

**WATER SUPPLY AND
WASTEWATER COLLECTION AND
TREATMENT SYSTEM ORDINANCE**

**TOWNSHIP OF HOWELL
Ordinance. No. 294**

An Ordinance to provide for the operation and maintenance of a water supply system and sanitary sewage disposal system by the Township of Howell, Livingston County, Michigan; to define terms applicable to the systems; to establish administrative and financial procedures for the operation of the systems; to provide remedies and penalties for the violation of this Ordinance; to provide for an effective date hereof; and to provide for other matters pertaining to the systems.

This Ordinance repeals and replaces the Wastewater Collection and Treatment System Ordinance, Ordinance No. 21 effective June 30, 1989, and previously amended by Ordinance No. 169, effective January 1, 2004, Water Use and Rate Ordinance, Ordinance No. 181, effective December 20, 2004, and the Combined Water Supply and Wastewater Collection and Treatment System Ordinance, Ordinance No. 238, effective July 1, 2010.

THE TOWNSHIP OF HOWELL, LIVINGSTON COUNTY, MICHIGAN ORDAINS:

Section 1: TITLE AND PURPOSE.

This Ordinance shall be known as the Howell Township Water Supply and Wastewater Collection and Treatment System Ordinance. It is the purpose of this Ordinance to bring together all provisions governing the water supply and wastewater treatment systems of the Township into a single ordinance for clarity.

Section 2: DEFINITIONS.

As set forth herein the following terms shall have the meanings described in this Section unless the context specifically indicates a different meaning.

1. **Available System** means a public sanitary sewer or public water main located in a right-of-way, easement, highway, or public way which crosses, adjoins, abuts, or is contiguous to a parcel and passes not more than:
 - A. Two hundred (200') feet from a Structure which generates Wastewater.
2. **B.O.D.** means the Biochemical Oxygen Demand, which is the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty degrees centigrade, expressed as milligrams per liter.

3. **Building Sewer** means the facilities that connect a Structure, in which Wastewater originates, to the Wastewater Collection and Treatment System for the purpose of conveying Wastewater.
4. **Commercial User** means an entity or individual involved in a commercial enterprise, business, or service, which is not a Residential User or Industrial User.
5. **Compatible Pollutant** means a substance amenable to treatment in a Wastewater Treatment Plant, such as B.O.D., suspended solids, pH, fecal coliform bacteria, and other pollutants identified in an applicable NPDES permit issued to a facility designed to treat such pollutants. Such additional pollutants may include but are not limited to chemical oxygen demand, total organic carbon, phosphorous and phosphorous compounds, nitrogen and nitrogen compounds, fats, oils, and greases of animal or vegetable origin.
6. **Corporation Stop** means a valve which is inserted directly into the public Water Supply System to connect the User Water System to the public Water Supply System.
7. **Cross Connection** means a physical connection or arrangement of piping or appurtenances through which water of questionable quality, wastes, or other contaminants could possibly flow back into the public Water Supply System because of a reversal of flow. It also means any physical connection between the public Water Supply System and any waste pipe, soil pipe, sewer, drain, or any other unapproved source or system, and is any potable water supply outlet that is submerged or can be submerged in wastewater and /or any other source of contamination.
8. **Curb Box** means a box of metal housing which encloses, protects, and provides access to the Curb Stop.
9. **Curb Stop** A water service shutoff valve located in a water service pipe near the right of way line or service easement and between the water main and the building.
10. **Debt Service Charge** means the charge paid by those connected to or required to connect to the Wastewater Collection and Treatment System and/or the Water Supply System, which is used to pay principal, interest, administrative costs, and any other amounts necessary and permitted to retire debt incurred for in the construction of the System.
11. **Dwelling** means a Structure designed or used exclusively as living quarters for one (1) or more families.
12. **Dwelling Unit** means any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently.
13. **Family** means either: one (1) or more persons related by blood, marriage or adoption with their direct lineal descendants, and including the (1) domestic employees thereof, living as a single, nonprofit housekeeping unit; or a collective number of individuals living together in one (1) house under one (1) head, whose relationship is of a permanent and distinct domestic character, and working as a single housekeeping unit. This definition shall not include any society, club,

fraternity, sorority, association, lodge, combine, federation, group, coterie or organization, which is not a recognized religious order, nor a group of individuals whose association is temporary and resort-seasonal in character or nature.

14. **Garbage** means solid waste from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.
15. **Incompatible Pollutant** means any pollutant which is not a Compatible Pollutant.
16. **Industrial User** means a manufacturing or processing facility or any entity having a trade or process which discharges wastewater which may contain toxic or poisonous substances or any substance which may inhibit or disrupt the Wastewater Collection and Treatment System.
17. **Industrial Waste** means the wastewater discharge from industrial, manufacturing, trade, or business processes, as distinct from their employees' domestic waste or wastes from sanitary conveyances.
18. **Multiple Residential Dwelling** means a structure containing more than one dwelling unit.
19. **MG/L** means milligrams per liter.
20. **MHOG** means the Sewer and Water Authority for Marion, Howell, Oceola and Genoa Townships.
21. **Natural Outlet** means an outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
22. **Normal Domestic Strength Wastewater** shall mean a sewage or other wastewater which is a Compatible Pollutant with B.O.D. of 300 milligrams per liter or less, suspended solids of 350 milligrams per liter or less, and total phosphorous of 12 milligrams per liter or less.
23. **NPDES Permit** means a permit issued pursuant to the National Pollution Discharge Elimination System.
24. **Operation and Maintenance** means all work, material, equipment, utilities, and other efforts required to operate and maintain the System, including the cost of replacement, repairs, collection, transportation, and treatment consistent with and adequate to comply with the NPDES Permit and other county, state, and federal regulations.
25. **O&M Charge** means a charge assessed to a User of the System for the cost of Operation and Maintenance of the System.
26. **pH** means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
27. **Plumbing Inspector** or **Inspector** means an inspector designated by the Township.

28. **Private Sewage Disposal System** means any septic tank, lagoon, cesspool, or other facility used or intended to be used for the disposal of sewage that is not connected to the Wastewater Collection and Treatment System.
29. **Property Owner** means a person, persons, or entity having legal title to a property according to the Township tax records, which includes vendees of land contract sales when the Township has been furnished with a copy of the land contract or assignment thereof.
30. **Replacement** means the obtaining and installing of any equipment, accessories, and/or appurtenances necessary to maintain the service life of the System for the purpose of maintaining the capacity and performance to which the System was designed and constructed, and to preserve its financial integrity.
31. **Residential Equivalent (RE)** means a factor representing a ratio of the estimated water consumed and the Wastewater generated by each User Class to the water consumed and the Wastewater generated by a normal Single Family Residential Structure.
32. **Residential User** means a User of the Wastewater Collection and Treatment System whose structure is used primarily as a residence for one or more persons, including a dwelling, dwelling units such as detached, semidetached, row houses, mobile homes, apartments, apartment developments, residential subdivisions and condominiums, or permanent multi-family dwellings. For the purposes of this Ordinance transient lodgings, such as hotels and motels as defined by the Howell Township Zoning Ordinance, shall be considered Commercial Users.
33. **Sanitary Sewage** means the liquid or water-carried waste discharged from the conveyance systems of structures to the Wastewater Collection and Treatment System.
34. **Sewage** means any combination of Sanitary Sewage, storm water, Industrial Waste, and uncontaminated Industrial Waste.
35. **Sewage Treatment Plant** means the Howell Township Wastewater Treatment Plant which treats and disposes of wastewater originating from users connected to the Howell Township Sanitary Sewer.
36. **Sanitary Sewer** means the pipes/conduits and appurtenances for conveying Sanitary Sewage, except for a Storm Sewer, including devices necessary for pumping, lifting, or collecting such Sewage.
37. **Sewer Service Charge** means a charge that includes, but is not limited to, an O&M Charge, Replacement charge, and may include a Debt Service Charge. Users that are not connected to the Wastewater Collection and Treatment System, but are required to be connected, are required, at a minimum, to pay the Debt Service Charge portion of the Sewer Service Charge.
38. **Single Family Residential Structure** means a residential Structure consisting of a single Dwelling Unit designed exclusively for occupancy by one (1) family.

39. **Special Assessment District** means a district established by the Township for the purpose of defraying, in whole or in part, the cost of the System.
40. **Storm Sewer** means a sewer designed for receiving and conveying stormwater, either in the form of surface or groundwater, and into which Sanitary Sewage is not permitted.
41. **Structure** means a dwelling, building, facility or like-kind man-made improvement that generates Wastewater.
42. **Surcharge** means an additional charge that a User must pay if their discharge of wastewater exceeds the limits set by the Township for transmission and treatment within the Wastewater Collection and Treatment System. The charge will be equal to the cost of treating the excessive discharge.
43. **Suspended Solids** means solids that either float on the surface or are in suspension in water, sewage or other liquid which are removable by laboratory filter.
44. **System** means the complete Water Supply System and/or Wastewater Collection and Treatment System of the Township, both inside and outside the Township, including the plants, works, instrumentalities and properties, used or useful in connection therewith, and all additions, extensions, and improvements hereafter acquired.
45. **Superintendent** means a person designated by the Township Board to manage the Wastewater Collection and Treatment System, including all Sewers, pumps, lift stations, treatment facilities or other facilities and appurtenances used or useful in the collection, transportation, treatment and disposal of domestic, commercial and Industrial Wastes; and all easements, rights and land for the same, including all extension and improvements thereto which may hereafter be acquired or constructed.
46. **Table of Unit Factors** means the table attached to this Ordinance which shall be used to identify the various classifications of water and Wastewater usage by establishing as Residential Equivalents the ratio of such use to that of a single-family structure (whether on a single parcel or within a development, subdivision, or condominium).
47. **Tap** means the drilling and threading of an opening in the public Water Supply System for insertion of the Corporation Stop.
48. **User** means the property owner, tenant, or occupant that is connected to or required to be connected to the Water Supply System and/or the Wastewater Collection and Treatment System.
49. **User Class** means the kind of User connected to or required to be connected to the Wastewater Collection and Treatment System, including but not limited to Commercial, Industrial, and Residential Users as defined herein.

