AN ORDINANCE TO PROVIDE FOR THE CONNECTION NOW OR HEREAFTER OF PREMISES TO THE MISSAUKEE SANITARY DRAIN NO. 2 IN THE TOWNSHIP OF CALDWELL, MISSAUKEE COUNTY, MICHIGAN; TO PROVIDE FOR THE LOCATION AND MAINTENANCE OF PUBLIC SANITARY SEWER COMPONENTS ON PRIVATE AND PUBLIC PROPERTY; TO PROVIDE FOR THE IMPOSITION, COLLECTION, AND ENFORCEMENT OF FEES AND CHARGES FOR CONNECTION THERETO AND AVAILABILITY THEREFROM; TO REQUIRE PUBLIC SEWERS AND SEWAGE DISPOSAL FOR PREMISES HEREAFTER OCCUPIED OR PLATTED; AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID SYSTEM AND TO THE USE THEREOF FOR THE PRESERVATION OF THE PUBLIC HEALTH, SAFETY, AND CONVENIENCE.

The Township of Caldwell Ordains:

Section 1.01 Whenever used in this ordinance, except when otherwise indicated by the context:

a) The term "township" shall be construed to mean the Township of Caldwell in the County of Missaukee and the State of Michigan.

b) The term "board" shall be construed to mean the township board of the said township, the legislative and governing body thereof.

c) The term "committee" shall be construed to mean the Missaukee Sanitary Drain No. 2 Sewer Advisory Committee which makes policy recommendations to the public corporations regarding the system.

d) The term "sewage disposal system" shall be construed to mean the Missaukee Sanitary Drain No. 2 located, established, and constructed by the Missaukee County Drainage Board pursuant to Act No. 40 of Public Acts of 1956, as amended.

e) The term "system" shall be deemed to refer to the said sewage disposal system including all sewers, pumps, lift stations, treatment facilities, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

f) The term "available public sanitary sewer" shall be construed to mean a public sanitary sewer located in a right-of-way, easement, highway, street, or public way which crosses, adjoins, or abuts upon property in the township and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.
g) The term "structure in which sanitary sewage originates" or "structure shall be construed to mean a building in which toilet, kitchen, laundry, bathing, or other facilities that generate water-carried sanitary sewage are used or are available for use for household, commercial, industrial, or other purposes.

h) The term "sewage disposal services" shall be deemed to refer to the collection, transportation, treatment, and disposal of sanitary sewage originating now or hereafter in a structure, and shall, where appropriate, include the maintenance of all facilities of the system.

i) The term "unit" or "units" shall be related to the quantity of sanitary sewage ordinarily arising from the occupancy of a structure by a single family of ordinary size and the benefit derived therefrom and shall be defined or determined from time to time by the township board after consultation with the consulting engineers for the township and the county. Said determination of units shall be based upon the studies made relative to the quantity of sewage generated by and the benefit derived from different types of use and occupancy of premises and shall be kept up to date and revised as needed as new studies are made and through experience gained by the township and county in actual operation.

j) The term "trunkage charge" shall be deemed to mean the amount charged on a per unit basis at the time and in the amount hereinafter provided to each premises for connecting or being connected to the sewage disposal system and represents the charge to the premises for the cost of constructing the trunk sewer main facilities, lift stations, sewage treatment facility, and other public sewage system appurtenances located on public property by which sewage disposal services are immediately provided to the premises.

k) The term "availability charge" shall be deemed to mean the amount charged at the time and in the amount hereinafter provided to each premises for the availability to directly serve said premises by the collection system by which sewage originating in structures on the premises is transported therefrom and treated in the public facilities of the system and represents the proportionate cost allocable to such premises for the sewage collection services made directly available to and on the premises and the general benefit derived therefrom.

l) The term "charges for sewage disposal services" or "service charges" shall be deemed to mean the amount charged to each premises for sewage disposal services, which may include a debt service factor.

m) The term "inspection and approval fee" shall be deemed to mean the amount charged to each applicant by the township to connect said premises to the system to cover the cost of inspecting and approving the physical connection to the system and the issuance of a connection permit.
n) The term "connection permit" shall be deemed to mean the permit required to be obtained by the property owner prior to connecting said premises to the system.

o) The term "premises" shall be deemed to mean the lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the township as a single, taxable item in the name of the taxpayer or taxpayers at one address.

p) The term "STEP system" shall mean a septic tank, effluent pump, and controls into which a building sewer directly discharges and includes the service pipe connecting to the valve and lateral and shall be considered a part of the public sewer even though located on private property.

q) The term "grinder system" shall mean a grinder pump and controls, etc., into which a building sewer directly discharges and includes the service pipe connecting to the valve and lateral and shall be considered a part of the public sewer even though located on private property.

r) The term "building sewer" shall mean the buried piping from outside a structure to the sewer main for a gravity system and from outside a structure to a STEP tank or grinder pump vault for a pressure system.

s) The term "township" shall mean Caldwell Township.

t) The term "system operator" shall mean the agent of the township designated as being responsible for the operation of the sewage works.

u) The term "qualified contractor" shall be deemed to mean a licensed contractor that is bonded and insured and has been prequalified and approved and licensed through the Sewer Advisory Committee to make installations and connection to the sewer system.

