

CHAPTER 18
SEWER CONNECTION, USE AND RATES

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 JACKSON COUNTY WASTEWATER DISPOSAL FACILITY (RIVES TOWNSHIP SECTION); TO PROVIDE FOR THE CONNECTION TO AND THE FIXING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE SEWER SYSTEM AND THE ALLOCATION AND USE OF REVENUES DERIVED THEREFROM; AND TO PROVIDE PENALTIES FOR ORDINANCE VIOLATIONS.

(Ord. No. 2007-1, Adopted 8-23-07, repealed and replaced by Ord. No. 2009-1, October 6, 2009, as amended by Ord. No. 2010-1, October 5, 2010).

**ARTICLE I
SHORT TITLE; FINDINGS; PURPOSE**

SECTION 18.101 – Short Title. This Chapter shall be known as the "Sewer Connection, Use and Rate Ordinance" and may be cited as such.

(Ord. No. 2009-1, Adopted 10-6-09, as amended by Ord. No. 2010-1, October 5, 2010).

SECTION 18.102 – Intent. This Chapter is intended to apply to all properties served by the Township's Public Sewer System located in Special Assessment District No. 2 and Special Assessment District No.3 within the Township.

SECTION 18.103 – Objectives Re: Contractual Requirements. This Chapter is adopted in accordance with and in furtherance of the Township's obligations as set forth in the Contract, the Wastewater Treatment Agreement, and the Transportation Agreement.

SECTION 18.104 – Objectives Re: State and Federal Law Requirements. This Chapter sets forth uniform requirements for Users of the Public Sewer System and enables the Township to comply with all State and Federal laws applicable to a publicly owned sanitary sewer collection; transportation and treatment systems, including the Clean Water Act (33 United States Code § 1251 et seq.). In addition, the objectives of this Chapter include the following:

- (a) To prevent the introduction of pollutants into the Public Sewer System which will interfere with the operation of the Public Sewer System and its components or the Sewage Treatment Facility 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 and its components or the Sewage Treatment Facility, inadequately treated, into the ground water or otherwise be incompatible with the Public Sewer System and its components or the Sewage Treatment Facility;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the Public Sewer System;

- (d) To provide for proportional distribution of the cost of the Public Sewer System; and
- (e) To protect the physical integrity of the Public Sewer System and its components and the Sewage Treatment Facility, and to provide for the safety of the public and workers on and in the Public Sewer System or the Sewage Treatment Facility.

SECTION 18.105 – 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, in part, upon the express determination of the State Legislature set forth in Section 12752 of the Michigan Public Health Code, 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 18.106 – 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 often high especially for residential users of the Public Sewer System. To the extent practicable, the Township will seek to use and require metering for measuring discharges to and use of the Public Sewer System. The Township declares, as its goal, the eventual use of metering of domestic water supply for all users of the Public Sewer System at that time when (a) all or substantially all Users of the Public Sewer System are connected to a public water supply system and/or (b) in the opinion of the Township, the costs for using and maintaining the metering technology is practical and cost effective for residential users of the Public Sewer System. In the interim, the Township finds that 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, particularly with respect to detached single family residential users.

ARTICLE II DEFINITIONS

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

SECTION 18.201 – Available Public Sanitary Sewer System. A public sewer which is part of the Public Sewer System (tapped or untapped) located in a right of way, easement, highway, street or public way which crosses, adjoins, or abuts upon a property and passes not more than 300 feet at the nearest point from a Structure in which Sanitary Sewage Originates.

SECTION 18.202 – Blackman Township. The Township of Blackman, located in Jackson County, Michigan, acting by and through its duly authorized agent or representative.

SECTION 18.203 – Blackman Township Sanitary Sewer System. The sanitary sewer collection and transmission system located within the Township of Blackman, which transports sanitary sewage from the Public Sewer System to the Sewage Treatment Facility.

SECTION 18.204 – B.O.D.S or Biochemical Oxygen Demand. As used in this Chapter, the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20· C, expressed in PPM by weight.

SECTION 18.205 – Board of Appeals. The Township Board acting in the capacity as the Wastewater Board of Appeals pursuant to Article IX of this Chapter.

SECTION 18.206 – Building Drain. That part of the lowest piping of a drainage system which receives the discharge of Sewage inside of the walls of the building and conveys said discharge to the Building Sewer.

SECTION 18.207 – Building Sewer. The extension from the Building Drain which conveys the discharge of Sewage to the Public Sewer System (typically, the Sewer Lead and its components) or other place of disposal.

SECTION 18.208 – City. The City of Jackson, Michigan.

SECTION 18.209 – Claimant. Any person who makes a claim for economic damages which allegedly were caused by a Sewage Disposal System Event, as defined in Section 18.1001.

SECTION 18.210 – C.O.D. or Chemical Oxygen Demand. The oxygen consuming capacity of inorganic and organic matter present in Sewage.

SECTION 18.211 – Compatible Pollutant. The pollutants which can be treated and removed to a substantial degree by the Sewage Treatment Facility. These pollutants include but are not limited to defined maximum concentrations of B.O.D.S, S.S., pH and additional pollutants identified in the Discharge Permit if the Sewage Treatment Facility was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree.

SECTION 18.212 – Connection Fee. The charge imposed by the Township to regulate the connection of a Building Sewer, either directly or indirectly, to the Public Sewer System. This fee represents (a) the proportional cost attributable to each Structure in which Sanitary Sewage Originates to regulate access to the Public Sewer System and ensures that sufficient capacity exists to accommodate the additional use without overburdening the Public Sewer System or adversely affecting the Township's ability to provide service to the Public Sewer System's existing customers and (b) the benefit to the owner of a Structure in which Sanitary Sewage Originates derived from the connection to the Public Sewer System including, but not limited to, eliminating or reducing the risk of failure of private Sewage Disposal Facilities and the contamination of ground water. See also Direct Connection and Indirect Connection.

SECTION 18.213 – Contract. The Jackson County Wastewater Disposal Facility (Rives Township Section) Bond Contract, dated as of May 1, 2007, by and between the County and the Township.

SECTION 18.214 – Control Manhole. The structure installed on the Building Sewer or Service Connection to allow access for measurement and sampling of Sewage discharging from

Industrial Users and commercial establishments.

SECTION 18.215 – 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 treatment and collection of Sewage on a continuing basis in conformance with the Discharge Permit, and other applicable local, state and federal regulations.

SECTION 18.216 – 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 capacity and the performance for which the System was designed and constructed.

SECTION 18.217 – County. The County of Jackson, Michigan, acting by and through its Board of Public Works, under Act 185 of the Public Acts of Michigan of 1957, as amended.

SECTION 18.218 – Debt Service Charge. The amount charged to Users of the Public Sewer System to pay all or a portion of the principal, interest and administrative costs of retiring the debt incurred for acquisition and construction of the Public Sewer System.

