued by the Authority. Prior to said connection, the property owner or his agent shall submit a permit application to the Authority. This permit application shall be on a form furnished by the Authority and shall be accompanied by payment of the applicable Connection Fee and Parcel Fee determined in accordance with Section 702, any civil penalty which has accrued pursuant to Section 304 above and the Inspection and Administration Fee, the plans and specifications of all plumbing construction within the Premises (when requested), and all other information required by the Authority.

Section 503. Approval of Permit Application. The approval of a connection permit application by the Authority shall be subject to:

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

(b) the availability of capacity in the System and the Sewage Treatment Facility, including Compatible Pollutant capacity,

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

(i) The design, installation and connection of the Building Sewer and Sewer Lead shall meet the specifications approved from time to time by the Authority and on file for public inspection at the Authority offices. The Sewer Lead shall not be less than six (6) inches in diameter and a larger diameter may be required by the Authority based upon the length of run or grade of the Sewer Lead.

(ii) The size of the Building Sewer shall not be less than four (4) inches in diameter for a Gravity Flow Sewer and not less than two (2) inches in diameter for a Pressure Sewer, each of which discharge to the Sewer Lead, and is subject to inspection by the Inspector at the time of connection to the Sewer Lead. In the event such inspection reveals a deficiency or non-conformity in the Building Sewer, the connection of the Building Sewer to the Sewer Lead shall not be completed or approved until the owner has corrected the said deficiency or non-conformity to the satisfaction of the Inspector.

(iii) Whenever possible the Building Sewer shall be brought to the building at an elevation below the basement floor. No Building Sewer shall be laid parallel to and within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. Where this minimum depth cannot be obtained, the

Building Sewer shall be laid at a minimum grade of one-quarter (1/4) inch per foot and insulated, sloping towards the Sewer Lead.

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

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

(vi) All joints and connections shall be made gas-tight and water-tight.

(vii) A separate and independent Building Sewer shall be provided for every building. Where, however, one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard, or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer upon application to and approval by the Authority. Other exceptions may be allowed only by special permission granted by the Authority Commission acting as the Board of Appeals in accordance with Article IX of this Ordinance.

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

Section 504. Excavations, Pipe Laying and Backfill. All excavations, pipe laying and backfill required for the installation of Building Sewers and Sewer Leads shall be done to conform to requirements and standards approved by the Authority. No backfill shall be placed until the work has been inspected and approved by the Inspector.

Section 505. Connection of Building Sewer. The connection of the Building Sewer to the Public Sewer System shall be made at the Sewer Lead.

Section 506. Connection of Certain Drains is Prohibited. No Person shall make connection of roof downspouts, exterior footing or foundation drains, areaway drains, storm drains, sump pumps, or other points of entry of surface runoff or groundwater to a Building Sewer or Building Drain which in turn is connected directly or indirectly to the Public Sewer System.

Section 507. Public Safety Requirements; Restoration. All excavations for Building Sewer installation and connection to the Public Sewer System shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored at the cost of the

property owner in a manner satisfactory to the Township, the County Road Commission, the Authority and all other governmental entities having jurisdiction.

Section 508. Cost of Installation of Building Sewer and Connection to Public Sewer; Authorized Persons; Indemnification. All costs and expenses incidental to the installation of the Building Sewer and the connection thereof to the Public Sewer System shall be borne by the owner of the property being connected. Any Person is authorized to install a Building Drain, Building Sewer and Sewer Lead and the connection of the Building Drain to the Building Sewer, subject to applicable building and plumbing codes and inspection in accordance with Section 509. Only an authorized contractor or plumber licensed by the Authority in accordance with Section 512 may connect the Building Sewer to the Sewer Lead or connect the Sewer Lead to the Public Sewer System sewer main, subject to the requirements of this Ordinance, including inspection in accordance with Section 509. No such work shall be commenced before such owner obtains any necessary permission to work in the public right of way from the County Road Commission. Said owner shall indemnify the Township, the Authority and the County from all loss or damage that may directly or indirectly be caused by the installation and connection of the Building Sewer to the Public Sewer System.

Section 509. Inspection. A connection permittee shall notify the Inspector when the Building Sewer and Sewer Lead are ready for inspection. The excavation shall be left open until inspection is complete. If the Inspector determines that the Building Sewer and Sewer Lead have been constructed and installed in accordance with the requirements of this Ordinance, the Building Sewer shall then be connected with the Sewer Lead under the observation of the Inspector. The inspection shall include the installation of all required components of the Sewer Lead, including without limitation, sealants, riser, discharge lines and related necessary appurtenances. The inspection required by this Section shall include the abandonment of the private Sewage Disposal Facilities in the manner required by the Health Department.

Section 510. Authority's Responsibility for Repairs, Operation and Maintenance. The cost of all repairs, operation, maintenance and replacement of the Public Sewer System, as well as each Sewer Lead shall be borne by the Authority as part of the Authority's budgeted annual expense of the System in accordance with the Contract, subject to the right of the Township to impose a Miscellaneous User Fee in accordance with Section 705, below.

Section 511. Property Owner's Responsibility for Repairs, Operation and Maintenance. The cost of all repairs, operation, maintenance and replacements of existing Building Sewers and their connection to Public Sewer System shall be borne by the property owner.

