

TOWNSHIP OF BERGLAND
ONTONAGON COUNTY, MICHIGAN
SANITARY SEWER RATES & FEES

ORDINANCE NO. 5A

This is an Ordinance for the regulation of rates and fees and the spreading of the cost of the sanitary sewer system among its users for protection of the public health and safety of the citizens. Protection of the environment, natural resources and the recreational economy of the Township.

The Township of Bergland Ordains:

ARTICLE 1

TITLE, PURPOSE AND DEFINITIONS

SECTION 1. TITLE

A. This Ordinance shall be known as The Bergland Township - Lake Gogebic Sewer Rate Ordinance.

SECTION 2. PURPOSE

A. This Ordinance is to provide regulation for the user rates, fees and charges to the public which have private sewers and drains connected to the public sanitary sewer system.. This ordinance shall establish rates and fees that will allow sufficient funds to repay the debt on the system, provide for operation and maintenance of the system, also to provide repair and replacement of the systems components. To establish fees for permits for the installation and connection of building sewers; connection fees and inspections fees and fees for sewer line use from additional buildings, tap fee charges for new construction and fees for repair or replacement. This ordinance also provides penalties for the violation hereof; repeals any ordinance or part thereof in conflict herewith, all as authorized by State Statute.

B. The Superintendent for the Township of Bergland D.P.W.or a designated representative is granted the sole responsibility and authorization of enforcement for non payment of rates and fees, and controlling the wastewater discharge into the public owned sanitary mains.

C. This ordinance shall apply to all the users of the Township of Bergland sanitary sewer system, including the persons outside the Township who may by contract or agreement with the Township be connected to the Township's sanitary sewer system.

SECTION 3. DEFINITIONS, ABBREVIATIONS

A. Definitions-All words in this ordinance shall be liberally construed as to gender or singular/plural usage except as the context may be clearly limiting a quantity. Further, words shall have such meaning as is common in the field of municipal wastewater treatment. (See attachment A)

B. Abbreviation-(See attachment B)

ARTICLE 2

FREE SERVICE PROHIBITED, APPLICATION , SUBSEQUENT CONNECTIONS

SECTION 1. FREE SERVICE PROHIBITED

A. No free service shall be furnished by the sanitary sewer system. It shall be unlawful for any person, firm, corporation or public agency to receive free service, to exchange or trade for service or to work for wages for services. The township shall pay for the services received from the general fund. Only by paying to the township's sanitary sewer system in legal tender may a user pay for sanitary sewer service.

SECTION 2. APPLICATION FEES FOR SEWER SERVICE

A. The owner of any building, house or property used for human occupancy, desiring public sewer service shall file an application with the Superintendent of the D.P.W. The application shall contain the name and address of the applicant a description of the land or address to be serviced, the nature of the use anticipated, the size of pipe to be used, the number of connections to the property and the days that the work shall be performed. A simple map attached showing the public sewer location where the service connection will be located where the connection will come out of the structure and the distance of the connection, where the property lines are if less than 20 feet to the adjoining property. Upon a proper application being approved the owner shall be issued a sewer connection installation permit.

B. The owner shall employ the services of a State of Michigan licensed sewer service contractor to install all houses or buildings sanitary sewer connections. If the home owner desired to install their own sewer connection and they meet all of the requirements of the sewer ordinance the township shall issue a permit to the homeowner for his own personal residence.

C. At such time as the sanitary sewer connection shall be made and prior to any use thereof an inspection shall be made of the installation of the sewer connection. The first inspection of the sewer connection shall be included in the application. Any additional inspections shall be paid by the property owner and the fee for additional inspections shall be \$25 each. There shall be no covering the connection lateral or any part of the pipes with any backfill materials until the inspection is made and the connection approved. If the land owner covers any part of the lateral connection it must be uncovered prior to inspection or be reinspected at the owners cost.