50. **User Water System** means all pipes, valves, stops, plumbing, and contrivances of every kind and nature used in connection with or forming a part of the User's facilities for connecting to the Water Supply System.
51. **Wastewater** means water that contains pollutants such as sewage and/or Industrial Waste.
52. **Wastewater Connection Fee** means a fee charged for wastewater treatment capacity, utilization and/or reservation for a Single Family Residential Structure and/or each Residential Equivalent (RE) in excess of one RE for a Multiple Residential Dwelling, commercial Structure, and industrial Structure. Structures will pay a Connection Fee in an amount equal to the Connection for one RE multiplied by a factor developed by the formula in the attached Table of Unit Factors. An additional Connection Fee may be charged when an existing Structure expands or alters its use in a manner that impacts the Wastewater Collection and Treatment System.
53. **Wastewater Collection and Treatment System** means the Sewage conveyance system owned by the Township which carries sanitary sewage to the Sewage Treatment Plant.
54. **Water Connection Fee** means a fee charged for Water Supply System capacity, utilization and/or reservation for a Single Family Residential Structure and/or each Residential Equivalent (RE) in excess of one RE for a Multiple Residential Dwelling, commercial Structure, and industrial Structure. Structures will pay a Connection Fee in an amount equal to the Connection for one RE multiplied by a factor developed by the formula in the attached Table of Unit Factors. An additional Connection Fee may be charged when an existing Structure expands or alters its use in a manner that increases its demands on the Water Supply System.
55. **Water Course** means an open channel, natural or artificial, in which the flow of water occurs either continuously or intermittently.
56. **Water Supply System** means the complete Township Water Supply System, and includes all wells, well houses, pumps, water storage facilities, and transmission and distribution lines (including appurtenances thereto), and all extensions and improvements thereto, which may hereafter be acquired or constructed on behalf of current and future Users of the Water Supply System. It shall also consist of all plants, storage facilities, mains, pumps, and other facilities and appurtenances used or useful in the delivery of potable water to all Users of the Water Supply System, including all easements, rights of way and land for such easements and rights of way. The Water Supply System may be comprised of separate facilities located in separate water supply districts and may also be a portion of the MHOG water supply and distribution system.
57. **Water System Equity Charge** means the access fee charged to a potential User seeking access to the Water Supply System after the first year of operation.

Section 3: SYSTEM MANAGEMENT, INSURANCE, FINANCIAL, RATES AND CONNECTION FEE.

- A. MANAGEMENT. The operation, repair and management of the System shall be under the supervision and control of the Township Board. It may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System. It may also make such further rules and regulations as it deems advisable and necessary to assure the continued efficient management and operation of the System. The Township retains the exclusive right to establish, maintain, and collect rates and charges related to use, operation, maintenance, repair, improvement and/or administration of the System.
- B. INSURANCE. The Township must maintain and carry insurance on all physical properties of the System, of a kind and in the amounts normally carried by public utility companies and municipalities engaged in the operation of water supply and wastewater collection and treatment systems. All money received from losses under such insurance policy must be applied solely to the replacement and restoration of the damaged or destroyed property.
- C. FINANCIAL. No free service or use of the System, or service or use of the System at less than cost, shall be furnished to any person, firm, or corporation, public or private, or to any public agency or instrumentality, including the Township. Prior to the beginning of each Fiscal Year, the Township shall prepare an annual budget for the System for the ensuing Fiscal Year. The Township shall maintain the Receiving Fund and all accounts and funds of the System as an enterprise fund within the books and accounts of the Township. The Township shall cause an annual audit of such books and records and accounts of the preceding operating year to be made by a recognized independent certified public accountant and will make such audit available to the public upon proper request.
- D. RATES. The rates and charges levied under this Ordinance are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, to provide for the payment of the principal of and interest on the debt incurred to acquire and construct the System as the debt becomes due and payable, and to provide for all other obligations, expenditures and funds for the System required by law and this Ordinance. The rates and charges shall be fixed and revised from time to time as may be necessary or convenient to produce these amounts.

Section 4: PROVISIONS DEEMED INCORPORATED IN ALL CONTRACTS.

- A. INCORPORATION. All provisions of this Ordinance are hereby incorporated as a provision of any contract with a User of the Water Supply System and/or the Wastewater Collection and Treatment System, to the extent that a violation of any provision of this Ordinance will be appropriate grounds for shutting off service to the User, to be decided at the discretion of the Township and once shut-off shall not be turned on again except on correction of the violation and payment of the expenses incurred by the Township in curing the violation.

- B. INDEMNIFICATION. Any User of the Water Supply System and/or the Wastewater Collection and Treatment System agrees to indemnify, hold harmless, and defend the Township against all claims, demands, costs or expenses for loss, damage or injury to persons or property that in any manner arise out of the transmission and use of the water supply or waste water services through the User-owned facilities (user water system and/or Building Sewer, and sewer system, including Cross Connections).
- C. LIMITATION OF LIABILITY. The Township shall not be responsible or liable for injuries or damages arising out of interruptions of service that occur due to unforeseeable calamities, equipment failures, or actions by Users of the System. It shall be the responsibility of all persons with connected equipment to keep that equipment in good working order. No claim or cause of action may be asserted against the Township by reason of the failure of equipment owned and maintained by Users.

Section 5: FUNDS AND ACCOUNTS.

- A. RECEIVING FUND. All revenues of the System shall be set aside as collected and credited to a depository account to be designated as the "Water Supply and Wastewater Collection and Treatment System Receiving Fund" (the "Receiving Fund"). The revenues in the Receiving Fund are pledged for the purpose of the following accounts and shall be transferred or debited from the Receiving Fund periodically in the manner, at the times, and in the order of priority hereinafter specified, provided that no transfer shall be required for an account on any date if the amount on deposit in that account is sufficient to meet the requirements of this Ordinance.
- B. OPERATION AND MAINTENANCE ACCOUNT. There shall be established and maintained an account designated as the "Operation and Maintenance Account." Out of the revenues credited to the Receiving Fund there shall be first set aside in the Operation and Maintenance Account the amounts necessary to provide for the payment of 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.
- C. REVENUE BOND AND INTEREST REDEMPTION ACCOUNT. In the event the Township issues revenue bonds pursuant to Act 94 which are payable from a statutory first lien on the net revenues, there shall be established and maintained a depository account designated as the "Revenue Bond Redemption Account," the moneys on deposit therein from time to time to be used solely for the purpose of paying the principal of redemption premiums (if any) and interest on the revenue bonds.

Out of the funds remaining in the Receiving Fund after provision for the Operation and Maintenance Account, there shall be set aside in the Revenue Bond Redemption Account prior to each date principal or interest on the revenue bonds is due, the amount necessary to provide for the payment, when due, of the principal and interest on the revenue bonds, including any amounts necessary to maintain any reserve account established within the Revenue Bond Redemption Account by an ordinance authorizing issuance of revenue bonds.

- D. GENERAL OBLIGATION BOND PAYMENT ACCOUNT. There shall next be established an account designated the "General Obligation Bond Payment Account," the funds credited thereto to be used solely for payment of principal, interest and premium, if any, on any general obligation bonds, special assessment bonds which are also a general obligation of the Township, contract bonds issued by Livingston County on behalf of the Township and secured by a contractual general obligation pledge of the Township, and any other general obligation bonds issued by or on behalf of the Township for improvements to the System (collectively "General Obligation Bonds").

Out of the funds remaining in the Receiving Fund after meeting the requirements of the Operation and Maintenance Account and the Revenue Bond Redemption Account, there shall be next set aside in, or credited to, the General Obligation Bond Payment Account, amounts which shall be sufficient, after taking into account any separate funds of the Township on hand and specifically designated for payment of debt service on the General Obligation Bonds, to provide for payment of principal, interest and premiums, if any, on any General Obligation Bonds as the same become due for that fiscal year. Funds in the General Obligation Bond Payment Account shall be withdrawn as necessary to pay the principal and interest and premium, if any, on any General Obligation Bonds as the same become due.

No further payments need be made into the General Obligation Bond Payment Account after enough of the principal installments of the general obligation bond have been retired so that the amount then held in the General Obligation Bond Payment Account (including any reserve account), is equal to the entire amount of principal and interest to become payable at the time of maturity of all the principal installments of the general obligation bonds then remaining outstanding.

The funds in the General Obligation Bond Payment Account and the reserve account shall be invested in accordance with this Ordinance, and profit realized or income earned on such investment shall be used or transferred as provided in this Ordinance.

After payment in full of the bonds being paid from the General Obligation Bond Payment Account, any funds remaining in the General Obligation Bond Payment Account may, at the discretion of the Township, be transferred to the Replacement and Improvement Account or used for any other purpose permitted by law.

- E. REPLACEMENT AND IMPROVEMENT ACCOUNT. There shall next be established and maintained a depository account designated the "Replacement and Improvement Account" which account may have several subaccounts therein, the funds credited thereto to be used solely for the purpose of making repairs and improvements to the System and for additions, improvements, enlargements, or extensions to the System, including the planning thereof. Out of the revenues of the System remaining in the Receiving Fund each month after provision has been made for the deposit of funds in the Operation and Maintenance Account, the Revenue Bond Redemption Account, and the General Obligation Bond Payment Account, there may be deposited in the Replacement and Improvement Account such additional funds as the Township Board may deem advisable.

- F. SURPLUS FUNDS. Thereafter, any funds in the Receiving Fund after satisfying all the foregoing requirements of this section may, at the discretion of the Township, be used for the purchase of general obligation or revenue bonds on the open market at not more than the fair market value thereof or used to redeem such bonds prior to maturity or to reimburse the Township for funds expended for System expenses from its general fund or other funds of the Township not otherwise annually allocated or apportioned as System expenses.

Similarly, funds in the accounts established herein may be invested by the Township in any investments permitted by law. In the event investments are made, any securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or account from which the purchase was made.

- G. PRIORITY OF FUNDS. In the event the funds in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Account, the Revenue Bond Redemption Account, and the General Obligation Bond Payment Account, any funds in other accounts of the System shall be credited or transferred first, to the Operation and Maintenance Account, second to the Revenue Bond Redemption Account, and third to the General Obligation Bond Payment Account.

Section 6: WATER SUPPLY SYSTEM SPECIFIC PROVISIONS.

A. RESTRICTING WATER USE.

- a. *Restrictions*. The Township Board may, by resolution, regulate, limit, or prohibit the use of Township supplied water if it is necessary for the health, safety, and welfare of the public including restricting the amount of water that would be available to a User because of water shortage emergencies. Such regulations may limit use of water by the User to the extent deemed necessary to ensure an adequate water supply for the essential needs and for firefighting.
- b. *Irrigation*. Use of water for the irrigation, lawn or otherwise, may be limited as follows:
 - i. For those properties that have an even numbered street address, irrigation from the Water Supply System is allowed on even numbered calendar days and is prohibited on odd numbered calendared days.
 - ii. For those properties that have an odd numbered street address, irrigation from the Water Supply System is allowed on odd numbered calendared days and is prohibited on even numbered calendared days.
 - iii. The Township may prohibit any irrigation from the Water Supply System by publishing notice of such prohibition if the Township engineer determines that (a) a public water shortage is likely to occur, or (b) the amount of water from the Township Water Supply System has reached such volume that, unless restricted, the public health and safety and welfare is likely to be endangered.

- c. *Emergency Water Shortage.* The Township may, during such times of water shortage emergency, direct that other measures be taken or restrictions be observed by Users of the Water Supply System, when deemed necessary to protect the health, safety, and welfare. When published, such measures and restrictions shall be followed by all Users.

B. ACCESS.

- a. *Inspection.* The Township or its designated representative shall be permitted at all reasonable hours to enter upon any property served by the Water Supply System at reasonable times for the purpose of inspection, observation, measurement, sampling and testing to determine compliance with the provisions of this Ordinance. The fact that the owner or occupant of such premises accepts and uses water from the Water Supply System under this Ordinance shall constitute consent to such inspections, including allowing entrance upon the property at reasonable times.
- b. *Meter Reader Access.* Any authorized agent or employee of the Township shall be provided reasonable access to the User's property at all reasonable hours for the purpose of reading meters, inspections, doing repairs or installing or removing any or all Township owned apparatus used for providing service to the User.