Section 512. Contractor Requirements. Any Person desiring to construct a Sewer Lead or connect a Building Sewer to a Sewer Lead or uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof, must secure an annual license from the Authority. The license shall be issued on the basis of the Authority's fiscal year. The Person applying for such license shall pay a license fee of $50 and execute unto the Authority and deposit with the Authority, a cash bond or irrevocable letter of credit in the sum of $5,000, conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules codes, and regulations established under the authority of the

Township, the Authority and the County pertaining to sewers and plumbing. This bond shall state that the Person will indemnify and save harmless the Township, the County, the Authority and the owner of the Premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistakes or negligence on his part in connection with the Sewer Lead installation and/or connection as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of one (1) year, except that, upon such expiration, the bond 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 Authority, evidence of public liability insurance insuring the interests of the Township, the Authority, the County, the property owner, and all persons, for all damages caused by accidents attributable to the work, with limits of $100,000 for one (1) Person, $300,000 for bodily injuries per accident, and $100,000 for property damages.

ARTICLE VI
USE OF THE PUBLIC SEWER SYSTEM

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

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

Section 603. Prohibited Discharges to Public Sewer System.

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

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

(ii) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the System or the Sewage Treatment Facility such as, but not limited to: grease, garbage that is not Properly Shredded Garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings,

grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Reject the Sewage.

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

(d) Require control over the quantities and rates of discharge.

(e) Require payment of a User Surcharge to cover the added cost of handling and treating the Sewage pursuant to Sections 703(b) and 704 hereof.

(f) Discontinue service to a User, if the Authority determines that discontinuance of service to the User is necessary to protect the integrity of the Public Sewer System. The Authority may authorize restoration of service to the affected User when the Authority determines that the threat to the Public Sewer System no longer exists and that the cause or events resulting in the related violation will not recur.

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

If the Authority permits the pre-treatment or equalization of Sewage flows, the design and installation of the pre-treatment plants and equipment shall be subject to the review and

approval of the Township, the County, the Authority, and the MDEQ, and shall also be subject to the requirements of all applicable codes, ordinances, regulations and laws. No construction of pre-treatment or equalization facilities shall take place until all necessary approvals are obtained in writing, and copies of said approvals are forwarded to the Township and the Authority.

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

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

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

(a) of the type and capacity prescribed by the Authority,

(b) located so as to be readily and easily accessible for cleaning and inspection,

(c) constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, and

(d) of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

Interceptors shall not be required for Residential Users.

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

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

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

ARTICLE VII
SEWER RATES AND CHARGES

Section 701. Public Utility Basis; Fiscal Year. The System shall be operated and maintained by the Authority on a public utility basis pursuant to state law under the supervision and control of the Authority Commission, subject to the terms of the Contract. The Township designates the Authority as the agent of the Township responsible for enforcement and administration of this Ordinance. The Authority may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operations of the System. The System shall be operated on the basis of the Authority's fiscal year. On an annual basis, the Authority shall prepare and submit to the Authority Commission for approval an annual budget for the System and recommendations for the Sewer Rates and Charges for the ensuing year.

Section 702. Connection Fee and Parcel Fee. The owner of each Premises required by Article III to connect to the System shall pay a Connection Fee and, if required by subsection (b), a Parcel Fee.

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

(i) For a Direct Connection to the Public Sewer System, the Connection Fee, shall be a rate per Unit, based upon the recommendation of the Authority and established by resolution of the Township Board from time to time.

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

(iii) For non-Residential Users which are metered in the discretion of the Township in accordance with Appendix III, an adjustment in the amount of the Connection Fee may be made by the Township at the conclusion of the metering period. In the event of a subsequent increase in utilization of the Public Sewer System, subsection (f) shall apply.

(iv) The Connection Fee may be set in different amounts per Unit, based upon the recommendation of the Authority, for Direct Connections and Indirect Connections for connections to the Public Sewer System as originally constructed by the County in accordance with the Contract (the "Original Public Sewer System") and extensions thereto, whether located within or without the Service District or any Special Assessment District or extended in accordance with Section 307, Section 308, Section 309 or Section 310 and the differences in cost attributable to each portion of the Public Sewer System or extensions thereof. It is the expectation of the Township that the amount of the Connection Fee for Direct Connections and Indirect Connections to extensions of the Original Public Sewer System shall not be less than the amount of the Connection Fee for Direct Connections and Indirect Connections to the Original Public Sewer System.

(b) **Computation of Parcel Fee.**

(i) For a Sewer Lead installed by or for the Township, the Parcel Fee shall be a rate per Sewer Lead, based upon the recommendation of the Authority and established by resolution of the Township Board, from time to time.

(ii) Except as provided in subsection (iii) below, if no Sewer Lead was installed by or for the Township, or if no Sewer Lead is available at the location desired by the owner of the Premises, no Parcel Fee shall be payable and the owner of the Premises shall be liable for the costs and expenses of installing the Sewer Lead pursuant to Township specification on file at the Township.

(iii) If no Sewer Lead was installed by or for the Township, but the Premises is subject to a special assessment which includes the full component for a Sewer Lead, then either (a) the Authority shall be liable for the costs and expenses of installing the Sewer Lead or (b) the Township shall refund to the owner of the Premises a sum of money equal to the full special assessment component for a Sewer Lead, and the owner of the Premises shall then be liable for the costs and expenses of installing the Sewer Lead pursuant to Township specifications on file at the Township.

(iv) It is intended by the Township that the Parcel Fee correspond to the separate $500 component of the Special Assessments confirmed by the Township on a per parcel or per lot basis on the original Special Assessment Rolls prior to the initial construction of the Public Sewer System by the County.