Section 1.02 Public sanitary sewage disposal systems are essential to the health, safety, and welfare of the people of the state and the township. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety, and welfare; presents a potential for ill health, transmission of disease, mortality, and potential economic blight; and constitutes a threat to the quality of surface and subsurface waters of the state and the township. The connection to available public sanitary sewage disposal systems at the earliest, reasonable date is a matter for the protection of the public health, safety, and welfare and necessary in the public interest, which is declared as a matter of legislative determination.
Section 1.03 In accordance with and to implement and make effective the terms and provisions of Act No. 368 of Michigan Public Acts of 1978, as amended, it is hereby determined and ordained that all premises served by the system on which a structure is located or structures in which sanitary sewage originates and to which there is an available public sanitary sewer system, all is defined and provided in said Act No. 368, shall be connected to said public sanitary system. The facilities of the system, including any STEP system components, service pipe, valve, or stub, as well as the sewer forcemain, pumping stations, and sewage treatment facilities are each and all hereby found determined and ordained to be components, elements, and essential parts of a public sanitary sewer system as defined and provided in said Act No. 368 and in this Ordinance and to which connection of premises in this township if hereby mandated and required at such time as the existing septic tank or tile field serving said premises is not adequate or is not working satisfactorily, connection is required in lieu of repair; or, in any event, within 10 years after the completion of the respective sanitary drains as stated in Section 3.01.

Section 2.01 The said system shall be used for the collection and transportation of sanitary sewage only. Downspouts, footing drains, weep tile, or any conduit that carries stormwater or groundwater, alone or in combination with sanitary sewage shall not be connected to the system, directly or indirectly. Industrial and commercial waste shall be discharged into the system only in compliance with the standards and regulations of the township or county.

Section 3.01 Structures in which sanitary sewage originates served by the system for which there is an available public sanitary sewer of the system shall not be used or occupied after the effective date hereof unless said structures are connected to the sewage disposal system: Provided, that structures in which sanitary sewage is originating on the effective date hereof, or in which sanitary sewage originates before availability of the system, or any part thereof to serve said structures shall be connected to said system within 10 years after completion of the system serving the premises, and after publication of a notice by the township in The Missaukee Sentinel, a newspaper of general circulation in the township, of the availability of the system, but in any event on or before the following dates:


Plats for premises in the area served by the system subdivided into three or more lots or parcels, after the effective date hereof, shall not be approved on behalf of the township and none of said lots or parcels shall be improved by the erection of a structure thereon unless STEP, grinder, or gravity sewer service is provided at owner's expense and service laterals to serve all of said lots or parcels and to connect same to the system are available as part of the system or shall be installed at private cost (or the estimated cost thereof deposited with the township) in the manner, size, and location approved by the township.
Section 3.02 Owners of premises within the area of the township served by the system as of the effective date of this ordinance shall pay the following charges:

a) Trunkage Charge: A trunkage charge of $2,300 per unit until December 31, 1995. The trunkage charge shall escalate at $100 per year commencing on January 1, 1996, and annually thereafter on January 1st, provided the maximum trunkage charge shall not exceed $3,200.

b) Availability Charge: An availability charge of $1,300 per pressure sewer connection and $3,000 per gravity sewer connection per unit until December 31, 1995. These charges shall each escalate at $50 per year commencing on January 1, 1996, and annually thereafter on January 1st, provided the maximum charge shall not exceed $1,750 for a pressure sewer connection and $3,450 for a gravity sewer connection.

c) Connection Charge: A connection charge of $500 per unit until December 31, 1995. The connection charge shall escalate at a rate of $25 per year commencing January 1, 1996, and annually thereafter on January 1st, provided maximum connection charge shall not exceed $725.

The owner of premises listed on the Caldwell Township Special Assessment Roll for the Missaukee Sanitary Drain No. 2 shall be given a credit against the charges specified in Section 3.02 equal to the amount levied on the roll and said charges will be considered paid at the time the roll was confirmed.

The trunkage, availability, and connection charge provided above shall be paid in cash at the time a connection permit is issued, if not listed on the Special Assessment Roll.

