

GRATTAN TOWNSHIP

Sewer Connection, Use and Rate Ordinance

The Sewer Connection, Use and Rate Ordinance was adopted by the Grattan Township Board on December 19, 2007, and became effective February 16, 2008; amended August 14, 2017 and with an effective date of September 22, 2017

Township of Grattan
12050 Old Belding Road
Belding, Michigan 48809

THE TOWNSHIP OF GRATTAN ORDAINS:

ORDINANCE NO. 07-006

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 GRATTAN SEWER SYSTEM AND THE GRATTAN/ VERGENNES SEWER SYSTEM; TO PROVIDE FOR THE CONNECTION TO AND THE FIXING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE SEWER SYSTEM, THE ALLOCATION AND USE OF REVENUES DERIVED THEREFROM AND THE ADMINISTRATION OF THE SYSTEM; AND TO PROVIDE PENALTIES FOR ORDINANCE VIOLATIONS.

ORDINANCE NO. 002-2017R

AN ORDINANCE TO AMEND ORDINANCE NO. 07-006, ENTITLED “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 GRATTAN SEWER SYSTEM AND THE GRATTAN/ VERGENNES SEWER SYSTEM; TO PROVIDE FOR THE CONNECTION TO AND THE FIXING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE SEWER SYSTEM, THE ALLOCATION AND USE OF REVENUES DERIVED THEREFROM AND THE ADMINISTRATION OF THE SYSTEM; AND TO PROVIDE PENALTIES FOR ORDINANCE VIOLATIONS.”

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ARTICLE I SHORT TITLE

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

Section 102. Objectives Re: Public Sewer System. The Grattan Sewer System and the Grattan/Vergennes Sewer System, which are together referred to as the “Public Sewer System,” were established to promote the health and welfare of the residents of the Township. This Ordinance is adopted to enable the Township to operate, maintain and administer the Public Sewer System and to pay all costs related to the Public Sewer System. 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 operate, maintain and administer the Public Sewer System and to pay debt service on obligations issued by the Township for the Public Sewer System.

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 Public Sewer 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 to provide for the safety of the public and workers on and in the Public Sewer System.

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

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

Section 105. Finding Re: Measure of Sewer Use by Metering of Water Supply. The Township hereby finds that 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 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 Users of the Public Sewer System. In the interim, the Township finds that 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

Section 201. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- (1) **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) be located in a public right-of-way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the Premises;
 - (b) have 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:
 - 1) with respect to non-lakefront Premises, not more than 200 feet at the nearest point from the Structure in which Sanitary Sewage Originates, except as provided in (c)(3) below;
 - 2) with respect to lakefront Premises, not more than 500 feet at the nearest point from the Structure in which Sanitary Sewage Originates; or
 - 3) with respect to all Premises, any distance from a Structure in which Sanitary Sewage Originates that is either (i) located on the Murray Lake Peninsula or (ii) for Premises not located on the Murray Lake Peninsula, within 500 feet of the edge of a lake; and
 - (d) be a gravity sewer, except that a forcemain may be considered to be an Available Public Sanitary Sewer System only (1) with respect to a Structure in which Sanitary Sewage Originates that is located within 500 feet of the edge of a lake and (2) if the connection to the forcemain can be made in accordance with Township Engineering Specifications for forcemain connections.

An existing connection of a Structure in which Sanitary Sewage Originates made to any forcemain before the effective date of this Ordinance is grandfathered from the application of subpart (d) of the preceding sentence.

An existing Structure in which Sanitary Sewage Originates which, as of the effective date of this Ordinance, is located on a non-lakefront Premises within 500 feet of the edge of a lake and is connected to a Septic Tank or other Sewage Disposal Facilities, is grandfathered from the application of subpart (c)(3) of the preceding sentence until such time as the Septic Tank or other Sewage Disposal Facilities fail (as determined by the County Health Department).

The distance from the public sanitary sewer system shall be measured (a) from a publicly-owned Grinder Pump System with respect to a Premises served by a publicly-owned Grinder Pump System; (b) from the Service Stub with respect to Premises for which a Service Stub has been installed by or for the Township; and (c) from the sewer main for Premises for which no Service Stub has been installed by or for the Township.

Except where expressly identified otherwise, for purposes of this subsection, “lake” or “lakefront” shall mean or refer to any of the lakes identified in Appendices II, III, IV and V.

- (2) **Board of Appeals.** The Township Board acting in the capacity as the Wastewater Board of Appeals pursuant to Article IX of this Ordinance.
- (3) **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.
- (4) **Building Sewer.** The private extension of piping from a Structure in which Sanitary Sewage Originates which conveys the discharge of Sewage to the Service Connection and its components or other place of disposal. A privately owned Grinder Pump System is part of the Building Sewer.
- (5) **C.O.D. or Chemical Oxygen Demand.** The oxygen consuming capacity of inorganic and organic matter present in Sewage.
- (6) **Claimant.** Any person who makes a claim for economic damages which allegedly were caused by a Sewage Disposal System Event, as defined in Section 1001.
- (7) **Compatible Pollutant.** The pollutants which can be treated and removed to a substantial degree by the Wastewater Treatment Plant. 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 Wastewater Treatment Plant was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree.
- (8) **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 includes the Service Capital Improvement Charge and represents (a) the

proportional cost attributable to each Structure in which Sanitary Sewage Originates to regulate access to the Public Sewer System and ensures that sufficient capacity exists to accommodate the additional use without overburdening the Public Sewer System or adversely affecting the Township's ability to provide service to the Public Sewer System's existing 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.

- (9) **Control Manhole.** A Manhole installed on the Building Sewer or Service Connection pipeline to allow access for measurement and sampling of Sewage discharging from industrial and commercial establishments.
- (10) **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, transportation and treatment of Sewage on a continuing basis in conformance with the Discharge Permit, and other applicable local, state and federal regulations.
- (11) **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.
- (12) **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.
- (13) **Discharge Permit.** Permit issued by the MDEQ for the discharge of treated Sewage from the Wastewater Treatment Plant.
- (14) **Domestic Sewage.** The liquid wastes from all habitable buildings and residences and shall include human excreta and wastes from sinks, lavatories, bathtubs, showers, laundries and all other water-carried wastes of organic nature either singly or in combination thereof.
- (15) **Dwelling Unit.** For purposes of assigning units, a “dwelling” unit shall contain, at a minimum: sleeping facilities, a toilet, bath or shower and a kitchen.
- (16) **Garbage.** Solid wastes from the preparation, cooking and dispensing of food, and the handling, sale and storage of produce and, in addition, shall include all paper, plastic and other household items, including containers, whether or not disposable or biodegradable in nature.
- (17) **Grattan Sewer System.** The sanitary sewer collection, transmission and treatment system which services properties in the Township adjacent to Big Pine Island Lake (formerly known as the Grattan Sanitary Drain).

- (18) **Grattan/Vergennes Sewer System.** The sanitary sewer collection, transmission and treatment system which services properties in the Township adjacent to Big Crooked Lake and Ratigan Lake and properties in the Township and Vergennes adjacent to Murray Lake (formerly known as the Grattan/Vergennes Sanitary Drain).
- (19) **Gravity System.** The publicly-owned gravity Service Stub which provides the connection between the privately-owned Building Sewer and the Public Sewer System.
- (20) **Grinder Pump.** In a Grinder Pump System, the device to which a Building Sewer connects and which grinds and pumps the Sewage to the Public Sewer System for transportation to the Wastewater Treatment Plant.
- (21) **Grinder Pump System.** The Grinder Pump, controls and pressure discharge pipe, including all control boards, controls, floats, pumps, storage tanks and appurtenances thereto which provides the connection between the privately-owned Building Sewer and the Public Sewer System. A Grinder Pump System may be privately owned or publicly owned.
- (22) **Health Department.** Kent County Health Department.
- (23) **Indirect Connection.** The connection of a Building Sewer to a sewage collection system which is installed to applicable Township Engineering Specifications and with Township 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 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).

The effect of an Indirect Connection is that the Premises served by the Building Sewer utilizes the existing transportation and treatment components (but not the existing collection components) of the Public Sewer System.

- (24) **Industrial Users.** Users which discharge Industrial Wastes.
- (25) **Industrial Wastes.** The liquid wastes, solids or semisolids from industrial, manufacturing, trade or business processes as distinct from Domestic Sewage.
- (26) **Inspection and Permit Fee.** The amount charged, to each applicant by the Township at the time an application is made to the Township for connection, disconnection or reconnection to the Public Sewer System, to cover the routine cost of inspecting and approving the physical connection, disconnection or reconnection of a Building Sewer and Service Connection to the Public Sewer System, routine engineering review and the issuance of a Sewer Permit.

- (27) **Inspector.** The persons responsible for inspecting connections, disconnections or reconnections of Building Sewers and Service Connection to the Public Sewer System as designated by the Township.
- (28) **Manhole.** A structure installed as part of the Public Sewer System to allow access to a sewer main, including but not limited to, a Control Manhole.
- (29) **May.** Is permissive.
- (30) **MDEQ.** Michigan Department of Environmental Quality.
- (31) **MG/L.** Milligrams per liter.
- (32) **Miscellaneous User Fee.** The amount charged to Users for miscellaneous services and related administrative costs associated with the System.
- (33) **Murray Lake Peninsula.** The lands located between the eastern basin and western basin of Murray Lake, a.k.a. Murray Lake Island, a.k.a. the Causeway.
- (34) **NAICS.** The North American Classification System or the successor publication, if replaced.
- (35) **Natural Outlet.** Any outlet into a Watercourse, pond, ditch, lake or other body of surface or ground water.
- (36) **Normal Strength.** Sewage which, when analyzed, shows a daily average concentration of not more than 200 mg/l of BOD, nor more than 240 mg/l of Suspended Solids; nor more than 10 mg/l of phosphorous; nor more than 50 mg/l of fats, oils and grease; nor other substances which may solidify or become viscous between 32 degrees F and 150 degrees F; nor more than 40 mg/l of TKN.
- (37) **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.
- (38) **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.
- (39) **PPM.** Parts per million.
- (40) **Person.** Any individual, firm, company, association, society, corporation or group, public or private.
- (41) **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.
- (42) **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.