SECTION 18.219 – Direct Connection. The connection of the Building Sewer directly to the Public Sewer System.

SECTION 18.220 – Discharge Permit. The permit issued by the MDEQ for the discharge of treated Sewage from the Sewage Treatment Facility.

SECTION 18.221 – 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.

SECTION 18.222 – Garbage. Solid wastes from the preparation, cooking and dispensing of food, and the handling, sale and storage of produce and, in addition, all paper, plastic and other household items, including containers, whether or not disposable or biodegradable in nature.

SECTION 18.223 – Gravity System. The publicly-owned gravity Sewer Lead which provides the connection between the privately-owned Building Sewer and the Public Sewer System.

SECTION 18.224 – Grinder Pump. In a Grinder Pump System, the device to which the Building Sewer connects and which grinds and pumps the Sewage for transportation to the Sewage Treatment Facility.

SECTION 18.225 – Grinder Pump System. The publicly owned 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 diagram of a typical Grinder Pump System is attached to this Chapter as Appendix II.

SECTION 18.226 – Health Department. Jackson County Health Department.

SECTION 18.227 – Indirect Connection. The connection of a Building Sewer to a sewage collection system which is installed to applicable Township and County specifications and with

Township approval, paid for by special assessment or private funds, serves multiple Users, connected to the Public Sewer System, and, after construction, turned over to the Township and/or the County in accordance with the Contract and becomes part-of the Public Sewer System (e.g., if a developer constructs collection sewers in a plat and connects the collection sewers to the Public Sewer System, the connection of each lot in the plat would be an Indirect Connection).

SECTION 18.228 – Industrial Users. Users which discharge Industrial Wastes.

SECTION 18.229 – Industrial Wastes. The liquid wastes, solids or semisolids from industrial, manufacturing, trade or business processes as distinct from Domestic Sewage.

SECTION 18.230 – Inspection and Administration Fee. The amount charged to each applicant by the Township at the time an application is made to the Township for connection to the Public Sewer System to cover the actual routine cost of inspecting and approving the physical connection of a Building Sewer and Service Connection to the Public Sewer System, the issuance of a connection permit and related administrative expenses.

SECTION 18.231 – Inspector. The person responsible for inspecting connections of Building Sewers and Service Connections to the Public Sewer System as designated by the Township.

SECTION 18.232 – May. Is permissive.

SECTION 18.233 – MDEQ. Michigan Department of Environmental Quality.

SECTION 18.234 – MG/L. Milligrams per liter, or parts per million.

SECTION 18.235 – Miscellaneous User Fee. The amount charged to Users for miscellaneous services and related administrative costs associated with the System as the actual cost incurred by the Township plus administration/enforcement costs.

SECTION 18.236 – NAICS. The North American Classification System or the successor publication, if replaced.

SECTION 18.237 – Natural Outlet. Any outlet into a Watercourse, pond, ditch, lake or other body of surface or ground water.

SECTION 18.238 – 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.

SECTION 18.239 – Nuisance. Without limitation, any condition where Sewage or the effluent from any Sewage Disposal Facility is exposed to the surface of the ground; or is permitted to drain on or to the surface of the ground or into any Natural Outlet.

SECTION 18.240 – 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 of (PH greater than 7) the solution tested. A neutral solution has a pH of 7.

SECTION 18.241 – PPM. Parts per million, equal to milligrams per liter.

SECTION 18.242 – Person. Any individual, firm, company, association, society, corporation or group, public or private.

SECTION 18.243 – Pretreatment. The treatment of extra strength Industrial Wastes in privately owned pretreatment facilities prior to discharge into the Public Sewer System.

SECTION 18.244 – 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 Public Sewers, with no particle greater than one-eighth inch in any dimension.

SECTION 18.245 – Public Sewer System or System. The sanitary sewer collection and transmission system known as the Jackson County Wastewater Disposal Facility (Rives Township Section), including all publicly-owned Service Connections, mains, lifts, pumping stations, odor control facilities and all appurtenances thereto, which serves the Service District, including Special Assessment District No.2 and Special Assessment District No.3, all as owned by the County, subject to the rights of the Township in accordance with the Contract.

SECTION 18.246 – Revenues. All collections of Sewer Rates and Charges, including interest and penalties.

SECTION 18.247 – Sanitary Sewer. A sewer which carries Sewage and into which storm, surface and ground waters are not intentionally admitted.

SECTION 18.248 – Sanitary Sewer Special Assessment District No.2. That portion of the Township served by the Public Sewer, as outlined in the attached Appendix I.

SECTION 18.249 – Sanitary Sewer Special Assessment District No.3. That portion of the Township served by the Public Sewer, as outlined in the attached Appendix II.

SECTION 18.250 – Service Connection. The portion of the Public Sewer System which extends either to or onto the parcel of land adjacent to the path of the Public Sewer System, and includes the sewer main, tee/wye, valve, check valve, connector pipes, the Sewer Lead, the Grinder Pump System, Gravity System, electrical controls and connections, related pumping facilities and appurtenances, but not including the Building Sewer.

SECTION 18.251 – Service District. The area located within the Township including the area within Special Assessment District No. 2 and Special Assessment District No. 3 served by the System and any extensions or expansions approved by the Township Board.

SECTION 18.252 – Sewage . Any combination of the water-carried waste material from residences, business buildings, institutions and industrial establishments, including Industrial Wastes and Domestic Sewage.

SECTION 18.253 – Sewage Disposal Facilities. Any on-site, private septic tank, Subsurface Disposal System or other devices used in the disposal of Sewage and which are not part of the System.

SECTION 18.254 – Sewage Disposal System Event. An overflow or backup of the Public Sewer System, as defined in Section 18.1001.

SECTION 18.255 – Sewage Treatment Facility. The publicly-owned physical plant and appurtenances owned by the City of Jackson designated to receive and treat the raw, untreated Sewage of the properties located in the Service District and served by the Public Sewer System, in accordance with the Wastewater Treatment Agreement.

SECTION 18.256 – Sewer Lead. That portion of the Service Connection which connects to the sewer main located in the public right-of-way and extends perpendicular therefrom to the property line.

SECTION 18.257 – Sewer Rates and Charges. The Connection Fee, Inspection and Administration Fee, User Charge, Debt Service Charge, User Surcharge, Miscellaneous User Fee and the civil penalty imposed pursuant to Section 18.306.

SECTION 18.258 – Shall. Is mandatory.

SECTION 18.259 – 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.

SECTION 18.260 – Special Assessment District. All Special Assessment Districts determined at any time by the Township Board including, but not limited to, Sanitary Sewer Special Assessment District No.2 and Sanitary Sewer Special Assessment District No.3 for the provision of sanitary sewer service by the Public Sewer System.

SECTION 18.261 – Special Assessment Roll. All Special Assessment Rolls confirmed at any time for a Special Assessment District by the Township Board.