(c) **Credit for Special Assessments.** Subject to the provisions of Section 702(d) below, those parcels located in the Special Assessment District and subject to a full special assessment for all Units on the Special Assessment Roll shall be deemed to have paid the Connection Fee and the Parcel Fee; provided, however, that such credit shall not result in a full or partial refund of the special assessment paid or payable pursuant to the Special Assessment

Roll, unless specifically established by the Township at the time the Special Assessment Roll was confirmed by the Township; provided further that a partial special assessment shall be offset against the Connection Fee and, if applicable, Parcel Fee.

(d) **Installment Payment of Connection Fee**. A User whose Premises has not been fully specially assessed and that is required or elects to connect, for which an application for a connection permit is filed with the Township prior to the expiration of the ninety (90) day connection period provided by Section 304 shall be entitled to pay the Connection Fee determined in accordance with Section 702(a), in annual installments pursuant to the terms of a written agreement to be entered between the Authority, acting as agent of the Township, and said User providing for equal annual installment payments of principal to the Authority, acting as agent of the Township, for a period of time not to extend beyond the term of the special assessments imposed for the original construction of that component of the System, with interest on the unpaid balance at a rate not more than 1% higher than the average rate of interest on the bonds sold by the County for the initial construction of the applicable component of the System. The first installment shall be due and payable prior to the issuance of a connection permit in accordance with Article V.

(e) **Cash Payment**. Except for installment payments permitted by the terms of Section 702(d) above, the Connection Fee and the Parcel Fee shall be paid in cash, to the extent not offset by a credit in accordance with Section 702(c), prior to the issuance by the Township of a connection permit to connect to the Public Sewer System pursuant to Article V.

(f) **Increased Utilization of Public Sewer System**. In the event a change in use of a Premises is proposed which will increase the utilization by that Premises of the Public Sewer System, then the owner of the Premises shall submit a new application for a connection permit to the Township. In this circumstance, the Township shall, without metering in accordance with Appendix III, assign additional Units to the Premises to reflect such increased utilization and an additional Connection Fee and Inspection and Administration Fee based on the additional assigned Units shall be payable in accordance with the procedures set forth in Article V for the issuance of a Service Connection permit. No refunds shall be given for a change in use which decreases the Unit assignment to a Premises.

(g) **Repair and Replacement of Sewer Lead**. In the event the connection of a Building Sewer to a Sewer Lead for a Premises for which a Connection Fee has been paid is repaired, revised, or replaced, as a result of damage, destruction, remodeling or replacement of the Structure in Which Sanitary Sewage Originates on such Premises, no additional Connection Fee shall be payable provided that an increase in the utilization by said Premises of the Public Sewer System does not occur as a result of said repair, revision or replacement and provided further that the owner of the Premises pays all costs related to the repair, revision or replacement of the Building Sewer and Sewer Lead. An additional Inspection and Administration Fee may be payable as a result of said repair, revision or replacement, depending upon the circumstances, as determined by the Township.

(h) **Hardship Deferment**. The owner or owners of a single family residence, in which residence said owner or owners reside and upon which a Connection Fee and Parcel Fee has been imposed, may submit a hardship application to the Township seeking a deferment in the

partial or total payment of the Connection Fee and Parcel Fee provided for herein, based upon a showing of financial hardship, subject to and in accordance with the following:

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

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

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

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

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

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

C. A death of any of the applicants.

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

Section 703. User Charge; Debt Service Charge.

(a) **Computation.** A User Charge and Debt Service Charge shall be charged in advance to each Premises connected to the Public Sewer System as follows:

(i) **User Charge:** a rate per month per Unit, based upon the recommendation of the Authority and established by resolution of the Township Board from time to time.

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

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

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

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

(d) **Accrual Date.** User Charges and Debt Service Charges shall begin to accrue as of the day of the connection of the Building Sewer to the Public Sewer System in accordance with Article V, above. If appropriate, the billing of said charges for the initial billing period shall be prorated in arrears.

(e) **Unoccupied Premises.** A User Charge and Debt Service Charge shall be charged to each Premises connected to the System, regardless of occupancy.

Section 704. User Surcharge. The User Surcharge payable pursuant to Section 703(b) above, shall be based upon the recommendation of the Authority and determined from time to time by resolution of the Township Board and shall be sufficient to provide for the proportional distribution of the increased expense of Cost of Operation and Maintenance of the System. Factors such as Sewage strength, volume, discharge flow rate characteristics and the increased expense of the System for the transportation and treatment of Sewage which is not Normal

Strength Domestic Sewage shall be considered and included as a basis for determining the User Surcharge.

Section 705. Miscellaneous User Fee. The Township shall, from time to time, based upon the recommendation of the Authority, establish by resolution of the Township Board and impose on one or more Users a Miscellaneous User Fee, as necessary, for miscellaneous service, repairs and related administrative costs of the Township or the Authority associated with the System and incurred, without limitation, as a result of the intentional or negligent acts of such User or Users, including for example, excessive inspection services not covered by the Inspection and Administration Fee, costs of repairing and/or replacing a damaged Sewer Lead, costs of abating a nuisance pursuant to Section 1204 hereof, and costs incurred by the Authority to shut off and turn on sewer service.

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

Section 707. Billing of Sewer Rates and Charges. The Authority shall bill and collect, on behalf of the Township, all User Fees, Debt Service Fees and User Surcharges on a quarterly or monthly basis as determined in the sole discretion of the Township Board. A Miscellaneous User Fee shall be billed by the Authority, on behalf of the Township, promptly after the circumstances which gave rise to the Miscellaneous User Fee.

