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TOWNSHIP OF PENTWATER

SEWER RATE AND CONNECTION ORDINANCE

ORDINANCE #2

AN ORDINANCE establishing and providing for the collection of rate and charges for sewage disposal service and providing penalties for violation of sections thereof, in the TOWNSHIP OF PENTWATER, Oceana County, Michigan.

THE TOWNSHIP OF PENTWATER ORDINANCE

ARTICLE I

DEFINITION OF TERMS

Whenever the words "the System" are referred to in this ordinance, they shall be understood to mean all facilities of the Township of Pentwater and all subsequent additions, including all sewers, pumps, lift stations, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

Whenever the words "Single Family Residential Equivalent" are used in this Ordinance, they shall mean the ratio of normal single-family residential sewer use, to the establishment in question's sewer use, as set forth in Appendix A "USER CHARGE UNITS".

When the words "revenues" and "net revenues" are used in this ordinance, they shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

Whenever the words "sewer service charge" is used in this Ordinance, it shall mean the charge levied on all users of the system for the cost of operation and maintenance, and for the cost of any bond debt of which debt repayment is to be met from revenue of the system.

Whenever the word "Township" is used in this Ordinance, it shall mean the Township of Pentwater, as represented by the Township Board.

Whenever the word "Village " is used in the Ordinance, it shall mean the Village of Pentwater, Michigan, as represented by the Village Council

ARTICLE II

OPERATION

The operation, maintenance alteration, repair and management of the System is responsibility of the Township of Pentwater.

* The Township of Pentwater and the Village of Pentwater may jointly enter into an agreement whereby the Village agrees to operate and maintain the entire sewerage collection and treatment system, both within the Village and Township. The Village may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operations of the System; and the Township may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and the operation of the System.

ARTICLE III

SEWER USE CHARGE SYSTEM

Section 1: All premises connected directly or indirectly to the sanitary sewers of the Township, except as hereinafter provided, shall be charged and shall make payments to the Township in amounts computed on the basis of a residential user equivalent. There will be no free service within the system.

