

SEWER RATE AND CONNECTION ORDINANCE
TOWNSHIP OF WEST TRAVERSE
ORDINANCE NO. 80-1

AN ORDINANCE establishing and providing for the collection of rates and charges for sewage disposal service and providing penalties for violation of sections thereof, in the Township of West Traverse, Emmet County, Michigan.

BE IT ORDAINED and enacted by the Township Board of the Township of West Traverse, Emmet County, Michigan, as follows:

ARTICLE I

DEFINITIONS

Unless the context specifically indicates otherwise, or as defined below, the meaning of terms used in this ordinance shall be defined in the West Traverse Township Municipal Sewer Use Ordinance, Ordinance No. ___.

Section 1. "Connection Charge" shall mean the amount charged at the time, and in the amount hereinafter provided, to each premise in the Township which requires a new connection to the sanitary sewer. The charge is based upon the proportionate cost allocable to such premises of the trunkage and availability costs associated with providing sanitary sewers and sewage treatment.

Section 2. "Industrial Cost Recovery" shall mean the recovery from each eligible industrial user that portion of U.S. Environmental Protection Agency grants which are allocable to the collection and treatment of industrial wastes from said users (see Article IV).

Section 3. "O,M&R Charge" shall mean the charge levied on all users of the sewage works for the costs of operation, maintenance, and replacement of such treatment works.

Section 4. "Operation and Maintenance Costs" shall mean all costs, direct and indirect (other than debt service), necessary to insure adequate wastewater treatment on a continuing basis, to conform with all related federal, state and local requirements, and to assure optimal long-term facility management (O & M costs include replacement costs).

Section 5. "Replacement" shall mean necessary expenditures made during the service life of the treatment works to replace equipment and plant appurtenances required to maintain the intended performance of the treatment works.

Section 6. "Residential Equivalent Unit", as reflected in Exhibit A, shall be related to the quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a single family of ordinary size and the benefit derived therefrom, and shall be defined or determined from time to time by the Township.

Section 7. "Revenues" and "Net Revenues" shall have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

Section 8. "System" shall mean all facilities of the Township and all subsequent additions, including all sewers, pumps, lift stations, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

ARTICLE II

OPERATION

Section 1. The operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the Authority by contract to the Township. The Township or the Authority may employ such person or persons in such capacity or capacities as it deems advisable to carry out the efficient management and operations of the System. The Township may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

ARTICLE III

SEWER USER CHARGE SYSTEM

Section 1: All premises connected to the system, or portions of the system whereby the system may include several unconnected community systems, shall be charged and shall make ~~quarterly~~ ^{ANNUAL} payments to the Township for the operation, maintenance, replacement and debt service costs, as applicable, allocable to said system or portion thereof. Each user of the system shall be charged on the basis of the number of residential equivalent units assigned to said user, as determined on the basis of Exhibit A to this Ordinance and/or as hereinafter provided.

Section 2: Rates to be charged for service furnished by the System shall be as shown in Exhibit B to this Ordinance.

Section 3: The Township may enter into contract with any incorporated association or developer to provide sewage collection and treatment services under the terms and conditions of this ordinance and the Sewer Use Ordinance. The Township may, where appropriate, establish special Sanitary Districts encompassing said association or development. The association or developer shall agree to pay all costs incidental to the creation of said Sanitary District and construction of sewerage facilities for inclusion in the system and shall agree to pay all applicable user charges. The association or developer shall also agree to charge user within said association or development his proportionate and equitable share of all applicable sewer use charge.

Section 4: For miscellaneous services or where premises receive sewer service by Contract for which a special rate shall be established, such rates shall be fixed by the Township by resolution to Exhibit B to this ordinance under the same regulations as for the passing of ordinances.

Section 5: The charges for services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all premises served thereby, and are hereby recognized to constitute such lien; and whenever any such charge against any piece of property shall be delinquent for six (6) months, the Township official or officials in charge of the collection thereof shall certify annually, on August 1st of each year, to the tax-assessing officer of the Township the facts of such delinquency whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Township taxes against such premises are collected and the lien thereof enforced; provided, however, where notice is given that a tenant is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such premises until a cash deposit in the amount of \$75.00 shall have been made as security for payment of such charges and service.

Section 6: The Township shall have the right to adjust "User Charges" based on an annual audit review of the Sewage Works Operation and Maintenance costs. Such an audit review shall be conducted annually by the Township.

Section 7: All customers of the Sewage Works will be included in a user class and each user class will pay for its proportionate use of the Sewage Works in terms of volume and pollutant loading. Sewer user charges are levied to defray the cost of operation, maintenance (including replacement), and debt retirement of the Sewage Works. The classes of users of the Sewage Works, for the purpose of determining the user charges, shall be as defined in the Sewer Use Ordinance.