Section 3.03 Owners of structures on premises not now within the area in the township served by the system, which are hereafter connected directly to the system or indirectly to the system or through other public or private sewers, hereafter constructed in any area in the township hereafter to be served by the system, shall pay the trunkage and/or availability charges specified in Section 3.02 in cash at the time of entering into an access permit and service agreement and payment of any inspection fees, which fees shall be in addition to any other fee or charge paid or being paid hereunder with respect to said premises.

Section 3.04 The number of units to be assigned to any particular premises used for other than single-residence purposes or having a size greater than 150-foot frontage by 200 feet deep shall be determined by the township board. Said township board, if the circumstances justify, may assign more than one unit to a single-family dwelling. No less than one unit shall be assigned to each premises but for purposes of computing the connection fee; units in excess of one may be computed and assigned to the nearest hundredth.
Once any premises has been connected to the system and has been assigned one or more units, subsequent changes in the character of the use or type of occupancy of said premises (including destruction, removal, or abandonment of any or all improvements thereon) shall not abate the obligation to continue the payment of all charges to said premises for the amount and for the period hereinabove provided for the number of units assigned to said premises at the time of connection. If subsequent changes at any time increase the amount of sanitary sewage emanating from the premises; and, thereupon, a trunkage fee shall be charged as specified in Section 3.02 and Section 3.03 for the additional units and shall be payable in cash at the time a construction or other permit is issued by the township for such changes in use or at the time such change in use occurs if no permit is issued or required.

Section 3.05 Charges for sewage disposal services to each premises within the township connected with the sewage disposal system shall be thirty-three ($33) dollars per quarter per unit and may be amended from time to time by the committee but subject to any obligations and limitations set forth in the contract between the township and the county entered into to finance acquisition of the system and providing for the operation and maintenance thereof. Zero ($0) dollars per quarter per unit of the service charge to be allocated to debt service.

Bills will be rendered quarterly on the 1st day of March, June, September, and December and shall be payable within 30 days. A penalty of 10 percent of the amount of the bill shall be charged for late payment.

Section 3.06 No free service shall be furnished by the township to any person, firm, or corporation, public or private, or to any public agency or instrumentality.

Section 4.01 All persons utilizing the system shall comply with the Caldwell Township Drain No. 2 Sewer Rate and Use Ordinance, Ordinance No. _____, as amended.

Section 4.02 All costs and expense incidental to the installation and connection of the building sewer, the septic tank, and effluent pumping system (STEP unit), or grinder system, and service pipe to the public sewer for premises connecting to the public system after the original construction shall be borne by the owner. The owner shall indemnify the township for or against any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer, STEP or grinder system, or stub.

Section 4.03 Existing building sewers may be used only when they are found, on examination and test by the township, or by the system operator, to meet all requirements of this ordinance.

Section 4.04 The size, slope, alignment, and materials for construction of a building sewer and the STEP unit, and the methods to be used in excavating, placing of the pipe, wet well, pumping controls, and jointing, testing, and backfilling, shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the township or of the system operator. In the absence of code provisions or in amplification
thereof, the American Society for Testing Materials (A.S.T.M.) and the Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9 shall all apply.

Section 4.05 Existing septic tanks may not be used as elements of the STEP unit without examination and testing by the township or system operator and modified by the property owner to meet all requirements of this ordinance.

Section 4.06 The connection of the building sewer and STEP unit into the service lateral and the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the township, or the county or the procedures set forth in appropriate specifications which shall require that the connections shall be made gastight and watertight.

Only a "qualified contractor" approved by the Sewer Advisory Committee and licensed through said committee will be allowed to make connection to the sewer system.

Any deviation from the prescribed procedures and materials must be approved by the township or the system operator.

Section 4.07 The applicant for the connection permit shall notify the system operator when the building sewer and STEP unit are ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the system operator.

No connection shall be made or permitted to be made to any of the sewer of the system without obtaining a connection permit.

No connection shall be made that discharges or causes to be discharged any stormwater, surface water, groundwater, roof runoff, or subsurface drainage to any public sewer.

Grease, oil, and sand interceptors shall be provided by the owner when, in the opinion of the township, they are necessary for the proper handling of liquid wastes, sand, or other harmful ingredients. All such 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 by the owner or occupant of the premises served thereby.

No connection shall be made that discharges waters or wastes containing substances which clog or damage the STEP system, the grinder pump system, the collection system, or the sewage treatment facility. Such substances include, but are not limited to, the following: Explosive or flammable liquids, solids or gases; improperly shredded garbage (greater than 1/2 inch in size); insoluble solid or viscous substances such as sand, straw, metal shavings, glass, tar, feathers, plastics, wood, hair, fleshings, grease, oil, wax, or clothing.
No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the public sewer.