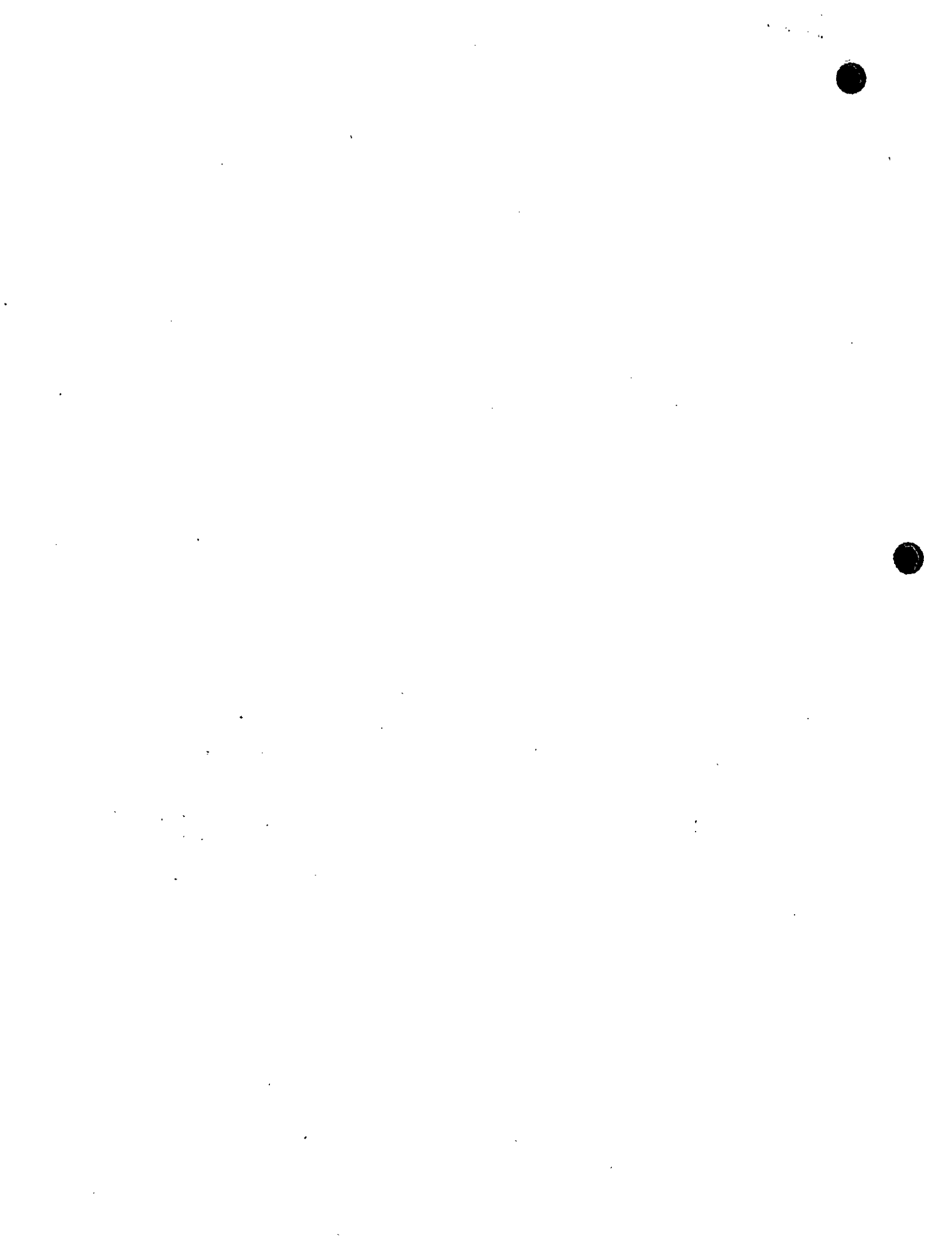
Section 2: The sewer user charges shall consist of a "User Operation and Maintenance (O&M) Charge", and a "User Debt Retirement Charge" both as defined in the Sewer Use Ordinance. The User O & M Charge shall be billable quarterly for residential users and monthly for commercial and industrial users that are so designated by the Township, at the Township's discretion. Rates charged for operation and maintenance will be equal throughout the Township.

Section 3: Rates to be charged for service furnished by the system and definitions used in connection with the rate charges shall be as follows:

Quarterly Service Charge - O & M charges to each user served by the system shall be on the residential use basis of thirty-five dollars and 00/100 (\$35.00) per quarter per single-family residence equivalent as reflected in Appendix A. At the present time, \$12.35 of this charge is levied for operation and maintenance costs, and \$22.65 is levied for debt retirement.

Connections Charge - For each new connection to lines of the system, there shall be charged a fee of one thousand dollars (\$1,000.00) per single-family residence equivalent as reflected in Appendix A. This charge is levied for debt retirement.

Payment of Connection Charge - Connection charges, as set forth above, shall be due and payable in cash upon application for connection to the system, provided, however, that any user may elect to pay one-tenth (0.10) of said hook-up charge on said due date and one-tenth (0.10) on each anniversary of the due date thereafter, plus interest on the unpaid balance at the rate of



ten percent (10%) per annum until said hook-up charge and interest are paid in full.

Equivalent User Factor - Each premises, shall pay a connection charge multiplied by a factor that is rounded to the nearest one-tenth, representing a ratio of sewage use by such class of premises to normal single-family residential use as reflected Appendix A.

Section 4: The charges for services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all premises served thereby, and are hereby recognized to constitute such lien; and whenever any such charge against any piece of property shall be delinquent for six (6) months, the Township shall certify annually, on August 1st. of each year, to the tax assessing officer of the Township, the facts of such delinquency whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Township taxes against such premises are collected and the lien thereof enforced; provided, however, where written notice is given that a tenant is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such premises until a cash deposit in the amount of \$75.00 shall have been made in advance as security for payment of such charges and service. It shall be the responsibility of the Village to certify to the Township all such property that is six (6) months delinquent.