The Authority shall mail each User a bill on or before the 1st day of the first month of the quarterly or monthly billing period. Payment of a quarterly bill which is rendered by the Authority is due and payable on or before the 1st day of the second month in the quarterly billing period. Payment of a monthly bill which is rendered by the Authority is due and payable on or before the 25th day of the monthly billing period. Payment of a Miscellaneous User Fee shall be due on the 10th day after the bill or statement is mailed by the Authority.

The bill shall separately itemize the Sewer Rates and Charges. Payment of said bill shall be made at a location and in a manner designated by the Township.

As an alternative to mailing individual billing statements to each User, the Authority may periodically mail to each User a coupon book with a series of consecutive quarterly or monthly payment coupons, each of which shall specify the quarterly or monthly due date. In the event the Authority utilizes such a coupon book, each User shall be required to detach the appropriate quarterly or monthly coupon and pay the same on or before the date due.

Section 708. Unpaid Sewer Rates and Charges; Penalty. If Sewer Rates and Charges are not paid on or before the due date then a penalty in the amount of 10% shall be added to the balance due and thereafter a time price differential of 1% per month or fraction of a month shall be charged on the outstanding balance, exclusive of penalty, until paid.

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

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

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

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

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

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

Section 710. Lien. The Sewer Rates and Charges shall be a lien on the respective Premises served by the System. Whenever Sewer Rates and Charges shall be unpaid for six (6) months or more, they shall be considered delinquent. The Authority shall certify all Sewer Rates and Charges delinquent as of September 1 and penalties and time price differential thereon, annually, on or before September 1, of each year, to the tax-assessing officer of the Township, who shall enter the delinquent Sewer Rates and Charges, time price differential and penalties, together with an additional penalty equal to 3% of the total, upon the next tax roll as a charge against the Premises affected and such charge shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such Premises.

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

Section 712. Rental Properties. A lien shall not attach for Sewer Rates and Charges to a Premises which is subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the Premises or a dwelling unit thereon shall be liable for payment of Sewer Rates and Charges, effective for services which accrue after the date an affidavit is filed by the landlord with the Authority. This affidavit shall include the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the Authority thirty (30) days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit in the amount equal to the Debt Service Charge and the User Charge for the preceding twelve (12) monthly billing periods or four (4) quarterly billing periods. Upon the failure of the tenant to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Authority against the unpaid balance, including time price differential, interest

and penalties. The tenant shall immediately make sufficient payment to the Authority to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in Sections 709 and 710 of this Article shall be immediately applicable with respect to the unpaid Sewer Rates and Charges, including time price differential, interest and penalties. The security deposit shall be held by the Authority without interest and shall be returned to the landlord upon proof of termination of the lease.

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

(a) Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the System.

(b) Nonpayment of Sewer Rates and Charges.

(c) Failure to keep Building Sewers and Control Manholes in a suitable state of repair.

(d) Discharges in violation of this Ordinance.

(e) Damage to any part of the System.

Section 714. Security Deposit. If the sewer service supplied to a User has been discontinued for nonpayment of Sewer Rates and Charges, service shall not be reestablished until all delinquent Sewer Rates and Charges, time price differential, interest and penalties, and the turn-on charge has been paid. The Authority may, as a condition to reconnecting said service, request that a sum equal to the Debt Service Charge and the User Charge for the preceding twelve (12) monthly billing periods or four (4) quarterly billing periods be placed on deposit with the Authority for the purpose of establishing or maintaining any User's credit. Said deposit shall not be considered in lieu of any future billing for Sewer Rates and Charges. Upon the failure of the User to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Authority against the unpaid balance, including time price differential, interest and penalties. The User shall immediately make sufficient payment to the Authority to reinstate the amount of the security deposit so advanced. Upon the failure of the User to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in Sections 709 and 710 of this Article shall be applicable with respect to any unpaid Sewer Rates and Charges, including time price differential, interest and penalties. The security deposit shall be held by the Authority without interest and shall be returned to the User upon continued timely payments by the User of all Sewer Rates and Charges as and when due, for a minimum of twelve consecutive (12) months.

Section 715. Billing Address. Bills and notices relating to the conduct of the business of the Township and the Authority will be mailed to the User at the address listed on the permit application filed pursuant to Article V unless a change of address has been filed in writing at the business office of the Authority; and the Township and the Authority shall not otherwise be

responsible for delivery of any bill or notice, nor will the User be excused from non-payment of a bill or from any performance required in said notice.

Section 716. Interruption of Service; Claims. The Township and the Authority shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the collection system or the treatment equipment, all Users affected by such interruption will be notified in advance whenever it is possible to do so. Neither the Township nor the Authority shall, in any event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no Person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

ARTICLE VIII
REVENUES

Section 801. Estimated Rates; Sufficiency. The User Charges are to be sufficient to provide for the cost of Operation and Maintenance of the System and the Sewage Treatment Facility as necessary to preserve the same in good repair and working order. Such rates shall be fixed and revised, at the recommendation of the Authority, by resolution of the Township Board from time to time as may be necessary to produce these amounts and to comply with the Township's obligations pursuant to the Contract. The Township Board shall not take any action that would impair the Township's ability to comply with the Contract and obligations therein. An annual audit shall be prepared by the Authority. Based on this audit and the annual budget required by Section 701, Sewer Rates and Charges shall be reviewed annually by the Authority and revised by the Township as necessary to meet system expenses and to insure that all User Classes pay their proportionate share of the Cost of Operation and Maintenance.

Section 802. Revenues; Depository. The revenues of the System shall be set aside, as collected, and deposited in the Common Fund in the manner provided by the Contract. The Common Fund shall be held and administered by the Authority.

