

TOWNSHIP OF BIRCH RUN ORDINANCE # 96-5

SANITARY SEWER SYSTEM REGULATION AND RATE ORDINANCE

ORDINANCE ADOPTED PURSUANT TO THE PROVISIONS OF ACT 94 OF THE PUBLIC ACTS OF 1933, AS AMENDED, AND ACT 185 OF THE PUBLIC ACTS OF 1957, AS AMENDED, SETTING RATES FOR SANITARY SEWER SERVICES; PROVIDING FOR PAYMENTS IN LIEU OF SPECIAL ASSESSMENTS FOR CONNECTION TO THE SANITARY SEWER SYSTEM, IMPOSING A CAPITAL EXPANSION FEE FOR COMMERCIAL PROPERTIES WITHIN THE TOWNSHIP CONNECTED TO SEWER FACILITIES NECESSITATED BY SUCH NEW DEVELOPMENT; PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF A CAPITAL CONNECTION SEWER FACILITIES FEE; PROVIDING FOR THE DEPOSIT OF REVENUE COLLECTED FROM SUCH FEES INTO A SEGREGATED FUND ESTABLISHED FOR THAT PURPOSE; PROVIDING FOR EXPENDITURE OF FUNDS DERIVED THEREFOR SUCH; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF BIRCH RUN, SAGINAW COUNTY AS FOLLOWS:

ARTICLE IPURPOSE

This ordinance is adopted pursuant to the provisions of Act No. 94 of the Public Acts of 1933, as amended ("Act 94") and Act No. 185 of the Public Acts of 1957, as amended, for the purpose of regulating the Township Sanitary Sewer System, discharge of industrial wastes, and setting rates and charges for the use thereof and connection therewith;

ARTICLE IIDEFINITIONS

Section 1. The following terms shall have the meanings set forth below:

a. Act 94. "Act 94" shall mean Act No. 94 of the Public Acts of Michigan of 1933, as amended.

b. Act 185. "Act 185" shall mean Act No. 185 of the Public Acts of Michigan of 1957, as amended.

c. "Commercial User" shall mean and include all persons, corporations, partnerships, sole proprietorships, trusts or estates or other business entities which own or operate any structure which is connected to the Township Sewer System, except a single family residence.

d. Capital Improvements to the Sewer System. Capital improvements to the sewer system shall mean any capital improvements to the sanitary sewer system of the Township which shall include any real or personal property or the cost of installation or construction thereof with a useful life of one year or more. It shall not include any expenditure of any type for operating expenses.

e. Fund. The Sewer Capital Expansion Fund shall mean the Fund created by Article IV.

f. Operating Year. "Operating Year" shall mean the operating year of the System which shall be the fiscal year of the Township beginning April 1, and ending March 31.

g. Rates. "Rates" shall mean the rates charged in accordance with Article VI of this Ordinance.

h. Sewer System and Sanitary Sewer System. "Sewer System" and "Sanitary Sewer System" shall mean the existing Sewer System operated by the Township of Birch Run, any improvements thereto, or extension thereof.

i. Township Board. "Township Board" means the Township Board of the Township of Birch Run.

j. Township. "Township" means the Township of Birch Run.

k. Ordinance. "Ordinance" shall mean this ordinance entitled "Township of Birch Run Sanitary Sewer System Regulation and Rate Ordinance."

ARTICLE III

COLLECTION OF CAPITAL EXPANSION CHARGE

Section 1. Capital Expansion Charges for Public Services. The Township, in addition to other sewer charges, shall charge each Commercial User of the Sewer System a separate capital charge for connection to the Sewer System of the Township, which charge shall pay a part of the cost of future expansion to the current System.

Section 2.

(a) Time of Payment. The charges to a Commercial User shall be collected in cash prior to the connection to the System in accordance with the provisions of the Rate Schedule set forth in Article VII of this Ordinance.

(b) The sewer charges may be paid in installments if approved by the Township Board so long as the:

(i) payments are secured by a valid mortgage or pledge of real and/or personal property worth in excess of the charges including interest;

(ii) payments are made at least annually in an amount of equal to 20% of the total amount deferred; and

(iii) interest is collected at a rate of 8% per annum on the unpaid balance.

Section 3. The collection of all charges shall be made by the Township Treasurer.

ARTICLE IV

SEWER CAPITAL EXPANSION FUND

Section 1. Creation of Fund. There is hereby created a "Sewer Capital Expansion Fund" which shall be a

segregated fund created on the books of the Township and accounted for separately.