- (43) **Public Sewer System or System.** Together, the Grattan Sewer System and the Grattan/Vergennes Sewer System, including the respective sanitary sewer collection and transmission systems, including all publicly-owned Service Connections, mains, lift stations, odor control facilities and all appurtenances thereto, located in the Service District, and in addition the Wastewater Treatment Plant.
- (44) **Receiving Fund.** The enterprise fund established pursuant to Article VIII to receive collections of Sewer Rates and Charges.
- (45) **Septic Tank.** A watertight tank or receptacle used to receive Domestic Sewage and 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.
- (46) **Service Agreement.** The Amended and Restated Sewer Service Agreement dated as of September 19, 2005 by and between the Township and Vergennes.
- (47) **Service Connection.** A publicly-owned Grinder Pump System, Gravity System, Service Stub, and all related electrical controls and appurtenances, but not including the Building Sewer.
- (48) **Service District.** The areas: served by the Public Sewer System and known as the Grattan Township Sewer District located in the Township, as outlined in the maps in the attached Appendices II, III, IV and V, together with the Additional Service District Map Legend Description set forth in the attached Appendix VI, and extensions of the Service District approved by the Township Board after the effective date of this Ordinance in accordance with Section 307 of this Ordinance.
- (49) **Service Stub.** That portion of the Service Connection which connects to the sewer main located in the public right-of-way and extends therefrom, with respect to a Gravity System, to the property line (also referred to as a lateral) and, with respect to a publicly-owned Grinder Pump System, to the Grinder Pump.
- (50) **Service Stub Fee.** The fee charged by the Township for an existing Service Stub,
- (51) **Service Capital Improvement Charge.** The amount charged to Users of the Public Sewer System to pay principal, interest and administrative costs of retiring debt or construction, improvement and upgrade costs incurred to improve the efficiency of, and to prevent overburdening or failures in, the Public Sewer System.
- (52) **Sewage Disposal Facilities.** Any privately-owned Septic Tank, Subsurface Disposal System or other devices used in the disposal of Sewage and which are not part of the Public Sewer System.

- (53) **Sewage.** Any combination of the water-carried waste material from residences, business buildings, institutions and industrial establishments, including Industrial Wastes and Domestic Sewage.
- (54) **Sewer Administrator.** The person appointed by the Township Board, initially the Township Supervisor, who shall be responsible for the overall administration of the System.
- (55) **Sewer Permit.** The written permit required by the Township for connection to the Public Sewer System.
- (56) **Sewer Rates and Charges.** The Connection Fee (for both Direct Connections and Indirect Connections), Service Stub Fee, Service Capital Improvement Charge, Inspection and Permit Fee, User Charge, User Surcharge, Miscellaneous User Fee and the civil penalty imposed pursuant to Section 304.
- (57) **Shall.** Is mandatory.
- (58) **Slug.** Any discharge of water, Sewage or Industrial. Wastes which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of time longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
- (59) **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.
- (60) **Storm Sewer or Storm Drain.** A sewer which carries storm or surface waters, or drainage, but is intended to exclude Sewage.
- (61) **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 a “soil absorption system”).
- (62) **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.
- (63) **Township.** The Township of Grattan, located in Kent County, Michigan, and/or its duly authorized agent or representative.
- (64) **Township Engineering Specifications.** Technical specifications prepared by the Township's consulting engineer for the Public Sewer System or any portion thereof, including without limitations, specifications for materials or equipment, methods of construction and connection requirements.
- (65) **U.S. EPA.** The United States Environmental Protection Agency.
- (66) **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 250 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 1 to this Ordinance. The assignment of Unit(s) to a particular User shall be determined from time to time by the Township, based upon the use to which the User's property is put. Each User shall be assigned a minimum of one (1) Unit. Fractions of Units in excess of one (1) Unit may be computed and assigned to the nearest tenth. The assignment of Unit(s) for any use not enumerated in Appendix I shall, in the sole discretion of the Township, be based upon the most similar use enumerated in Appendix L

- (67) **User.** A recipient of services provided by the System including Premises which are connected to and discharge Sewage into the System.
- (68) **User Charge.** A charge, based on Units, levied on Users of the System which represents (a) that User's proportionate share of the cost of Cost of Operation and Maintenance of the System, and (b) the benefit to that User derived from the availability and use of the System.
- (69) **User Class.** The kind of user class connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental, as follows:

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).

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

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.

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.

Governmental User. Any federal, state or local government User of the System.

- (70) **User Surcharge.** A charge imposed on a User of the System for discharges of Sewage that are in excess of Normal Strength Sewage.
- (71) **Vergennes.** The Township of Vergennes, located in Kent County, Michigan.
- (72) **Wastewater Treatment Plant.** The publicly-owned physical plant and appurtenances owned by the Township 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. The Wastewater Treatment Plant for the Grattan

Sewer System is located on Lincoln Lake Road. The Wastewater Treatment Plant for the Grattan/Vergennes Sewer System is located on Murray Lake Road.

- (73) **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 any Sewage or other polluted waters to any Natural Outlet within the Service District 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 private Sewage Disposal Facilities.

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

Section 304. Connection Deadline. As a matter of public health, all connections to the Public Sewer System required hereunder, shall be completed no later than twelve (12) months after the last to occur of (1) the date of official notice by the Township to make said connections or (2) the modification of a structure so as to become a Structure in which Sanitary Sewage Originates. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Persons who fail to complete a required connection to the Public Sewer System within such twelve (12) month period shall be liable for a civil penalty equal in amount to the User Charges that would have accrued and been payable had the connection been made as required in addition to such other relief as may be available at law or in equity.

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 the manner provided by law in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property to the Available Public Sanitary Sewer System.

Section 306. Optional Connection. The owner of a Structure in which Sanitary Sewage Originates, now situated or hereafter constructed within the Service District, but not located adjacent to an Available Public Sanitary Sewer System, may elect to extend the Public Sewer System, in accordance with the requirements and procedures set forth in Section 308, so as to

become an Available Public Sanitary Sewer System with respect to the affected Premises and connect thereto. The owner of a Structure in Which Sanitary Sewage Originates, now situated or hereafter constructed within the Service District and located too far from a public sanitary sewer located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts upon the Premises for said public sanitary sewer to be an Available Public Sanitary Sewer System, may elect to connect said structure to the Public Sewer System in compliance with this Ordinance, provided that there is presently available capacity in the abutting pipe and all downstream facilities, which will collect, transport, pump and treat the Sewage reasonably expected to be discharged from said Structure in Which Sanitary Sewage Originates.

Section 307. Extension of Service District. The owner of a Structure in which Sanitary Sewage Originates now situated or hereafter constructed outside the Service District may be permitted to connect to the Public Sewer System only upon the consent of the Township Board to extend the Service District to include said property. The consent of the Township Board shall be granted or denied by the Township Board in the exercise of its reasonable discretion and may, without limitation, be based upon the following considerations: the continued availability of System capacity for properties located within the Service District; the capacity of the respective Wastewater Treatment Plant determined by reference to its Discharge Permit; the number of Users currently connected to the Public Sewer System in the respective Service District; the amount of vacant undeveloped lands contained within the respective Service District, the likelihood of the development of such vacant lands and whether such lands are subject to a special assessment or other capital charge for construction of the Public Sewer System; the public health considerations for constructing the Public Sewer System in the respective Service District and the portion of remaining available capacity in the respective Wastewater Treatment Plant needed to alleviate and avoid public health concerns in the respective Service District; the proximity of the lands to be served by the proposed extension to the lands currently served by the respective Service District; the amount of available capacity in the respective Wastewater Treatment Plant to ultimately serve the intervening lands in the event the lands to be served by the requested extension are not contiguous to the Service District in question; and, the requirements of the Service Agreement. At its discretion, the Township Board may require the Person requesting an extension of the Service District to provide at the sole expense of said Person an engineering report prepared by the Township's consulting engineer addressing the feasibility of the proposed extension in the context of the foregoing considerations. The Person requesting the extension shall pay an amount to the Township (to be held by the Township in escrow), in advance, at least equal to the estimated cost of the feasibility study. Any amount so deposited in excess of the cost of the feasibility study shall be refunded by the Township to the requesting Person; to the extent the amount so deposited with the Township is inadequate to pay the cost of the feasibility study for any reason, the shortfall shall be paid to the Township before the Township grants or denies its consent for the extension. In addition, the owner requesting the extension of the Service District may, in the discretion of the Township Board be required to pay all expenses (including construction, right of way, restoration, permits, engineering, legal and similar expenses incurred by the Township) of the extension of the Public Sewer System necessary, in the determination of the Township, to serve the extension of the Service District.

Section 308. Extension of Public Sewer by Property Owner. If connection to the System is required pursuant to this Ordinance, but the System is not adjacent to the Premises, or if a property owner or Person elects to extend the Public Sewer in accordance with Section 306 or Section 307, such extension shall be in accordance with the following requirements:

- (a) The sewer main shall be extended to the Premises in a public right-of-way, or in an easement satisfactory to the Township, which is owned by the public to the

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

- (b) If a sewer main is extended to a Premises, the main shall be installed across the entire frontage of the Premises served, to the border of the adjacent Premises. For developments for which a new public or private road is constructed, the sewer main shall be extended across the entire frontage of the development on the existing adjacent public or private road, in addition to being extended within the new road to all lots or units within the development. All sewer main extensions shall be located within an easement dedicated to the public, if not located in a public street right-of-way.
- (c) The sewer main shall be constructed in accordance with Township Engineering Specifications. The entire cost of installation of the sewer main, including the installation thereof across the entire frontage of the Premises served, including but not limited to engineering (including design, construction and inspection), construction, permits and restoration shall be paid by the owner or owners of the Premises to whom sewer is being extended.
- (d) Upon completion of the sewer main, inspection by the Township engineer (at the expense of the property owner) that it has been properly constructed, and proof that all contractors have been paid for the cost thereof (including lien waivers if requested), the sewer main shall be dedicated to the Township, without cost to the Township. Upon acceptance of dedication, the Township shall thereafter be responsible for maintenance of the sewer main. The Township shall be assigned, or be a third party beneficiary of, all construction contracts and material and equipment warranties.
- (e) The person responsible for installing the sewer shall also pay the Township for the cost of acquisition of all necessary easements, rights-of-way and interests in land, including attorney fees, appraisal fees, cost of land title research and all other expenses of any condemnation proceedings. The person responsible for installing the sewer shall pay an amount to the Township (to be held by the Township in escrow), in advance, at least equal to the estimated expenses of such acquisition. Any excess not required to complete the improvements shall be refunded by the Township to the responsible party; any shortfall shall be paid to the Township before connection of any Premises is permitted to the extension.
- (f) In addition to the extension of a sewer main as required, the owner of Premises to be connected to the System shall pay to the Township the cost of making improvements to downstream facilities, which are necessary as a result of the additional connections proposed to be made by the owner of the Premises or by a development which will be provided with public sewer, including but not limited to increasing the size of downstream sewer mains to provide sufficient capacity, increase in the capacity of lift stations, and increase in treatment capacity of the sewage treatment plant. In such a situation, the responsible party and the Township shall enter into an agreement whereby the responsible party pays to the

Township, in advance, an amount equal to the estimated cost of making such improvements, as determined by the Township engineer. 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 to the extension.