C. USE OF THE SYSTEM.

- a. *Consumer Access.* Any person owning property within a water supply district established by the Township and conforming to the standards, rules, and regulations established in or under terms of this Ordinance shall be permitted to receive water from the Water Supply System, provided that necessary water supply lines are in existence and abutting that person's property.
- b. *Required Connection.* Each structure with a toilet, kitchen, laundry, bathing or other facility using water for household, commercial, industrial, or other purposes, and located within a water supply district established by the Township or for which there is an Available System for water supply shall be required to connect to the Water Supply System within ninety (90) days of the Township's delivery by first class mail of a notice to connect. Such notice shall be sent to the User's shown of record on the Township's most recent property tax roll.
- c. *Water Service Control.* No person other than an authorized agent or employee of the Township may turn on or turn off any water service at the Curb Stop. Once off, the service shall not be turned back on until all charges, fees, and expenses incurred in turning off the water have been paid.
- d. *Turning Off Service.*
 - i. The Township reserves the right, after due notice to the User, to terminate service (a) if payment for service has not been timely received, or (b) due to a violation of the Ordinance or any rules and regulations adopted pursuant thereto. Notification will be sent by certified mail allowing fourteen (14) days

to pay any delinquency. If payment has not been received in full within fourteen days, the premises will be posted, and the service shut off after 24 hours of the posting.

- ii. Notwithstanding the above, the Township may shut off the water to make repairs or extensions, or for any other necessary reason at any time without notice to Users.
- e. *Maintenance.* The User shall maintain its User Water System free from leaks at all times. Whenever a leak appears and that leak allows water to escape without registering upon the water meter, the Township may give the User written notice thereof and the User shall immediately repair the User Water System. If the repair has not been completed within forty-eight hours after the above-stated written notice has been sent to the User, the Township may turn off the water at the Curb Stop or Corporation Stop. The costs incurred by the Township in shutting off the service shall be paid by the User before service is restored. If, in the determination of the Township, any leak on the User's Water System is of such nature that it endangers public safety or constitutes a nuisance or a source of waste, the Township may shut off the service until the leak is repaired.
- f. *Change of User.* When a property is vacated or there is a change of User, prompt written notice shall be given to the Township Clerk's Office. The User may discontinue service by giving at least twenty-four hours written notice to the Clerk's Office during its regular office hours.
- g. *Outside Connections.* Water Supply System extensions and domestic water connections to properties outside of Township water districts are prohibited, except where specifically approved by the Township Board and/or MHOG.
- h. *Water Extensions.* The expense of extending the Water Supply System shall be borne by a benefitted Property Owner in accordance with provisions of a contract or special assessment levied by the Township in accordance with state law.
- i. *Connection Permits Required; Applications; Deposits; Application Contents.*
 - i. *Application.* Any person desiring to connect to the Water Supply System must file a written application and submit it to the Township Clerk, along with plans and specifications detailing the proposed meter, lines, valves, sprinklers, and attachments. The cost of review and inspection is to be borne by the applicant.
 - 1. The application shall contain the following: property address (house number and street name), lot number, applicant name, Property Owner name, size of the service pipe required by the User for the connection, and any other pertinent information which may be required by the Township.
 - 2. An application must be made, and approval obtained from the Township at least twenty-four hours before the time a connection is to be made.

3. An application submitted by a residential or commercial builder or developer may be approved, provided it meets all other requirements in this Ordinance and is accompanied by written evidence that the prospective lessee or the Property Owner consents in writing to the builder applying for a connection permit.
- ii. *Permit Required.* No person may connect to the Water Supply System until the proposed connection has been approved by the Township or its designated representative, a connection permit has been granted, and all charges, rates, and fees as set forth in this Ordinance have been paid. Upon all the above, the water meter is to be installed and connections are to be made in accordance with the applicable building code and regulations.
 - iii. *Unauthorized Use of System.* No person, other than Township agents or employees may connect, Tap, change, obstruct, interfere with, or in any way disturb the Water Supply System. No person may uncover, make any connections with or opening into, use, alter, or disturb the Water Supply System or the connections between the Water Supply System and an individual structure, including the structure's water meter, without first obtaining a written permit from the Township.
 - iv. *Installation of Connections.* All connections from any property to the Water Supply System via a Curb Stop or right of way line and shall be installed by the Township's designee (currently MHOG). If a service Curb Stop is provided, then the owner may connect to the provided service Curb Stop subject to the requirements of this Ordinance. In either case, no connection shall be made until it is approved by the Township or its designated representative, a connection permit has been granted, and all charges, rates, and fees as set forth in this Ordinance have been paid.
 - v. *Costs of Installation.* The applicant shall bear the cost of the installation.
- j. *Use of One Connection; Limitation.*
 - i. Unless written approval is granted by the Township, separate properties shall have separate Curb Stops and User Water Systems, and shall be separately metered.
 - ii. Whenever water is to be supplied to more than one (1) User located in a single building and supplied through a single service, the Property Owner shall be responsible for all related payments.
 - iii. In no event shall a User extend plumbing facilities across any public way or to an adjacent property in order to furnish service thereto, even though such adjacent property be owned by that same User.

k. *Existing Private Wells.*

- i. *New Private Wells.* Construction of private wells in established water service districts is prohibited after the Water Supply System is placed into service, and water is provided to Users within the established water service districts.
- ii. *Existing Private Wells.* Private water wells that are located within a water supply district and are in operation before that district was established may be abandoned by the Property Owner in accordance with the procedures established by the Livingston County Health Department and the Michigan Department of Environmental Quality ("MDEQ") within thirty (30) days of connecting to the Water Supply System. Nothing in this Ordinance shall be construed to require abandonment of water wells in operation within a water supply district before the effective date of this Ordinance; provided that, after the property is connected to the Water Supply System, the private water well previously serving the property is used only for outside irrigation purposes, and provided that such use is permitted by MHOG. If the prior existing private water well is not used for outside irrigation, it shall be abandoned by the Property Owner in accordance with procedures established by the Livingston County Health Department and the MDEQ within thirty (30) days of connection to the system. No new private wells may be constructed to replace failed existing irrigation wells in the established water service districts after the Water Supply System is placed into service.

l. *System Prohibitions.* No person in the Township shall:

- i. Willfully, negligently, or maliciously break, damage, destroy, uncover, deface, or tamper with or alter, any structure, property, appurtenance, equipment, or any other item which is a part of the Water Supply System.
- ii. Remove any water meter, water pipe, other water equipment or tools of the Water Supply System.
- iii. Prevent or circumvent a water meter from measuring water supplied by the Water Supply System.
- iv. Fraudulently, or without authorization, obtain water from the Water Supply System.

D. METERS.

- a. *Water Meter Required.* All water furnished by the Township and used on any property must pass through a water meter, to be obtained from, installed, owned, and controlled by the Township, and which is placed upon the property or installed for the purpose of measuring the water supply and usage. There shall be no bypass between the water meter and the Water Supply System. All properties using the Water Supply System shall be metered and the Users must pay for water at the rates specified in this Ordinance or resolutions passed pursuant hereto.
- b. *Maintenance of Previously Approved Meters.* All previously approved municipal water meters existing and installed before this Ordinance is adopted must be maintained at the User's expense.
- c. *Service by User Water System.* Each water meter is to be served by its own User Water System, unless the Township or its designated representative has approved another system incorporating exterior valves to control water flow to each meter.
- d. *Failure to Register; Water Usage; Amount.*
 - i. *Estimated consumption.* If any water meter fails to register properly or if a water meter is inaccessible for reading, the Township shall estimate consumption based on former consumption, and charge the User the average quarterly consumption rate as shown by the water meter over the period of the preceding four quarters when the water meter was accurately registering.
 - ii. *Accuracy Testing.* The accuracy of any water meter on any property will be tested by the Township upon written request of the Property Owner or User who shall pay in advance a fee to cover the cost of testing the water meter. If upon such test, the water meter is found to register over three percent more water that passes through it, the water meter shall be replaced with another water meter, and the water meter test fee will be refunded to the Property Owner or User, and the water bill adjusted from the preceding and current billing periods as necessary and appropriate.
- e. *Meter Repairs.*
 - i. Excepting previously approved municipal water meters, the expense of maintaining water meters shall be borne by the Township; provided, however, that where a water meter must be replaced, repaired, or adjusted due to acts, negligence, or carelessness of the User, the expense caused thereby is to be charged and collected from the User, and, if the User refuses or fails to pay these charges, the charges must be added to the water charge for the property.

- ii. Users owning or occupying property where a water meter is installed are responsible for its care and protection from freezing and from damage or interference by any persons. If a water meter is damaged or stops working properly and accurately, the User shall give immediate notice to the Township.
- iii. Water meters shall be sealed by the Township, and no person other than authorized employees or agents of the Township shall break such seals. No unauthorized person shall change the location of, alter, or interfere in any way with, any meter.
- iv. Any Property Owner in the Township may, upon application and paying such costs and fees as determined from time to time by Township, have an additional meter installed for the separate metering of water used for lawn sprinkling or other use where the water used does not pass through the sanitary sewage disposal system. Duplex residences shall have separate meters and services installed for each dwelling unit upon payment of such costs and fees as approved by the Township Board.

f. *Water Meter Type and Sizes.*

- i. All water meters shall be under the control of the Township, as per MHOG standards, and shall be equipped with an instrument capable of being remotely connected and read away from the water meter itself. Such instrument shall be installed on the exterior of the building as directed by the Township.
- ii. All new inside water meters will require remote touch pads and a remote radio frequency transceiver unit as the Township may specify.
- iii. When requesting connection to the Water Supply System, the User shall furnish information about the amount of contemplated water supply demand, the intended use for which the water is provided, and any other characteristics requested by the Township, and the Township shall determine the size and type of water meter to be installed based on the User's information.
 - 1. For usual single-family domestic use and consumption of water a 3/4-inch water meter shall be installed by the User.
 - 2. For multiple dwellings the water meter size shall be one inch for two to four dwellings and 1-1/2 inch for five to ten dwellings.
 - 3. Except as stated above, where an application is made for a water meter larger than 3/4-inch, the Township shall determine whether a water meter of such size is required or authorized.

4. The use of meters larger than 1-1/2 inch will be permitted only upon specific written approval by the Township after due consideration of pertinent factors, such as the probable effect of their demand on the installed capacity of water mains and water supply and the means of sewage disposal.

E. REPAIRS.

- a. *Water Supply System Repairs.* The cost of all repairs, maintenance and/or replacements of the Water Supply System is to be borne by the Township, except when damage is due to negligent or willful acts of the owner or occupant of the premises, or any agent or licensee of such owner or occupant. Nothing herein, however, prevents the Township from recovering the costs of the repairs or replacements from third persons responsible therefor.
- b. *User Water System Repairs.* The cost of all repairs, maintenance and/or replacements of the User Water System is borne by the property owner. Nothing herein prevents the owner from recovering the cost of such repairs or replacements from third persons responsible therefor.
- c. *Duty to Protect from Frost and Heat.* Users of the Water Supply System must keep their User Water System and their water meter protected from frost and hot water at their own expense. Where the User Water System or water meter is damaged by frost or hot water, the User Water System is to be repaired by a licensed plumber, paid for by the User, while the water meter is to be repaired by the Township at the User's expense.