SECTION 3. SUBSEQUENT CONNECTION FEES

A. Except as herein provided, a person who desires to connect to the public sanitary sewer system within one year after the initial construction project closes shall pay a \$250 connection charge, then \$50 per year for each year thereafter until a maximum of \$750 is obtained, this is in addition to all other charges as contained in this ordinance. The connection charge is for the privilege of connecting the premises to the sewer main and does not pertain to the construction cost of such connection. The property owner shall bear all of the costs of the connection from the tap, tee or wye of the main line to the building including the grinder pump and storage tank along with any engineering fees necessary to establish that the connection shall be constructed to the original specs or as amended. The township shall not be obligated whatsoever to any costs of installation of a connection after the close of the construction project. After proper inspection and approval the property owner shall transfer to the township the privately installed sanitary sewer system by permanent easement which shall be all of the public part of the system from the mainline tap to the grinder pump tank. Thereafter, the township shall be the owner of that part of the system that is public and shall maintain, repair and or replace same.

1. The real estate owner shall grant to the Township a perpetual easement for operation, repair, maintenance and replacement of the facilities which shall be 10 feet each side of the line that crosses over, across and through the owners real estate and a 10 foot radius around the tank and grinder pump. The land owner shall pay the legal costs for the preparation of said easement.

ARTICLE 3

ACCOUNTING, SEWER RATES, BILLING CHARGES AND COLLECTIONS

SECTION 1. ACCOUNTING

A. The fiscal year for the Township Sewer System shall be April 1 to March 31th. The Township Board shall engage an independent auditor to provide an annual audit of the books and records of the Bergland Township Sewer System.

B. Bills for sewer service shall be provided to the users once per month. The township shall set up adequate books and records to maintain accurate billing and payment balances for each and every user account. The accounting shall be separate from any other accounting of the township and all funds shall be kept segregated from any and all other funds of the township. The township Clerk shall be responsible to bill and collect all fees and charges pursuant to this ordinance.

C. Disputes on rate charges must be taken to the D. P. W. within 30 days from the end of any billing cycle and the results of the determination shall be appealable to the Township Board.

SECTION 2. USER RATES

A. Residential Sewer Use Rates shall be initially established at \$39.61 per connection per month for ONE Residential Equivalency Unite.

B. An individual's final user charge shall be calculated by multiplying the User Rate times the Residential Equivalency Units (REU) for that structure. Rate charges shall commence when the township notifies the real estate owner that the system is ready to serve.

C. The Township Board shall set the REU for all buildings and structures. Commercial and industrial REU's shall be set specifically for that user based on the type and kind of wastewater generated. The Board may require pretreatment or other conditions. In calculating the rate to be applied to that user the Board shall consider the volume, the type, and the nature of the pollution to determine if the proposed user's industrial waste is compatible with the public system. The Board shall seek advice from a professional regarding the C.O. D. and PH levels also if providing this service would adversely affect the O M & R of the system.

D. Sewer Rates shall hereafter be established by resolution of the Township Board. User Rates may be changed from time to time for the benefit and solvency of the system.

SECTION 3. BILLING CHARGES

A. Billings for rates and charges as herein established by the township, shall be the responsibility of the Township Clerk. All billings shall be due and payable on the 20th day of the month following the period of service and shall be made payable to the township clerk who shall be responsible to collect and turn over to the treasurer all payments collected for all the rates and charges.

B. All billings, for services provided, that are not paid by the close of business hours for the clerk's office on the 20th day of the month, for the month that the same are due and payable shall have added to the balance an additional processing fee and a time differential charge for the amount of the bill to be collected along with the original amount thereof.

SECTION 4. DISCONNECTIONS & COLLECTIONS

A. Any person who does not pay for their sewer billing and the account for that user becomes over 30 days delinquent is subject to shutoff. The township may shutoff the sewer service to the residence and the service shall not be recommenced until the delinquent sewer bill and all fees are paid in full. There may be a disconnection and reconnect fee which shall be added to the bill as set from time to time by the Township Board. The Township shall continue to bill to that real estate the assigned, REU as a ready to serve user fee during any time that the service is disconnected and collect the same as prescribed herein.

1. If the township disconnects the building from the public sewer, the township shall cause to be posted on the door to the building, that the "structure is not fit for human occupancy" and thereafter no human occupancy shall be allowed in the structure.