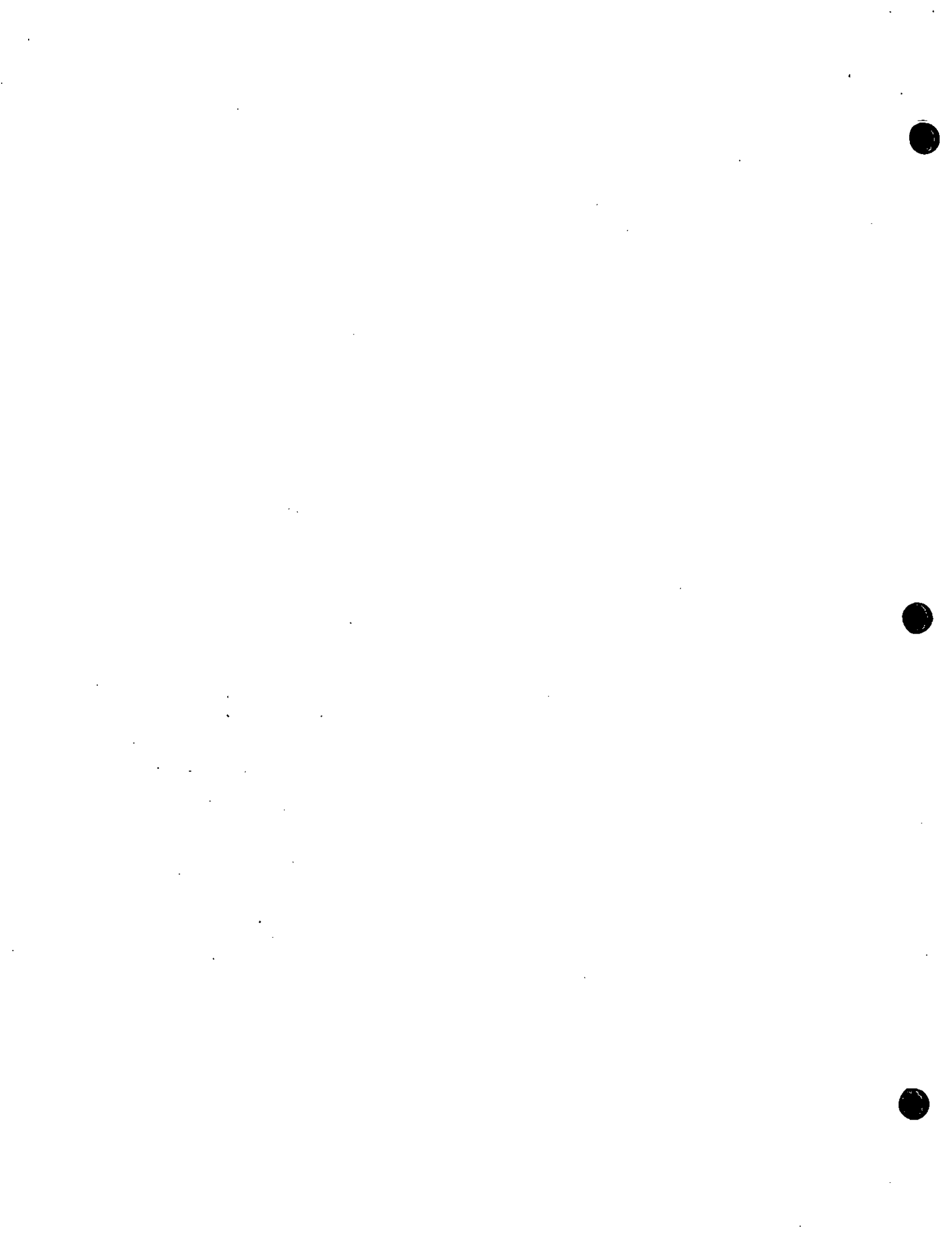
Section 5: The Village shall have the right to adjust by Board resolution the "User Charge" based on an annual audit review of the Sewage Works Operation and Maintenance costs. Such an audit review shall be conducted annually by the Village and shall be open to inspection by the Township. All sewer rates shall be justified by such audit.