F. CROSS CONNECTIONS.

- a. *Prohibition.* Cross Connections are prohibited, and it is unlawful for any person to make, permit to be made, or permit to exist any Cross Connection on any lot or parcel of land owned or occupied by that person.
- b. *Adoption of EGLE Rules.* The Township hereby adopts by reference the water supply connection rules of the Michigan Department of Environment, Great Lakes and Energy, being R 325.11401 to R 325.11407 of the Michigan Administrative Code.
- c. *Inspection for Cross Connections.* The Township shall cause inspections to be made of all properties served by the Water Supply System where Cross Connections with the Water Supply System is deemed possible. The frequency of such inspections, or re-inspections, based on potential health hazards, shall be as established by the Township Board. The cost of inspections as determined by the Township is to be borne and paid by the owner of the property upon which the inspection takes place.

d. *Access to Premises.*

- i. The Township or its agents have the right to enter at any reasonable time any property served by a connection to the Water Supply System for the purpose of inspecting the piping system(s) thereof for Cross Connections.
- ii. On request, the owner, lessee(s), or occupant(s) of any property so served shall furnish to the inspecting person or entity any pertinent information regarding the piping system(s) on the property.
- iii. The refusal of such information or refusal of access, when requested, shall be deemed prima facie evidence of the presence of Cross Connections.

e. *Protection from Contamination; Potable Water.* The potable water supply made available on the properties served by the Water Supply System shall be protected from possible contamination as specified by this Ordinance and the state plumbing code, as adopted, amended, and marketed by Livingston County and the State of Michigan. Any water outlet that could be used for potable domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

“WATER UNSAFE FOR DRINKING”

- f. *Cross Connection Shutoff.* Where the Township determines that contamination of the Water Supply System is an immediate possibility, or if contamination of the Water Supply System occurs and a Cross Connection is found, the Township may order the water to be immediately shut off without giving notice to the owner or occupant as proscribed herein. Water service will not be restored until any Cross Connection(s) is eliminated, as verified by the Township.
- g. *State Plumbing Code.* This Ordinance does not supersede any State of Michigan or Livingston County Plumbing Code or Ordinance, but it is supplemental thereto.
- h. *Other Measures.* The Township may and is directed to take other precautionary measures as deemed necessary to eliminate any damage due to contamination of the Water Supply System.

G. CHARGES.

- a. *Establishment of Rates and Fees.* Rates and fees for installation and use of the Water Supply System shall be established by resolution of the Township Board to recover the costs of administration, construction, reconstruction, and maintenance of the Water Supply System as necessary to preserve the same in good working order and operation and to provide for the payment of any debt service obligations as the same becomes due. Such fees shall be made in accordance with the provisions set forth herein and shall be paid by all Users of the Water Supply System.

- i. *Presumed Consumption.* The Township will establish, by resolution, a presumed water consumption for single-family residential properties to the Water Supply System. This presumed consumption may be amended from time to time by resolution of the Township Board.
 - ii. *Table of Unit Factors.* For all other Users of the system, and except as otherwise provided herein, the presumed water consumption will be subject to calculation through the Table of Unit Factors, which is adopted by the Township Board and is attached hereto as Attachment A and incorporated herein by reference. Said Table of Unit Factors shall set forth and identify the use class and all applicable factors to be multiplied by the quarterly charge established for single family residential property, herein designated as a Residential Equivalent (RE). The Table of Unit Factors may be modified or amended from time to time by resolution of the Township.
- b. *Re-Establishment.* The rates for water service may be re-established separately from time to time as needed to ensure sufficiency of revenues to satisfy the Water Supply System's expenses.
- c. *Publication.* The establishment and re-establishment of rates and fees shall be published in a newspaper of general circulation in the Township within thirty (30) days after the approval of the Township Board.
- d. *Types of Rates and Fees.*
 - i. *Connection Fee.* The Township shall charge, and the User shall pay, as a precondition to connection to the Water Supply System, a Connection Fee. Each single-family dwelling, equivalent to one Residential Equivalent (RE), connecting to the Water Supply System, at the time of application for a connection permit, shall pay a Connection Fee in the amount of Four Thousand Two Hundred (\$4,200.00) Dollars as of January 1, 2004, which will increase by 5% on each succeeding January 1, unless otherwise determined by the Township Board. All properties other than single-family residences shall pay a Connection Fee for each Residential Equivalent (RE) as computed in the attached Table of Unit Factors.
 - 1. *Review Following Increase in Demand.* Whenever a User, other than a single-family Residential User, increases its demand for water service due to facility expansion, change in facility usage, or other reason, the Township may review and change that User's Residential Equivalent factor. If a new Residential Equivalent factor is established for an existing User, the User shall be required to pay an additional Connection Fee equal to the then-established Connection Fee for one RE multiplied by the increase established in the User's Residential Equivalent factor.

2. *Modification of Connection Fee.* The amount of a Connection Fee may be modified from time to time by resolution of the Township Board as may be required to recover the Township's costs in the Water Supply System.
- ii. *Consumption Fee.* All Users connected to the Water Supply System must pay a Consumption Fee to cover the costs of distribution system Operation, Maintenance, and Replacement, including administrative expenses like meter reading and billing. This fee is to be based on the actual volume of water used during the current billing period.
 - iii. *System Equity Fee.* The Township Board, by resolution, may establish a System Equity Fee in an amount sufficient to recover certain capital expenses incurred to provide water mains and sufficient capacity to all users of the Water Supply System from those Users that have not previously paid their share of those expenses. Property Owners in proximity to a Township water main, whose property has not been subjected to a complete special assessment to pay for the construction of the water main, or whose property has been through tax foreclosure resulting in the nonpayment of all or part of the special assessments for the water main, shall not be permitted to make connection or additional connections to the water main until the Property Owner first pays a System Equity Fee for the privilege of connecting to the water main. This fee is to be paid, if applicable, in addition to all other fees provided for in this Ordinance.
 - iv. *Billing Fee.* The Township shall charge, and all Users shall pay, a Billing Fee to cover the costs of credit card charges.
 - v. *Readiness To Serve Rate.* Users of the Water Supply System shall be charged a Readiness to Serve rate. All Users shall be charged a monthly flat rate based on the size of the largest meter installed in the Structure.
 - vi. *Inspection Fee.* Each User who desires the Township to inspect any property that has a connection to the Water Supply System must pay an inspection fee equal to an amount of the actual costs of the labor and materials required to inspect the connection. Additionally, the Township may require an annual inspection of any property that has a connection to the Water Supply System to verify that appropriate backflow and Cross Connection prevention measures are in place. The cost of such inspection shall be determined based on the degree of hazard resulting from the possible Cross Connection. The Property Owner is responsible for paying all inspection fees described in this section.
 - vii. *Construction Fee.* The Property Owner is responsible for paying the actual cost of construction of all lines from the Water Supply System to the served property. The Township maintains ownership and responsibility up to and including the Curb Stop. The Township is authorized to set by resolution or ordinance such other charges to be collected under this Ordinance as the Township deems necessary to further the purpose of this Ordinance.

If a property receives water service from the Water Supply system, the Property Owner or its selected contractor, after obtaining a plumbing permit from the Livingston County Building Department, is responsible for installing the service line from the Water Supply System Curb Stop to the served property and all necessary restoration of disturbed areas and must also install a compatible water meter yoke (horn) at the owner's expense.

Only a Township employee or other individual authorized by the Township may install the water meter and turn on the water supply and may do so only after all plumbing is in place and tested. The water meter installation cost and initial turn on fee are included in the Connection Fee.

When a water connection is made at a location where a water service line was not installed as part of a special assessment project, the Property Owner will also be responsible for the cost of Tapping the Water Supply System and installing the service lead, Curb Stop and Curb Box. Connection under this section shall only be made by the Township or its designated representative.

- viii. *Special Service Fees.* The Township may charge Users and the Users must pay a Special Service Fee to cover providing any other services connected to the Operation and Maintenance of the Water Supply System, as are requested of the Township from time to time by Users. Such special service fees may include an irrigation surcharge.
- ix. *Other Charges.* The Township may charge Users and the Users must pay such other charges and fees as set by the Township via resolution, including, but not limited to, a debt service charge, capacity charge, additional connection fees, and any other charge supported by contract or state and federal law.

e. *Responsibility for Payment.*

- i. *Owner Liability.* The owner of the property served by the Water Supply System shall be liable to the Township for any charges and fees imposed and allowed to be charged by this Ordinance.
- ii. *Multiple User Units.* When a single water service serves two or more User units, the owner of the property shall be responsible for payment of water used on the property.

f. *Billing.*

- i. Water meters are to be read monthly, or as deemed necessary by the Township.
- ii. The Township shall issue bills for water service to Users by first-class mail or electronic mail service.

- iii. All bills are payable by the due date specified on the bills and are to be paid at the Township Hall, by mail, or electronically if so provided by the Township.
 - iv. The Township Treasurer shall collect all monies due, and all other charges imposed in connection with the Water Supply System.
 - v. All charges for water service not paid by the due date are delinquent and are subject to a ten percent (10%) late penalty charge.
 - vi. If any bill for the service of the System remains unpaid after two months on commercial and/or industrial zoned property and three months on residential zoned property, the water supply may be turned off; and if turned off, shall not be turned back on until payment in full is made of all delinquent charges. The Township must send a notice by registered mail to any User residing at a location where the Township intends to terminate service. If after fourteen days of the notice the payment in full has not been received by or satisfactory arrangements have not been made with the Township, notice of the shutoff will be posted on the property, and the water service will be shut off 24 after the posting. No water service may be restored until all past due bills are paid or satisfactory arrangements for such payments are made.
 - vii. Failure of the User to receive any bill does not relieve the User from liability for charges incurred and the User must notify the Township Clerk if a bill is not received by the twelfth day after the issuance of a bill.
 - viii. The Township shall have as security for the collection of water supply fees, rates, or assessments due or that become due for the use and installation, repair, or maintenance to any house, building, or property, a lien upon the structure, lot, or lots upon which the water service was supplied. This lien shall become effective immediately upon providing the water service to the property and shall have priority over all other liens except taxes or special assessments.
- g. *Collection of Charges as Lien.* Charges for water services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, shall be made a lien on all property served hereby. The charges for water furnished to any property are hereby recognized to constitute such lien and whenever any such charge against any piece of property is delinquent for six months, or more, that fact shall be certified on June 30th of each year to the tax assessing officer of the Township. Any delinquent charges incurred after June 30th will be rolled over to the following year's tax roll. Such charge shall be entered upon the next tax roll as a charge against the piece of property and the charges shall be collected and the lien thereof enforced in the same manner as general Township taxes against such property.
- h. *Revision of Rates and Charges.* The rates, charges and fees established by this Ordinance shall be reviewed at least annually and are estimated to be sufficient to provide revenue for the payment of the operation and maintenance, costs, debt service and such other charges and expenditures of the system. The rates, charges, and fees

shall be reviewed to maintain the fiscal integrity of the system and the same may be revised and fixed by resolution of the Township Board as necessary to produce the funds required to pay such charges and expenditures.