2. The township may commence condemnation of the building as an unfit building and upon successful condemnation have the building demolished, or disposed of in the discretion of the township board.

B. Any owner who does not pay for the charges for sanitary sewer services furnished by the township for the benefit of the owners real estate shall become a lien on the real estate as of the date of certification thereof. This section applies to any other charges allowed by this ordinance including the pro-rata cost of procedures taken to enforce the State's mandatory hookup, condemnation proceedings or litigation needed for acquisition of necessary land easements. On September 30th of each year the Township Clerk shall certify any such charges which have been delinquent for over 90 days or more plus all penalties, fees and interest due thereon, to the township assessor, who shall cause the same to be entered upon the next township tax roll against the real estate to which the services have been rendered and the unpaid charges, with penalties and interest accrued thereon shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon the roll.

1. The owner of the real estate is responsible for the payment of the user rates and charges for sewer service provided to the real estate unless the owners property is rented or leased to another person and the lease specifically makes that tenant responsible for the sewer charges. Further, the owner must provide the required affidavit placing the township on notice thereof and only from the date of receipt of the notice is the owner relieved of the responsibility to pay the sewer charges. The real estate owner shall notify the township at the end of the lease or be held responsible after tenant vacates the premises. In this situation the tenant who is renting the premises and is required by contract to pay for the sewer service, shall pay a deposit of \$150.00 to the township prior to the billing being transferred into the tenants name. No such deposit shall bear interest and such deposit or remaining balance thereof, shall be returned within 30 days, to the customer making the same when he/she shall discontinue receiving sewer services. No such deposit may be used for payment while tenant is occupying the premises.

SECTION 5. PENALTIES

A. Any person found to be violating any provision of this ordinance except as specifically stated herein, shall be served by the Township of Bergland with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof, not to exceed thirty (30) days. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for herein shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand (\$1,000) Dollars or imprisoned for a period not to exceed ninety (90) days, or both such fine and imprisonment for each violation. Each day in which any such violation shall continue, after notice, shall be deemed a separate offense.

C. In the event that any person or entity fails to satisfactorily correct or remedy any violation of this Ordinance within the time specified herein, and the Township of Bergland subsequently corrects or remedies such violation, or if such violation results in any expense, loss or damage to the sanitary sewer system of the Township of Bergland, then the individual or entity who violated this ordinance shall be liable for any such expense, loss, or damage, including reasonable attorney fees, and shall reimburse, indemnify and hold harmless the Township of Bergland for any such expense, loss, or damage incurred by the Township of Bergland as a result of such violation.

ARTICLE IV
AUTHORITY, GENERAL PROVISIONS

SECTION 1. AUTHORITY

A. The Bergland Township Board shall determine matters concerning Public Utility projects, rates and all issues thereof. The Board shall direct and advise the D.P.W. on matters of public utility operation, hearings and addressing complaints and concerns, that cannot be resolved by the D.P.W. and approving bills and transfers concerning public utilities.

B. The D.P.W. Superintendent shall, under the direction of the Township Board, have charge of the operations and maintenance of the sanitary sewer system of the Township and shall direct, protect, operate, maintain and control all other employees, of the sanitary sewer system.

C. The Superintendent and other duly authorized employees of the Township of Bergland, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance.

SECTION 2. GENERAL PROVISIONS

A. Additional Regulations

1. No provisions contained in this ordinance shall be construed to interfere with any additional regulations or requirements that may be imposed by the Township Board, Township of Bergland, County of Ontonagon, State Health Department, State of Michigan or any other lawfully constituted authority with respect to public or private sewage disposal.

B. Severability

1. The words, terms and phrases of this Ordinance shall be severable and if any part is adjudged unconstitutional or invalid by a court of competent jurisdiction, said ruling or judgement shall not affect the remaining provisions of the Ordinance.

C. Conflict

1. This Ordinance is a supplement to any regulations adopted by the Western Upper Peninsula District Health Department or the State of Michigan. If there is any discrepancy or conflict between this ordinance and the regulations of the WUPDHD or State of Michigan then priorities shall be followed as provided in law, unless in certain instances the Township of Bergland wishes to be more stringent than that which is provided, then if permissible, the most restrictive standard shall be followed.