Section 4.08 All excavating for building sewer and STEP unit installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the township.

Section 5.01 The township and its duly authorized employees or contractors, bearing proper credentials and identification, shall be permitted to enter upon all premises for the purpose of constructing, operating, and maintaining the STEP or grinder pump units and for inspection, measurement, sampling, and testing in accordance with the provisions of this ordinance and the Caldwell Township Drain No.2 Sewer Rate and Use Ordinance.

Section 6.01 At the time of original construction of the sewage disposal system, the township shall install the collecting sewers.

The owner shall install, at his expense, in strict accordance with township regulations and specifications, the building sewer to the STEP unit, the STEP unit, and the service lead forcemain connecting to the designated access point at the collecting sewer, together with all appurtenances or the building sewer to the service lateral for the gravity system. At the time of connection to the system, the STEP unit and service lead forcemain shall become part of the public sewer and shall be operated, maintained, and replaced, if necessary, by the township.

The owner shall install and maintain, at his expense, the building sewer. The owner shall also provide power for the pump and pay power costs for operating the pump. The township shall have a right of access to the STEP unit and service lead forcemain for purposes of operation and maintenance.

Section 6.02 The township shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service caused by the breaking of machinery, stoppages, or necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption; provided, however, the township shall be responsible for restoring to its original condition any premises disturbed by the construction, operation, or maintenance of the STEP unit or service pipe, valve, or stub.

Section 6.03 All premises served by the system from which sanitary sewage hereafter originates shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the township or of the county.

Section 7.01 Any trunkage charge, availability fee, or service stub charge not paid on or before the due date, as hereinabove provided, shall accrue interest at the rate of 1 percent per month until paid.
Section 7.02 Charges imposed on any premises for the use and benefit of the system and for sewage disposal services furnished by the system, including any trunkage charge, availability charge, and service charges imposed upon such premises under the provisions of this ordinance, shall be a lien thereon as such fees or charges become due and payable; and, on the 1st of September of each year, the township treasurer shall certify any unpaid charges which have been delinquent 30 days or more, together with penalties and interest accrued thereon, plus an additional amount of 6 percent of the aggregate amount to the township board which shall cause such delinquent amount to be entered upon the next December 1 tax roll against the premises in respect of which such unpaid charges shall have been imposed and such delinquent amount shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

Section 7.03 In addition to the remedies elsewhere provided for herein, the provisions of this ordinance shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction. Any violation of this ordinance shall be deemed to be a nuisance per se.

Section 7.04 Any person, firm, or corporation who shall dispose of sewage in a manner contrary to the provisions of this ordinance or in any other way shall violate the provisions of this ordinance shall be guilty of a misdemeanor; and, upon conviction therefor, shall be subjected to a fine not to exceed $500 or imprisonment in the county jail for a period not exceeding 90 days or both such fine and imprisonment in the discretion of the court, together with costs of such prosecution.

Section 7.05 Any individual violating any of the provisions of this ordinance, which results in fines or penalties being levied against the township or county shall become liable for said fine or penalty, plus any expenses, loss or damage occasioned by such violation. This fine or penalty, plus expenses, would be levied in addition to the fine identified in Section 7.04 of this article.

Section 8.01 This ordinance shall be known and may be cited as the Missaukee Sanitary Drain No. 2 Sewer Rate and Use Ordinance.

Section 8.02 Each section of this ordinance is declared to be severable and should any section or provision be declared unconstitutional or invalid by final judgment of a court of competent jurisdiction, such constitutionality or invalidity shall not affect the validity of the ordinance as a whole or any other part thereof.

Section 8.03 All other ordinances and resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed.
Section 8.04 The township specifically reserves the right to amend this ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment or repeal to abandon, increase, decrease, or otherwise modify any of the fees, charges, or rates herein provided, it being understood, however, that the adoption of this ordinance or its subsequent amendment or repeal shall in no way change, relieve, or release any obligation of the township to make any required payments pursuant to contract with the county. This ordinance shall otherwise not be deemed to be a part of any contractual obligation or bond contract pertaining to said system.

Section 8.05 This ordinance is hereby declared to be an emergency ordinance, which is immediately necessary for the preservation of the public peace, health, and safety and shall become effective immediately upon publication in full in The Missaukee Sentinel, a newspaper published and circulated in said township.

Made and passed by the township board of the Township of Caldwell, County of Missaukee, Michigan, this 20th day of October, 1994.