ARTICLE IX
ADMINISTRATIVE APPEALS; BOARD OF APPEALS

Section 901. Informal Hearing. In order that the provisions of this Ordinance may be reasonably applied and substantial justice done in instances where this Ordinance is misapplied or unnecessary financial hardship would result from carrying out the strict letter of this Ordinance, an informal hearing before the Authority Chairperson may be requested in writing by any Person deeming itself aggrieved by a citation, order, charge, fee, surcharge, penalty or action within thirty (30) days after the date thereof, stating the reasons therefore with supporting documents and data. The informal hearing shall be scheduled at the earliest practicable date, but not later than fifteen (15) days after receipt of the request, unless extended by mutual written agreement. The hearing shall be conducted on an informal basis at the Authority offices or at such place as designated by the Authority Chairperson. The Authority Chairperson may grant the appeal, reject the appeal or schedule a second informal hearing not more than ten (10) days after the initial hearing to allow time for study or to gather additional information. The

Authority Chairperson shall issue a written statement of his decision within fifteen (15) business days after the informal hearing.

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

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

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 or procedure and keep a record of its proceedings, showing 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 904. Payment of Amounts Outstanding. All Sewer Rates and Charges outstanding during any appeal process shall be due and payable to the Authority, acting as the agent of the Township. Upon resolution of any appeal, the Authority, acting as the agent of the Township, shall adjust such amounts accordingly; however, such adjustments shall be limited to the previous one year's billing unless otherwise directed by court order.

Section 905. Effect of Administrative Action. If any informal or formal hearing is not demanded within the periods specified herein, such administrative action shall be deemed final. In the event either or both such hearings are demanded, an action subject to appeal shall be

suspended until a final determination has been made, except for immediate cease and desist orders issued pursuant to this Ordinance.

Section 906. Appeal from Board of Appeals. Appeals from the determinations of the Board of Appeals may be made to the Van Buren Circuit Court within twenty (20) days as provided by law. All findings of fact, if supported by the evidence, made by the Board of Appeals shall be conclusive upon the Court.

ARTICLE X
NOTICE AND CLAIM PROCEDURES FOR SEWER OVERFLOW OR BACKUP

Section 1001. Notice and Claim Procedures Applicable to Overflow or Backup of the Public Sewer System. This Section 1001 has been adopted in accordance with Act 222 to set forth the notice and claim procedures applicable to a Sewage Disposal System Event. To afford property owners, individuals, the Township and the Authority greater efficiency, certainty and consistency in the provision of relief for damages or physical injuries caused by a Sewage Disposal System Event, the Township, the Authority and any Claimant making a claim for economic damages shall follow the following procedures:

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

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

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

(d) If a Claimant who owns or occupies affected property notifies the Township and the Authority, 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 Authority 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 and the Authority are notified of a claim under subsection (a) and either the Township or the Authority believe that a different or additional governmental agency may be responsible for the claimed property damages or physical injuries, the Township and the Authority 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 and the Authority receives the Claimant's notice under subsection (a). The Authority shall give notice of a claim to the County.

(f) If the Township or the Authority receives a notice from a Claimant or a different or additional governmental agency that complies with this Section 1001, the Township or the Authority 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, the Authority or its duly authorized representatives to inspect damaged property or investigate a physical injury.

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

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

(ii) The Public Sewer System had a defect;

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

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

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

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

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

(ii) A connection on the affected Premises, including, but not limited to, a footing drain, sump system, surface drain, gutter, down spout or connection of any other sort that discharged any storm water, surface water, ground water, roof runoff, sub surface drainage, cooling water, unpolluted air conditioning water or unpolluted industrial process waters to the Public Sewer System.

(i) If the Authority, acting as agent for 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 1001, the Authority shall make available to the public information about the notice and claim procedures under this Section 1001.

(k) The notice and claim procedures set forth in this Section 1001 shall be applicable to a Sewage Disposal System Event involving the Public Sewer System.

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

(m) In the event of a conflict between the notice and claim procedures set forth in this Section 1001 and the specific requirements of Act 222, the specific requirements of Act 222 shall control.

(n) As provided in Section 19(7) of Act 222, the notice and claim procedures of this Section 1001 do not apply to claims for non-economic damages (as defined in Act 222) arising out of a Sewage Disposal System Event.

Any word, term or phrase used in this Section 1001, if defined in Act 222, shall have the same meaning provided under Act 222.

ARTICLE XI
POWERS OF INSPECTORS AND OF AUTHORITY

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

Section 1102. Compliance with Safety Rules. While performing the duties in Section 1101 above, the duly authorized employees or representatives of the Township or the Authority shall observe all reasonable safety rules applicable to the Premises established by the property owner or User.

Section 1103. Enforcement of Ordinance by Authority. It is the Township's intent that the Authority be empowered, to the extent permitted by law, to operate, maintain and administer the System on behalf of the Township pursuant to the Contract and to administer and

enforce the provisions of the Ordinance on behalf of, and as agent for, the Township, including, without limitation, the assignment of Units to Users. In addition, the Authority has additional rights under Act 233 to enforce this Ordinance as part of the Rules and Regulations of the Authority. If the Authority is unable to act with respect to any matter permitted in this Ordinance, then the Township shall act in place of the Authority.

ARTICLE XII
ENFORCEMENT

Section 1201. Damage to System. No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the Public Sewer System.

Section 1202. Notice to Cease and Desist. Except for violations of Section 1201 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 1203. Civil Infraction. Any violation of Section 1201, or any violation beyond the time limit provided for in Section 1202, shall be a municipal civil infraction, for which the fine shall not be less than $100 nor more than $500 for the first offense and not less than $200 nor more than $2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed by the same Person within 12 months of a previous violation of the Ordinance for which said Person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense. Any Person violating any of the provisions of this Ordinance shall, in addition, become liable for any expense, including reasonable attorney fees, loss, or damage occasioned by reason of such violation. The Township Supervisor shall be authorized, in the manner provided by law, to issue municipal civil infractions for violation of this Ordinance.