2. A prosecution which is pending on the effective date of this Ordinance and which arose from a violation of an ordinance repealed by this Ordinance, or prosecution which has started within one year after the effective date of this Ordinance arising from a violation of an ordinance repealed by this Ordinance and which was committed prior to the effective date of this

Ordinance, shall be tried and determined exactly as if the Ordinance had not been repealed.

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D. Repeal Clause

1. Any and all other Ordinances, or sections thereof, inconsistent with the provisions of this Ordinance, including but not limited to Township of Bergland, shall be and are hereby repealed.

SECTION 3 EFFECTIVE DATE

This Ordinance shall take effect thirty days after publication once in a newspaper of general circulation in the Bergland Township area and said publication shall be made as soon as practical after adoption of this Ordinance.

VOTE: AYE; _____
 NAY; _____
 ABSENT; _____

This Ordinance is hereby declared to have been adopted and Passed by the Township Board of the Township of Bergland County of Ontonagon , State of Michigan, at a regular meeting thereof duly called and held on the _____ day of _____ 2010

Carl Bailey, Supervisor
Bergland Township, Michigan

ATTESTED;

I, Patricia MacArthur, Bergland Township Clerk, do hereby certify that the foregoing is a true copy of an Ordinance adopted at a regular meeting of the Bergland Township board on the _____ day of _____ 2010.

Patricia MacArthur, Clerk
Bergland Township, Michigan

ATTACHMENT A TO ORDINANCE 5A
DEFINITIONS

1. BOARD- Bergland Township Board
2. BUILDING SEWER- that part of the lowest horizontal piping of the structures drainage system which receives the discharge from the sanitary waste pipes inside the walls of a building and conveys it to the sewer connection.
3. BUILDING STUB- also sewer connection- that portion of the building sewer between the sewer main and the structure, which is not part of the public sewer.
4. GARBAGE - solid waste from the preparation, cooking, serving of food, from the handling, storage and sale of produce or from the canning or packaging of foods
5. INDUSTRIAL WASTE - liquid or solid produced from industrial processing as distinct from household sanitary sewage.
7. PERSON - any individual, firm, company, association, society corporation, group, trust or governmental entity.
8. SANITARY SEWAGE - domestic wastes from residences, domestic type wastes from business buildings, institutions, industrial establishments and all other sources.
9. SANITARY SEWER - a system of pipes, tanks and pumps that transports sewage from its point of origin to the point of disposal and to which storm, surface and subsurface waters are not intentionally admitted.
10. SEWER CONNECTION - that part of the system from the end of the line, tank or pump which is part of the public system which connects the structure with the building sewer.
11. USER - any person that discharges into the sewer system or is obligated by law to discharge into the sewer system regardless whether they actually discharge or not.
12. WASTEWATER - combine sewer with any other water that has been used and degraded or altered physically or chemically and discharged as an unwanted substance

ATTACHMENT B - ORDINANCE NO. 5A
ABBREVIATIONS

1. C.O.D. - Chemical Oxygen Demand
2. D.P.W. - Department of Public Works
3. OM&R - Operation Maintenance and Repair
4. PH - concentration of Hydrogen per liter of solution
5. WUPDHD - Western Upper Peninsula District Health Department
6. REU - Residential Equivalency Unit

RATES

One Residential Equivalency Unit is \$39.61 per connection per month

All single family residential real estate shall be assigned one REU

Commercial Rate Determinations

NAME	REU assignment
1. Gogebic Marine	1.0
2. Hoop & Hollar and camp sites	3.0
3. Maple Ridge Motel (6 rooms)	3.0
4. Peterson Assisted Living	35.0
5. Timberline Sports	1.0
6. Lake Gogebic Sports	1.0
7. Walleye Lodge (16 rooms)	8.0
8. Transient rental homes 1&2 Bedroom	1.5
3&4 Bedroom	2.0
Per additional bedroom	0.5