ORDINANCE NO. 10A

AN ORDINANCE TO AMEND THE MISSAUKEE SANITARY DRAIN NO. 2 SEWER RATE AND USE ORDINANCE (ORDINANCE NO. 10)

THE TOWNSHIP OF LAKE (MISSAUKEE COUNTY, MICHIGAN) Ordains:

Section 1. Amendment of Section 1.01.

Section 1.01 of Ordinance No. 10 is amended to add subsection (v) to read as follows:

(v) "debt service factor" or "debt service charge" shall mean that charge established by the township board pursuant to Section 3.05 of Ordinance No. 10, as amended, imposed on users of the system to pay principal, interest and administrative costs of retiring debt incurred for the construction of improvement of the system, including amounts necessary to repay advances from the township general fund utilized to pay or pre-pay principal, interest and administrative costs of such debt.

Section 2. Amendment of Section 3.02.

Section 3.02 of Ordinance No. 10 is amended to read as follows:

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, (b) an Availability Charge, (c) Service Charges, and (d) a Debt Service Charge, in the amounts established by the township board from time to time in accordance with this ordinance, as amended.

The Trunkage and Availability Charges imposed pursuant to this Section shall be paid in cash at the time a connection permit is issued.

The township board may, by resolution, establish that owners of premises listed on a special assessment roll shall be given a credit against the Trunkage and Availability Charges specified herein equal to the amount levied on the roll and said charges will be considered paid at the time the roll was confirmed.

Section 3. Amendment of Section 3.05.

Section 3.05 of Ordinance No. 10 is amended to read as follows:

3.05 (a) Charges for sewage disposal services provided to each premises within the township connected to the sewage disposal system shall be established by resolution of the Township Board and may be revised from time to time by the Township Board, subject only to any obligations and limitations set forth in the contract between the township and the County entered into to finance acquisition of the system.

(b) Charges for sewage disposal services shall be billed on a quarterly basis on the 1st day of March, June, September, and December and shall be payable within 30 days. Notwithstanding the foregoing sentence, the Township Board at its sole discretion may determine, by resolution, that the Debt Service Charge shall be payable on an annual basis with the Township December 1 tax bill that is due on the last day of February, or according
to any other schedule authorized by law, and such charge shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such premises. A penalty of ten percent (10%) of the amount of the bill for charges for sewer services shall be charged for any payment received after the due date specified above.

Section 4. Amendment of Section 7.02.

Section 7.02 of Ordinance No. 10 is amended to read in its entirety as follows:

7.02 Pursuant to Act 178 of the Public Acts of Michigan of 1939, as amended, 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 services charged (including a debt service) 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 thirty (30) or more days, together with penalties and interest accrued thereon, plus an additional amount of 5 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 5. Amendment of Section 8.04.

Section 8.04 of Ordinance No. 10 is amended to read in its entirety as follows:

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. Rates, charges and fees established by this ordinance or any resolution adopted by the township board pursuant to Section 3.05 of this ordinance, as amended, may be repealed, increased, decreased, or otherwise modified by resolution of the township board. It being understood, however, that any amendment to this ordinance or any resolution establishing, repealing, or otherwise modifying any rate, charge or fee shall in no way change, relieve, or release any obligation of the township to make any required payments pursuant to the 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 6. Publication and Recording. A true copy or summary of this Ordinance shall be published once in a newspaper of general circulation within the boundaries of the Township of Lake qualified under State law to publish legal notices, within thirty (30) days after its adoption and the same shall be recorded in the minutes of the Township Board of the meeting at which this Ordinance was adopted and, in addition shall be recorded in the Ordinance Book of the Township.

Section 7. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its publication as provided by law.

Passed and adopted by the Township Board of the Township of Lake, County of Missaukee, Michigan, on October 9, 2003, and ap-