- (g) The Township Board may authorize and enter into an agreement whereby a person who extends the Public Sewer or who pays for improvements to a public sewer may be reimbursed for a portion of such expenditures, from revenues resulting from Connection Fees (but in no event greater than the difference between a Direct Connection and an Indirect Connection) paid for Premises which thereafter utilize the Public Sewer System facilities installed by such person.

Section 309. Extension of Public Sewer by Township. The Township may, at the discretion of the Township Board, utilize any means legally available to the Township to extend the Public Sewer.

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 a sanitary manner at all times, at no expense to the Township.

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

Section 404. Connection to Public Sewer System; Abandonment. At such time as a Premises formerly served by Private Sewage Disposal Facilities are connected to the Public Sewer System, 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. Sewer Permit Required. No unauthorized person shall uncover, make any connections with, or disconnection from, or opening into, use, alter, or disturb any portion of the Public Sewer System without first obtaining a Sewer Permit from the Township in accordance with Section 502.

Section 502. Sewer Permit Application.

- (a) **Authorized Persons.** A connection to, or disconnection from, the Public Sewer System shall be made only by an authorized contractor or plumber licensed in accordance with Section 515 and only after a Sewer Permit is issued by the Township.
- (b) **Requirements.** Prior to said connection or disconnection, the property owner or his agent shall submit a signed Sewer Permit application to the Township. This Sewer Permit application shall be on a form furnished by the Township and shall be accompanied by payment in full of the applicable fees determined in accordance with Section 702, any civil penalty which has accrued pursuant to Section 304 above and the Inspection and Permit Fee, the plans and specifications of all plumbing construction within the Premises (when requested), and all other information required by the Township.
- (c) **Sequence of Sewer Permit and Other Permits.** The Township shall not issue a Sewer Permit until (a) all zoning and land use approvals required for the proposed use of the Premises have been made by the Township in accordance with applicable Township ordinance and (b) all wetland, soil erosion and other site specific permits have been issued by the Township, MDEQ or other applicable regulatory agency. To summarize, where zoning, wetland and other types of permits are also required for the Premises, the various permits shall be obtained in the following order, as applicable:
 - (i) Wetland permit;
 - (ii) Zoning permit;
 - (iii) Sewer permit;
 - (iv) Building permit.

In accordance with the above-stated permit sequence, the Township shall not issue a building permit until the Sewer Permit is issued for the same Premises. Approval of the Sewer Permit is subject to the provisions of Section 503.
- (d) **No Inspection Without Sewer Permit.** No inspection of a Building Sewer or Service Connection will be made without a valid Sewer Permit.
- (e) **Expiration of Permits.**
 - (i) If the building permit for a Premises expires prior to commencement of construction, then the Sewer Permit for that Premises shall also be deemed to have expired.
 - (ii) If a building permit is not issued within one year after issuance of a Sewer Permit for the same Premises, then the Sewer Permit shall automatically expire at that time.
 - (iii) If a Sewer Permit expires before commencement of construction, the Connection Fee, Service Capital Improvement Charge, and Service Stub

Fee, if any, paid by the applicant in accordance with Section 702 shall be refunded by the Township to the applicant and the civil penalty paid under Section 304, if any, the Miscellaneous User Fee, if any, and the Inspection and Permit Fee will be retained by the Township. In the event the property owner elects to re-apply for a Sewer Permit, then all requirements of this Section 502 shall apply including, without limitation, the payment of an additional Inspection and Permit Fee at the time of re-application.

Section 503. Approval of Application and Issuance of Sewer Permit. The approval of a Sewer Permit application and the issuance of a Sewer Permit shall be subject to

- (a) Compliance with all terms of this Ordinance, including, without limitation, Section 502, above, all applicable zoning and land use requirements and the rules and regulations of the Health Department and the MDEQ,
- (b) The availability of capacity in the System to serve the Premises in question, 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 Service Connection shall comply with Township Engineering Specifications.
 - (ii) The size of the Building Sewer shall not be less than four (4) inches in diameter and is subject to inspection by the Inspector at the time of connection to the Service Connection. In the event such inspection reveals a deficiency or non-conformity in the Building Sewer, the connection of the Building Sewer to the Service Connection shall not be completed or approved until the owner has corrected the said deficiency or non-conformity to the satisfaction of the Inspector.
 - (iii) 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, sloping towards the Service Connection.
 - (iv) In all buildings in which any Building Sewer is too low to permit gravity flow to the Service Connection, the Sewage carried by the Building Sewer shall be lifted by means acceptable to the Township and discharged to the Service Connection. The operation and maintenance of all lift pumps and injectors, except for a publicly-owned Grinder Pump, 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

Service Connection using methods and materials approved by the Township.

- (vi) All joints and connections shall be made gastight and watertight.
 - (vii) A separate and independent Building Sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard, or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer.
 - (viii) No Service Connection shall be connected directly to a Manhole.
 - (ix) 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 (including Township Engineering Specifications).
- (d) The payment of all required fees and costs in accordance with Section 502(b); and
 - (e) The signature and dating of the Sewer Permit by the Sewer Administrator or the designee of the Sewer Administrator.

Section 504. Ownership of Grinder Pump Systems.

- (a) All Grinder Pump Systems identified in the Service District maps attached as Appendices II, III, IV and V are publicly owned and are subject to repair, operation, maintenance and replacement by the Township in accordance with Section 511.
- (b) All Grinder Pump Systems which serve Premises in the Service District but which are not identified in the Service District maps attached as Appendices II, III, IV and V are privately owned and are subject to repair, operation, maintenance and replacement by the property owner in accordance with Section 512.
- (c) The Township shall not accept ownership of any privately-owned Grinder Pump Systems which currently exist or are hereafter installed in the Service District.

Section 505. Excavations, Pipe Laying and Backfill. All excavations, pipe laying and backfill required for the installation of Building Sewers and Service Connections shall conform

to Township Engineering Specifications. No backfill shall be placed until the work has been inspected and approved by the Inspector.

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

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

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

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

Section 510. Inspection. The holder of a Sewer Permit shall notify the Inspector when the Building Sewer and Service Connection are ready for inspection. The excavation shall be left open until inspection is complete. In the event the excavation is not left open until inspection is complete, the property owner shall, at the property owner's expense, have the excavation re-opened to enable the Inspector to complete the inspection of the Building Sewer and Service Connection. If the Inspector determines that the Building Sewer and Service Connection have been constructed and installed in accordance with the requirements of this Ordinance, the Building Sewer shall then be connected with the Service Connection under the observation of the Inspector. The inspection shall include the installation of all required components of the Service Connection, including without limitation, wiring, conduit, sealants, riser, discharge lines and related necessary appurtenances. The inspection required by this Section shall include the abandonment of the private Sewage Disposal Facilities in the manner required by the Health Department.

Section 511. Township's Responsibility for Repairs, Operation and Maintenance. The cost of all repairs, operation, maintenance and replacement of the Public Sewer System, as well as each Service Connection (including each publicly-owned Grinder Pump System), shall be borne by the Township as part of the Township's budgeted annual expense of the System, subject to the right of the Township to impose a Miscellaneous User Fee in accordance with Section 707, below.

Section 512. Property Owner's Responsibility for Installation, Repairs, Operation and Maintenance. The cost of all repairs, operation, maintenance and replacements of existing or future Building Sewers (including the privately-owned Grinder Pump Systems, if any) and their connection to the Service Connection in accordance with Township Engineering Specifications shall be borne by the property owner. Without limitation of the foregoing, the property owner shall be responsible for the clean-up, and reporting to the MDEQ and any other applicable regulatory agency, of all spills from a privately owned Grinder Pump System and the payment of any fines or penalties resulting therefrom. If, for any reason, the installation or connection of the Building Sewer to the Service Connection does not comply with Township Engineering Specifications, even if the installation or connection thereof was favorably inspected by the Township Inspector, the property owner shall be responsible for all cost and expense necessary to bring the Building Sewer and Service Connection, and the interconnections thereof, into compliance with Township Engineering Specifications.

Section 513. Disconnection from Public Sewer. All sewer disconnects, regardless of the type of Service Connection, shall be made at the property line or the edge of the sewer easement. When disconnecting a Service Connection at the property line, the pipe must be saw cut and a Femco with a watertight/gastight plug must be installed on the end of both the public sewer main and private Building Sewer to prevent infiltration of dirt and water. Sewer disconnects for properties with an individual Grinder Pump, regardless of whether the Grinder Pump is publicly owned or privately owned, serving one home shall also have the power to the Grinder Pump shut off and a lockout tag placed on the electrical cabinet. All sanitary sewer disconnects must be inspected by the Township's Inspector. The property owner or his licensed plumber or contractor shall notify the Inspector when the disconnection is ready for inspection. The excavation shall be left open until inspection is complete. In the event the excavation is not left open until inspection is complete, the property owner shall, at the property owner's expense, have the excavation re-opened to enable the Inspector to complete the inspection of the disconnection.

Section 514. Obstruction of Manholes and Publicly-Owned Grinder Pumps Prohibited. No Person shall, in any manner, obstruct or prevent free access to, or place or store temporarily or otherwise, any object, material, debris, automobiles or structures of any kind within a three (3) foot radius of any publicly-owned Grinder Pump or Manhole. No Person shall pile snow or permit bushes, shrubbery or trees to grow within a three-foot (3') radius of any publicly-owned Grinder Pump or Manhole. Each Person who has a publicly-owned Grinder Pump or Manhole on his or her Premises shall keep the publicly-owned Grinder Pump or Manhole and the surrounding area within a three-foot (3') radius of the publicly-owned Grinder Pump or Manhole free and clear from piled snow, bushes, shrubbery and trees. The three foot (3') radius shall be measured from the center of the Manhole or the publicly-owned Grinder Pump, as the case may be. Upon the failure of said Person to remove said obstruction, snow, bushes, shrubbery and trees, and a notice thereof which shall be mailed to said Person by the Township, the Township is hereby authorized and empowered to remove said obstruction., snow, bushes, shrubbery and trees, and charge the cost of said removal to said Person as a Miscellaneous User Fee.