Section 6: All customers of the Sewage Works will be included in a user class and each user class will pay for the proportionate use of the Sewage Works in terms of volume and pollutant loading. Sewer user charges are levied to defray the cost of operation and maintenance including replacement. The classes of users of the Sewage Works, for the purpose of determining the user charges, shall be as follows:

Class I - Residential - shall include those customers which discharge only segregated domestic wastes or wastes from sanitary conveniences and are defined as "Residential Users" in the Sewer Use Ordinance.

Class II - Commercial - shall include those customers which discharge only segregated domestic wastes or wastes from sanitary conveniences and are defined as "Commercial Users" in the Sewer Use Ordinance.

Class III - Institutional - shall include those customers which



discharge only segregated domestic wastes or waste from sanitary conveniences and are defined as "Institutional Users" in the Sewer Use Ordinance.

Class IV - Government - shall include those customers which discharge only segregated domestic wastes or waste from sanitary conveniences and are defined as "Governmental Users" in the Sewer Use Ordinance.

Class V - Industrial - shall include those customers which discharge "Industrial sewer" and are defined as Industrial Users" in the Sewer Use Ordinance.

Section 7: Each user class, as defined above, shall pay their share of the operation, maintenance, replacement and depreciation costs for treatment of their sewage, plus an amount that may be paid by industrial users for the recovery of the portion of Federal grants allocable to the treatment of industrial sewage as defined in Article IV of this ordinance.

ARTICLE IV

INDUSTRIAL COST RECOVERY SYSTEM

Section 1: The Township of Pentwater does not contain any industries, as defined in the Sewer Use Ordinance who will be discharging industrial wastes into the sewerage system. If in the future, the Township of Pentwater allows an industrial user to utilize the sewerage system, the Township will develop an Industrial Cost Recovery System consistent with current State and Federal Regulation.

Section 2: In the event an industrial user is allowed to utilize the system, the industrial user shall pay a surcharge for high strength waste that is determined by multiplying the ratio of the average five day BOD divided by a five day BOD of 200 mg. per liter, by that portion of the Sewer Use Charge that is attributable to Operation and Maintenance. In no case shall the ratio of BOD's so determined be less than one for rate calculation purposes. The Residential User Equivalent shall be determined by dividing the industry's water use by 14,000 gallons per quarter. In no case shall the Residential User Equivalent be less than one.

ARTICLE V

SEWER CONNECTION CHARGES

Section 1: All premises connected directly or indirectly to the sanitary sewers of the Township, and being located on land included within the boundaries of a sanitary sewer special assessment district, shall be charged an assessment fee in accordance with the provisions of said special assessment district. In addition, where no lateral stub exists, or in the case of a pressure sewer, no septic tank,

pumping chamber and effluent pump, the actual cost of the installation or said stub or pumping chamber and effluent pump, along with the service lateral, will be borne entirely by the property owner.

Section 2: Where a sewer already exists, each person desiring to tap a single-family residential premises into the system shall pay in cash at the time of application, for a tap permit, a charge for the privilege of using the facilities and receiving the service of the system. The amount of such charge for premises other than single-family residential shall be as determined in Article III.

ARTICLE VI

PAYMENTS AND COLLECTIONS

Section 1: Bills for sewage disposal service are due and payable at the office of the Village or to any designated agent on their date of issue and, if not paid by the 30th day thereafter, shall be deemed delinquent and shall be subject to a penalty of 10 percent (10%) thereof. Bills shall be dated and mailed quarterly and shall cover one quarter's (3 months) service in advance. If a bill is not paid within 30 days after its date of issuance, the Village shall serve upon the customer, a written notice of delinquency; and if it is not paid with sixty days (60) after date of issuance, the Village with the Township's concurrence, may discontinue sewer service to the premises and take such other measures as are permitted by state law.

Section 2: All bills and notices relating to the conduct of the business of the Township and of the Sewage Works will be mailed to the customer at the address listed on the application for the connection permit, unless a change of address has been filed in writing at the business office of the Village and Township; it shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.