SECTION 18.262 – Storm Sewer or Storm Drain. A sewer which carries storm or surface waters, or drainage, but excludes Sewage.

SECTION 18.263 – Structure in which Sanitary Sewage Originates. A building in which toilet, kitchen, laundry, bathing, or other facilities which generate Sewage are used or are available for use for household, commercial, industrial, or other purposes.

SECTION 18.264 – Subsurface Disposal System. An arrangement for distribution of septic tank effluent beneath the ground surface (e.g. a “drainfield system,” “tile field,” “dry well” or “soil absorption system”).

SECTION 18.265 – S.S. or Suspended Solids. Solids either floating or suspended in Sewage, or other liquids and which are removable by laboratory filtering and biologic processes.

SECTION 18.266 – System. The Public Sewer System.

SECTION 18.267 – System Receiving Fund. The fund established pursuant to Article VIII to receive collections of Sewer Rates and Charges.

SECTION 18.268 – Township. The Township of Rives, located in Jackson County, Michigan, acting by and through its duly authorized agent or representative.

SECTION 18.269 – Transportation Agreement. The Wastewater Transportation Agreement to be entered into by and between the Township and the Township of Blackman, whereby Blackman Township will transport sanitary sewage from the Public Sewer System in the Blackman Township Sanitary Sewer System to the Sewage Treatment Facility.

SECTION 18.270 – Transportation O,M&R Charge. That component of the User Charge attributable to the cost charged by Blackman Township in accordance with the Wastewater Treatment Agreement for the transportation of Sewage by the Blackman Township Sanitary Sewer System.

SECTION 18.271 – Treatment O,M&R Charge. That component of the User Charge attributable to the cost charged by the City of Jackson in accordance with the Transportation Agreement for the treatment of Sewage by the Sewage Treatment Facility.

SECTION 18.272 – U.S. EPA. The United States Environmental Protection Agency which assures the protection of the environment by abating or controlling pollution on a systematic basis.

SECTION 18.273 – 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 sewage discharge of 210 gallons. A listing of the relative relationship between the various Users of the System shall be determined by the Township in accordance with the Transportation Agreement and may be revised from time to time by resolution of the Township Board. The assignment of Unit(s) to a particular User shall be determined from time to time by the Township, based upon available information, studies and investigation of the use to which the User's property is put, and Blackman Township's requirements under the terms of the Transportation Agreement. In the assignment of Units, the number of Units shall be rounded to the nearest whole number. The assignment of Unit(s) for any use not enumerated in such table of Units to be adopted by the Township Board shall, in the sole discretion of the Township, be based upon the most similar use enumerated in such table.

SECTION 18.274 – User. A recipient of services provided by the System including premises which are connected to and discharge Sewage into the System.

SECTION 18.275 – User Charge. A charge, based on Units, charged to Users of the System for use of the System, which includes the Transportation O,M&R Charge and the Treatment O,M&R Charge. The charge represents (a) that User's proportionate share of the Cost of the Operation and Maintenance (and may include Cost of Replacement of the System) and (b) the benefit to that User derived from the availability and use of the System.

SECTION 18.276 – User Class. A class of Users connected to the System including but not limited to residential, industrial, commercial, institutional and governmental.

- (a) **Residential User:** A User of the System whose premises or buildings are used primarily as a domicile for one or more persons including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments or permanent multi-family dwellings (transient lodging is not including, it is considered a Commercial User).
- (b) **Industrial user:** A User of the System which discharges Industrial Wastes as distinct from Domestic Sewage.
- (c) **Commercial User:** An establishment listed in the current edition of the NAICS, involved in a commercial enterprise, business or service which, based on a determination by the Township, discharges primarily segregated Domestic Sewage and which is not a Residential User or an Industrial User.
- (d) **Institutional User:** Any establishment listed in the current edition of the NAICS involved in a social, charitable, religious or educational function which, based on the determination by the Township, discharges primarily segregated Domestic Sewage.
- (e) **Governmental User:** Any federal, state or local government User of the System.

SECTION 18.277 – User Surcharge. A charge imposed on a User of the System for discharges of Sewage that are in excess of Normal Strength Sewage.

**ARTICLE III
CONNECTION TO AND EXTENSION OF PUBLIC SEWER SYSTEM**

SECTION 18.301 – Discharge of Sewage. No Person shall discharge to any Natural Outlet within the Service District any Sewage or other polluted waters except where suitable treatment has been provided in accordance with standards established by the MDEQ, U.S. EPA and this Chapter.

SECTION 18.302 – Sewage Disposal Facilities. Except as provided in this Chapter, no Person shall construct or maintain in the Service District any private Sewage Disposal Facilities. Any person owning property connected to the Public Sewer System shall provide for the proper abandonment or destruction of existing private Sewage Disposal Facilities.

SECTION 18.303 – Mandatory Connection of Properties in Special Assessment District 2. All owners of Structures in which Sanitary Sewage Originates, now situated or hereafter constructed within Special Assessment District No.2, 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 Chapter. The Township may require any such owners, 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 18.304 – Mandatory Connection of New Construction in Service District Outside of Special Assessment District No.2. All owners of parcels located in Special Assessment District No.3, or within the Service District, but outside Special Assessment District No.2, which are presently undeveloped and, if a septic permit has not been obtained prior to the effective date of this Chapter, which are hereafter improved by a Structure in which Sanitary Sewage Originates, shall be required to connect to the Available Public Sanitary Sewer System in the manner provided by Sections 18.303 and 18.306.

SECTION 18.305 – Connection of Existing Improved Properties in Service District Outside Special Assessment District No.2. Owners of all presently situated Structures in which Sanitary Sewage Originates, Special Assessment District No.3 or within the Service District, but outside of Special Assessment District No. 2 and which are currently served by private Sewage Disposal Facilities, shall not be required to connect to the Available Public Sanitary Sewer System until such time as

- (a) the existing private Sewage Disposal Facilities fail (as determined by the Health Department) or
- (b) connection of all improved properties within the area in which said premises are located is declared a necessity by the Township for the public health and welfare.

Upon the occurrence of any such event, connection shall be made to the Public Sewer System in accordance with Sections 18.303 and 18.306, subject to the availability of capacity in the System. In the alternative, an owner of property subject to this 18.305 may connect to the Public Sewer System at any time in compliance with the terms of this Chapter, subject to the

availability of capacity in the System.

SECTION 18.306 – Connection Deadline. As a matter of public health, all connections to the Public Sewer System required hereunder shall be completed no later than six (6) months after the last to occur of the date of official notice by the Township to make said connections or the modification of a structure so as to become a Structure in which Sanitary Sewage Originates. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Persons who fail to complete a required connection to the Public Sewer System within such six (6) month period shall be liable for a civil penalty equal in amount to the User Charges and Debt Service Charges that would have accrued and been payable had the connection been made as required, in addition to the penalties provided in this Chapter.