Section 515. Contractor Requirements. Any contractor or plumber desiring to construct a Service Connection or uncover, make any connection with, or disconnection from, or opening into, use, alter or disturb any public sewer or appurtenances thereof, must first secure a license from the Township. The license shall not be valid until signed and dated by the Sewer Administrator or his or her designee and shall be valid for one year unless renewed in accordance with the terms of this section. An applicant for a license shall: submit a copy of its current plumbing or other applicable license, if any, with the State of Michigan; pay a license fee in an amount as established by the Township Board from time to time; provide to and deposit with the Township a license/permit bond or irrevocable letter of credit, in an amount as established by the Township Board from time to time, conditioned that the licensee will faithfully complete any work involving the public sewer or appurtenances thereof with due care and skill, and in accordance with the laws, rules and regulations established under the authority of the Township, pertaining to sewers and plumbing; and, as a condition of the license's issuance, the licensee shall agree to indemnify and save harmless the Township and its officers and employees, as well as the owner of the premises upon which the work occurs, against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistakes or negligence on the part of the licensee in connection with the Service Connection installation and connection, or disconnection or other use, alteration or disturbance of any public sewer or appurtenances thereof. The licensee shall also provide to the Township prior to issuance of the license, evidence of public liability insurance insuring the interests of the Township, the property owner,

and all persons, for all damages caused by accidents attributable to the work, with limits of \$100,000 for one (1) person, \$300,000 for bodily injuries per accident, and \$100,000 for property damages. Thirty (30) days' prior written notice of cancellation of licensee's public liability insurance shall be given to the Township and written evidence of this notice requirement shall be provided to the Township prior to the issuance of the license. The bond/letter of credit and insurance provided for herein shall remain in force during the term of the license and any renewal thereof. Any subcontractor to a licensed contractor or plumber must also obtain a license from the Township and comply with all requirements of this Section 515. An applicant for renewal of a license shall submit an application for such license renewal to the Township in accordance with the provisions of section. If an applicant fails to file its application for renewal at least 30 days prior to the expiration of its current license, the Township shall not be required to approve or disapprove the license before the expiration of the current license.

ARTICLE VI USE OF THE PUBLIC SEWER SYSTEM

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

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

Section 603. Prohibited Discharges to Public Sewer System.

- (a) No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the Public Sewer System or the Wastewater Treatment Plant. These general prohibitions apply to all Users whether or not the User is subject to the national categorical pretreatment standards of any other national, state or local pretreatment standards or requirements. A User may not contribute the following substances to the Public Sewer System or the Wastewater Treatment Plant:
 - (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 Wastewater Treatment Plant or to the operation of the System or the Wastewater Treatment Plant. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
 - (ii) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the System or the Wastewater Treatment Plant 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, diapers, 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 Wastewater Treatment Plant.
- (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 Wastewater Treatment Plant, 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 to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (vi) Any substance which may cause the System or Wastewater Treatment Plant 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 Wastewater Treatment Plant 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 Wastewater Treatment Plant resulting in interference, and in no case Sewage with a temperature at the introduction into the System or Wastewater Treatment Plant which exceeds 40° C (104° F).
- (x) Any pollutants, including oxygen demanding pollutants (30D, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the System or Wastewater Treatment Plant
- (xi) Any Sewage containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Township in compliance with applicable state or federal regulations.
- (xii) Any Sewage which causes a hazard to human life or creates a public Nuisance.

- (xiii) Any unpolluted water including, but not limited to, non-contact cooling water.
- (xiv) Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants,

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

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

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

- (a) Effect a cease and desist of the discharge of the Sewage to the Public Sewer System.
- (b) Reject the Sewage.
- (c) Require pre-treatment of the Sewage to an acceptable condition prior to discharge to the Public Sewer System.
- (d) Require control over the quantities and rates of discharge.
- (e) Require payment of a User Surcharge to cover the added cost of handling and treating the Sewage pursuant to Sections 705(b) and 706 hereof.

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

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

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.

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

Section 608. Grease, Oil and Sand Interceptors. Grease, oil, and sand interceptors shall be installed, operated, maintained, repaired and replaced by the individual User and at no cost to the other Users of the System when determined by the Township to be necessary for the proper handling of Sewage containing ingredients described in Section 603 of this Article. 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 Township,
- (b) located so as to be readily and easily accessible for cleaning and inspection,
- (c) constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, and
- (d) of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. Interceptors shall not be required for private living quarters or Dwelling Units.

Section 609. Control Manhole. When required by the Township, the owner(s) of any property serviced by a Building Sewer carrying Industrial Wastes shall install a suitable Control Manhole upstream from the connection to the Public Sewer System. The purpose of this Control Manhole shall be to enable observation, sampling, and measurements of the Industrial Wastes. The Control Manhole shall be at the property line or in a location approved by the Township, shall be easily accessible, and shall be constructed in accordance with plans and specifications approved by the Township and the Township Engineer. Installation of the Control Manhole, sampling equipment and other appurtenances required by the Township shall be at the expense of the property owner. The owner shall operate, maintain, repair and replace the Control Manhole and appurtenances in a safe, accessible and operable manner at all times at his or her 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 the downstream Manhole in the Public Sewer System closest to the point of connection of the Building Sewer. Costs for said testing may, at the discretion of the Township, be charged to the User discharging the Industrial Wastes as a Miscellaneous User Fee.

Section 611. Test Standards. All measurements, tests, and analyses of Sewage characteristics described in this Article shall be determined in accordance with the current "Standard Methods for the Examination of Water and Sewage," as published by the American Public Health Association. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the System and the Wastewater Treatment Plant and to

determine the existence of hazards of life and property. The particular analyses involved will determine whether a 24 hour composite of all outfalls of a premise is appropriate or whether samples should be taken.

ARTICLE VII SEWER RATES AND CHARGES

Section 701. Public Utility Basis; Fiscal Year. The Public Sewer System shall be operated and maintained by the Township on a public utility basis pursuant to state law under the supervision and control of the Township Board, and, with respect to that portion of the Grattan/Vergennes Sewer System located within Vergennes, subject to the terms and conditions of the Service Agreement. The Township Board may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operations of the System. The System shall be operated on a April 1 to March 31 fiscal year. The Township shall annually, on or before March 1 of each year, prepare a report on the revenues and expenditures of the System, including a projected budget for the ensuing fiscal year.

Section 702. Fees for Connection to System. The owner of each Structure in Which Sanitary Sewage Originates required by Article III, or electing, to connect to the System shall pay the following fees in full prior to the issuance by the Township of a Sewer Permit to connect to the Public Sewer System pursuant to Article V, except for installment payments permitted by the terms of Section 702(b):

- (a) **Connection Fee.** A Connection Fee as computed in the following manner:
 - (i) For a Direct Connection to the Public Sewer System, the Connection Fee, including the Service Capital Improvement Charge, shall be a rate per Unit established by resolution of the Township Board from time to time.
 - (ii) For an Indirect Connection to the Public Sewer System, the Connection Fee, including the Service Capital Improvement Charge, shall be a rate per Unit established by resolution of the Township Board from time to time.
- (b) **Service Capital Improvement Charge.** The Service Capital Improvement Charge shall be a rate per Unit established by resolution of the Township Board from time to time. The Township Board reserves the right to impose a Service Capital Improvement Charge on existing Users of the Public Sewer System as of an effective date to be determined by the Township Board in an amount payable in either a single lump sum or in equal annual installments with interest on the unpaid balance at a rate which is not more than one percent per annum higher than the rate of interest paid by the Township on debt incurred to upgrade the System to improve the efficiency of, and prevent overburdening and failures in, the System, all as shall be established by resolution of the Township Board. The owners of record of vacant lands in the Service District may voluntarily elect to pay the Service Capital Improvement Charge by notifying the Township in writing within thirty (30) days after the effective date of the Service Capital Improvement Charge. A Service Capital Improvement Charge may be set in different amounts for the Grattan Sewer System and the Grattan/Vergennes Sewer System or, in the alternative, a Service Capital Improvement Charge may be charged only to the Grattan Sewer System or the

Grattan/Vergennes Sewer System, depending upon the nature and extent of the improvements to the Public Sewer System. Once imposed on a Premises, the Service Capital Improvement Charge, if payable in installments, shall continue to be payable even if the structure located on the Premises is destroyed or disconnected from the Public Sewer System, regardless of circumstances.

- (c) **Service Stub Fee.** The Service Stub Fee shall be a fee for each Service Stub constructed by or on behalf of the Township in the amount established by resolution of the Township Board from time to time. If the Township has not installed the Service Stub, no Service Stub Fee shall be payable and the owner of the Premises shall be liable for the costs and expenses of acquiring and installing the Service Stub pursuant to Township Engineering Specifications as part of the cost and expense of acquiring and installing the Service Connection in accordance with Section 702(d).
- (d) **Service Connection.** In addition to the fees set forth above, the owner of the Premises shall be liable for the cost and expenses of acquiring and installing the Service Connection pursuant to Township Engineering Specifications. The Township shall determine the type of Service Connection for each User on the basis of conformity to prior installations and integrity of the Public Sewer System.

Section 703. Considerations Relating to Connection to System.

- (a) **Changes in Use.** The Township, at its discretion, may periodically review the number of Units assigned to Users other than single family homes with a single Dwelling Unit. If such a review indicates, or absent such a review, if subsequent changes at any time increase the amount of sanitary Sewage originating from a Premises, the Township Board shall increase the number of Units assigned to said Premises and thereupon a Connection Fee and Service Capital Improvement Charge for the additional Units shall be payable in cash at the time a building or other permit is issued by the Township for such changes in use or at the time such change in use occurs, if no building permit is issued or required. In the alternative, if such a review indicates, or absent such a review if subsequent changes at any time decrease the amount of sanitary sewage originating from the Premises, the Township Board shall decrease the number of Units assigned to said Premises for purposes of applicable Sewer Rates and charges, except that no refunds shall be made for Connection Fees, User Fees or Service Capital Improvement Charges paid or payable with respect to the Premises for the number of Units previously assigned to the Premises.
- (b) **Repair and Replacement of Service Connection.** In the event the connection of a Building Sewer to a Service Connection for a Premises for which Sewer Rates and Charges have been paid is repaired, revised, or replaced, 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. An additional Inspection and Permit Fee may be payable as a result of said repair, revision or replacement, depending upon the circumstances.

Section 704. Hardship Deferment. The owner or owners of a single family residence, in which residence said owner or owners reside and upon which the Connection Fee and the Service

Stub Fee required by Section 702 have been imposed, may submit a hardship application to the Township seeking a deferment in the partial or total payment of the Connection Fee and the Service Stub Fee, based upon a showing of financial hardship, subject to and in accordance with the following;

- (a) The owners of the Premises shall, under oath, complete a hardship application provided by the Township Board, and file said application, together with all other information and documentation reasonably required by the Township, with the Township Board not less than 60 days prior to the due date of the Connection Fee and the Service Stub Fee required by Section 702. 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.
- (b) 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.
- (c) 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.
- (d) 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 the Service Stub Fee required by Section 702, 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:
 - (i) A change in the financial status of any applicant which removes the basis for financial hardship;
 - (ii) 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;
 - (iii) Death of any of the applicants.
- (e) Upon a determination of the Township Board deferring all or part of the Connection Fee and the Service Stub Fee, the owners of the Premises shall, within one month after such determination, execute and deliver to the Township as the secured party a recordable security instrument covering the Premises, guaranteeing payment of the deferred amounts on or before the death of any of the applicants or, in any event, upon the sale or transfer of the Premises. Said security interest shall

guarantee payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this Ordinance.