Section 3: Applications for connection permits may be cancelled and/or sewer service disconnected by the Township for any violation of any rule, regulation or condition of service and especially for any of the following reasons:

- a. Misrepresentation in the permit application as to the property or residential equivalents to be serviced by the Sewage Works.
- b. Nonpayment of bills.
- c. Improper or imperfect service pipes and fixtures or failure to keep the same in a suitable state of repair.

Section 4: Where the sewer service supplied to a customer has been discontinued for nonpayment of delinquent bill, the Township reserves the right to request a nominal sum be placed on deposit with the Village for the purpose of establishing or maintaining any customer's credit. Service shall not be re-established until all delinquent charges and penalties, and a turn-on charge to be specified by the Village Council and Township Board, have been paid. Further, such charges and penalties may be recovered by the Township by court action.

Section 5: The Village and Township shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions of service occur, will endeavor to re-establish service with the shortest possible delay. Whenever service is interrupted for the purposes of working on the Sewage Works, all customers affected by such interruption will be notified in advance whenever it is practical to do so.

ARTICLE VII

USER NOTIFICATION

Section 1: The Township will annually notify all users of the system of the rates and that portion of the user charges that are attributable to operation and maintenance costs, and that portion of the rate that is attributable to capital recovery costs. This notification will be sent with second period billings.

ARTICLE VIII

DISPUTES

Section 1: A person may request an appeal of the User Charge Units by filing a written request with the Township Clerk within 30 days of receiving notification of the User Charge Units assigned. Such notification may be in the form of the quarterly sewer billing. The Township Supervisor shall appoint (within 7 days after the next regularly scheduled Board meeting) a three-person appeals board to hear the appeal, examine the evidence and make a recommendation to the Township Board, and the Board shall make a final administrative ruling on the appeal.

ARTICLE IX

VALIDITY

Section 1: All ordinances and parts of ordinance in conflict with the provisions of this ordinance are hereby repealed insofar as the conflicting portions thereof are concerned.

ARTICLE X

ORDINANCE IN FORCE

Section 1: This ordinance is to be in full force and effect from and after its passage, approval and publication according to the law of the State of Michigan.

Section 2: This ordinance shall be published one, in full, in the Oceana Herald Journal, a newspaper of general circulation within the boundaries of the Township under State law to publish legal notices, within two (2) weeks after its adoption, and the same shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Officers so required.

Section 3: This ordinance shall become effective immediately upon its adoption.

I hereby certify that the attached constitutes a true and complete copy of Ordinance No. 2 duly adopted by the Township of Pentwater, Oceana County, Michigan, at a Regular Board Meeting held on March 12, 1986 and that public notice of said meeting was given pursuant to Act No. 261 Public Acts of Michigan 1968, including, in the case of a special or re-scheduled meeting, notice by publication or posting at least twelve hours prior to the time set for the meeting

I further certify that the following Members were present at said meeting:

I further certify that Member Miller moved adoption of said ordinance and that the motion was supported by Member Evans.

I further certify that the following Members voted for adoption of said ordinance; Miller, Evans, Squire and _____, and that the following Members voted against adoption of said ordinance: None.

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

Claude H. Stevens
Claude H. Stevens, Supervisor

Margaret Squire
Margaret Squire, Clerk

APPENDIX A

USER CHARGE UNITS

<u>Occupation Use</u>	<u>Units</u>	<u>Unit Factor</u>
Single Family Residence	1.0	Per residence
Auto Dealers - New and/or Used	1.0	Per premise plus 0.10 per 1,000 square feet of building including service area
Auto Repair/Collision	1.0	Same as above
Auto Wash (Coin Operated do-it yourself 10 gallons or less per car)	1.0	Per stall
Auto Wash (Mechanical over 10 gallons per car - Not recycled)	10.0	Per stall or production line, including approach and drying area
Auto Wash (Mechanical over 10 gallons per car - recycled)	5.0	Per stall or production line, including approach and drying area
Banks, Saving & Loans and Other Financial Institutions	.75	Per 1,000 square feet minimum 1 unit
Barber Shop	1.0	Per shop, plus 0.1 per chair after 2
Bar	2.0	Per bar, plus 4.0 per 1,000 square feet over 500 square feet
Beauty Shops	1.0	Per shop, plus 0.1 per booth after 2
Bowling Alleys (no bar)	1.0	Per premise, plus 0.2 per alley
Campgrounds		
Modern campground with water and sewer to each site	0.4	Per site
Modern campground serviced by a service building	0.3	per site