SECTION 18.307 – 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 18.306, 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 18.308 – Sewer Extension Agreements. The Township shall have the authority to negotiate agreements for sewer extensions with landowners, developers and other municipalities, which agreements may take into consideration issues of demand, benefit, capacity, necessity, timing and funding and may provide for construction advances, prepayment of rates and charges, pay back arrangements of up to 10 years and similar matters.

ARTICLE IV PRIVATE SEWAGE DISPOSAL

SECTION 18.401 – Private Sewage Disposal Facilities. If a Public Sewer System is not available to a parcel of land 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 18.402 – 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 18.403 – 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 18.404 – Connection to Public Sewer System; Abandonment. At such time as the Public Sewer System becomes available to a parcel served by private Sewage Disposal Facilities, in accordance with Article III, the Building Sewer shall be connected to the Public Sewer

System in compliance with this Chapter, except as provided in **18.305**, and the private Sewage Disposal Facilities shall be abandoned for sanitary use in the manner required by the Health Department.

ARTICLE V BUILDING SEWERS AND CONNECTIONS

SECTION 18.501 – Permit Requirement. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any portion of the Public Sewer System without first obtaining a written permit from the Township in accordance with Section 18.502.

SECTION 18.502 – Permit Application. A connection to the Public Sewer System shall be made only by an authorized contractor or plumber upon written authorization and a Service Connection permit issued by the Township. Prior to said connection, the property owner or his agent shall submit a permit application to the Township. This permit application shall be on a form furnished by the Township and shall be accompanied by payment of the applicable Connection Fee determined in accordance with Section 18.702, any civil penalty which has accrued pursuant to Section 18.306 above and the Inspection and Administration Fee, the plans and specifications of all plumbing construction within the premises (when requested), and all other information requested by the Township.

SECTION 18.503 – Approval of Application. The approval of a Service Connection permit applications all be subject to

- (a) compliance with all terms of this Chapter, including, without limitation, Section 18.502, above, and the rules and regulations of the Health Department and the MDEQ,
- (b) the availability of capacity in the System, including Compatible Pollutant capacity,
- (c) to the extent required by Section 18.504, below, execution of an easement, and
- (d) 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 meet the specifications approved from time to time by the Township and on file for public inspection at the Township offices. The Sewer Lead shall not be less than four (4) inches in diameter for a Gravity System and not less than 1 1/4 inches in diameter for a Grinder Pump System and a larger diameter may be required by the Township based upon the length of run or grade of the Sewer Lead.
 - (ii) The size of the Building Sewer shall not be less than four (4) inches in diameter 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) In all buildings in which any Building Drain is too low to permit gravity flow to the Service Connection, the Sewage carried by the Building Drain shall be lifted by means acceptable to the Township and discharged to the Service Connection. However, operation and maintenance of all interior lift pumps and injectors shall be the responsibility of the property owner.
- (iv) 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.
- (v) All joints and connections shall be made gastight and watertight.
- (vi) 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. Other exceptions will be allowed only by special permission granted by the Township.
- (vii) Connection of the Building Sewer to the Public Sewer System shall conform to requirements of the building and plumbing code or other applicable rules and regulations of the Township and/or County. Any deviation from the prescribed procedures and materials must be approved by the Inspector.

SECTION 18.504 – On-Lot Easement Requirements. Prior to the approval and issuance of a Service Connection permit for a Grinder Pump System, the applicant will be requested to have executed by the property owner(s) of record for the premises to be connected, an easement in a form provided by the Township granting permission to the Township to install, construct, operate, maintain, repair and replace the Service Connection to be installed on the premises.

- (a) If the applicant provides such easement, then the Township shall provide, at its cost, all needed repairs, operation, maintenance and replacement of the Service Connection in accordance with Section 18.511, below.
- (b) If the applicant, for any reason, declines to provide said easement, then the permit shall be issued in the discretion of the Township, together with an appropriate bill of sale conveying from the Township to the property owner title to all components comprising the Service Connection. Following installation of the Service Connection by the property owner (which installation is subject to inspection by the Inspector in accordance with the terms of this Chapter), the property owner shall, at his or her expense, repair, operate, maintain and replace the Service Connection in accordance with Section 18.512, below.
- (c) A property owner or his or her successor may, at any time following the installation of a Service Connection on a premises for which no easement was provided to the Township prior to the issuance of a permit, grant the appropriate easement to the Township. The Township shall accept said easement and assume the responsibility for repair, operation, maintenance and replacement provided that the Inspector has inspected the Service Connection and is satisfied that the Service Connection is in good working order,

reasonable wear and tear excepted.

In the event such inspection reveals that the Service Connection has not been properly maintained or that the condition of the Service Connection has deteriorated beyond reasonable wear and tear, the Township may condition its acceptance of the easement and assumption of the financial responsibility for operation, maintenance and repair and replacement of the Service Connection upon

- (i) appropriate repairs of the Service Connection at the expense of the property owner,
- (ii) replacement of the Service Connection or individual components thereof at the expense of the property owner or
- (iii) such other conditions as the Township, in the exercise of its reasonable judgment, deems appropriate.

The acceptance of the easement by the Township shall be accompanied by an executed Bill of Sale by the property owner conveying the Service Connection to the Township.

(a) Section 18.504 shall not apply to any premises for which the installation of the Service Connection was made by a contractor engaged by the Township or the County pursuant to the Contract or any future supplement or amendment thereto, it being the assumption in these circumstances that the property owner had granted an appropriate easement prior to said installation.

(b) Section 18.504 shall not apply if the Service Connection is a Gravity System.

SECTION 18.505 – Excavations, Pipe Laying and Backfill. All excavations, pipe laying and Backfill required for the installation of Building Sewers and Service Connections shall be done to conform to requirements and standards approved by the Township. No backfill shall be placed until the work has been inspected and approved by the Inspector.

SECTION 18.506 – Connection of Building Sewer. The connection of the Building Sewer to the Public Sewer System shall be made at the Service Connection.

SECTION 18.507 – 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 or Building Drain which in turn is connected directly or indirectly to the Public Sewer System.

SECTION 18.508 – 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 Jackson County Road Commission and all other governmental entities having jurisdiction.

SECTION 18.509 – 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 any necessary permission to work in the public right of way from the Jackson 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 18.510 – Inspection. A Service Connection permittee 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. If the Inspector determines that the Building Sewer and Service Connection have been constructed and installed in accordance with the requirements of this Chapter, 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 18.511 – 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 which is a Gravity System or for which the property owner has granted an easement to the Township, 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 18.705, below.

SECTION 18.512 – Property Owner's Responsibility for Repairs, Operation and Maintenance. The cost of all repairs, operation, maintenance and replacements of existing Building Sewers and their connection to Public Sewer Systems shall be borne by the property owner. If the property owner has not granted an easement to the Township to maintain the Service Connection which is a Grinder Pump System, then the cost of all repairs, operation, maintenance and replacement of the Service Connection shall also be borne by the property owner.