Nancy Wilson, Clerk

Dan Mills, Supervisor

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 20th day of October, 1994.
AN ORDINANCE TO PROVIDE FOR THE CONNECTION, USE AND MAINTENANCE THEREOF, AND THE AVAILABILITY THEREOF FROM, TO REQUIRE PUBLIC SEWERS AND SEWAGE DISPOSAL SERVICES AND APPURTENANCES THEREOF, AND TO PROVIDE FOR THE LEGISLATIVE AND GOVERNING BODY OF THE TOWNSHIP OF CALDWELL, MISSAUKEE COUNTY, MICHIGAN, TO PROVIDE FOR THE LOCATION AND MAINTENANCE OF PUBLIC SANITARY SEWER COMPONENTS ON PRIVATE AND PUBLIC PROPERTY, TO PROVIDE FOR THE IMPROVEMENT, CONSTRUCTION, AND ENFORCEMENT OF FEES AND CHARGES FOR CONNECTION THERETO AND AVAILABILITY THEREOF, AND TO REQUIRE PUBLIC SEWERS AND SEWAGE DISPOSAL SERVICES AND APPURTENANCES THEREOF TO BE RELATED TO THE OCCUPANCY OF A STRUCTURE, AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID SYSTEM AND TO THE USE THEREOF FOR THE PREVENTION OF THE POLLUTION OF THE PUBLIC HEALTH, SAFETY, AND CONVENIENCE.

The Township of Caldwell Ordinances:
Section 1.01 Whenever used in this ordinance, except when otherwise indicated by the context:
A) The term "township" shall be construed to mean the Township of Caldwell in the County of Missaukee and the State of Michigan.
B) The term "board" shall be construed to mean the township board of the said township, the legislative and governing body thereof.
C) The term "committee" shall be construed to mean the Missaukee Sanitary Drain No. 2 Sewer Advisory Committee which makes policy recommendations to the public corporations regarding the system.
D) The term "sewage disposal system" shall be construed to mean the Missaukee Sanitary Drain No. 2 located, established, and constructed by the Missaukee County Drainage Board pursuant to Act No. 40 of Public Acts of 1956, as amended.
E) The term "system" shall be construed to mean the said sewage disposal system including all sewers, pumps, lift stations, treatment facilities, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.
F) The term "available public sanitary sewer" shall be construed to mean a public sanitary sewer located in a right-of-way, easement, on a property, or public way which crosses, adjoins, or abuts upon property in the township and passing not more than 200 feet at the nearest point from a structure in which sanitary sewer originates.
G) The term "structure in which sanitary sewage originates" or "structure" shall be construed to mean a building in which toilet, kitchen, laundry, bathing, or other facilities that generate water-carried sanitary sewage are used or are available for use for household, commercial, industrial, or other purposes.
H) The term "sewage disposal services" shall be deemed to refer to the collection, transportation, treatment, and disposal of sanitary sewage originating now or hereafter to a structure, and shall, where appropriate, include the maintenance of all facilities of the system.
I) The term "unit" or "units" shall be related to the quantity of sanitary sewage ordinarily arising from the occupancy of a structure by a single family of ordinary size and the benefit derived therefrom and shall be defined or determined from time to time by the township board after consultation with the consulting engineers for the township and the county. Said determination of units shall be based upon the studies made relative to the quantity of sewage generated by and the benefit derived from different types of use and occupancy of premises and shall be kept up to date and revised as needed as new studies are made through experience gained by the township and county in actual operation.
J) The term "trunkage charge" shall be deemed to mean the amount charged on a per unit basis at the time and in the amount hereinafter provided to each premises for connecting or being connected to the sewage disposal system and represents the charge to the premises for the cost of constructing the trunk sewer main facilities, lift stations, sewage treatment facilities, and other public sewage system appurtenances located on public property by which sewage disposal services are immediately provided to the premises.
K) The term "availability charge" shall be deemed to mean the amount charged at the time and in the amount hereinafter provided to each premises for the availability to directly serve said premises by the collection system by which sewage originating in structures on the premises is transported thereto and in the public facilities of the system and represents the equivalent cost allocable to such premises for the sewage collection services made directly available to and on the premises and the general benefit derived therefrom.
L) The term "charges for sewage disposal services" or "service charges" shall be deemed to mean the amount charged to each premises for sewage disposal services, which may include a debt service factor.
M) The term "inspection and approval fee" shall be deemed to mean the amount charged to each applicant by the township to connect said premises to the system to cover the cost of inspecting and approving the physical connection to the system and the issuance of a connection permit.
N) The term "connection permit" shall be deemed to mean the permit required to be obtained by the property owner prior to connecting said premises to the system.
O) The term "premises" shall be deemed to mean the lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the township as a single, taxable item in the name of the taxpayer or taxpayers at one address.
P) The term "STEP system" shall mean a septic tank, effluent pump, and control into which a building sewer directly discharges and includes the service pipe connecting to the valve and lateral and shall be considered a part of the public sewer even though located on private property.
Q) The term "grinder system" shall mean a grinder pump and controls, etc., into which a building sewer directly discharges and includes the service pipe connecting to the valve and lateral and shall be considered a part of the public sewer even though located on private property.
R) The term "building sewer" shall mean piping from outside a structure to the sewer main for a gravity system and from outside a structure to a STEP tank or grinder pump vault for a pressure system.
S) The term "township" shall mean Caldwell Township.
T) The term "system operator" shall mean the agent of the township designated as being responsible for the operation of the sewage works.
U) The term "qualified contractor" shall be deemed to mean a licensed contractor that is bonded and insured and has been prequalified and approved and licensed through the Sewer Advisory Committee to make installations and connection to the sewer system.