Section 705. User Charge.

- (a) **Computation.** A User Charge, at a rate per month or quarter per Unit established by resolution of the Township Board from time to time, shall be charged in advance to each Premises connected to the Public Sewer System.
- (b) **Normal Strength Domestic Sewage.** The User Charges imposed pursuant to this Section are applicable only to Users who discharge Normal Strength Domestic Sewage. A User who discharges toxic pollutants or Sewage into the System that does not qualify as Normal Strength Domestic Sewage shall also pay a User Surcharge determined pursuant to Section 706 below.
- (c) **Industrial Users.** As of the date of adoption of this Ordinance, it is determined that no Users of the System are Industrial Users. Before the Township permits any Industrial User to connect to the System in the future, the Township shall take the necessary action, including adoption of necessary ordinances, to comply with federal and state guidelines applicable to the collection and treatment of Industrial Wastes.
- (d) **Accrual Date.** User Charges shall begin to accrue for a Premises as of the earlier of the date of issuance of an occupancy permit for the Premises or the date which is 150 days after the date of issuance of a building permit for the Premises.
- (e) **Responsibility of User to Pay for Service Connection Power.** In addition to the User Charge, each User shall provide and pay for the electrical power necessary for the operation of their individual Service Connection, as such electrical power is independently metered and billed.
- (f) **Unoccupied Premises.** A User Charge shall be charged to each Premises which is connected to the Public Sewer System, regardless of occupancy, until such time as the Building Sewer is disconnected from the Service Connection in accordance with Section 513 at the expense of the property owner, by either the property owner or the Township. In the event that the sewer service for such Premises is disconnected by the Township, the appropriate Miscellaneous User Fee shall be paid by the owner of the Premises.

Section 706. User Surcharge. The User Surcharge payable pursuant to Section 705(b) above, shall be determined from time to time by resolution of the Township Board and shall be sufficient to provide for the proportional distribution of the increased expense of Cost of Operation and Maintenance of the System. Factors such as Sewage strength, volume, discharge flow rate characteristics and the increased expense of the System for the transportation and treatment of non-qualifying Sewage shall be considered and included as a basis for determining the User Surcharge.

Section 707. Miscellaneous User Fee. The Township shall, from time to time, establish by resolution of the Township Board and impose on one or more Users or Persons a Miscellaneous User Fee, as necessary, for miscellaneous service, repairs and related

administrative costs associated with the System and incurred, without limitation, as a result of the intentional or negligent acts of such User or Users, including for example, non-routine Township engineering review and excessive inspection services not covered by the Inspection and Permit Fee, costs of repairing and/or replacing a damaged Service Connection, costs of abating a nuisance pursuant to Section 1105 hereof, and costs incurred by the Township to disconnect and reconnect sewer service.

Section 708. Inspection and Permit Fee. The Inspection and Permit Fee shall be determined from time to time by resolution of the Township Board, shall be based upon the actual cost borne by the Township for its Inspectors and may vary for a new connection, a disconnection or a reconnection. If, however, unusual circumstances demand, the Township may impose a Miscellaneous User Fee for inspection and approval costs in excess of said minimum fee on an hourly or other reasonable basis intended to reimburse the Township for its actual costs, including the costs of outside consultants (i.e. non-routine engineering review).

Section 709. Billing of Sewer Rates and Charges. The Sewer Administrator is responsible for the billing and collection of Sewer Rates and Charges. The Township shall bill in advance and collect all User Charges and User Surcharges on a quarterly basis. The Township shall mail each User a bill on or before the 1st day of the first month in the billing period. The bill shall separately itemize the Sewer Rates and Charges. All Users will receive an annual notification either printed on the bill or enclosed in a separate letter which will show the breakdown of the sewer bill in its components for operation, maintenance and replacement and for debt retirement. Payment of the bill which is rendered by the Township is due and payable on or before the 1st day of the second month in the billing period. Payment of said bill shall be made at a location designated by the Township. The quarterly billing periods shall correspond to the quarters of the Township's fiscal year. A Miscellaneous User Fee shall be billed promptly after the circumstances which gave rise to the Miscellaneous User Fee. Payment of a Miscellaneous User Fee shall be due on the 10th day after the bill or statement is mailed by the Township.

Section 710. Unpaid Sewer Rates and Charges. If Sewer Rates and Charges are not paid on or before the due date then a penalty in the amount of 5% shall be added to the balance due. Partial payments will be applied first to outstanding penalties, if any, and then to Sewer Rates and Charges.

Section 711. Unpaid Sewer Rates and Charges; Remedies. If Sewer Rates and Charges are not paid on or before the due date, the Township, pursuant to Act 178 of the Public Acts of Michigan of 1939, as amended, may

- (a) discontinue the services provided by the System by disconnecting the Building Sewer from the Service Connection, and the service so discontinued shall not be reinstated until all sums then due and owing, including penalties, interest and all expenses incurred by the Township for disconnecting and reconnecting the service, shall be paid to the Township;
- (b) institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or
- (c) enforce the lien created in Section 712 below.

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

Under no circumstances shall action taken by the Township to collect unpaid Sewer Rates and Charges, penalties and interest, invalidate or waive the lien created by Section 712 below. Before disconnecting service, the Township shall give thirty (30) days written notice to the User at the last known address according to the Township records and the Township Tax Assessment Roll. The notice shall inform the User that the User may request an informal hearing to present reasons why service should not be disconnected.

Section 712. 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 ninety (90) days or more following the date of billing, they shall be considered delinquent. The Sewer Administrator shall certify all delinquent Sewer Rates and Charges and penalties thereon, annually, on or before October 1, of each year to the tax-assessing officer of the Township, who shall enter the delinquent Sewer Rates and Charges, and penalties thereon 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. Notwithstanding the foregoing, if any delinquent Sewer Rates and Charges and the penalties thereon are paid in full (following the certification thereof on or before October 1) not less three (3) business days prior to the printing of the tax roll the same shall not be entered upon the tax roll by the Township.

Section 713. 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 714. Rental Properties. A lien shall not attach for Sewer Rates and Charges to a Premises which is subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the Premises or a Dwelling Unit thereon shall be liable for payment of Sewer Rates and Charges, effective for services which accrue after the date an affidavit is filed by the landlord with the Township. This affidavit shall include the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the Township thirty (30) days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit in the amount equal to the User Charge for the preceding 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 Township against the unpaid balance, including penalties. The tenant shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in Sections 711 and 712 shall be applicable with respect to the unpaid Sewer Rates and Charges, including penalties. The security deposit shall be held by the Township without interest and shall be returned to the landlord upon proof of termination of the lease.

Section 715. Cancellation of Permits; Disconnection of Service. Applications for sewer connection permits filed pursuant to Article V may be canceled and/or sewer service disconnected by the Township for any violation of any part of this Ordinance, including, without limitation, any of the following reasons:

- (a) Misrepresentation in the Sewer 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 privately-owned Service Connections and Control Manholes in a suitable state of repair.
- (d) Discharges in violation of this Ordinance.
- (e) Damage to any part of the System

Before disconnecting service, the Township shall give thirty (30) days written notice to the User at the last known address according to the Township records and the Township Tax Assessment Roll. The notice shall inform the User that the User may request an informal hearing to present reasons why service should not be disconnected.

Section 716. 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, and penalties, and the applicable reconnection charge has been paid. The Township may, as a condition to reconnecting said service, request that a sum equal to the User Charge for the preceding four (4) quarterly billing periods be placed on deposit with the Township for the purpose of establishing or maintaining any User's credit. Said deposit shall not be considered in lieu of any future billing for Sewer Rates and Charges. Upon the failure of the User to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including penalties. The User shall immediately make sufficient payment to the Township to reinstate the amount of the security deposit so advanced. Upon the failure of the User to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in Sections 711 and 712 shall be applicable with respect to any unpaid Sewer Rates and Charges, including penalties. The security deposit shall be held by the Township without interest and shall be returned to the User upon continued timely payments by the User of all Sewer Rates and Charges as and when due, for a minimum of twelve (12) months.

Section 717. Billing Address. Bills and notices relating to the conduct of the business of the Township will be mailed to the User at the address listed on the permit application filed pursuant to Article V unless a change of address has been filed in writing at the business office of the Township; and the Township shall not otherwise be responsible for delivery or non-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 718. Interruption of Service; Claims. The Township shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the System, all Users affected by such interruption will be notified in advance whenever it is possible to do so. The Township shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages or have any portion of a payment of Sewer Rates and Charges refunded for any interruption.

ARTICLE VIII REVENUES

Section 801. Estimated Rates; Sufficiency. The Sewer Rates and Charges hereby fixed are established to be sufficient to provide for the Cost of Operation and Maintenance of the System as are necessary to preserve the same in good repair and working order. Such rates shall

be fixed and revised from time to time as may be necessary to produce these amounts. The User Charge shall be reviewed annually and revised as necessary to meet system expenses and to insure that all User Classes pay their proportionate share of the Cost of Operation and Maintenance.

Section 802. Revenues; Depository. The revenues of the System shall be set aside, as collected, and deposited in a separate depository account in a bank duly qualified to do business in Michigan, in an account to be designated "Grattan Sewer System Receiving Fund" (the "Receiving Fund") and said revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the time hereafter specified.

- (a) **Operation and Maintenance Fund.** Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a separate account, designated "Operation and Maintenance Fund," a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.
- (b) **Debt Service Fund.** There shall next be established and maintained a separate account, to be designated "Debt Service Fund," which shall be used solely for the payment of debt service on the Township's obligations issued to pay for the System, extensions to the System or for the purpose of making improvements in the efficiency of the System through the use of new technology and the replacement of obsolete or inefficient components so as to prevent overburdening of or failures in the System. There shall be deposited in said fund quarterly, after requirements of the Operation and Maintenance Fund have been met, such sums as shall be necessary to pay said obligations when due. A separate subaccount shall be established for each issue of debt obligations. Should the revenues of the System prove insufficient for this purpose, such revenues may be supplemented by any other funds of the Township legally available for such purpose.
- (c) **Repair, Replacement and Capital Improvement Fund.** There shall next be established and maintained a separate depository account designated "Repair, Replacement and Capital Improvement Fund" (the "Repair, Replacement and Capital Improvement Fund") for the purpose of making repairs (including the cleaning of sewer mains and other system components), replacements and capital improvements to the existing Public Sewer System, if needed. There shall be set aside into said fund, after provision has been made for the Operation and Maintenance Fund and the Debt Service Fund, such revenues as the Township Board shall deem necessary for this purpose.
- (d) **Expansion Fund.** There shall next be established and maintained an Expansion Fund for the purpose of making extensions and enlargements to the Public Sewer System. There shall be deposited into said fund, after providing for the foregoing funds, such revenues as the Township Board shall determine.
- (e) **Surplus Moneys.** Moneys remaining in the Receiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the Township Board, be transferred to the Repair, Replacement and Capital Improvement Fund, the Expansion Fund, or used in

connection with any other project of the Township reasonably related to purposes of the System.