Section 2. Investment. Any money deposited in the Fund together with the interest earned thereon shall be invested by the Township Treasurer in investments permitted in Section 1.(a)(c)(d) or (e) of Act 20 of the Michigan Public Acts of 1943, as amended.

Section 3. Expenditure. Out of the money generated by rates on deposit in the Fund, the following priority of expenditure shall be observed.

(a) Out of the moneys in the Fund, there shall first be set aside an amount equal to the amounts owing by the Township to the County of Saginaw under any contract between the Township and the County of Saginaw pursuant to which the County issued Bonds for purposes of constructing any part of the Sewer System

(b) Once the amounts required by (a) hereof have been paid (or are set aside for future payments) there shall next be set aside funds to be used for capital improvements to the system.

ARTICLE V

CONNECTION

Section 1. No Connection without Payment. No connection to the Sewer System shall be permitted until the Capital Expansion charge is collected in cash or all conditions for a deferred payment have been satisfied. Any person who shall have been subject to a special assessment and shall have paid such special assessment shall be entitled to a credit equal to such payment at the time of such connection provided the special assessment was for the property being connected.

Section 2. Enforcement; violation deemed nuisance. 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 is deemed to be a nuisance per se.

ARTICLE VI

RATES

Section 1. Sanitary Sewer Connection Charge. The Charge for Connection to the Sanitary Sewer System of the Township of Birch Run shall be \$1,650 per unit Effective on the date this Ordinance is adopted. The Charge shall increase annually on April 1, beginning April 1, 1997, at a rate of 4.5% which new rate shall be effect for a year. The unit Equivalent for Sanitary Sewer Connection charges we set forth in Appendix A attached to this Ordinance.

Section 2. Monthly and/or Quarterly Rates. The monthly and/or quarterly rates to be charged for sanitary sewer services by customers served by the Sanitary Sewer System shall be as set by resolution adopted by the Township Board.

ARTICLE VII

INDUSTRIAL WASTE PRE-TREATMENT AND NON-DOMESTIC USER CONTROL PROGRAM FOR ALL NON-DOMESTIC USERS OF THE SANITARY SEWER SYSTEM

Section 1. The effluent from the Township's Sanitary Sewer System is treated and disposed of by the County of Genesee in its Wastewater Treatment Plant pursuant to a certain contract between the Township and the County of Genesee.

Section 2. Pursuant to such contract the Township is required to comply with GENESEE COUNTY 1984 ORDINANCE NO. 0-6 adopted December 11, 1984, as amended by GENESEE COUNTY 1990 ORDINANCE NO.0-1, adopted March 13, 1990 (together the "Genesee County Ordinance") a copy of which is on file in the Township Clerk's office.

Section 3. All customers and users connected to the Sanitary Sewer System shall comply fully with the Genesee County Ordinance.

ARTICLE VIII

1. Conflict. In the event of conflict between this ordinance and any other Ordinance this ordinance shall control.
2. Repeal of Inconsistent Provisions. All ordinances and resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed.

ARTICLE IX

MISDEMEANORS AND PENALTIES

Section 1. Any person found to be violating any provision of this Ordinance shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 2. Any person who shall continue any violation beyond the time limit provided for in Section 1 shall, upon conviction thereof, be guilty of a misdemeanor, and shall be fined in an amount not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than ninety (90) days or both such fine and imprisonment in the discretion of the court, for each violation. Each day in which any such violation shall continue, shall be deemed a separate offense.

Section 3. Any person violating any of the provisions of this Ordinance shall become liable to the Township for any expense, loss or damage caused the Township by reason of such violation.

Section 4. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to the 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 Dollars (\$500.00), or by imprisonment for not more than ninety (90) days., or by both.

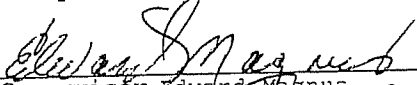
ARTICLE X

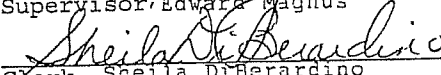
This ordinance shall take effect immediately on the date of publication.

INTRODUCED: September 10, 1996
 ADOPTED: September 10, 1996
 EFFECTIVE: Upon Publication
 PUBLISHED: September 18, 1996

CERTIFICATION

The foregoing ordinance is hereby certified to be the authentic record of the ordinance which was duly adopted by the Township Board of the Township of Birch Run on the 10th day of September, 1996, and published on the 18th day of September, 1996.