- i. *Deferring Charges.* There shall be no waiver or forgiveness of charges levied pursuant to the terms of this Ordinance. The foregoing notwithstanding, any resident eligible for deferment of payment of any fees pursuant to the laws of the State of Michigan shall be afforded ample opportunity to request such deferment or partial payment in accordance therewith.
- j. *Special Assessments Not Impacted.* The foregoing notwithstanding, nothing contained in this Ordinance shall be construed as limiting, modifying, or amending any special assessments levied against properties within the Township in connection with the construction of the Water Supply System and such special assessments shall be due and payable according to the terms of the resolutions and actions of the Township Board establishing such assessments.

Section 7: WASTEWATER COLLECTION AND TREATMENT SYSTEM SPECIFIC PROVISIONS.

- A. MANDATORY CONNECTION. Each owner of property on which a structure is located that originates sanitary sewage shall, at its own expense, install toilet facilities complying with all applicable codes and regulations in the structure and cause the facilities to be connected to an Available Sewer System.
 - a. *Procedures.*
 - i. The connection to an Available Sewer System shall be completed promptly, but in no case later than ninety days from the date of the occurrence of the last of the following events:
 - 1. Publication of a notice by the Township of the availability of a Wastewater Collection and Treatment System in a newspaper of general circulation within the Township and the mailing of written notice indicating the availability of the Wastewater Collection and Treatment System to the property owner.
 - 2. Modification of a structure in a manner that allows for origination of sanitary sewage.
 - ii. If the property owner does not complete the connection to an Available Sewer System within the ninety day period described above, the Township may notify the property owner by written notice that connection is required forthwith. The notice shall be by first class or certified mail to the property owner or by posting a notice on the property. Notice shall provide the owner with the approximate location of the Available Sewer System and shall advise the owner of the requirements and the enforcement provisions of this Ordinance and Sections 12751 through 12758 of Michigan Public Act 368 of 1978, as amended.

- iii. In the event the property owner is unable to connect to the Available Sewer System within the time prescribed by this Ordinance, due to or on account of inclement or adverse weather conditions, the property owner may appeal to the Township for additional time to connect without penalty and without civil and criminal proceedings. The appeal must be made in writing within ten days of the above-stated notice.
- b. *Penalty Fee.* In addition to any other penalty prescribed by this Ordinance, failure or refusal to connect to the Wastewater Collection and Treatment System within the time prescribed herein shall result in the property being charged a penalty fee of Three Hundred Dollars (\$300.00) for each single-family residential unit, multiplied by the number of units and/or multiplying factors as established by the Table of Residential Equivalents.
- c. *Depositing Waste.* Without prior written consent of the Township Board, it shall be unlawful for any person to place, deposit, or permit to be deposited upon any public or private property within the Township (or any area under its jurisdiction) any human excrement, Garbage, or other objectionable waste.
- d. *Discharge into Natural Outlets.* It shall be unlawful to discharge to any Natural Outlet any Sanitary Sewage, Industrial Waste, or other polluted water except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- e. *Prohibited Construction.* Except as provided in this Ordinance, it shall be unlawful to construct any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of Sewage or Industrial Waste.
- f. *Sewer Unavailable.* Where a sanitary sewer is not available under the provisions of Section 7.A of this Ordinance, the Building Sewer shall be connected to a private sanitary sewer disposal system which shall be approved by the Livingston County Health Department, or such other Health Department having jurisdiction.
- g. *Connection Required.* At such time as the Wastewater Collection and Treatment System becomes available to a property served by a private sewage disposal system, connection to the Wastewater Collection and Treatment System shall be made in compliance with this Ordinance, and any septic tank, cesspools and similar private disposal facilities located thereon shall be abandoned and discontinued.
- h. *Maintenance of Private Systems.* All private sewage disposal systems shall be maintained in a sanitary manner at all times at the expense of the owner thereof.
- i. *Abandonment of Private Systems.* All abandoned or discontinued private sewage disposal systems shall be filled with earth, sand, gravel, concrete or other approved material. Upon abandonment or discontinuation, the sewage and sludge contents shall be completely removed and disposed of by a septic tank cleaner who is licensed under the provisions of Act No. 181 of the Public Acts of 1986. The tank, or the pit in the

instance of a privy, shall be treated with at least 10 pounds of chlorinated lime or other chemical disinfectant acceptable to the Livingston County Health Department. Then the tank or pit shall be completely backfilled with approved material and made safe from the hazard of collapse or entrapment.

B. BUILDING SEWER.

a. *Regulation.*

- i. A separate and independent Building Sewer (lead) shall be provided for every building in which sanitary sewage originates.
- ii. All costs and expenses incident to the installation and maintenance of the Building Sewer and the connection of the same to the Wastewater Collection and Treatment System shall be borne by the property owner.
- iii. All Building Sewers (leads) shall meet or exceed all requirements of this Ordinance.
- iv. Building Sewers shall consist of pipes and fittings of the following types and sizes:
 1. Pipe must be of sufficient diameter to carry the estimated volume of discharge. The minimum pipe size permitted is six-inch inner diameter (ID) on private property and six-inch ID within the public right-of-way.
 2. Pipe must be one of the following materials and cannot be mixed in the connection lines to include the fittings.
 - a) Ductile iron with rubber-type gaskets, slip joint or mechanical joint;
 - b) Polyvinyl chloride (PVC) pipe type 1, Schedule 40 ASTM D 1785 push-on type joints.
 - c) Polyvinyl chloride (PVC) ASTM D 3034 (SDR35) with ASTM D 3212 push-on type joints.
 - I. No tees, double tees, or crosses, or double hub pipes shall be permitted; and
 - II. All changes in grades shall be made with appropriate 1/8 bends.
- v. Cleanouts shall be installed every ninety feet of straight run and at each ninety-degree direction change including areas with two forty-five-degree connections. All cleanouts shall be plugged and shall be accessible at any time.

- vi. All lines shall be laid at a minimum 1/8 inch per foot grade and a maximum 1/2 inch per foot grade for 6-inch Building Sewers.
- vii. The method to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the current Plumbing Code Rules, issued by the Michigan Department of Labor, Construction Code Commission.
- viii. Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. No Building Sewer shall be laid within three feet of the outside bearing wall of a structure. The depth shall be sufficient to afford protection from frost.
- ix. In all structures in which any Building Sewer is too low to permit gravity flow to the Wastewater Collection and Treatment System, sanitary sewage shall be lifted by a pumping system and discharged to the Wastewater Collection and Treatment System.
- x. All excavation for Building Sewer installation, connection and repair shall be subject to and compliant with appropriate permits and shall be adequately guarded by barricades and lighting so as to protect the public from hazard. Streets, sidewalks, alleys, parkways, and other property disturbed during the installation and construction work shall be restored in a manner satisfactory to the Township.
- xi. All Building Sewers servicing a structure containing more than two residential units shall, in addition to the other requirements herein, be air tested and approved by the Township.
- xii. The connection of the Building Sewer to the Wastewater Collection and Treatment System shall be made at the wye branch or manhole designed for that property, if such outlet is available at a suitable location. Any connection not made at the designated outlet shall be done in accordance with the requirements of the Township engineers.

b. *Connection.*

- i. No person shall uncover, make any connections with or openings into, alter or disturb any Wastewater Collection and Treatment System, Building Sewer, or appurtenance thereto without first obtaining a written connection permit from the Township.
- ii. The fee for the connection permit shall be an amount established by ordinance or resolution of the Township.
- iii. The owner or contractor applying for a connection permit will receive three copies of the permit. One copy is for the contractor, and one copy is for the

property owner. The last copy must be returned to the Township prior to connection with a sketch of the installation on the back of the permit showing all dimensions, directions, and other important information concerning the installation. The latter copy will remain the property of the Township.

- iv. No connection to the Wastewater Collection and Treatment System will be permitted unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant, including capacity for treatment of B.O.D., total phosphorus, ammonia-nitrogen, and suspended solids.
- v. All connections from any property to the Wastewater Collection and Treatment System Main may only be made by the Township or its agent. If a service lead is provided, then the owner may connect to the provided service lead if approved by the Township and having paid all associated fees and obtaining all necessary permits.
- vi. All contractors and plumbers making connections and/or repairs to the Wastewater Collection and Treatment System shall file a license and/or a permit bond with the Township in the amount of \$10,000.00 or such amount as the Township shall require, and in addition shall provide the Township with a copy of their plumber's or contractor's license from the State of Michigan and a copy of their liability insurance policy (providing a minimum of \$100,000/\$300,000 personal liability protection and \$500,000 property damage protection) prior to performing any connections or repairs to the Wastewater Collection and Treatment System. The bond shall indemnify the Township by reason of the contractor's or plumber's breach of this Ordinance or any rule or regulation relating thereto. The Township may, upon notice of a violation, revoke the connection permit issued under this Section.
- vii. No person shall connect roof down spouts, foundation drains, area way drains, swimming pool drains, or any sources of surface or groundwater to a Building Sewer which in turn is connected to the Wastewater Collection and Treatment System.
- viii. No Building Sewer shall be covered until after it has been inspected and approved by an authorized inspector of the Township or its designee, for compliance with the terms of this Ordinance and any other applicable ordinances and regulations.
- ix. Any construction of sanitary sewer within the public right-of-way which is required after completion of the Wastewater Collection and Treatment System described herein shall be charged to the property owner requesting connection. The charge shall be the actual cost of such construction plus ten (10%) percent thereof for administrative expenses. Payment shall be made as follows:

1. Not less than fifty percent of the estimated cost shall be deposited with the Township prior to commencement of construction; and
 2. The balance, if any, of the costs and administrative fees shall be paid upon completion of construction.
- c. *Connection of Private System.* Before any sanitary sewer system constructed by private funding (private sanitary sewer)-as distinguished from public funding-shall be permitted to connect to the Wastewater Collection and Treatment System, the owner of the private sanitary sewer (Developer) shall:
- i. Provide the Township with the Developer's plans and specifications for construction, an estimate of the cost of a construction, and performance guarantee, and deposit with the Township the sum of one (1%) percent of the cost of construction to cover the cost of hiring a registered professional engineer to review plans and specifications, which money shall be placed by the Township in an escrow account in the name of the Developer.
 - ii. Obtain approval by the Township Board or its designee of the plans and specifications.
 - iii. Secure all necessary permits for construction.
 - iv. Upon commencement of construction of the private sanitary sewer, deposit with the Township in the escrow account referred to above, a sum equal to seven (7%) percent of the cost of construction to cover the anticipated cost of inspection.
 - v. Upon completion of construction of the private sanitary sewer, recommendation of the Township Engineer for approval and actual approval by Township Board, the performance guarantee may be released and any monies remaining in the Developer's escrow account shall be released to the Developer. Any additional expenses incurred by the Township in assuring that the private sanitary sewer is properly operating shall be deducted therefrom or charged directly to the Developer, at the option of the Township.
 - vi. The Township may deny connection of a private sanitary sewer to the Wastewater Collection and Treatment System if the Township Engineer determines that the private sanitary sewer system poses an unreasonable risk of potential damage to the Wastewater Collection and Treatment System.