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

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

Section 804. Investment of Funds. Moneys in any fund or account established by the provisions of this Ordinance may be invested in the manner provided in the Township investment policy, subject to the limitations set forth in Act 94 of the Public Acts of Michigan of 1933, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

ARTICLE IX

ADMINISTRATIVE APPEALS; BOARD OF APPEALS

Section 901. Board of Appeals. In order that the provisions of this Ordinance may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of this Ordinance, the Township Board shall serve as a Wastewater Board of Appeals. The duty of such Board shall be to consider appeals from the decision of the Sewer Administrator and to determine, in particular cases, whether any deviation from strict enforcement will violate the intent of the Ordinance or jeopardize the public health or safety.

Section 902. Informal Hearing. An informal hearing before the Sewer Administrator may be requested in writing by any Person deeming itself aggrieved by a citation, order, administrative interpretation, charge, fee, surcharge, penalty or action within ten 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 five (5) days after receipt of the request, unless extended by mutual written agreement. The hearing shall be conducted on an informal basis at the Township Hall or at such place as designated by the Sewer Administrator. The Sewer Administrator shall issue a written statement of his decision within five (5) business days after the informal hearing.

Section 903. Appeals from Informal Hearing. Appeals from the written decisions of the Sewer Administrator may be made to the Township Board, acting as a Board of Appeals, within thirty (30) days from the date of the written decision. Such appeal may be taken by any Person aggrieved. The appellant shall file a Notice of Appeal with the Sewer Administrator and with the Board, specifying the ground therefor. Prior to a hearing, the Sewer Administrator shall transmit to the Board a summary report of all previous action taken. The Board may, at its discretion, call upon the Sewer Administrator to explain the action. The final disposition of the appeal shall be in

the form of a resolution either reversing, modifying (with or without conditions), or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the Board must concur. The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the same Board of Appeals may reverse 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 the Board of Appeals shall be final.

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

Section 904. Payment of Amounts Outstanding. All Sewer Rates and Charges outstanding during any appeal process shall be due and payable to the Township. Upon resolution of any appeal, the Township shall adjust such amounts accordingly; however, such adjustments shall be limited to the previous one year's billing unless otherwise directed by court order.

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

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

ARTICLE X NOTICE AND CLAIM PROCEDURES FOR SEWER OVERFLOW OR BACKUP

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

- (a) A Claimant is not entitled to compensation unless the Claimant notifies the Township of a claim of damage or physical injury, in writing, within 45 days after

the date the damage or physical injury was discovered by the Claimant, or in the exercise of reasonable diligence should have been discovered by the Claimant.

- (b) The written notice under subsection (a) shall contain the Claimant's name, address, and telephone number, the address of the affected property, the date of discovery of any property damages or physical injuries, and a brief description of the claim. As part of the description of the claim, the Claimant shall submit an explanation of the Sewage Disposal System Event and reasonable proof of ownership and the value of any damaged personal property. Reasonable proof of ownership and the purchase price or value of the property may include testimony or records. Reasonable proof of the value of the property may also include photographic or similar evidence.
- (c) The written notice under subsection (a) shall be sent to the Sewer Administrator, who is hereby designated as the individual at the Township to receive such notices pursuant to Section 19 of Act 222.
- (d) If a Claimant who owns or occupies affected property notifies the Township orally or in writing of a Sewage Disposal System Event before providing a notice of a claim that complies with subsections (a), (b) and (c), the Sewer Administrator shall provide the Claimant with a written explanation of the notice requirements of subsections (a), (b) and (c) sufficiently detailed to allow the Claimant to comply with said requirements.
- (e) If the Township is notified of a claim under subsection (a) and the Township believes that a different or additional governmental agency may be responsible for the claimed property damages or physical injuries, the Township shall notify each additional or different governmental agency of that fact, in writing, within 15 business days after the date the Township receives the Claimant's notice under subsection (a). The Township shall give notice of a claim with respect to the Grattan/Vergennes Sewer System to Vergennes.
- (f) If the Township receives a notice from a Claimant or a different or additional governmental agency that complies with this Section, the Township may inspect the damaged property or investigate the physical injury. A Claimant or the owner or occupant of affected property shall not unreasonably refuse to allow the Township or its duly authorized representatives to inspect damaged property or investigate a physical injury.
- (g) Prior to a determination of payment of compensation by the Township, the Claimant shall provide to the Township additional documentation and proof that:
 - (i) At the time of the Sewage Disposal System Event, the Township owned or operated, or directly or indirectly discharged into, that portion of the Public Sewer System that allegedly caused damage or physical injury;
 - (ii) The Public Sewer System had a defect;
 - (iii) The Township knew, or in the exercise of reasonable diligence, should have known, about the defect in the Public Sewer System;

- (iv) The Township, having the legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect in the Public Sewer System; and
 - (v) The defect in the Public Sewer System was a proximate cause that was 50% or more of the cause of the Sewage Disposal System Event and the property damage or physical injury.
- (h) Prior to a determination of payment of compensation by the Township, the Claimant shall also provide to the Township additional documentation and proof that neither of the following were a proximate cause that was 50% or more of the cause of the Sewage Disposal System Event:
- (i) An obstruction in a Service Connection or a Building Sewer that was not caused by the Township; or,
 - (ii) A connection on the affected Premises, including, but not limited to, a footing drain, sump system, surface drain, gutter, down spout or connection of any other sort that discharged any storm water, surface water, ground water, roof runoff, sub surface drainage, cooling water, unpolluted air conditioning water or unpolluted industrial process waters to the Public Sewer System.
- (i) If the Township and a Claimant do not reach an agreement on the amount of compensation for the property damages or physical injury within 45 days after the receipt of notice under subsection (a), the Claimant may institute a civil action in accordance with Act 222.
- (j) To facilitate compliance with this section, the Township shall make available to the public information about the notice and claim procedures under this Section.
- (k) The notice and claim procedures set forth in this Section shall be applicable to a Sewage Disposal System Event involving the Public Sewer System.
- (l) The Township does not own or operate any Storm Sewer, Storm Drain or combined sewer and, accordingly, the notice and claim procedures set forth in this Section, with the exception of subsection (e), do not apply to a Sewage Disposal System Event involving a Storm Sewer, Storm Drain or a combined sewer.
- (m) In the event of a conflict between the notice and claim procedures set forth in this Section and the specific requirements of Act 222, the specific requirements of Act 222 shall control.
- (n) As provided in Section 19(7) of Act 222, the notice and claim procedures of this Section do not apply to claims for noneconomic damages (as defined in Act 222) arising out of a Sewage Disposal System Event.
- (o) Any word, term or phrase used in this Section, if defined in Act 222, shall have the same meaning provided under Act 222.

ARTICLE XI ENFORCEMENT

Section 1101. Inspection by Township. The duly authorized representatives, employees or agents of the Township, including, but not limited to, the Inspector, the Township Supervisor, the Township's engineer, the Health Department and representatives of MDEQ bearing proper identification shall be permitted to enter at any time upon prior notice (absent an emergency) during reasonable or usual business hours in and upon all properties in the Service District for the purposes of inspection, observation, measurement, sampling, testing and emergency repairs in accordance with the provisions of this Ordinance. All reasonable safety rules imposed by the owner of the Premises shall be observed. 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 entry upon that Person's property.

Section 1102. Damage to System. No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, interfere, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the Public Sewer System including the Wastewater Treatment Plant or any Service Connection, or connect or disconnect any Building Sewer to the Public Sewer System.

Section 1103. Notice to Cease and Desist. Except for violations of Section 1102 hereof, any Person found to be violating any provision of this Ordinance shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

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

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

Section 1106. Liability for Expenses. Any Person violating any of the provisions of this Ordinance shall become liable to the Township and their authorized representatives for any

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

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

ARTICLE XII MISCELLANEOUS

Section 1201. Repeal of Conflicts. All ordinances or parts of ordinances in conflict herewith and relating to the Public Sewer System including, without limitation, Ordinance No. 96-30, adopted June 24, 1996; Ordinance No. 98-01, adopted March 30, 1998; Ordinance No. 99-712-1, adopted July 12, 1999; Ordinance No. 02-01, adopted March II, 2002; and Ordinance No. 03-03, adopted February 24, 2003, as amended, are hereby repealed.

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

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

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

ARTICLE XIII PUBLICATION AND EFFECTIVE DATE

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

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

ARTICLE XIV AMENDMENT

Section 1401. Reservation of Right to Amend. 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.