Section 8: Each industrial user, shall pay the proportionate share of the operation, maintenance and replacement depreciation costs of the Sewage Works that are allocable to the treatment of said user's industrial wastes.

Section 9: Each industrial user that discharges process wastewater which does not exceed the limits of "normal strength sewage" shall be charged and shall make payments to the Township in amounts based on the actual waste volume and strength from such premises.

Section 10: Any user that proposes to discharge wastewater to the system which exceeds the limits of "normal strength sewage" will be required to either: (a) provide satisfactory pretreatment to reduce the strength of the wastewater to "normal strength sewage"; or (b) pay a surcharge determined by the relative concentration of BOD, suspended solids, or other pollutant as compared to "normal strength sewage".

ARTICLE IV

INDUSTRIAL COST RECOVERY SYSTEM

Section 1: Industrial users which are liable for Industrial Cost Recovery, as defined, shall include the following:

- a. Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges process wastes which are more than the equivalent of 25,000 gallons per day (gpd) of normal strength sewage wastes, as defined, and which is identified in the Standard Industrial Classification manual, 1972, Office of Management and Budget, as amended, and supplemented, under one of the following divisions:

Division A. Agriculture, Forestry, and Fishing

Division B. Mining

Division D. Manufacturing

Division E. Transportation, Communications, Electric, Gas, and Sanitary Services

Division I. Services

- b. Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure, or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in, or has an adverse effect on, the waters receiving any discharge from the treatment works.

Section 2. For purposes of industrial cost recovery, computations of amounts of industrial wastes shall exclude domestic wastes and/or wastes from human sanitary conveniences.

Section 3. Each industrial user which is subject to Industrial Cost Recovery, will be assessed an industrial cost recovery charge for use of the System which were funded in part by U.S. EPA Construction Grants received after March 1, 1973. The charge will be levied in accordance with Federal Regulations in force after July 1, 1980 and will be based on waste volume, delivery flow rate, and pollutant loadings as they may affect the capacity of eligible Sewage Works. The Township shall reserve the right to adjust said industrial cost recovery charges to any sewer user that significantly alters its waste volume or delivery flow rate. Affected users shall only be required to pay charges for those years that they use the system and only at an annual rate in proportion to the length of the entire recovery period. The industrial cost recovery period is the time period that is provided to allow industrial users to pay their total industrial cost recovery charge and shall be equal to thirty (30) years.

Section 4: The industrial cost recovery charge for each affected industrial user shall be a portion of the Federal construction grant amount equal in proportion to said user's proportionate share of the total capacity of the System in terms of strength, volume and delivery flow rate. Specifically, the industrial user's share of the total capacity shall be determined by the sum of the three following calculations:

- a.
$$\frac{\text{Industrial Volume Contribution per unit of time}}{\text{Plant design volume per unit of time}} \times (\text{EPA grant portion allocable to volume handling per unit of time})$$
- b.
$$\frac{\text{Industrial BOD contribution per unit of time}}{\text{Plant BOD design capacity per unit of time}} \times (\text{EPA grant portion allocable to BOD handling per unit of time})$$
- c.
$$\frac{\text{Industrial Suspended Solids contribution per unit of time}}{\text{Plant Suspended Solids design capacity per unit of time}} \times (\text{EPA grant portion allocable to suspended solids per unit of time})$$

Industrial cost recovery charges shall be calculated and paid annually in an amount equal to the total industrial cost recovery charge for any industrial user divided by thirty (30) years.

Section 5: For purposes of industrial cost recovery calculations, the affected industrial user shall monitor its industrial waste stream(s), as directed by the Township, and no less than quarterly and at the users expense. The Township shall reserve the right to request split samples from the user and analyze the wastes independently, the costs of which shall be borne by the user.

Section 6: Costs recovered from industrial users shall be deposited by the Township in a separate account identified as the "Industrial Cost Recovery Account". Funds shall be distributed from the "Industrial Cost Recovery Account" in accordance with U.S. Environmental Protection Agency rules and in the following manner:

- a. The Township shall retain fifty percent of the total recovered amount. The remainder, together with any interest earned thereon, shall be returned to the U.S. Treasury on an annual basis.
- b. Eighty percent of the retained amount, together with interest earned thereon, shall be used solely for the eligible costs of expansion or reconstruction of the treatment works and only upon written approval of the EPA Administrator, Region V. The remainder of the retained amount may be used as the Township so desires.
- c. Pending use, the Township shall invest the retained amounts for expansion and reconstruction in: (1) obligations of the U.S. government; (2) obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof; or (3) shall deposit said amounts in accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.

