

Charter Township of Bedford
115 S. ULDRIKS DRIVE
BATTLE CREEK, MICHIGAN 49037

ORDINANCE NO. 04/13/17/19 OF 2017

AN ORDINANCE TO PROVIDE FOR THE OPERATION OF THE SANITARY SEWAGE DISPOSAL SYSTEM WITHIN BEDFORD CHARTER TOWNSHIP; TO PRESCRIBE THE RATES TO BE CHARGED FOR THE USE OF SAID SYSTEM; TO PROVIDE FOR THE MANDATORY CONNECTION TO SAID SYSTEM; TO REPEAL ALL PRIOR ORDINANCES CONCERNING THE SANITARY SEWER SYSTEM; AND TO OTHERWISE PROTECT THE PUBLIC, HEALTH, SAFETY, AND GENERAL WELFARE.

The Charter Township of Bedford, Calhoun County, Michigan, ordains:

SECTION 1. SEWER USE ORDINANCE. It is hereby recognized that Bedford Charter Township has entered into an Intergovernmental Wastewater Treatment Services Agreement with the City of Battle Creek effective January 1, 2017, pursuant to which the Township has agreed to adopt a Sewer Use Ordinance applicable to industrial, non-industrial, and residential users and calling for mandatory sewer connection consistent with the requirement of the Michigan Public Health Code, MCL 333.12753-12754.

SECTION 2. TERMS DEFINED. Whenever the word "System" and the phrase "the System" are referred to in this Ordinance, they shall be understood to mean the portion of the publicly-owned sewage collection system physically located within Bedford Charter Township, 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 the appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired.

SECTION 3. SUPERVISION AND CONTROL. The operation and maintenance of the System shall be under the supervision and control of Bedford Charter Township and the City of Battle Creek, subject to the terms of the contract dated January 1, 2017, between the City and the Township. Pursuant to the terms of such contract, Bedford Charter Township has retained the right to establish, maintain, and collect rates and charges for sewer collection and disposal service, and in such capacity, the Township Board of Bedford Charter Township may employ such person or persons in the capacity of capacities as it deems advisable and may make rules, orders, and regulations as it deems advisable and necessary to assure the efficient establishment, maintenance, and collection of such rates and charges.

SECTION 4. USER CHARGES AND CONNECTION FEES.

- A. Each premises is required to pay use charge. Each premises abutting a public gravity sanitary sewer line within the Township which is required to connect to such sanitary

sewer line by the provisions of this Ordinance shall pay a use charge computed on the basis of charges established by Board resolution. The “use charge” shall include a commodity charge, billing charge, readiness to serve charge, biochemical oxygen (BOD) charge, suspended solids (SS) charge, sampling charge, and such other charges as may be necessary to cover the cost of work, repairs, services, and the purchase of parts and other activities to ensure the proper maintenance and repair of the sanitary sewer system. Such use charge shall commence as of the date such premises are required to be connected to the public sanitary sewer system.

B. Residential User Charge.

A. Metered Water Consumption. Each premises connected to the sewer line of the system shall pay a Township consumption charge based upon metered water consumption. The charge shall be such charge as from time to time is established by the Board of Trustees of the Township pursuant to resolution of the Township Board.

B. Unmetered Water Consumption. Service charges shall be a flat rate per dwelling unit or as established by resolution of the Township Board.

C. Commercial User Charge. Commercial premises shall pay a township consumption charge based upon metered water consumption. The charge shall be such charge as from time to time is established by the Township Board pursuant to resolution.

D. Industrial User Charge. All industrial users shall be billed according to measured discharges of wastewater flows and biochemical oxygen demand (BOD) and suspended solids (SS). Such measurements shall be obtained from monitoring facilities installed on public property and the points of discharge to the sewer system. Both installation and operating costs of monitoring facilities shall be at the sole expense of the industrial user. Frequency of monitoring shall be determined by the Township. Rates and service charges shall be as established by Board resolution.

E. Institutional User Charge Rates. Institutional users shall be charged a rate that is determined by a resolution of the Township Board.

F. Surcharges. In addition to the use charge and any special charges that may be imposed from time to time, a surcharge may be charged in accordance with the schedule of surcharges as established by the Township Board pursuant to resolution. Such surcharge shall be for discharging into the system any substances or flow in excess of the limitations for normal sewage.

G. Special Rate. For miscellaneous or special services for which a special rate shall be established, such rates shall be fixed by the Township Board pursuant to resolution.