Section 1.02 Public sanitary sewage disposal systems are essential to the health, safety, and welfare of the people of the state and the township. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety, and welfare; presents a potential for ill health, transmission of disease, mortality, and potential economic blight; and constitutes a threat to the quality of surface and subsurface waters of the state and the township. The connection to available public sanitary sewage disposal systems at the earliest, reasonable date is a matter for the protection of the public health, safety, and welfare and necessary in the public interest, which is declared as a matter of legislative determination.

Section 1.03 In accordance with and to implement and make effective the terms and provisions of Act No. 368 of Michigan Public Acts of 1978, as amended, it is hereby determined and ordained that all premises served by the system on which a structure is located or structures in which sanitary sewage originates and to which there is an available public sanitary sewer system, all is defined and provided in said Act No. 368, shall be connected to said public sanitary system. The facilities of the system, including any STEP system components, service pipe, valve, or stub, as well as the sewer forecourt, pumping stations, and sewage treatment facilities are each and all hereby found determined and ordained to be components, elements, and essential parts of a public sanitary sewer system as defined and provided in said Act No. 368 and in this Ordinance and to which connection of premises in this township if hereby mandated and required at such time as the

continued from page 11

existing septic tank or tile field serving said premises is not adequate or is not working satisfactorily, connection is required in lieu of repair; or, in any event, within 10 years after the completion of the respective sanitary drains as stated in Section 3.01.

Section 2.01 The said system shall be used for the collection and transportation of sanitary sewage only. Downspouts, footing drains, weep tile, or any conduit that carries stormwater or groundwater, alone or in combination with sanitary sewage shall not be connected to the system, directly or indirectly. Industrial and commercial waste shall be discharged into the system only in compliance with the standards and regulations of the township or county.

Section 3.01 Structures in which sanitary sewage originates served by the system for which there is an available public sanitary sewer of the system shall not be used or occupied after the effective date hereof unless said structures are connected to the sewage disposal system. Provided, that structures in which sanitary sewage is originating on the effective date hereof, or in which sanitary sewage originates before availability of the system, or any part thereof to serve said structures shall be connected to said system within 10 years after completion of the system serving the premises, and after publication of a notice by the township in The Missaukee Sentinel, a newspaper of general circulation in the township, of the availability of the system, but in any event on or before the following dates:

• Missaukee Sanitary Drain No. 2 – October 1, 2004.

Plots for premises in the area served by the system subdivided into three or more lots or parcels at the effective date hereof, shall not be approved on behalf of the township and none of said lots or parcels shall be improved by the erection of a structure thereon unless STEP, grinder, or gravity sewer service is provided at owner's expense and service laterals to serve all of said lots or parcels and to connect same to the system are available as part of the system or shall be installed at private cost (or the estimated cost thereof deducted with the township) in the manner, size, and location approved by the township.

Section 3.02 Owners of premises within the area of the township served by the system as of the effective date of this ordinance shall pay the following charges:

A) Trunkage Charge: A trunkage charge of $2,300 per unit until December 31, 1995. The trunkage charge shall escalate at a rate of $25 per year commencing January 1, 1996, and annually thereafter on January 1st, provided the maximum trunkage charge shall not exceed $3,200.

B) Availability Charge: An availability charge of $1,300 per pressure sewer connection and $3,000 per gravity sewer connection per unit until December 31, 1995. These charges shall each escalate at $50 per year commencing January 1, 1996, and annually thereafter on January 1st, provided the maximum availability charge shall not exceed $1,750 for a pressure sewer connection and $3,450 for a gravity sewer connection.