ARTICLE V

SEWER CONNECTION CHARGES

Section 1. Each person desiring to connect to the System may be required to pay a charge for the privilege of using the facilities and receiving the service of the system. Connection charges shall be as shown in Exhibit B to this Ordinance.

Section 2: Connection charges as set forth above shall be due and payable in cash or through special assessments upon application for connection to the System.

ARTICLE VI

PAYMENTS AND COLLECTIONS

Section 1: Bills for sewage disposal service are due and payable at the business office of the Township or to any designated agent on their date of issue and, if not paid by the 30th day thereafter, shall be deemed delinquent and shall be subject to a penalty of 5 percent thereof. Bills shall be dated and mailed ~~quarterly~~ ^{ANNUALLY} and shall cover ~~three month's~~ ^{ANNUAL} service. If a bill is not paid within thirty (30) days after its date of issuance, the Township shall serve upon the customer a written notice of delinquency; and if it is not paid within sixty days (60) after date of issuance, the Township may discontinue sewer service to the premises and take such other measures as are permitted by state law.

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

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

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

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

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

ARTICLE VII

VALIDITY

Section 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed. Previous sewer ordinance and amendments thereto are hereby repealed.

Section 2. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE VIII

ORDINANCE IN FORCE

Section 1. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Passed and approved on _____, to be effective

CERTIFICATE

I hereby certify that the attached constitutes a true and complete copy of Ordinance No. _____ duly adopted by the Township of West Traverse, Emmet County, Michigan, at a REGULAR meeting held on MARCH 5th, ~~1979~~ 1980, and that public notice of said meeting was given pursuant to Act No. 261, Public Acts of Michigan, 1968, including, in the case of a special or rescheduled meeting, notice by publication or posting at least twelve hours prior to the time set for the meeting.

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

<u>Richard Babcock</u>	<u>Supervisor</u>
<u>Verna Lauer</u>	<u>Clerk</u>
<u>Joretta Bethke</u>	<u>Treas.</u>
<u>Richard Nocale</u>	<u>Trustee</u>
<u>Don Bongiovanni</u>	<u>Trustee</u>

I further certify that ~~Trustee~~ ^{Trustee} JORETTA BETHKE moved adoption of said ordinance and that said motion was supported by Trustee Richard Nocale.

I further certify that the following Trustees voted for adoption of said ordinance: UNANIMOUS, and that the following Trustees voted against adoption of said ordinance: None.

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

Richard Babcock Supervisor

[Signature]

EXHIBIT A
RESIDENTIAL EQUIVALENCE TABLE

<u>Type of Premises</u>	<u>Residential Equivalent Unit</u>
Barber Shops	0.15 per chair
Bars	0.05 per seat
Beauty Shops	0.25 per booth
Boarding Houses	0.2 per person
Bowling Alleys (no bars, lunch facilities)	0.15 per alley
Churches	0.01 per seat
Convalescent Homes (nursing homes)	0.4 per bed
Country Club	0.1 per member
Drug Stores	0.2 per employee
Dry Cleaners	1.25 per press
Factories (exclusive of industrial wastes)	0.15 per person/per shift
Grocery Stores and Super Markets	0.30 per employee
Hospitals	1.1 per bed
Hotels, Motels (private baths, two persons/room)	0.2 per bed
Industry (process waters)	(To be determined at the time of application)
Laundry (self service)	0.5 per washer
Marinas	0.1 per slip
Mobile Home	1.0 per unit
Multiple Family Residence	1.0 per family
Office Building	0.1 per employee
Restaurants	0.1 per seat
Rooming Houses (no meals)	0.1 per person
Sanitary Trailer and Boat Dump Station	2.0 per station
Schools (showers and cafeteria)	0.05 per student
Schools (cafeteria)	0.03 per student
Schools (without showers and cafeteria)	0.02 per student
Service Station	0.2 per pump
Single Family Residence	1.00 per unit
Snack Bars, Drive-Ins, Etc.	0.1 per seat and/or stall
Store (other than specifically listed)	0.15 per employee
Trailer Parks (central bathhouses)	0.35 per trailer
Trailer Parks (individual sewer connection)	1.00 per trailer
Travel Trailer Parks and Campgrounds (with individual sewer connections)	0.20 per site
(without individual sewer connections)	0.15 per site

NOTE: Each connection to the public sewers will be assigned a minimum of one (1) equivalent user. Where fractional units above 1.00 are computed, the nearest whole number will be assigned.

EXHIBIT B

SEWER USER CHARGES

A. Forrest Beach and Pine Trail Subdivisions:

Customers within Forrest Beach and Pine Trail subdivisions shall be charged ^{10.00}~~7.00~~ per month per residential equivalent unit assigned to the customer's premises. This charge shall be for operation, maintenance and replacement costs associated with the system serving these subdivisions.