SECTION 18.513 – Contractor Requirements. Any person desiring to construct a Service Connection or uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof, must secure an annual license from the Township. The license shall be issued on a calendar year basis. The person applying for such license shall pay a license fee of \$50 and execute unto the Township and deposit with the Township, a cash bond or irrevocable letter of credit in the sum of \$5,000, conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of the Township and the County, pertaining to sewers and plumbing. This bond shall state that the person will indemnify and save harmless the Township, the County, Jackson County and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistakes or negligence on his part in connection with the Service Connection installation and connection as prescribed in this Chapter. Such bond shall remain in force and must be executed for a period of one (1) year, except that, upon such expiration, it shall

remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. The licensee shall also provide to the Township, 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.

ARTICLE VI USE OF THE PUBLIC SEWER SYSTEM

SECTION 18.601 – 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.

SECTION 18.602 – 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 18.603 – 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 System or the Sewage Treatment Facility, or which is prohibited by the Wastewater Treatment Agreement. These general prohibitions apply to all such 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 System or the Sewage Treatment Facility:

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

(ii) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage that is not Properly Shredded Garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(iii) Any Sewage having a pH less than 5.5 or greater than 9.5, or Sewage having any other corrosive property capable of causing damage or hazard to structures,

equipment, or personnel of the System or the Sewage Treatment Facility.

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

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

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

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

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

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

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

(xi) Any Sewage containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Township or the City 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 Chapter shall immediately supersede the limitations imposed under this Chapter and shall be considered part of this Chapter and the Township shall notify all affected Users of the applicable reporting requirements.

SECTION 18.604 – Discharge Permit Limitations. No Person shall discharge or cause to be discharged into the System any Sewage which would cause effluent from the Sewage Treatment Facility to exceed discharge limits established in the Discharge Permit issued for operation of the

System.

SECTION 18.605 – 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 18.603 or Section 18.604, and which in the judgment of the Township, the County, or the City (in accordance with the Wastewater Treatment Agreement) may have a harmful effect upon the System or Sewage Treatment Facility, or receiving waters, or which otherwise create a hazard to life or constitute a public Nuisance, 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 18.607, 703(b) and 704 hereof.
- (f) Require new Industrial Users or Industrial Users with significant changes in strength or flow of effluent to submit detailed information to the Township, City and or County concerning the proposed flows or effluent.

If the Township, City and/or County 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, City and/or County, 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, City and or County.

SECTION 18.606 – 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, City and/or County.

SECTION 18.607 – Special Arrangements; Surcharge. No provision of this Chapter 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 the consent of the City and Blackman Township and the payment of a User Surcharge by the User and provided such Sewage will not damage the System, the Sewage Treatment Facility or the receiving water.

SECTION 18.608 – 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 18.603 of this Article; provided that all restaurants shall install a grease interceptor prior to connection to the Public

Sewer System. All interceptors shall be properly maintained on a regular basis by the individual user and 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 18.609 – 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's 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 the owner's expense.

SECTION 18.610 – Testing of Industrial Wastes. All measurements, tests, and analyses of characteristics of Industrial Wastes shall be conducted on samples obtained at the Control Manhole. Where no specific control manhole has been constructed, the Control Manhole shall be considered to be in the nearest downstream manhole in the Public Sewer System to the point at which the Building Sewer is connected. Costs incurred by the Township 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 18.611 – 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 A.P.R.A., A.W.W.A. and W.E.F. (or their successor entities). Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the System and to determine the existence of hazards 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 18.701 – Public Utility Basis; Fiscal Year. The 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, subject to the terms of the Contract. The Public Sewer System shall be operated on the same fiscal year as the Township. The Township shall annually, on or before April 1 of each year, submit for information a report to the County on the revenues and expenditures of the System, including a projected budget for the ensuing fiscal year and

recommendations for the Sewer Rates and Charges for such ensuing year.

SECTION 18.702 – Connection Fee. The owner of all premises required or permitted by Article III to connect to the System shall pay a Connection Fee.

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

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

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

(iii) The Connection Fee may be set in different amounts for Direct Connections and Indirect Connections for connections to Sanitary Sewer Special Assessment District No.2 or Sanitary Sewer Special Assessment District No.3 or any other special assessment district located within the Service District, based upon the Contract, the Wastewater Treatment Agreement, the Transportation Agreement and/or the differences in cost attributable to each portion of the Public Sewer System.

(b) **Cost and Expense of Service Connection.** In addition to the Connection fee as computed in (a) above, the owner of the premises shall be liable for the costs and expenses of acquiring from the Township and installing the Service Connection pursuant to Township specifications on file at the Township. The Township shall determine the type of Service Connection for each User on the basis of conformity to prior installations and the integrity of the Public Sewer System.

(c) **Credit for Special Assessments.** Those parcels located in a Special Assessment District and subject to a full special assessment on the Special Assessment Roll shall be deemed to have paid the Connection Fee, if payments on the special assessment are current; provided, however, that such credit shall not result in a full or partial refund of the special assessment paid or payable pursuant to a Special Assessment Roll; provided further that a partial special assessment (levied for example, on a vacant lot) shall be offset against the Connection Fee and, if applicable, the cost of acquiring a Service Connection.

(d) **Multiple Unit Users.**

(i) A single family residential building which includes two or fewer Dwelling Units will be charged a Connection Fee based on one Unit per Dwelling Unit. All other premises shall pay a Connection Fee based upon the number of Units assigned to such premises by the Table of Unit Factors adopted by resolution of the Township Board, based upon the Transportation Agreement, and the Connection Fee payable with respect to a premises so assigned more than one Unit shall be subject to redetermination in the manner provided in 18.702(d)(ii) and 702(d)(iii) (the "Users Subject to Redetermination").

(ii) Upon connection to the System, all Users Subject to Redetermination, shall have a water meter, of the size and type approved by the Township, installed on the

User's water supply. The cost of both the meter and the installation shall be paid for by the User with the installation to be made or approved by the Township. The meter shall be read on a quarterly basis by the Township.

(iii) After two (2) years of meter readings have been obtained, the Units assigned to the premises, in accordance with Section 18.702(d)(1) above, shall be redetermined based on said meter readings using an equation, the numerator of which shall be the meter readings, in gallons, for the twenty four (24) month period and the denominator of which shall be 138,700 gallons. Meter readings shall be annualized for seasonal Users, taking into account the months each year of seasonal use and non-use. The resulting number of Units so redetermined, which shall not in any event be less than one, shall be multiplied by the requisite Connection Fee, direct or indirect, to determine the adjusted Connection Fee for the Premises. (As amended by Ord. No. 2010-1, Adopted October 5, 2010).