Section 1204. Nuisance; Abatement. Any Nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The Township or the Authority in the furtherance of the public health, safety and welfare may enforce the requirements of this Ordinance by injunction or other remedy and is hereby empowered to make all necessary repairs or take other corrective action necessitated by such nuisance or violation. The Person who violated the Ordinance or permitted such nuisance or violation to occur shall be responsible to the Township or the Authority for the costs and expenses, including reasonable attorney fees, incurred by the Township or the Authority in making such repairs or taking such action as a Miscellaneous User Fee.

Section 1205. Liability for Expenses. Any Person violating any of the provisions of this Ordinance shall become liable to the Township, the Authority and their authorized

representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the Township or the Authority by reason of such violation.

Section 1206. Remedies Are Cumulative. The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive with any other remedies available to the Township or the Authority.

ARTICLE XIII
MISCELLANEOUS

Section 1301. Repeal of Conflicts. All ordinances or parts of ordinances in conflict herewith and relating to the Public Sewer System are hereby repealed.

Section 1302. Severability. The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 1303. State and Federal Law Requirements. If any provision of applicable state or federal law imposes greater restrictions than are set forth in this Ordinance then the provisions of such state or federal law shall control.

Section 1304. Article and Section Headings. The Article and Section headings used in this Ordinance are for convenience of reference only and shall not be taken into account in construing the meaning of any portion of this Ordinance.

Section 1305. Reservation of Right to Amend. Subject to the provisions of the Contract, the Township specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease, or otherwise modify any of the Sewer Rates and Charges herein provided. Notwithstanding the foregoing, the Township acknowledges that the Authority has approved this Ordinance, except for Article XII, as part of the Authority's Rules and Regulations and, accordingly, any amendment to this Ordinance, except for amendments to Article XII, shall be subject to the prior approval of the Authority.

Section 1306. Intent Regarding Uniformity of Ordinance. It is the intent of this Township that the terms and conditions of this Ordinance be uniform with the terms and conditions of the sewer connection, use and rate ordinances adopted by each of the other Townships whose lands are served by the System.

ARTICLE XIV
PUBLICATION AND EFFECTIVE DATE

Section 1401. Publication. A true copy or a summary of this Ordinance shall be published in *The Courier Leader* and in the *Marcellus* News, newspapers of general circulation within the boundaries of the Township qualified under state law to publish legal notices within thirty (30) days after the adoption of the Ordinance by the Township. Publication of a true copy or a summary of this Ordinance in conjunction with the publication by Porter and Marcellus of substantially the same ordinance, or a summary thereof, and the publication by the Authority of

the Rules and Regulations, or a summary thereof, is hereby authorized. This Ordinance shall be recorded in the minutes of the Township Board of the meeting at which this Ordinance was adopted and, in addition, shall be recorded in the Ordinance Book of the Township.

Section 1402. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its publication in both newspapers as provided by law.

Passed and adopted by the Township Board of the Township of Volinia, County of Cass, Michigan on May 11, 2009, and approved by me on May 11, 2009.

Owenn Johnson, Supervisor
Township of Volinia

Attest:

Brenda Butler, Clerk
Township of Volinia

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Volinia, County of Cass, State of Michigan, at a regular meeting held on May 11, 2009, and that public notice of said meeting was given pursuant to Act No. 267 of the 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.

Brenda Butler

Brenda Butler, Township Clerk

CERTIFICATE OF PUBLICATION

I, the undersigned, Township Clerk of the Township of Volinia, County of Cass, Michigan, hereby certify pursuant to MCL 41.184 that the Lakes Area Sewer Authority Connection, Use and Rate Ordinance (Township Ordinance No. ____) or a summary thereof was published in *The Courier Leader* on _____, 2009 and in the *Marcellus News* on _____, 2009.

Dated: _____, 2009

_____

Brenda Butler, Township Clerk

APPENDIX I

Cass County Sewage Disposal District
(Lakes Area Sewer Authority Section)