Supervisor, Edward Magnus


Clerk, Sheila DiBerardino

APPENDIX A, page 1

Equivalency Charges
for Sewer Connection

<u>USE</u>	<u>UNITS</u>	<u>UNIT FACTOR</u>
Auto Dealers	1.5	Per premise plus 0.20 per 1,000 square feet of building including service area
Auto Repair/Collision	1.5	Per premise plus 0.20 per 1,000 square feet of building including service area
Auto Wash (Coin Operated do-it yourself 10 gallons or less per car)	1.2	Per stall
Auto Wash (Mechanical-over 10 gallons per car. Not recycled)	12.0	Per stall or production line including approach and drying area
Auto Wash (Mechanical over 10 gallons per car - recycled)	6.0	Per stall or production line including approach and drying area
Banks, Savings & Loans & Other Financial Institutions	0.75	Per 1,000 sq. ft. minimum 1 unit
Barber Shop	1.0	Per shop, plus 0.1 per chair after 2
Bar	2.5	per bar, plus 5.0 per 1,000 sq. ft. over 500 sq. ft.
Beauty Shops	1.0	per shop, plus 0.1 per booth after 2
Bowling Alleys (no bar)	1.0	per premise, plus 0.2 per alley
Campgrounds		
Modern campground with sewer to each.	0.5	per site
Modern campground serviced by a service building	0.3	per site
Primitive campground operated in conjunction with a Modern Campground	0.18	per site, laundry community buildings and office to be computed separately

<u>USE</u>	<u>UNITS</u>	<u>UNIT FACTOR</u>
Churches & Funeral Chapels	0.25	Per 1,000 sq. ft. minimum 1 unit
Cleaners (cleaning & pressing facilities)	1.0	Per premise plus 0.6 per 500 sq. ft.
Clinics (Medical or Dental)	1.0	per premise plus 0.6 per exam room
Convalescent or Boarding Homes	1.5	per premise plus 0.25 per bedroom
Convents	1.0	per premise plus 0.25 per bedroom
Country Clubs and Athletic	1.5	per 1,000 sq. ft. of clubhouse plus 0.3 per table
Drug Store	1.0	per premise plus snack bar and 0.1 per sq. ft.
Factories (Office and production - not wet process)	0.40	per 1,000 sq. ft. mini- mum 1 unit
Funeral Home	1.5	Per 1,000 sq. ft. mini- mum 1 unit, plus resi- dence to be computed separately
Grocery Stores and Supermarkets	1.0	Per premise plus 0.4 per 1,000 sq.
Hospitals	1.1	per bed
Hotel, Motels, and Bed and Breakfast	0.50	per bedroom plus restaurant and bar and residence
Laundry (self serve)	1.0	per premise plus 0.5 per washer
Two Family Residential	1.2	per unit
Mobile Homes (free standing)	1.0	per unit
Marina	0.2	per slip, minimum 1.0 per marina. Laundry, etc. to be computed separately
Mobile Homes Parks	1.0	per pad or site
Multiple Family Residence Duplex or Row Houses	1.0	per dwelling unit
Apartment Complexes	1.0	per dwelling unit
Professional Offices	0.25	per 500 sq. ft. minimum 1 unit
Public Institutions	0.75	per 800 sq. ft., min. 2 units
Restaurants (Meals Only)	0.3	per table up to 15 tables; 0.5 per table thereafter.

APPENDIX A

<u>USE</u>	<u>UNITS</u>	<u>UNIT FACTOR</u>
Restaurants (meals and drinks)	0.95	per 1,000 sq. ft., min. 5 units
Restaurants Auxiliary Dining rooms when used less than 20 hours per week	1.5	per 1,000 sq. ft., min. 2 units
Schools		
Without cafeterias, gymnasiums or showers	1.6	per classroom
With cafeterias, and without gyms or showers	2.5	Per classroom plus 3 per 1,000 sq. ft. cafe- teria and kitchen area
With cafeterias, gym- nasiums and showers		Same as above plus 2.2 per 1,000 sq. ft. for gym and locker room area
Service Stations	0.6	Per 1,000 sq. ft. of building area - min. 1 unit
Snack Bars, Drive-Ins, etc.	0.3	per table up to 15 tables; 0.5 per table thereafter. Add for Drive-In windows 20% of tables for each window a minimum total of 5 units whichever is greater
Retail stores (other than listed)	1.0	per premise plus 0.2 per 1,000 sq. ft.
Theaters (drive in)	0.05	per car space - min. 1 unit
Theaters	0.05	per seat - min. 1 unit
Post Office	1.0	per 1,000 sq. ft. min. 1 unit
Warehouse and storage	0.1	per 1,000 sq. ft. min. 1 unit
Veterinary Facility	1.8	per facility
Veterinary Facility with Kennel	1.8	per facility plus 0.5 per 5 kennels