APPENDIX I

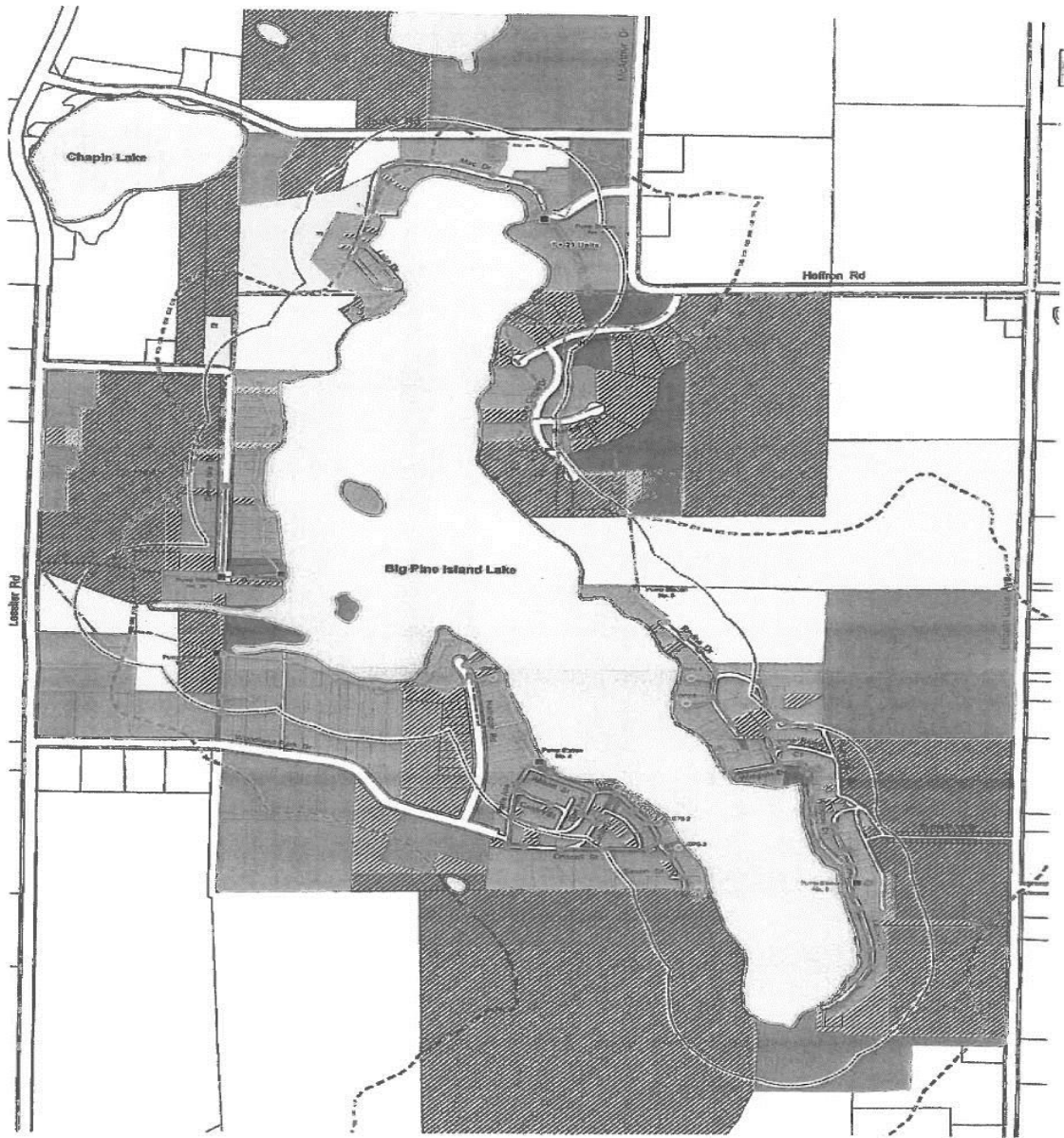
TABLE OF UNIT FACTORS

USAGE	UNIT	FACTOR
Church	1-400 seats	1.00
	401-800 seats	2.00
	801-1200 seats	3.00
Party/Convenience Store w/o Gasoline	1,000 square feet	1.00
Public Institutions:		
Fire Station, Museum	Per Service Stub	1.009
Township Offices	1,000 sq. ft.	.40
Residential:		
Single Family Housing	Dwelling Unit	1.00
Multi-Family Housing (Apt/Condo/Duplex)	Dwelling Unit	1.00
Mobile Home Parks	Mobile Home Space	1.00
Campground and Seasonal Trailer Park	Camping or Trailer Site	.50
Schools:		
No Cafeteria No Showers	Classrooms, labs, art & music rooms as classrooms	.075/classroom
With Cafeteria No Showers	Classrooms, etc. as above	1.00/classroom
No Cafeteria With Showers	Classrooms, etc. as above	1.25/classroom
With Cafeteria With Showers	Classrooms, etc. as above	1.50/classroom
Administrative Offices	1,000 sq. ft.	.40
Remarks: Incidental if part of school; treat as office if separate structure		

NOTE: NO SERVICE STUB SHALL BE ASSIGNED LESS THAN ONE (1) UNIT.

APPENDIX II

GRATTAN SEWER SYSTEM - MAP OF BIG PINE ISLAND LAKE



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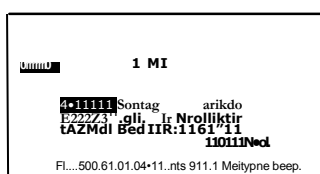
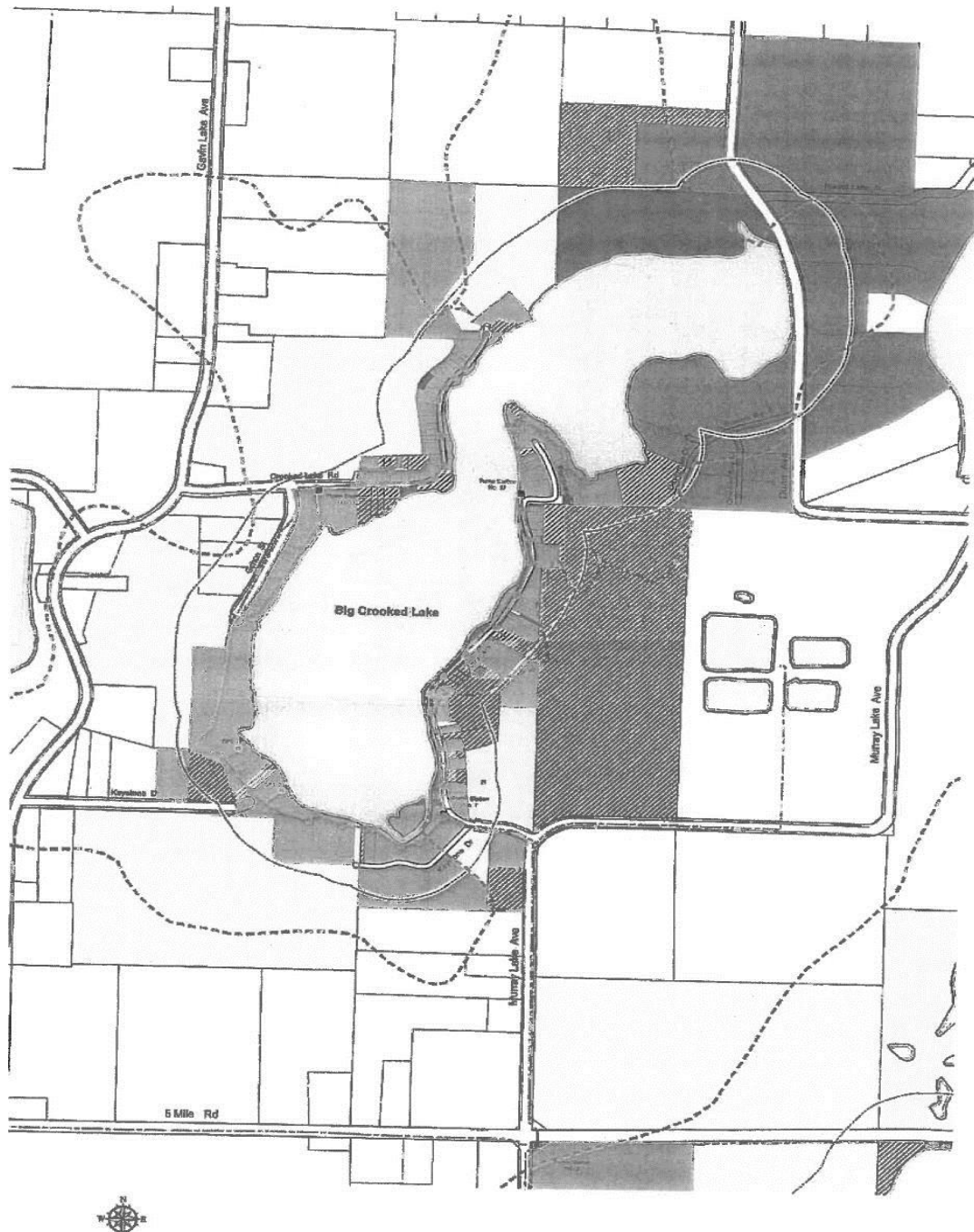
GRATTAN SEWER SYSTEM
MAP OF BIG PINE ISLAND LAKE
APPENDIX II

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APPENDIX III

GRATTAN/VERGENNES SEWER SYSTEM - MAP OF BIG CROOKED LAKE



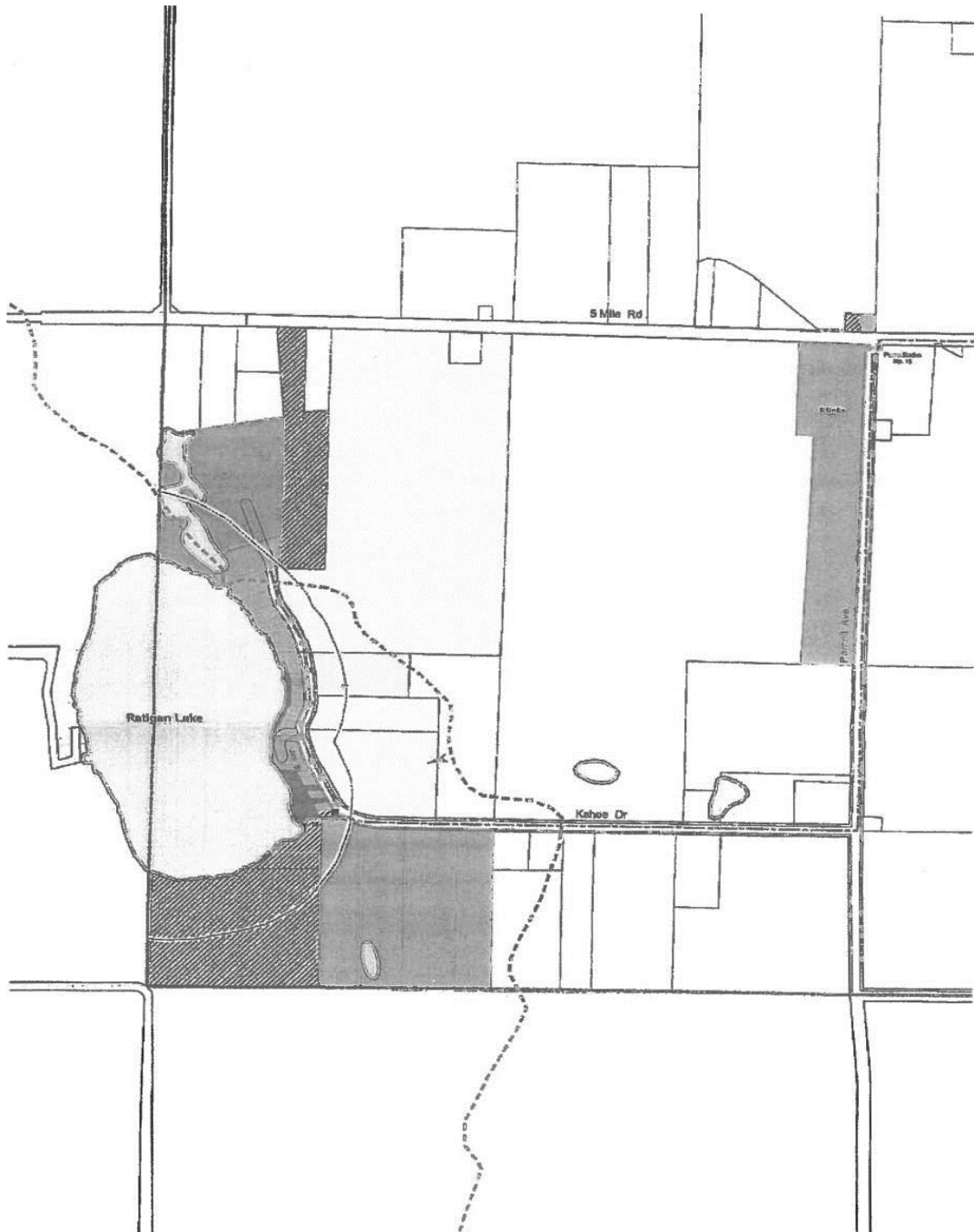
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GRATTAN/VERGENNES SEWER SYSTEM MAP OF BIG CROOKED LAKE APPENDIX III