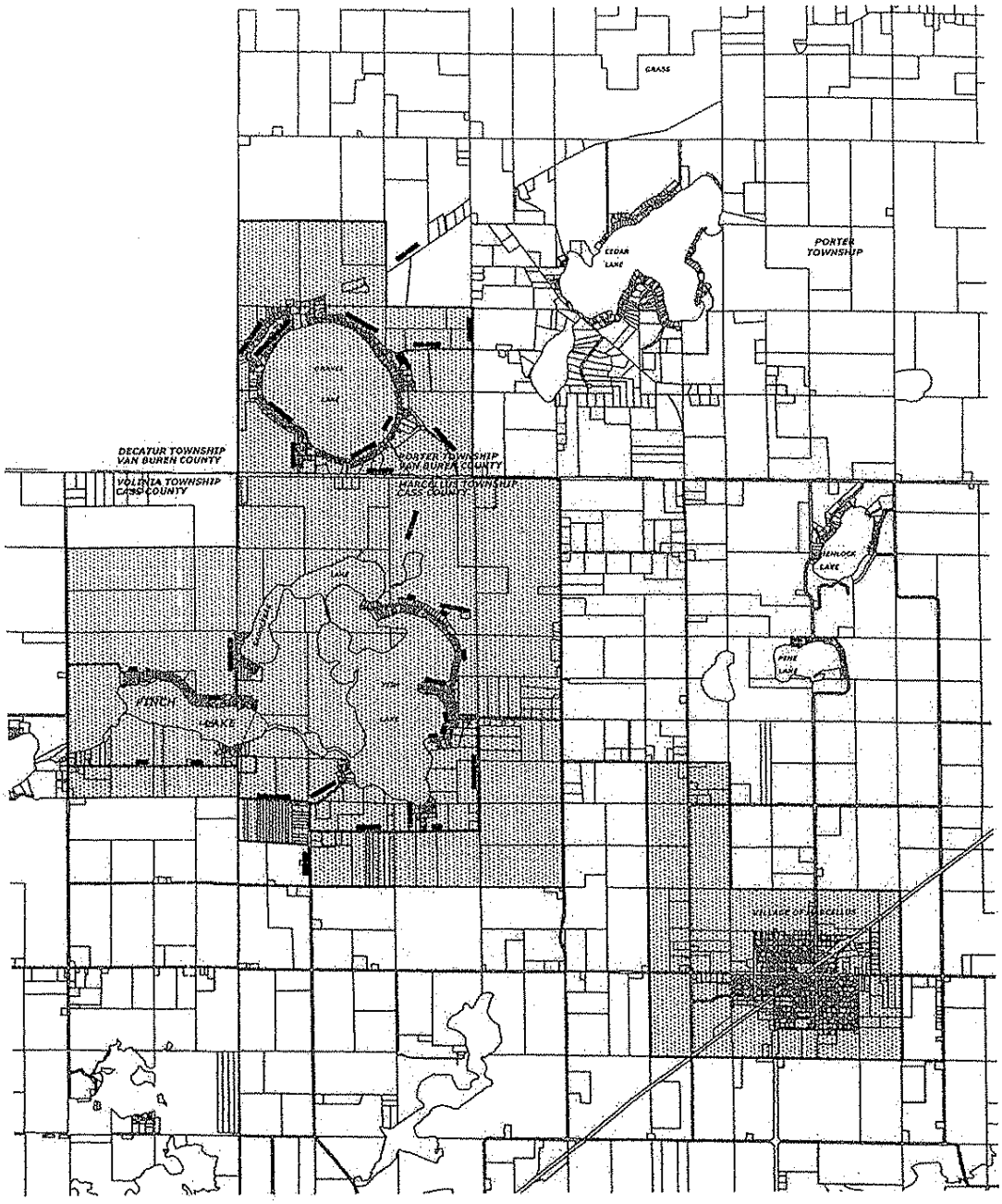


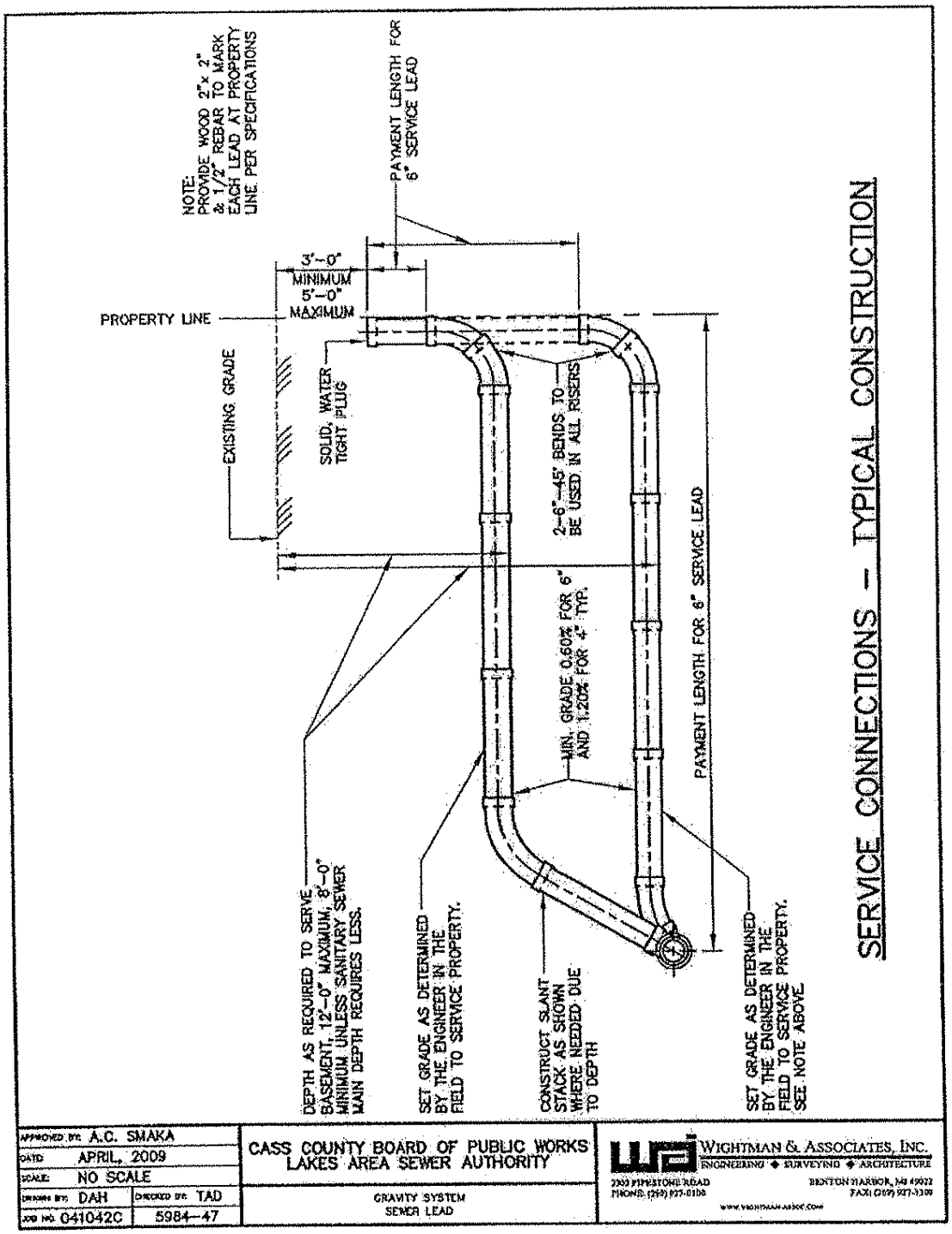
FIGURE 1

LAKES AREA SEWAGE DISPOSAL SYSTEM
SEWAGE DISPOSAL DISTRICT

APPENDIX II

Cass County Sewage Disposal District
(Lakes Area Sewer Authority Section)

Diagram of Gravity System



APPENDIX III

TABLE OF UNIT FACTORS

Usage	Unit Factor
Residence	1.00
Duplex	1.00 each per dwelling unit
Apartment	
One Bedroom	.50
Two or more bedrooms	1.00
Auto Body Shop	1.00 for each 7 employees
Auto Dealer (w/o Car Wash)	1.00 for each 7 employees
Bank	1.00 for each 7 employees
Barber Shop	1.00
Beauty Shop	1.00
Boat & Marine Supply	1.00 for each 7 employees
Bowling Alley	.25 per lane
Bowling Alley w/Bar and/or Restaurant	0.25 per lane plus .07 seat
Car Wash Self Service	1.00 first unit plus .75 each additional
Car Wash (Production Line)	5.00
Churches w/o Kitchen	1.00
Churches w/Kitchen	1.50
Confectionery & Fountain	1.50
Convalescent Home	1.00 plus .50 per bed
Country Club with Restaurant	2.00 plus 1.00 additional unit for each 25 persons seating capacity in restaurant
Doctor & Dentist Offices	1.00 per doctor

Usage	Unit Factor
Drug Store w/o Fountain	1.00
with Fountain	1.50
Drycleaner	1.00
Pressing & Cleaning on prem.	2.00
Factory	1.00 for each 7 employees
Feed Store	1.00 for each 7 employees
Fire Halls	2.00
Fraternal Organizations	See Restaurant
Funeral Home	1.00
Furniture Repair	1.00
Gas Station	1.00 for each 7 employees
Golf Course w/Bar	2.00 plus one additional unit for each 25 persons seating capacity
Greenhouse & Florist	1.50
Hardware	1.00
Horse Stable & Riding Academy	1.00
Laundromat	1.00 plus .25 each washer
Lawnmower Sales	1.00
License Bureau	1.00
Meat Market and/or Food Locker and/or Processing	
w/o Slaughtering	1.50
w/Slaughtering	2.00
Mobile Home	1.00

Usage	Unit Factor
Motel	1.00 plus .25 unit w/o Kitchenette and .50 with Kitchenette
Music Store	1.00
Newspaper Publishing and Printing	1.00 for each 7 employees
Nursery and Shrubs	1.00
Office Buildings	1.00 for each 7 employees or tenants
Package Liquor Store	1.00 for each 7 employees
Party Store	1.00 for each 7 employees
Post Office	1.00
Public Utility (Office only)	1.00
Public Utility w/Maintenance	2.00