C) Connection Charge: A connection charge of $500 per unit until December 31, 1995. The connection charge shall escalate at a rate of $25 per year commencing January 1, 1996, and annually thereafter on January 1st, provided maximum connection charge shall not exceed $725.

The owner of premises listed on the Caldwell Township Special Assessment Roll for the Missaukee Sanitary Drain No. 2 shall be given a credit against the charges specified in Section 3.02 equal to the amount levied on the roll and said charges will be considered paid at the time the roll will be confirmed.

The trunkage, availability, and connection charge provided above shall be paid in cash at the time a connection permit is issued, if not listed on the Special Assessment Roll.

Section 3.03 Owners of structures on premises not now within the area in the township served by the system, which are hereafter connected directly to the system or indirectly to the system or through other public or private sewers, hereafter constructed in any area in the township hereafter served by the system, shall pay the trunkage and/or availability charges specified in Section 3.02 in cash at the time of entering into an access permit and service agreement and payment of any inspection fees, which fees shall not exceed in addition to any other fee or charge paid or being paid hereunder with respect to said premises.

Section 3.04 The number of units to be assigned to any particular premises used for other than single-residence purposes or having a size greater than 150-foot frontage by 200 feet deep shall be determined by the township board. Said township board, if the circumstances justify, may assign more than one unit to a single-family dwelling. No less than one unit shall be assigned to each premises but for purposes of computing the connection fee; units in excess of one may be computed and assigned to the nearest hundred.
Once any premises has been connected to the system and has been assigned one or more units, subsequent changes in the character of the use or type of occupancy of said premises (including destruction, removal, or abandonment of any or all improvements thereon) shall cancel the obligation to continue the payment of all charges to said premises for the amount and for the period hereinabove provided for the number of units assigned to said premises at the time of connection. If subsequent changes at any time increase the amount of sanitary sewage emanating from the premises; and, thereupon, a trunkage fee shall be charged as specified in Section 3.02 and Section 3.03 for the additional units and shall be payable in cash at the time any construction or other permit is issued by the township for such changes in use or at the time such change in use occurs if no permit is issued or required.

Section 3.05 Charges for sewage disposal services to each premises. A premises within the township connected with the sewage disposal system shall be thirty-three ($33) dollars per quarter per unit and may be amended from time to time by the committee but subject to any obligations and limitations set forth in the contract between the township and the county entered into to provide for the financial assistance to the system. The owner or occupant of the premises (including the owner or occupant of the premises) shall be responsible for the payment of these charges and for the period hereinabove provided for the number of units assigned to said premises at the time of connection. If subsequent changes at any time increase the amount of sanitary sewage emanating from the premises; and, thereupon, a trunkage fee shall be charged as specified in Section 3.02 and Section 3.03 for the additional units and shall be payable in cash at the time any construction or other permit is issued by the township for such changes in use or at the time such change in use occurs if no permit is issued or required.

Section 4.03 Existing building sewers may be used only when they are found, on examination and test by the township, or by the system operator, to meet all requirements of this ordinance.

Section 4.04 The size, slope, alignment, and materials for construction of a building sewer and the STEP unit, and the methods to be used in excavating, placing of the pipe, wet well, pumping controls, and jolting, testing, and backfilling, shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the township or of the system operator. In the absence of code provisions or in amplification thereof, the American Society for Testing Materials (A.S.T.M.) and the Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9 shall all apply.

Section 4.05 Existing septic tanks may not be used as elements of the STEP unit without examination and testing by the township or system operator and modified by the township or system operator to meet all requirements of this ordinance.

Section 4.06 The connection of the building sewer and STEP unit into the service lateral and the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the township, or the county or the procedures set forth in appropriate specifications which shall require that the connections shall be made gas tight and watertight.

Only a "qualified contractor" approved by the Sewer Advisory Committee and licensed through said committee will be allowed to make connection to the sewer system.

Any deviation from the prescribed procedures and materials must be approved by the township or the system operator.

Section 4.07 The applicant for the connection permit shall notify the system operator when the building sewer and STEP unit are ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the system operator.

No connection shall be made or permitted to be made to any of the sewer of the system without obtaining a connection permit.

No connection shall be made that discharges or causes to be discharged any stormwater, surface water, groundwater, roof runoff, or subsurface drainage to any public sewer.

Grease, oil, and sand interceptors shall be provided by the owner when, in the opinion of the township, they are necessary for the proper handling of liquid wastes, sand or other harmful ingredients.

All such interceptors shall be of type and capacity approved by the township and shall be located to be readily and easily accessible for cleaning and inspection by the owner or occupant of the premises served thereby.