C. USE.

- a. *Storm Ground and Unpolluted Water.*
 - i. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, or roof water to any sanitary sewer.

- ii. Stormwater, groundwater, and all other unpolluted drainage (including noncontact industrial cooling water) shall be discharged into storm drains or into a Natural Outlet suitable for said purpose.

b. *Grease, Oil, and Sand Interceptors (Traps).*

- i. Grease, oil, and sand interceptors shall be provided by the Property Owner when liquid waste may contain grease, oil, and/or sand in amounts exceeding normal levels. All interceptors shall be of a type and capacity approved by the Township and shall be located to be readily and easily accessible for cleaning and inspection. Grease, oil, and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted into place shall be gas tight and watertight.
- ii. All grease, oil, and sand interceptors shall be maintained by the Property Owner, at its expense, in continuously efficient operation at all times.

D. PROHIBITED DISCHARGES.

- a. *General Prohibitions.* No User shall introduce or cause to be introduced into the Wastewater Collection and Treatment System any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all Users of the Wastewater Collection and Treatment System, whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements
- b. *Specific Prohibitions.* No User may introduce or cause to be introduced into the Wastewater Collection and Treatment System the following pollutants, substances, or wastewater:
 - i. Containing a five-day B.O.D. greater than two hundred seventy-five MG/L or containing more than three hundred MG/L of suspended solids; or
 - ii. Having a temperature greater than 150 degrees Fahrenheit or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit; or
 - iii. Containing any quantity of substances having the characteristics described in Section 7.C.b above; or
 - iv. Having a chlorine demand of more than 15 MG/L; or

- v. That contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the Wastewater Collection and Treatment System receiving the waste; or
- vi. With total phosphorous concentrations greater than 12 MG/L as phosphorous, and total ammonia concentrations greater than 35 mg/L shall be subject to review and approval for acceptance by the Township; or
- vii. Containing more than 100 MG/L, by weight, of fat, oil, or grease; or
- viii. Containing pollutants which create a fire or explosive hazard in the Wastewater Collection and Treatment System, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degree Fahrenheit. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive, liquid, solid, or using the test methods specified in 40 CFR 261.21, or
- ix. Containing any Garbage that has not been properly shredded; or
- x. Containing any ashes, cinders, sand, mud, straw, shaving metal, glass, rags, feather, tar, plastics, woods, paunch manure or any other solid or viscous substances capable of causing obstruction to flow in sewers or other interference with the proper operation of a sewage work; or
- xi. Containing any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, or to constitute a hazard to humans or animals, or create any hazard in the receiving waters of the treatment facility; or
- xii. With any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair; or
- xiii. With any Industrial Waste that may cause a deviation from the NPDES permit requirements, pretreatment standard, and all other state and/or federal regulations;
- xiv. Containing any waters, liquids, or wastes having a pH lower than 5.50 or higher than 9.0 or having any other corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the Wastewater Collection and Treatment System; or
- xv. Containing Mercury or PFAS compounds above any current EGLE drinking water standards.

- c. *Preliminary Treatment.* Preliminary treatment must be provided, at no expense to the Township, as may be necessary to reduce any item listed in Section 7.D or to reduce objectionable characteristics of said effluent to within the maximum limits, or to control the quantity and rates of discharges of such waters, liquids, or wastes. On direction of the Township, a person may be required to remove or exclude any Industrial Waste in whole or in part for any reasons deemed to be in the Township's interest. As the Township does not have an Industrial Pretreatment Program, no industrial discharges that would require the Township to have such a program are permitted.

Where preliminary treatment facilities are provided for any water, liquid, or waste, they shall be maintained in satisfactory and effective operation at no expense to the Township. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval to the Township, and no construction of the facility may be commenced until approvals are obtained in writing. The Township may elect to treat Industrial Wastes discharged in excess of Normal Domestic Strength Wastewater on a basis prescribed by written agreement and for an established charge to cover the added cost. All such preliminary treatment or pretreatment shall be in accordance with federal and state laws and regulations.

E. CHARGES AND RATES.

- a. *Establishment of Charges; Bills.* Charges for sanitary sewer transmission, treatment and disposal and debt service to those connected or required to be connected to the Wastewater Collection and Treatment System shall be established by ordinance or resolution of the Township. All bills for service under this Ordinance shall be directed to the Users of the Wastewater Collection and Treatment System.
- b. *Presumed Flow.* The Township will establish, by resolution, a presumed flow for single-family residential properties to the Wastewater Collection and Treatment System. This presumed flow may be amended from time to time by resolution of the Township Board.
- c. *Table of Unit Factors.* For all other Users of the system, and except as otherwise provided herein, the presumed flow will be subject to calculation through the Table of Unit Factors, which is adopted by the Township Board and is attached hereto as Attachment A and incorporated herein by reference. Said Table of Unit Factors shall set forth and identify the use class and all applicable factors to be multiplied by the quarterly charge established for single family residential property, herein designated as a Residential Equivalent (RE). The Table of Unit Factors may be modified or amended from time to time by resolution of the Township.

d. *Meters.*

- i. Users served by a municipal water system that utilizes a water meter for measurement of actual water use may be billed for wastewater service under this Ordinance based upon the water meter readings, provided that such readings are reasonably available to the Township.
- ii. As an alternative to a wastewater meter, Users that are served by municipal water supply and have a municipal water meter on their property may, at their request, install a separate water meter for measuring lawn sprinkling. All costs for this separate meter, including required piping revisions, shall be the responsibility of the User.
- iii. The Township Board shall establish user charges for metered users by resolution, which may include a minimum charge per billing cycle as necessary to assure a readiness to serve capability. The Township Board shall also establish charges for users without municipal water by resolution. Any such charges may be modified from time to time by the Township at its discretion.

e. *Rules for Interpreting Table of Unit of Unit Factors.*

- i. The minimum equivalent factor for all Users shall be one RE.
 - ii. Equivalent units for a User not originally contained in the Table of Unit Factors may be added to the Table from time to time by resolution of the Township. Where multiple metered businesses exist at one location, the multiple businesses shall be combined for determining the applicable charge.
- f. *Review and Modification.* The equivalent units of Users, calculated by and through the attached Table of Factors, having an equivalent unit factor of more than one RE may be reviewed, revised or modified by the Township at any time by resolution, and such revision or modification shall take effect on the first day of the billing quarter after such revision or modification is adopted.
- g. *Appeal.* A nonresidential User having an equivalent unit factor of more than one from a single property or unit may appeal to the Township by filing a written appeal within thirty days after its equivalent unit factor is established, revised or modified.
- h. *Assignment of Factor.* Where an equivalent unit factor is used to determine a Connection Fee, service charge, or other User charge, the factor used in the calculation shall be the factor assigned to the User as of the following dates:
- i. *Initial Connection Fee.* The date the property owner applies for the permit or the last day of the period during which the property owner is required to connect to the Wastewater Collection and Treatment System, whichever comes first.

- ii. *Additional Connection Fee.* The date the User expands or alters the use of the property beyond the use considered in the establishment of the initial Connection Fee.
 - iii. *Operation, Maintenance, and Replacement Service Charge.* The date the User's available sewer becomes operational and thereafter on the first day of the billing quarter following the Township's revision or modification of the User's equivalent unit factor.
- F. REASONABLE VALUE. The User shall pay reasonable value for services rendered to the Township by the Wastewater Collection and Treatment System, pursuant to the attached Table of Unit Factors.
- G. SURCHARGE. The rates and charges set forth in this Ordinance notwithstanding, if the character of the sewage of any User imposes an unreasonable or additional burden upon the Wastewater Collection and Treatment System, an additional charge shall be made over and above the rates otherwise established by this Ordinance. Specifically, wastewater in excess of the maximum limitations imposed by this Ordinance shall be deemed subject to surcharge. If necessary to protect the system or any part thereof, the Township may deny the right of any User to discharge such sewage into the system. The surcharge applicable to Industrial Users is set forth below.
- H. INSPECTION CHARGE. Each property connecting to the Wastewater Collection and Treatment System shall pay a charge for the inspection of the connection, as may be established from time to time by Livingston County or the Township.
- I. CONNECTION FEE.
 - a. *Connection Fee for Single-Family Dwelling.* Each single-family dwelling, equivalent to one Residential Equivalent (RE), connecting to the Wastewater Collection and Treatment System, at the time of application for a connection permit, shall pay a Connection Fee in the amount of Four Thousand Two Hundred (\$4,200.00) Dollars as of January 1, 2004, which will increase by 5% on each succeeding January 1, unless otherwise determined by the Township Board. The Connection Fee shall be in addition to such other charges or fees as may be required under this Ordinance or by resolution of the Township. All properties other than single-family residences shall pay a Connection Fee for each Residential Equivalent (RE) as computed in the attached Table of Unit Factors.
 - b. *Review Following Increase in Demand.* Whenever a User, other than a single-family Residential User, increases its demand for wastewater treatment services due to facility expansion, change in facility usage, or other reason, the Township may review and change that User's Residential Equivalent factor. If a new Residential Equivalent factor is established for an existing User, the User shall be required to pay an additional Connection Fee equal to the then-established Connection Fee for one RE multiplied by the increase established in the User's Residential Equivalent factor.

- c. *Modification of Connection Fee.* The amount of a Connection Fee may be modified from time to time by resolution of the Township Board as may be required to recover the Township's costs in the Wastewater Collection and Treatment System.
- d. *Connections Outside District.* Voluntary connections for owners or properties outside of a sewer district may be allowed, subject to the capacity of the district Wastewater Collection and Treatment System.
 - i. The property owner shall pay the actual cost of all pipe, risers, stubs, wyes and/or other apparatus, and the cost of all labor necessary to accomplish the connection, in addition to any inspection fee charged by Livingston County or the Township, and any Connection Fee, Benefit Fee, or other fees or charges established by this Ordinance, and such acreage fee as determined by the Township to be consistent with other sewer districts.
 - ii. The connection to and use of the Wastewater Collection and Treatment System by such properties shall be by gravity flow, except by prior written approval of the Township Board.
 - iii. The surface of any disturbed right-of-way shall be promptly returned to a condition at least equal to that existing before any excavation for the connection.
 - iv. The property owner shall obtain prior approval from the Township of all plans and specifications and materials to be utilized to accomplish the connection. The Township may charge the owner the actual cost incurred by the Township for the review and approval of plans and specifications, and for inspection costs incurred by the Township during construction.
 - v. All wyes, stubs, pipes, risers, and/or other apparatus not owned by the sewer district shall, after installation and inspection, become for purposes of operation and maintenance, the responsibility of the property owner. The responsibility of the Township for Operation and Maintenance shall be limited to sewer mains, manholes, lift stations, and the wastewater treatment plant located within the sewer district.
 - vi. Upon voluntary connection, the owner and the property shall be subject to all ordinances, resolutions, rules, fees, and charges relating to the use of the Wastewater Collection and Treatment System then in effect and thereafter amended.
- e. *Denial of Voluntary Connection.* The Township Board may deny the application of any person for good cause, which may include, but not be limited to, the following nondiscriminatory reasons:
 - i. Noncompliance with relevant Township land use ordinances, regulations and plans.