Real Estate Office	1.00 for each 7 employees
Rental Halls	2.00
Restaurants w/Bar	2.00
Restaurant Drive-In	1.50
Retail or Wholesale Sales	1.00
Schools	1.00 per classroom
Shoe Repair	1.00
Sporting Goods Store	1.00
Super Markets	1.00 for each 7 employees
Swim Club w/o Food Service (Recirculating Water)	2.00
Taverns & Bars	1.00 plus .07 per seat
Theater	2.00

Usage	Unit Factor
Travel Trailer Park	1.00 plus .50 per sewage hook-up
Township Hall	1.00 for each 7 employees
TV Repair & Appliance	1.00 for each 7 employees
Veterinarian	1.00 for each 7 employees
Warehouse	1.00 for each 7 employees
Watch Repair & Jewelry	1.00 for each 7 employees

GUIDELINES

1. Each User shall be assigned a minimum of one (1) Unit. A building containing multiple Users shall be assigned a minimum of one (1) Unit for each User.

2. The Township or the Authority, acting as the agent of the Township, may, in its sole discretion, require any User of the Public Sewer System, other than a Residential User, to install a water meter on the User's water supply to measure water use and to determine Units. After two (2) years of meter readings have been obtained, the Units assigned to the Premises shall be re-determined based on said meter readings using an equation, the numerator of which shall be the meter readings, in gallons, for the twenty four (24) month period and the denominator of which shall be 130,000 gallons. Meter readings shall be annualized for seasonal Users, taking into account the months each year of seasonal use and non-use. The resulting number of Units so determined, which shall not in any event be less than one, shall be multiplied by the requisite Connection Fee, direct or indirect, to determine the adjusted Connection Fee for the Premises. The metering of the water flow for this purpose shall be accomplished by a meter approved by the Township and all cost of the acquisition installation, repair, maintenance and removal of the meter shall be the responsibility of the User. The Township reserves the right to recalculate the Units assigned to any User whenever a substantial change in water use occurs or a change in type of use occurs (i.e., an office becomes a restaurant).