(iv) A User Subject to Redetermination and located in a Special Assessment District shall have the option to pay the Connection Fee, as originally determined pursuant to Section 18.702(d)(i) above and/or redetermined pursuant to Section 18.702(d)(iii) above, to the extent not offset by a credit pursuant to Section 18.702(c) above, in installments pursuant to the terms of a written agreement to be entered between the Township and said User(s). This installment payment agreement shall provide for the payment of equal annual installment payments of principal to the Township for a period of time not to extend beyond the term of the special assignments imposed for the construction of that component of the System, with interest on the unpaid balance at a rate not more than 1% higher than the average rate of interest on the bonds sold by the County for the initial construction of the applicable component of the System. This agreement shall be executed and the first installment shall be payable as the case may be (a) prior to the issuance of a Service Connection permit pursuant to Article V or (b) within thirty (30) days after the date of redetermination of the Connection Fee. All subsequent installments plus interest shall be paid annually on or before June 1 of each year thereafter.

(e) **Payment or Credit for Redetermined Connection Fees.** Any additional Connection Fees required, based on the redetermination in Section 18.702(d)(iii), shall be immediately paid in cash by a User located outside of the Special Assessment District within 30 days after notice to the User, or, with respect to a User located within the Special Assessment District, (A) by installment payment in the manner provided by Section 18.702(d)(iv) or (B) with respect to a User already subject to an installment payment agreement, by an increase in the annual installment payments sufficient to amortize the additional principal amount ratably over the remaining term of the installment payment agreement provided by Section 18.702(d)(iv). Any reduction in Connection Fees resulting from said redetermination shall be credited towards payment of last installments coming due on the installment payment agreement, if any, and the balance shall be refunded (to the extent said Connection Fees were previously paid) to the User by the Township within 30 days of notice of the redetermination, or, in the discretion of the Township, credited against payment of User Charges and Debt Service Charges accruing or to accrue to the premises.

(f) **Installment Payment.** A single family residential building which includes two or

fewer Dwelling Units required or electing to connect, for which an application for Service Connection Permit is filed with the Township prior to the expiration of the six (6) month connection period provided by Section 18.306 shall be entitled to pay the Connection fee determined in accordance with Section 18.702(a) to the extent not offset by a credit for a special assessment in accordance with Section 18.702(c), in equal annual installments of principal, plus interest on the unpaid balance, pursuant to the terms of a written agreement to be entered between the Township and said User providing for annual installment payments to the Township for a period of years at a specified rate of interest. The first installment shall be due and payable prior to the issuance of a permit for a Service Connection in accordance with Section 18.502.

(g) **Cash Payment.** Except as otherwise provided in Section 18.702(e) or 702(f) and to the extent not offset by a credit, the Connection Fee shall be paid in cash prior to the issuance by the Township of a Service Connection permit to connect to the Public Sewer System pursuant to Article V.

(h) **Increased Utilization** of Public Sewer System. In the event a change in use of a premises is proposed which will increase the utilization by that premises of the public Sewer System, then the owner of the premises shall submit a new application for a Service Connection permit to the Township. The Township shall assign additional Units to the premises to reflect such increased utilization and an additional Connection Fee and Inspection and Administration Fee based on the additional assigned Units. Such fees shall be payable in accordance with the procedures set forth in Article V for the issuance of a Service Connection permit. No refunds are given for a change in use which lessens the unit calculations and assignment.

(i) **Hardship Deferment.** The owner or owners of a single family residence, in which residence said owner or owners reside and upon which a Connection Fee has been imposed, may submit a hardship application to the Township seeking a deferment in the partial or total payment of the Connection Fee provided for herein, based upon a showing of financial hardship, subject to and in accordance with the following:

(i) The owners of the premises shall, under oath, complete a hardship application provided by the Township 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. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, excepting financial institutions having only security interests in the premises.

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

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

(iv) In the event that the Township Board makes a finding of hardship, the Township Board shall fix the amount of partial or total deferment of the Connection Fee, and 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 anyone of the following events:

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

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

C. A death of any of the applicants.

(v) Upon a determination of the Township Board deferring all or part of the Connection Fee, 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 Chapter.

SECTION 18.703 – User Charge; Debt Service Charge.

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

(i) **User Charge:** a rate per month per Unit which includes the Transportation O,M&R Charge and the Treatment O,M&R Charge, established by resolution of the Township Board from time to time.

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

(iii) The Units upon which the User Charge and Debt Service Charge shall be based shall be the Units assigned to the premises in accordance with Section 18.702 for purposes of the Connection Fee, and in the event the number of Units assigned to the premises is redetermined in accordance with Section 18.702(d)(ii) and 702(d)(iii), then the User shall be billed or credited, as appropriate, for the User Charge and Debt Service Charge from the accrual date established in accordance with Section 18.703(d) for the number of Units so redetermined.

(iv) The User Charge and the Debt Service Charge may be set in different amounts for Users of the System, based upon the Contract and the differences in cost attributable to each portion of 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 18.704 below.

(c) **Industrial Users.** As of the date of adoption of this Chapter, 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 and Debt Service Charges shall begin to accrue with respect to an existing structure as of the date of the connection of the Building Sewer to the Public Sewer System in accordance with Article V, above and with respect to a new structure, upon the date of issuance of an occupancy permit. If appropriate, the billing of said charges for the initial billing period shall be prorated in arrears.

(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, which is a Grinder Pump System as such electrical power is independently metered and billed.

(f) **Change in Use.** After connection of a premises to the System, subsequent changes in the character of use or type of occupancy of the premises shall not abate the obligation of the User to pay User Charges and Debt Service Charges for the premises based upon the number of Units originally allocated thereto, unless and until the Township determines that the number of Units allocated to such premises shall be increased or decreased based upon such changes in use or occupancy.

(g) **Unoccupied Premises.** A User Charge shall not be charged to a premises which is not used for a period of twelve (12) consecutive months (which fact shall be established to the reasonable satisfaction of the Township). The sewer service for such premises shall be turned off by the Township and the appropriate Miscellaneous User Fee shall be paid by the User.

SECTION 18.704 – User Surcharge. The User Surcharge payable pursuant to Section 18.703(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 18.705 – Miscellaneous User Fee. The Township shall, from time to time, establish by resolution of the Township Board and impose on one or more Users a Miscellaneous User Fee, as necessary, for miscellaneous service, repairs and related administrative costs associated with the System and incurred, without limitation, as a result of the intentional or negligent acts of such User or Users, including for example, excessive inspection services not covered by the Inspection and Administration Fee, costs of repairing and/or replacing a damaged

Service Connection, costs of abating a nuisance pursuant to Section 18.1105 hereof, and costs incurred by the Township to shut off and turn on sewer service.

SECTION 18.706 – Inspection and Administration Fee. The Inspection and Administration Fee shall be determined from time to time by resolution of the Township Board and shall be based upon the actual cost borne by the Township for its Inspectors.