- ii. The effect of such proposed use upon the Wastewater Collection and Treatment System as a whole.
 - iii. Then current transmission and treatment capacity.
 - iv. Prior commitments for sewer availability.
 - v. Litigation or other contingencies which may result in additional sewer use.
 - vi. Immediate or emergency health considerations.
- f. *Contractual Rates.* The foregoing provisions relating to rates shall not be construed as prohibiting any special agreement or arrangement between the Township and any Users or class of Users whereby the sanitary waste of unusual strength or character of such User or class of Users may be accepted into the Wastewater Collection and Treatment System, subject to payment by the User or class of Users.
- g. *Revision of Rates and Charges.* The rates, charges and fees established by this Ordinance shall be reviewed at least annually and are estimated to be sufficient to provide revenue for the payment of the operation and maintenance, costs, debt service and such other charges and expenditures of the system. The rates, charges, and fees shall be reviewed to maintain the fiscal integrity of the system and the same may be revised and fixed by resolution of the Township Board as necessary to produce the funds required to pay such charges and expenditures.
- h. *Deferring Charges.* There shall be no waiver or forgiveness of charges levied pursuant to the terms of this Ordinance. The foregoing notwithstanding, any resident eligible for deferment of payment of any fees pursuant to the laws of the State of Michigan shall be afforded ample opportunity to request such deferment or partial payment in accordance therewith.
- i. *Special Assessments Not Impacted.* The foregoing notwithstanding, nothing contained in this Ordinance shall be construed as limiting, modifying, or amending any special assessments levied against properties within the Township in connection with the construction of the Wastewater Collection and Treatment System and such special assessments shall be due and payable according to the terms of the resolutions and actions of the Township Board establishing such assessments.

J. ENFORCEMENT OF CHARGES.

- a. *Nonpayment of Special Assessments or Connection Fees.* Nonpayment of special assessments or Connection Fees shall subject the User to liability for such additional charges and penalties as are provided under Section 7.A.b.i.

b. *Nonpayment of Service Charge.*

- i. *Discontinuance of Service.* In the event a service charge remains delinquent for a period in excess of two months on Commercial or Industrial zoned property or three months on residential zoned property, the Township shall have the right to shut off and discontinue sewer service to such User. Service shall not be reestablished until all delinquent charges, penalties, and a charge for the discontinuance of such service are paid. The turn-off charge shall be established by resolution of the Township Board.
- ii. *Notification.* Notification of a shut-off shall be sent to the User by certified mail that allows fourteen days for payment in full or other arrangements suitable to the Township. If payment has not been received in full or suitable arrangements have not been made in a timely fashion, notice of the shut-off will be posted on the property and the service shall be shut-off 24 hours after the posting.
- iii. *Other Remedies.* In addition to discontinuing service, the Township shall have the option of collecting any delinquency, penalty and related expense, including actual court costs and attorney fees, by legal proceedings in a court of competent jurisdiction.
- iv. *Collection by Enforcement of Lien.* Charges for wastewater services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, shall be made a lien on all property served hereby. The charges for wastewater service furnished to any property are hereby recognized to constitute such lien and whenever any such charge against any piece of property is delinquent for six months, or more, that fact shall be certified on June 30th of each year to the tax assessing officer of the Township. Any delinquent charges incurred after June 30th will be rolled over to the following year's tax roll. Such charge shall be entered upon the next tax roll as a charge against the piece of property and the charges shall be collected and the lien thereof enforced in the same manner as general Township taxes against such property.

K. LATE CHARGES. If any late charge for billed services is not paid on or before the due date specified on the bill, a delayed payment charge of ten percent (10%) of the amount of the bill shall be added thereto and collected therewith.

L. SURCHARGE.

- a. *Cost Recovery Surcharges.* Cost recovery surcharges for B.O.D., ammonia-nitrogen, total phosphorous as P, and Suspended Solids are hereby established as follows:
 - i. For Operation and Maintenance (including replacement) the cost recovery surcharge for excess pollutants shall be as follows:

Pollutant	Threshold Limit without Surcharge	Surcharge per 1,000 gallons of pollutant in excess of threshold limit
BOD	275 mg/l	\$1.00
Suspended Solids	300 mg/l	\$1.00
Total phosphorous as P	12 mg/l	\$1.00
Ammonia B Nitrogen	35 mg/l	\$1.00
Fats, Oils, and Grease (FOG)	100 mg/l	\$1.00

- ii. The rates stated herein shall be effective on the effective date of this Ordinance, except as otherwise provided. A billing covering the use of the system before and after the effective date of a rate change shall require the proration of the bill based on the average use per day and the number of days within such billing period at the rate then in effect.
 - b. *Collection of Surcharges.* Surcharges shall be collected with the sewer service billings.
 - c. *Billing of Surcharges.* The Township shall establish through resolution when the surcharges will be billed to Users. The Township may also revise the established rates for cost recovery surcharge by and through resolution.
 - d. *Requirements for Industrial Users.* Although non-domestic discharges are prohibited from the Township Sewer System, in addition to requiring an Industrial User to install a manhole to monitor the strength of Wastewater and ensure that no Industrial Waste is discharged, the Township may require installation of an approved meter to register accurately all Wastewater flowing to the Wastewater Collection and Treatment System for purposes of implementing the foregoing rates and service charges.
 - e. *Sampling.* To determine the strength of the Wastewater to implement a surcharge under this Ordinance, the Township will collect a random sample(s) at a frequency of at least once per billing cycle to calculate the surcharge concentration for that billing cycle.
- M. **BENEFIT CHARGE.** The owner of lands in proximity to the Wastewater Collection and Treatment System, which lands have not been subjected to a special assessment to pay for the construction of the Wastewater Collection and Treatment System, or which lands have been through tax foreclosure resulting in the nonpayment of all or part of the special assessments, shall not be permitted to make connection to the Wastewater Collection and Treatment System until the owner first pays a Benefit Charge for the privilege of connecting. The Township may establish the Benefit Charge by and through resolution.

Section 8: GENERAL PROVISIONS.

- A. PROTECTION FROM DAMAGE. No person may maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with the System or any component thereof.
- B. POWER AND DUTY OF INSPECTORS.
 - a. *Inspection and Testing.* Duly authorized employees or designees of the Township bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurements sampling and testing in accordance with the provisions of this Ordinance.
 - b. *Investigations.* Duly authorized employees or designees of the Township may enter at all reasonable times in or upon private or public property for the purpose of inspecting and investigating conditions or practices which may be in violation of this Ordinance or detrimental to the System.
 - c. *Issuance of Cease-and-Desist Order.* Duly authorized employees or designees of the Township shall inspect the on-site work occurring by reason of any System permit. The inspector shall have the right to issue a cease-and-desist order on the site upon finding a violation of the permit or of this Ordinance. The order shall contain a statement of the specific violation and the appropriate means of correcting the same and the time within which correction shall be made.
- C. PENALTIES.
 - a. *What Constitutes a Violation; Cumulative Remedies.* Whenever, by the provisions of this Ordinance, the performance of any act is required, or the performance of any act is prohibited, a failure to comply with such provisions shall constitute a violation of this Ordinance. In addition, the failure, neglect or refusal to comply with a cease-and-desist order of the enforcing agency shall constitute a violation of this Ordinance. Each day that a violation of this Ordinance continues shall constitute a separate offense. The remedies and penalties provided herein are cumulative and in addition to any other remedies provided by law.
 - b. *Proceedings to Punish Violations.* A person violating any of the provisions of this Ordinance shall be served with a written notice that states the nature of the violation. The notice of violation may provide a reasonable time limit for correction thereof, unless the Township deems the violation to constitute an immediate threat to the public health, safety, or welfare, in which instance no correction period will be given and the Township may promptly pursue any applicable remedies. For violations where a correction period is provided, offender shall permanently cease all violations within the period stated in the notice. If the violation continues to exist after the period of time stated in the notice, the Township may pursue any and all legal remedies or actions to abate or eliminate the violation.

- i. Any violation of this Ordinance shall constitute a municipal civil infraction, punishable by a fine not to exceed Five Hundred Dollars (\$500.00) and the Township's fees and costs as permitted by law.
 - ii. In addition, any violation of this Ordinance is punishable by a fine of not to exceed Five Hundred (\$500.00) Dollars and the cost of prosecution, by confinement in the County Jail for a period not exceeding ninety (90) days, or both, such fine and confinement in the discretion of the Court.
 - iii. A violation of this Ordinance is declared to be a public nuisance per se, and the Township may enforce against the violation by injunction, as stated below, along with correcting the violation and recovering the Township's costs of the correction against the owner or person in charge of the property therefore, including the recovery of the Township's attorney fees.
 - c. *Civil Procedures to Compel Compliance.* The Township may bring a civil proceeding for a mandatory injunction or injunctive order or for such other remedial relief as will correct or remedy the violation, including damages for the costs or expenses thereof. The Township may join in such action or actions any number of Property Owners.
 - d. *Notification and Appeal.* Users of the System may appeal Charges and Fees. Appeals shall be directed to the Township Board in writing and shall state the cause and basis for the appeal and shall be filed no later than 30 days after receiving notice of the Charges and Fees so appealed. The Township Board shall notify Users whenever rates are adjusted for any reason, including changes in charges for Operation, Maintenance, Replacement, Debt Service Charges and any other capital costs or charges. Users shall be notified of charges and fees at least once each year.
 - e. *Falsifying Information.* Any person who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than Five Hundred (\$500.00) Dollars, or by imprisonment for not more than ninety (90) days, or by both.
- D. REPEALER CLAUSE. All other ordinances, resolutions, orders, or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby expressly repealed, subject to the qualifications stated in the Savings Clause of this Section as of the date this Ordinance becomes effective.
- E. SAVINGS CLAUSE. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any ordinance, resolution, order or parts thereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the Township, County or any other person, either criminal or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, order or policy, or any part thereof, hereby repealed.

F. VALIDITY AND SEVERABILITY. It is the legislative intent of the Township in adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety, and general welfare of the inhabitants of the Township and other persons affected by this Ordinance, and consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or void by a court of law, each holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance, it being the intent of the Township that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provisions hereof.

G. PUBLICATION. In accordance with the provisions of Section 6 of Act 94 of 1933, MCL 141.106, this Ordinance shall be published once in full in the Livingston County Daily Press & Argus, a newspaper of general circulation in the Township, promptly after its adoption, and shall be recorded in the Ordinance Book of the Township and filed with the County Clerk, and such recording authenticated by the signatures of the Township Supervisor and Clerk.