<u>Occupation Use</u>	<u>Units</u>	<u>Unit Factor</u>
Campgrounds Primitive campground operated in conjunction with a Moder Campground	0.12	Per site, laundry community buildings and office to be computed separately
Churches and Funeral Caples	0.25	Per 1,000 square feet - minimum 1 unit
Cleaners (cleaning & pressing facilities)	1.0	Per premise plus 0.5 per 500 square feet
Clinics (Medical or Dental)	1.0	Per premise plus 0.5 per exam room
Convalescent or Boarding Homes	1.0	Per premise plus 0.25 per bedroom
Convents	1.0	Per premise plus 0.25 per bedroom
Country Clubs and Athletic Clubs	1.5	Per 1,000 square feet of clubhouse plus restaurant and bar minimum 1 unit
Drug Stores	1.0	Per premise plus snack bar and 0.1 per 1,000 square feet
Factories (office and production - not wet process)	0.40	Per 1,000 square feet - minimum 1 unit
Funeral Home	1.5	Per 1,000 square feet minimum 1 unit, plus residence to be computed separately
Grocery Store and Supermarkets	1.0	Per premise plus 0.4 per 1,000 square feet
Hospitals	1.1	Per bed
Hotels, Motels and Bed and Breakfast	0.40	Per bedroom plus restaurant and bar and residence
Laundry (self serve)	1.0	Per premise plus 0.5 per washer

<u>Occupation Use</u>	<u>Units</u>	<u>Unit Factor</u>
Two Family Residential	1.0	Per unit
Mobile Homes (free standing)	1.0	Per unit
Marina	0.3	Per slip, minimum 1.0 per marina. Laundry, etc. to be computed separately
Mobile Home Parks	1.0	Per pad or site
Multiple Family Residence Duplex or Row Houses	1.0	Per dwelling unit
Apartment Complexes	1.0	Per dwelling unit
Professional Office	0.25	Per 500 square feet minimum 1 unit
Public Institutions	0.75	Per 1,000 square feet minimum 1 unit
Restaurants (meals only)	1.5	Per 1,000 square feet minimum 1 unit
Restaurants (meals and drinks)	6.5	Per 1,000 square feet minimum 3 units
Restaurants Auxiliary Dining Rooms when used less than 20 hours per week	1.0	Per 1,000 square feet minimum 1 unit
Schools		
Without cafeterias, gymnasiums or showers	1.2	Per classroom
With cafeterias and without gyms or showers	1.2	Per classroom plus 1.0 per 1,000 square feet cafeteria and kitchen area
With cafeterias, gymnasiums and showers		Same as above plus 1.5 per 1,000 square feet for gym and locker room area
Service Stations	0.6	Per 1,000 square feet of building area - minimum 1 unit

<u>Occupation Use</u>	<u>Units</u>	<u>Unit Factor</u>
Snack Bars, Drive-Ins, etc.	2.5	Per 1,000 square feet of building area - minimum 1 unit
Retail Store (Other than listed)	1.0	Per premise plus 0.1 per 1,000 square feet
Theater (drive-in)	0.04	Per car space - Minimum 1 unit
Theaters	0.04	Per seat - Minimum 1 unit
Post Office	1.0	Per 1,000 square feet - minimum 1 unit
Warehouse and Storage	0.1	Per 1,000 square feet - minimum 1 unit
Veterinary Facility	1.5	Per facility
Veterinary Facility with Kennel	1.5	Per facility plus 0.5 per 5 kennels