SECTION 18.707 – Billing of Sewer Rates and Charges. The Township, or its designee, shall bill and collect all Sewer Rates and Charges on either a monthly or quarterly basis, as is required under the Contract, the Wastewater Treatment Agreement and the Transportation Agreement. The billing cycle shall be established by resolution of the Township Board. The Township shall mail each User a bill on or before the 1st day of each billing cycle; 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 15th day of the first month of each billing cycle. Payment of said bill shall be made at a location and in a manner designated by the Township. As an alternative to mailing individual monthly billing statements to each User, the Township may periodically mail to each User a coupon book with a series of consecutive monthly payment coupons, each of which shall specify the monthly due date. In the event the Township utilizes such a coupon book, each User shall be required to detach the appropriate monthly coupon and pay the same on or before the 15th day of the month due.

SECTION 18.708 – Unpaid Sewer Rates and Charges; Penalty. If Sewer Rates and Charges are not paid on or before the due date then a penalty in the amount of 10% shall be added to the balance due.

SECTION 18.709 – 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 shutting off and turning on 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 18.710 below.

These remedies shall be cumulative and shall be in addition to any other remedy provided in this Chapter 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 and/or penalties and interest, invalidate or waive the lien created by Section 18.710 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 18.710 – Lien. The Sewer Rates and Charges shall be a lien on the respective

premises served by the System. Whenever Sewer Rates and Charges shall be unpaid for six (6) months or more, they shall be considered delinquent. The Township shall certify all Sewer Rates and Charges delinquent as of August 1 and penalties thereon, annually, on or before September 1, of each year, to the tax-assessing officer of the Township, who shall enter the delinquent Sewer Rates and Charges and interest and penalties, together with an additional penalty equal to 15% of the total, upon the next tax roll as a charge against the premises affected and such charge shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such premises.

SECTION 18.711 – No Free Service. No free service shall be furnished by the System to any Person, public or private, or to any public agency or instrumentality.

SECTION 18.712 – Rental Properties. A lien shall not attach for Sewer Rates and Charges to a Premises which is subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the Premises or a dwelling unit thereon shall be liable for payment of Sewer Rates and Charges, effective for services which accrue after the date an affidavit is filed by the landlord with the 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 Debt Service Charge and 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 interest and penalties. The tenant shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in Sections 18.709 and 710 of this Article shall be applicable with respect to the unpaid Sewer Rates and Charges, including interest and 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 18.713 – Cancellation of Permits; Disconnection of Service. Applications for connection permits may be canceled and/or sewer service disconnected by the Township for any violation of any part of this Chapter, including, without limitation, any of the following reasons:

- (a) Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the System.
- (b) Nonpayment of Sewer Rates and Charges.
- (c) Failure to keep Building Sewers and Control Manholes in a suitable state of repair.
- (d) Discharges in violation of this Chapter.
- (e) Damage to any part of the System.

SECTION 18.714 – Security Deposit. If the sewer service supplied to a User has been discontinued for nonpayment of Sewer Rates and Charges, service shall not be reestablished until all delinquent Sewer Rates and Charges, interest and penalties, and the turn-on charge has been paid. The Township may, as a condition to reconnecting said service, request that a sum equal to the Debt Service Charge and the User Charge for the preceding four (4) 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 interest and 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 18.709 and 710 of this Article shall be applicable with respect to any unpaid Sewer Rates and Charges, including interest and 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 four (4) consecutive quarters.

SECTION 18.715 – 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 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 18.716 – 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 nor have any portion of a payment refunded for any interruption.

ARTICLE VIII REVENUES

SECTION 18.801 – Estimated Rates; Sufficiency. The User Charges hereby fixed are established to be sufficient to provide for the cost of Operation and Maintenance of the System including the transportation of Sewage through the Blackman Township Sewer System and the treatment of Sewage at the Sewage Treatment Facility, as are necessary to preserve the same in good repair and working order. Such rates shall be fixed and revised by resolution of the Township Board from time to time as may be necessary to produce these amounts. An annual audit shall be prepared. Based on this audit, rates for sewage services 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 18.802 – Revenues; Depository. The Revenues of the System shall be set aside, as collected, and deposited into a separate depository account in a bank duly qualified to do business in Michigan, in an account to be designated Rives Township 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 herein specified.

- (a) **System Operation and Maintenance Fund.** Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a separate account, designed "System

Operation and Maintenance Fund," a sum sufficient, to the extent not already provided for, 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. Moneys deposits in the System Operation and Maintenance Fund shall not be transferred out of this fund.

(b) **System Improvement Fund.** There shall next be established and maintained a separate depository account, designated "System Improvement fund," which shall be used for the purpose of making improvements in the efficiency of the System through the use of new technology and the replacement or repair of obsolete or inefficient components to prevent overburdening of or failures in the System. There shall be set aside into said fund, after provision has been made for the System Operation and Maintenance Fund, such revenues derived from User Charges as the Township Board shall deem necessary for this purpose. Moneys deposited in this fund shall not be transferred out of this fund.

(c) **System Extensions Fund.** There shall next be established and maintained a "System Extension Fund" for the purpose of making extensions and enlargements to the System. Where the Township has utilized System revenues for the enlargement or extension of the System to provide service to a new User of the System, the Connection Fee paid by the new User shall be deposited into the Extension Fund and used by the Township to repay the costs for the enlargement or extension of the Public Sewer System to serve that User. To the extent that there are any unused funds derived from Connection Fees remaining in the Extension Fund after the costs for enlargement or expansion of the Public Sewer System have been paid, the unused funds shall be deposited in the System Improvement Fund.

(d) **Surplus Moneys.** Moneys remaining in the System 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 System Improvement Fund, or used in connection with any other project of the Township reasonably related to purposes of the System.

(e) **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 18.803 – 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 derived from special assessment collections or tax levies, shall be transferred to the Operation and Maintenance Fund, to the extent of any deficit therein and these moneys shall be replaced in the next operating year. User charges shall then be adjusted to the extent that such transfers are not required.

SECTION 18.804 – Investment of Funds. Moneys in any fund or account established by the provisions of this Chapter may be invested in the manner and subject to the limitations 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. 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 18.901 – Informal Hearing. In order that the provisions of this Chapter may be reasonably applied and substantial justice done in instances where this Chapter is misapplied or unnecessary financial hardship would result from carrying out the strict letter of this Chapter an informal hearing before the Supervisor may be requested in writing by any Person deeming itself aggrieved by a citation, order, charge, fee, surcharge, penalty or action within thirty (30) days after the date thereof, stating the reasons therefore with supporting documents and data. The informal hearing shall be scheduled at the earliest practicable date, but not later than fifteen (15) days after receipt of the request, unless extended by mutual written agreement. The hearing shall be conducted on an informal basis at the Township Hall or at such place as designated by the Supervisor. The Supervisor shall issue a written statement of his decision within fifteen (15) business days after the informal hearing.