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APPENDIX IV

GRATTAN/VERGENNES SEWER SYSTEM - MAP OF RATIGAN LAKE



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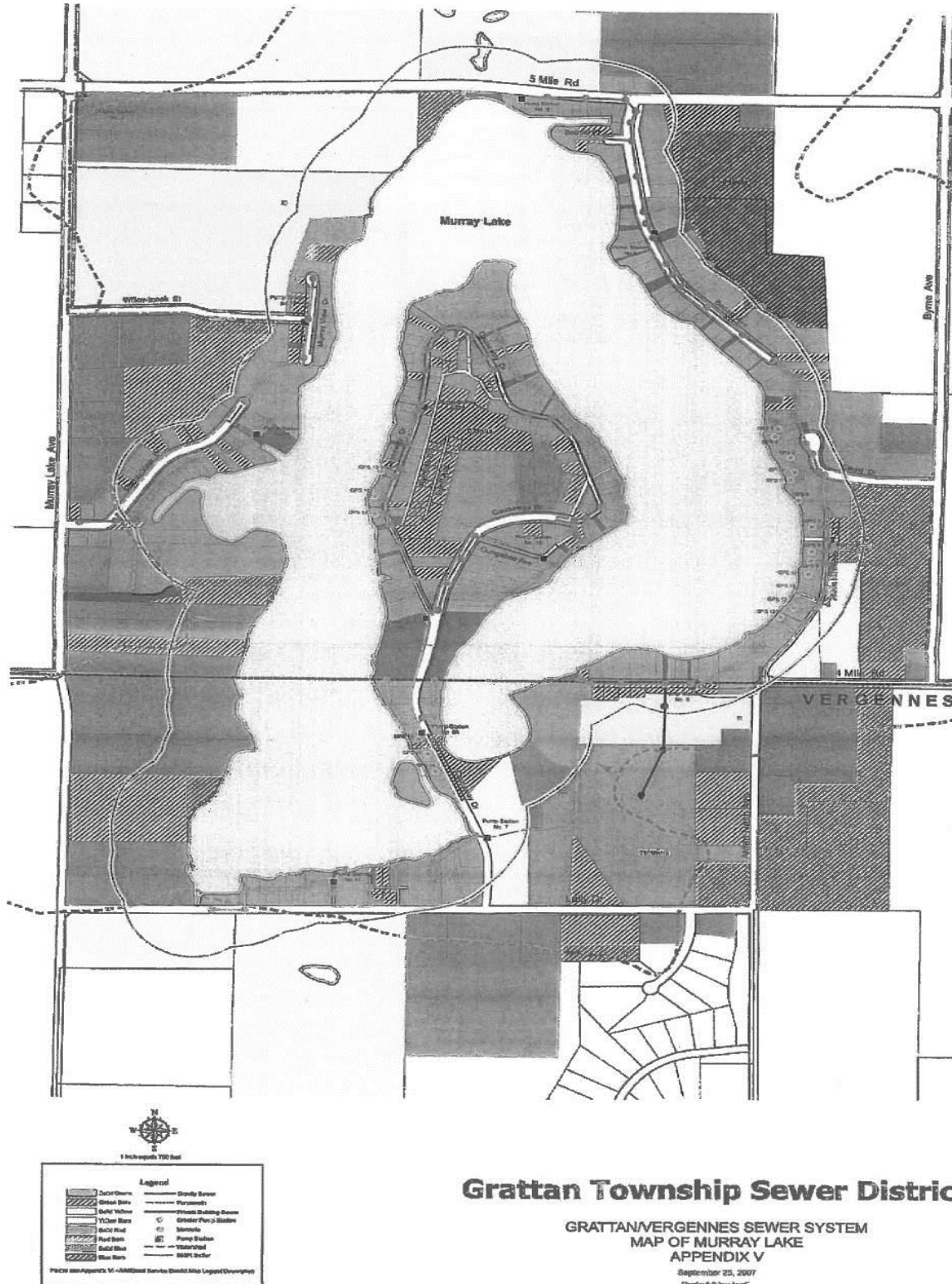
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Grattan Township Sewer District

GRATTAN/VERGENNES SEWER SYSTEM
 MAP OF RATIGAN LAKE
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APPENDIX V

GRATTAN/VERGENNES SEWER SYSTEM - MAP OF MURRAY LAKE



APPENDIX VI

ADDITIONAL SERVICE DISTRICT MAP LEGEND DESCRIPTION

This Appendix is intended to supplement the individual Legends set forth on the Service District Maps attached as Appendix 11, Appendix III, Appendix IV and Appendix V to the Grattan Sewer Connection. Use and Rate Ordinance (the “Sewer Ordinance”).

PREMISES INCLUDED IN SERVICE DISTRICT BY COLOR CODE

Green

- Premises coded **Solid Green** or **Green Bars** are included in the Service District.
- **Solid Green**
 - Has physical availability.
 - Mandatory connection is required.
 - Premises has house connected to System.
 - Number of Units connected to the System is assumed to be one (1) or map displays the number of Units as of June 1, 2007 for schools, trailer park, etc.
 - The connection of more than a single Unit on a single Premises will require a determination of adequate capacity in all downstream facilities and, if necessary, the provisions of Section 307 and Section 308 of the Sewer Ordinance shall apply.
- **Green Bars**
 - Mandatory connection is required.
 - Premises is vacant with no septic or sewer on Premises.
 - A single Unit on each Premises may be connected to the System.
 - The connection of more than a single Unit on a single Premises will require a determination of adequate capacity in all downstream facilities and, if necessary, the provisions of Section 307 and Section 308 of the Sewer Ordinance shall apply.
 - This category includes buildable and non-conforming lots, but the inclusion of a Premises in this category does not imply that the Premises is buildable under township ordinances or state law (i.e., the presence of wetlands could preclude building). The only implication for the System is that one (1) Unit must be included for the Premises in Township capacity calculations.

Yellow

- Premises coded **Solid Yellow** or **Yellow Bars** have physical availability to the System and are included in the Service District. A single Unit on each Premises may be connected to the System. The connection of more than a single Unit on a single Premises will require a determination of adequate capacity in all downstream facilities and, if necessary, the provisions of Section 307 and Section 308 of the Sewer Ordinance shall apply.
- **Solid Yellow**
 - A portion of the Premises is within the 200 foot or 500 foot rules set forth in the definition of Available Public Sanitary Sewer System set forth in the Sewer

Ordinance (the “200 foot or 500 foot rules”), but owner elected not to connect to sewer.

- Premises has house with septic because structure was built outside of the 200 foot or 500 foot rules.
- An existing house on a non-lakefront premises located within 500 feet of lake shall be allowed to maintain an existing septic system, but will be required to connect when septic fails (as determined by the Health Department).
- **Yellow Bars**
 - A portion of the Premises is within the 200 foot or 500 foot rules.
 - Premises is vacant with no septic or sewer.
 - A single Unit on each Premises may be connected to the System.
 - The connection of more than a single Unit on a single Premises will require a determination of adequate capacity in all downstream facilities and, if necessary, the provisions of Section 307 and Section 308 of the Sewer Ordinance shall apply.
 - This category does not imply that this Premises has capacity availability for more than one (1) Unit. The only implication for the System is that one (1) Unit must be included for this Premises in Township capacity calculations.

Blue

- **Solid Blue**
 - Premises coded **Solid Blue** are generally included in the Service District; however, such Premises are not buildable. In the event any such Premises is considered to be buildable in the future, the requirements of Section 307 and Section 308 of the Sewer Ordinance must be satisfied before a sewer connection permit may be issued for one or more Units to be constructed on such Premises.
 - Does or does not have physical availability.
 - Premises is vacant with no septic or sewer on Premises.
 - Number of Units available is zero (0).
 - This Premises is not buildable; therefore, it is not counted in capacity calculations. Reasons the Premises is not buildable include, but are not limited to, the following:
 - a. too small
 - b. township or state property
 - c. park or preserve — public or private
 - d. open space.
- **Blue Bars**
 - Does or does not have physical availability.
 - Premises is vacant with no sewer.
 - Premises coded **Blue Bars** were approved for sewer service on or before June 1, 2007 by Township Board resolution in accordance with the requirements of Sections 306, 307 and/or 308. Connection of one or more Units to the System is permitted in accordance with the terms of such township board resolutions. Sewer extension and development were not completed as of June 1, 2007.

PREMISES NOT INCLUDED IN SERVICE DISTRICT BY COLOR CODE

Red

- Premises coded **Solid Red**. or **Red Bars** are not included in the Service District. If a property owner requests sewer service, the provisions of Section 307 and Section 308 of the Sewer Ordinance will apply.
- **Solid Red**
 - Has no physical availability.
 - Premises has house with septic.
 - Number of Units available is zero (0).
- **Red Bars**
 - Has no physical availability.
 - Premises is vacant with no sewer.
 - Number of Units available is zero (0).

MISCELLANEOUS

- All capitalized terms not defined in this Appendix shall have the meanings assigned to such terms in Article II of the Sewer Ordinance.
- The “500-foot buffer” is a line located 500 feet from the edge of the lake and is intended to be used by the Township in applying the mandatory connection requirements set forth in Article III and the related definition of Available Public Sanitary Sewer System set forth in the Sewer Ordinance.
- Physical availability, as set forth in the definition of Available Public Sanitary Sewer System, means that public sewer lines run across the Premises or abut the Premises within a public road or easement, The inclusion of a Premises in the Service District does not mean that the public sewer is physically available to the Premises.
- Physical availability of the public sewer to Premises does not automatically ensure that the public sewer components have capacity to serve the Premises, as set forth in the definition of Available Public Sanitary Sewer System.
- Inclusion in the Service District does not imply that a Service Stub is already constructed and available for the Premises.
- The inclusion of a Premises on any Service District map does not constitute zoning or land use approval for any particular use.
- The inclusion of a Premises on any Service District map does not imply that the Premises is, or will be, zoned or approved under any applicable Township zoning or land use ordinance, or state or federal law, rule or regulation for any particular purpose or at any particular density.

- All grinder pump stations shown on any of the Service District maps (identified on the individual map legends as GPS) are publicly owned; privately-owned grinder pump stations are not shown on any of the Service District maps.

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