H. EFFECTIVE DATE. This Ordinance shall take effect immediately following its publication as provided by law.

I HEREBY CERTIFY that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of the Township of Howell, Livingston County, State of Michigan, at a regular meeting held on the 14th day of October, 2025 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Board members were present at said meeting: **Coddington, Daus, Hohenstein, Boal, Counts, Wilson** and that the following members were absent: **Fagan**.

I further certify that **Counts** moved for adoption of said Ordinance, and that said motion was supported by **Boal**.

I further certify that the following members voted for adoption of said Ordinance: **Wilson, Hohenstein, Counts, Boal, Coddington, Daus** and that the following members voted against adoption of said Ordinance: **None**.

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

ATTESTED

Sue Daus, Clerk

Attachment A

Equivalent User Table

The following equivalent user factors will be used to assess Connection Fees. For the purposes of this table, an equivalent user is defined as that quantity of water consumed or wastewater discharged from an ordinary single-family dwelling. In computing charges for commercial, industrial, or multiple residences, the number of units for which charges are made shall be determined from the following equivalent user factors. Where square footage is used in the calculation of equivalent users, it shall mean the entire square footage inside the building. When the use of a structure changes the number of residential equivalents for the structure, a supplemental connection fee will be assessed to account for the changed residential equivalent.

USER	UNIT FACTOR	
Auto Dealers*	0.20	per 1,000 sq. ft.
Auto Repair/Collision – Body Shops*	0.20	per 1,000 sq. ft.
Auto Tire Service Center/Shops*	0.35	per 1,000 sq. ft.
Banks*	0.12	per employee
Banquet Halls	1.8	per 1,000 sq. ft.
Barber Shops	1.00	per shop plus 0.1 per chair after 2
Bars (including bars within restaurants)	4.00	per 1,000 sq. ft.
Beauty Shops*	0.38	per hair booth, 0.3 per mani/pedi station, and 0.3 per spa room
Bed & Breakfast Establishments	1.0	per building plus 0.2 per guest
Boarding Houses	1.00	per building plus 0.2 per bedroom
Boarding Schools	0.27	per bed
Bowling Alleys (w/o bars or lunch)	0.16	per alley
Bowling Alleys (with bar and/or lunch)	0.60	per alley
Car Wash (production line w/o recycle)*	48.3	per production line
Car Washes (production line with recycle)*	25.2	per production line
Car Washes (self-service)*	2.5	per stall
Car Washes (automatic, no conveyor)*	10.6	per stall
Child Care Centers*	0.45	per 1,000 sq. ft.
Churches*	0.13	per 1,000 sq. ft.
Cleaners (pick-up only)	1.00	per shop
Cleaners (pressing facilities)*	1.4	per press
Urgent Care / Medical Clinics*	0.27	per doctor
Convalescent Homes	1.00	per premise plus 0.5 per bedroom
Convents	1.0	per premise plus 0.25 per bedroom
Country Clubs & Athletic Clubs*	0.55	per 1,000 sq. ft.
Dentists*	1.3	per dentist
Doctor's Offices*	0.6	per 1,000 sq. ft.
Drug Stores*	0.1	per 1,000 sq. ft.

Fire Stations	0.20	per stationed firefighter/24 hours
Fire Stations (volunteer)	1.00	per premise
Florists	1.10	per 1,000 sq. ft.
Fraternal Organizations (Members only)	1.00	per hall
Fraternal Organizations (members/rentals)*	0.3	per 1,000 sq. ft.
Funeral Homes	1.50	per 1,000 sq. ft. plus residence
Garden Centers (nursery)	1.0	per premise plus 0.5 per employee
Government Offices*	0.15	per 1,000 sq. ft.
Grocery Stores & Markets*	0.26	per 1,000 sq. ft.
Hospitals	1.09	per bed
Hotels & Motels (private baths)*	0.38	per bedroom
Industrial Building/Factories (exclusive of wet process and industrial flow)*	0.13	per 1,000 sq. ft.
Laundromats (self service)	0.54	per washer
Lumber Yards	1.00	per each 15 employees
Mobile Homes	1.00	per pad
Multiple Family Residences	1.00	per dwelling unit
Office Buildings*	0.14	per 1,000 sq. ft.
Pet Shops	1.10	per 1,999 sq. ft.
Physical Therapy Centers*	1.5	per premise
Pool Halls	0.10	per table
Post Offices	1.00	per 1,000 sq. ft.
Print Shops*	0.06	per 1,000 sq. ft.
Public Institutions (other than hospitals)	0.75	per 1,000 sq. ft.
Research & Testing Laboratories	0.75	per 1,000 sq. ft.
Restaurants (coffee shop)*	2.6	per premise
Restaurants (fast food, including drive thru & Primary drink service)*	7.5	per premise
Restaurants (w/liquor license)*	4.0	per 1,000 sq. ft.
Restaurants (meals w/service & dishes)*	2.4	per 1,000 sq. ft.
Restaurants (take out)	1.0	per 1,000 sq. ft.
Retail Stores*	0.20	per 1,000 sq. ft.
Rooming Houses (no meals)	0.25	per room
Schools (w/o showers and/or pool)*	0.37	per classroom
Schools (with showers and/or pool)*	0.8	per classroom
Senior Citizen Apartments*	0.31	per apartment
Service Stations – gas service	0.50	per pump
Service Stations – with auto repair	1.00	per premise plus 0.15 per stall
Service Stations – with mini mart*	2.0	per 1,000 sq. ft.
Skating Rinks	0.40	per 1,000 sq. ft.
Snack Bars (drive-in)	2.50	per 1,000 sq. ft.
Swimming Pools	3.00	per 1,000 sq. ft.
Single Family Residences	1.00	per residence

Stores (other than specifically listed)	0.25	per 1,000 sq. ft.
Tanning Salons, Nail Salons, Tattoo Parlors*	1.1	per 1,000 sq. ft.
Tennis Clubs	0.08	per member
Tennis or Handball (indoor club)	0.50	per court
Theaters (drive-in)	0.03	per car space
Theaters	0.01	per seat
Tourist Courts (individual bath units)	0.27	per cubicle
Trailer Parks (central bath units)	0.40	per trailer
Veterinary Facilities*	1.00	per veterinarian
Veterinary Facilities with kennel	1.50	per facility plus 0.1 per kennel
Warehouse & Storage	0.05	per 1,000 sq. ft.

** Items marked with an asterisk were either added or updated based on studies of actual usage Statistics performed in 2013.*

Where building size and number of employees are both known, the equivalent factors shall be based on the highest projected flow factor.

Classifications not specifically listed shall be assigned values by the Township, but no facility shall be assigned less than one unit. The methodology used to calculate REUs shall be as set forth in the attached Appendix.

Where multiple businesses exist at one location (shopping centers, hotels with restaurant and or bar facilities, etc.) the various businesses will be combined for equivalents.

In cases of expansion or change of existing water/sewer uses, connection fees shall be levied in accordance with the current connection fee schedule based upon the difference in the current and expanded or changed use.

In cases where an application for water and/or sewer service has been made for property which is contiguous to an existing water and/or sewer special assessment district such water and or sewer service may be granted ***only after the following fees have been paid:***

1. All Connection Fees.
2. An up-front lump-sum capital charge equivalent to the pro-rata share of what would have been the property's assessment costs if the property were in the district, for the remaining term of the assessment. The capital charge will be placed in the debt service fund for future debt service payments on the special assessment. The properties in the special assessment district will have their remaining assessments reduced by their pro-rata share of the capital share.

APPENDIX

Methodology for Calculating REUs

For a Commercial User not Listed in the Equivalent User Table

Step 1 – Obtain Water Usage Data from Similar Facilities in Other Municipalities.

Obtain actual usage data from similar facilities in other municipalities. A minimum of 3 facilities should be evaluated. Request the following information for each facility:

- The number of gallons used over a specific period-for instance (____) gallons used over 90 days. A minimum of 1 years worth of data should be obtained and split into quarters.
 - Data should be from well-established businesses to reflect maximum possible water usage.
 - Meter reads should cover a maximum interval of 90 days (quarterly).
- The size of the building.
 - If deemed more relevant, the number of employees or some other common unit factor can be used.

Step 2 – Determine Average Day Usage During the Peak Quarter (Exclusive of Irrigation).

For each facility in which actual data is obtained, determine the highest quarterly total flow in gallons.

Note – Irrigation should be excluded from this number, so if the summer months show a higher usage do not use that data.

From the peak quarterly data determine the average daily usage by dividing the total flow (in gallons) from the highest quarter by the number of days in the billing cycle.

Step 3 – Determine the Building Usage in REU's.

The assumed Residential Equivalent will be established by the most recent MHOG study of average residential usage, expressed in gallons/day. Per the August 2013 MHOG study of average residential usage within the MHOG system, each residential equivalent is 218 gallons/day, but this number is subject to change pending future studies.

Building Usage in REU's = Average Daily Usage (from Step 2) divided by the Residential

Equivalent as established above.

Step 4 – Calculation of Recommended Unit Factor.

Typically, the REU Factor is calculated per 1,000 square feet of building area. If this is the case, the recommended Unit Factor will be the Building Usage REUs (from Step 3) divided by the proposed building square footage divided by 1000.

Use an average of the sites evaluated (minimum of 3) to determine the recommended unit factor for the proposed facility.

Example:

Auto Parts Supplier:

STEP	Similar Facilities		
	Facility 1: Chattanooga, TN	Facility 2: Lawrence, KS	Facility 3: Little Rock, AK
1 Obtain Water Usage Data	Size: 100,000 sf	Size: 200,000 sf	Size: 180,000 sf
	Usage Data	Usage Data	Usage Data
	Q1: 100,000	Q1: 180,000	Q1: 170,000
	Q2: 151,000	Q2: 192,000	Q2: 165,000
	Q2: 142,000	Q2: 197,000	Q2: 177,000
	Q4: 134,000	Q4: 184,000	Q4: 172,000
	Days: 90	Days: 90	Days: 90
2 Determine Avg. Day Usage for Peak Quarter	Daily Usage = 151,000/90 = 1,668 gal.	Daily Usage = 197,000/90 = 2,189 gal.	Daily Usage = 177,000/90 = 1,967 gal.
3 Determine Building Usage In REUs	Building Usage in REUs = Step 2 Result/218 GPD 1,668/218 = 7.65	Building Usage in REUs = Step 2 Result/218 GPD 2,189/218 = 10.04	Building Usage in REUs = Step 2 Result/218 GPD 1,967/218 = 9.02
4 Recommended Unit Factor	Building REUs/Building SF/1,000 = 7.65 ÷ (100,000/1,000) = 0.08 REU / 1,000 sf	Building REUs/Building SF/1,000 = 10.04 ÷ (200,000/1,000) = 0.05 REU / 1,000 sf	Building REUs/Building SF/1,000 = 9.02 ÷ (180,000/1,000) = 0.05 REU / 1,000 sf
Recommended Factor	Average of 0.08, 0.05, and 0.05 = 0.06 REU / 1,000 sf		

Proposed Howell Facility: 250,000 s.f.

REU Assessment = 0.06 REU / 1,000 sf X 250,000 sf = 15 REUs

Table Adopted 1/13/14