SECTION 18.902 – Board of Appeals. In order that the provisions of this Chapter may be reasonably applied and substantial justice done in instances where this Chapter is misapplied or unnecessary hardship would result from carrying out the strict letter of this Chapter, 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 Supervisor and to determine, in particular cases, whether this Chapter has been misapplied or any deviation from strict enforcement will violate the intent of the Ordinance or jeopardize the public health or safety. In all appeals, the appellant shall have the burden of proof.

SECTION 18.903 – Appeals from Informal Hearing. Appeals from the written decisions of the Supervisor may be made to the Township Board, acting as a Board of Appeals, within thirty (30) days from the date of written decision of the Supervisor. Such appeal may be taken by any Person aggrieved. The appellant shall file a Notice of Appeal with the Supervisor and with the Board, specifying the ground therefor. Prior to a hearing, the Supervisor shall transmit to the Board a summary report of all previous action taken. The Board may, at its discretion, call upon the Supervisor to explain the action. The final disposition of the appeal shall be in the form of a resolution, either reserving, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the Board must concur. The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the same Board of Appeals may reserve or affirm, in whole or in part, or may make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end have all the powers of the official from whom said appeal is taken. The decision of said Board 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 18.904 – 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 18.905 – 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 Chapter.

SECTION 18.906 – 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 Jackson within twenty (20) days as provided by law. Such appeals shall be governed procedurally by the Administrative Procedures Act of the State of Michigan, Act 306 of the Public Acts of Michigan of 1969, as amended. All findings of fact, if supported by the evidence, made by the Board shall be conclusive upon the Court.

ARTICLE X SEWER BACKUP OR OVERFLOW REPORTING PROCEDURES

SECTION 18.1001 - 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 18.1001 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 18.1001 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 Township Supervisor, 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 Township Supervisor shall provide the Claimant with a written explanation of the notice requirements of subsections (a), (b) and

- (c) sufficiently detailed to allow the Claimant to comply with said requirements.
- (e) If the Township is notified of a claim under subsection (a) and the Township believes that a different or additional governmental agency may be responsible for the claimed property damages or physical injuries, the Township shall notify the contacting agency of each additional or different governmental agency of that fact, in writing, within 15 business days after the date the Township receives the Claimant's notice under subsection (a). The Township shall send a copy of each claim to the County.
- (f) If the Township receives a notice from a Claimant or a different or additional governmental agency that complies with this Section 18.1001, 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) A obstruction in a Service Connection, a Building Sewer or Building Drain 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 18.1001.

(k) The notice and claim procedures set forth in this Section 18.1001 shall be applicable to a Sewage Disposal System Event involving the Public Sewer System.

(l) In the event of a conflict between the notice and claim procedures set forth in this Section 18.1001 and the specific requirements of Act 222, the specific requirements of Act 222 shall control.

(m) As provided in Section 19(7) of Act 222, the notice and claim procedures of this Section 18.1001 do not apply to claims for non-economic damages (as defined in Act 222) arising out of a Sewage Disposal System Event.

(n) Any word, term or phrase used in this Section 18.1001, if defined in Act 222, shall have the same meaning provided under Act 222.

ARTICLE XI ENFORCEMENT

SECTION 18.1101 – Inspection by Township. The duly authorized representatives, employees or agents of the Township and the County, including, but not limited to, the Inspector, the Township Supervisor, the Township's engineer, the Jackson County Drain Commissioner, the Health Department, the City, Blackman Township, and representatives of MDEQ bearing proper identification shall be permitted to enter at any time during reasonable or usual business hours in and upon all properties in the Service District for the purposes of inspection, observation, measurement, sampling, testing and emergency repairs in accordance with the provisions of this Chapter. Any Person who applies for and receives sewer services from the Township or owns real property in the Service District shall be deemed to have given consent for all such activities including entrance upon that Person's property.

SECTION 18.1102 – Damage to System. No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the Public Sewer System.

SECTION 18.1103 – Notice to Cease and Desist. Except for violations of Section 1102 hereof, any Person found to be violating any provision of this Chapter 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 18.1104 – Civil Infraction. Any violation of Section 18.1102, or any violation beyond the time limit provided for in Section 18.1103, 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 Chapter committed by the same person within 12 months of a previous violation of this Chapter 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 Chapter shall, in addition, become liable for any expense, including reasonable attorney fees, loss, or damage occasioned by reason of such violation. The Supervisor is hereby authorized to issue, in the manner provided by law, citations for municipal civil infractions for violations of this Chapter.

SECTION 18.1105 – Nuisance; Abatement. Any Nuisance or any violation of this Chapter is deemed to be a nuisance per se. The Township in the furtherance of the public health may enforce the requirements of this Chapter 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 this Chapter or permitted such nuisance or violation to occur shall be responsible to the Township for the costs and expenses, including reasonable attorney fees, incurred by the Township in making such repairs or taking such action as a Miscellaneous User Fee.

SECTION 18.1106 – Liability for Expenses. Any Person violating any of the provisions of this Chapter 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 18.1107 – Remedies Are Cumulative. The remedies provided by this Chapter shall be deemed to be cumulative and not mutually exclusive with any other remedies available to the Township.

ARTICLE XII MISCELLANEOUS

SECTION 18.1201 – Repeal of Conflicts. All ordinances or parts of ordinances in conflict herewith and relating to the Public Sewer System are hereby repealed.

SECTION 18.1202 – Severability. The validity of any section, clause, sentence, or provision of this Chapter shall not affect the validity of any other part of this Chapter which can be given effect without such invalid part or parts.

SECTION 18.1203 – State and Federal Law Requirements. If any provision of applicable state or federal law imposes greater restrictions than are set forth in this Chapter then the provisions of such state or federal law shall control.

SECTION 18.1204 – Article and Section Headings. The Article and Section headings used in this Chapter are for convenience of reference only and shall not be taken into account in construing the meaning of any portion of this Chapter.

SECTION 18.1205 – Refunding of County Bonds. In the event the bonds issued by the County pursuant to the Contract are refunded by an issue of Township bonds and the Contract has been fully defeased, all references to the County in this Chapter, except with respect to the Health Department, shall no longer have force and effect and the County shall no longer have any right of approval or consent, or any duty to administer, operate or maintain over any aspect of the Public Sewer System.

**ARTICLE XIII
ADOPTION AND HISTORY**

SECTION 18.1301 – The regulations of this Chapter were first made effective by adoption of Ordinance No. 2007-1 on 8-23-07, repealed and replaced by Ordinance No. 2009-1 on 10-6-09, as amended by Ord. 2010-1 on 10-5-10 amending Section 18.702(d)(iii) was amended by.

**ARTICLE XIV
AMENDMENT**

SECTION 18.1401 – Reservation of Right to Amend. The Township specifically reserves the right to amend this Chapter 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.