No connection shall be made that discharges waters or wastes containing substances which clog or damage the STEP system, the grinder pump system, the collection system, or the sewage treatment facility. Such substances include, but are not limited to, the following: Explosive or flammable liquids, solids or gases; improperly shredded garbage (greater than 1/2 inch in size), insoluble solid or viscous substances such as sand, straw, metal shavings, glass, tar, feathers, plastics, wood, hair, fleshings, grease, oil, wax, or clothing. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the public sewer.

Section 4.08 All excavating for building sewer and STEP unit installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the township.

Section 5.01 The township and its duly authorized employees or contractors, bearing proper credentials and identification, shall be permitted to enter upon all premises for the purpose of constructing, operating, and maintaining the STEP or grinder pump units for inspection, measurement, sampling, and testing in accordance with the provisions of this ordinance and the Caldwell Township Drain No. 2 Sewer Rate and Use Ordinance.

Section 6.01 At the time of original construction of the sewage disposal system, the township shall install the collecting sewers. The owner shall install, at his expense, in strict accordance with township regulations and specifications, the building sewer and the STEP unit, the collection system, the sewer service lead, and the grinder pump system, the collection system, or the sewage treatment facility. Such substances include, but are not limited to, the following: Explosive or flammable liquids, solids or gases; improperly shredded garbage (greater than 1/2 inch in size), insoluble solid or viscous substances such as sand, straw, metal shavings, glass, tar, feathers, plastics, wood, hair, fleshings, grease, oil, wax, or clothing. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the public sewer.
Section 6.02 The township shall, in no event, be held responsible for claims made against it by reason ofbreaking of machinery, stoppages, or necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption; provided, however, the township shall be responsible for restoring to its original condition any premises disturbed by the construction, operation, or maintenance of the STEP unit or service pipe, valve, or stub.

Section 6.03 All premises served by the system from which sanitary sewerage hereafter originates shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the township or the county.

Section 7.01 Any charge, availability fee, or service stub charge not paid on or before the due date, as hereinabove provided, shall accrue interest at the rate of 1 percent per month until paid.

Section 7.02 Charges imposed on any premises for the use and benefit of the system and for sewage disposal services furnished by the system, including any trunkage charge, availability charge, and service charges imposed upon such premises under the provisions of this ordinance, shall be a lien thereon as such fees or charges become due and payable; and, on the 1st of September of each year, the township treasurer shall certify any unpaid charges which have been delinquent 30 days or more, together with penalties and interest accrued thereon, plus an additional amount of 6 percent of the aggregate amount to the township board which shall cause such delinquent amount to be entered upon the next December 1 tax roll against the premises in respect of which such unpaid charges shall have been imposed and such delinquent amount shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

Section 7.03 In addition to the remedies elsewhere provided for herein, the provisions of this ordinance shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction. Any violation of this ordinance shall be deemed to be a nuisance per se.

Section 7.04 Any person, firm, or corporation who shall dispose of sewage in a manner contrary to the provisions of this ordinance or in any other way shall violate the provisions of this ordinance shall be guilty of a misdemeanor; and, upon conviction therefore, shall be subjected to a fine not to exceed $500 or imprisonment in the county jail for a period not exceeding 90 days or both such fine and imprisonment in the discretion of the court, together with costs of such prosecution.

Section 7.05 Any individual violating any of the provisions of this ordinance, which results in fines or penalties being levied against the township or county shall become liable for said fine or penalty, plus any expenses, loss or damage occasioned by such violation. This fine or penalty, plus expenses, would be levied in addition to the fine identified in Section 7.04 of this ordinance.

Section 8.01 This ordinance shall be known and may be cited as the Missaukee Sanitary Drain No. 2 Sewer Rate and Use Ordinance.

Section 8.02 Each section of this ordinance is declared to be severable and should any section or provision be declared unconstitutional or invalid by final judgement of a court of competent jurisdiction, such constitutionality or invalidity shall not affect the validity of the ordinance as a whole or any other part thereof.

Section 8.03 All other ordinances and resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed.

Section 8.04 The township specifically reserves the right to amend this ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment or repeal or abandon, increase, decrease, or otherwise modify any of the fees, charges, or rates herein provided, it being understood, however, that the adoption of this ordinance or its subsequent amendment or repeal shall in no way change, relieve, or release any obligation of the township to make any required payments pursuant to contract with the county. This ordinance shall otherwise not be deemed to be a part of any contractual obligation or bond contract pertaining to said system.

Section 8.05 This ordinance is hereby declared to be an emergency ordinance, which is immediately necessary for the preservation of the public peace, health, and safety and shall become effective immediately upon publication in full in The Missaukee Sentinel, a newspaper published and circulated in said township.