- H. Connection Tap-In Fee. When premises are to be connected to the public sanitary sewer and such premises shall have not been assessed for any portion of the cost of the sanitary sewer line benefiting such premises, a connection tap-in fee shall be paid for connecting to such public sanitary sewer. The connection tap-in fee shall be as established by resolution of the Township Board; provided, however, where premises have been subject to a special assessment for such sewer, such special assessment shall be credited against the amount of the connection tap-in fee. The connection tap-in fee shall be paid on or before the date the connection to the sanitary sewer is completed, unless arrangements have been made to pay such tap-in fee on an installment basis as provided in subsection "I." below.
- I. Installment Payment of Connection Tap-In Fees. Any connection tap-in fee imposed by the provisions of this section may be paid in installments in accordance with the following:
1. Application for installment payment may be made to the treasurer of the Township.
 2. Connection tap-in fees may also be paid over a five (5) year period in six (6) approximately equal installments, the first such installment to be due and payable upon application for connection and the balance at yearly intervals to be due December 1st thereafter with interest on the unpaid balance payable with each installment. The rate of interest shall be equivalent to the rate of interest that was applicable to the bonds issued by governmental authority for the construction of that portion of the system to which the connection is made, or six percent (6%) per annum, whichever is greater. The financed amount may be paid off at any time. Unpaid charges for connection tap-in fees shall constitute a lien on the property served by the sewer connections; and, if not paid by December 1st, such debt shall be collected in the same manner as general taxes or as otherwise provided by this ordinance.
- J. Special Rates. For miscellaneous or special services for which a special rate shall be established, such rates shall be fixed by the Township Board.
- K. Billing. Bills shall be rendered monthly by the Township or its agent and be payable without penalty within thirty (30) days after the date thereon. Payments received after such period shall bear a penalty of ten percent (10%) of the amount of the bill.
- L. Enforcement. The charges for services which are under the provision of Section 21, 1933 PA 94, as amended, made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six (6) months, the Township official or officials in charge of the collection thereof shall certify annually, on August 1st of each year, to the tax-assessing officer (Treasurer) of the Township the facts of such delinquency, whereupon such charge shall be by the Treasurer entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced, in the same manner as general Township taxes against such premises are

collected and the lien thereof enforced; provided, however, where notice is given that a tenant is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such premises until a cash deposit in an amount as determined by the schedule of fees as adopted by the Township Board shall have been made as a security for payment of such charge and service.

In addition to the foregoing, the Township shall have the right to shut off sewer service to any premises for which charges for sewer service are more than three (3) months delinquent, and such service shall not be re-established until all delinquent charges and penalties and a turn-on charge, to be specified by the Township Board, have been paid. Further, such charges and penalties may be recovered by the Township by court action.

SECTION 5. FREE SERVICE PROHIBITED. No free service shall be furnished by said System to any person, firm, or corporation, public or private, or to any public agency or instrumentally.

SECTION 6. MANDATORY CONNECTION. It is hereby determined and declared that public sanitary sewers are essential to the health, safety, and welfare of the residents of the people of Bedford Charter Township. All structures in which sanitary sewage originates lying within the limits of Bedford Charter Township shall be connected to an available public sanitary sewer in the township. For purposes of this section, "available public sanitary sewer system" means a public sanitary sewer system located in a right of way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the property and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates. Said premises shall be connected to such sewer within ninety (90) days after the mailing or posting of the notice of such premises by the appropriate Township official that such sanitary sewer services are available. Said notification and enforcement of this Section shall be in conformity with 1978 PA 368.

SECTION 7. APPLICATION. Any person, firm, or corporation desiring sewer service shall file an application with the Township Clerk containing the name and address of the applicant; a description of the land or premises to be serviced; the nature of the use anticipated and the nature and/or type of waste to be discharged; the distance, if known, that the property is located from any existing sewer mains; the anticipated number of connections from the property contemplated in the foreseeable future; and whether the applicant wishes to pay cash for the necessary sewer main extension (if required) or wishes to be included in any special assessment district for a limited number of years, together with interest and any administrative costs. The application may take the form of a petition of several different persons are jointly interested in a particular project.

SECTION 8. RATES TO BE FIXED. The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the said System as are necessary to preserve the same in good repair and working order, to provide for the payment of the contractual obligations of the Township to the City of Battle Creek pursuant to the aforesaid contract between the Township and the City as

the same become due, and to provide such other expenditures and funds for said System as this Ordinance may require. Such rates shall be fixed and revised by Township Board resolution from time to time as may be necessary to produce these amounts.

SECTION 9. OPERATING BASIS. The System shall be operated on the basis of the Bedford Charter Township's operating year.

SECTION 10. REVENUES TO BE DESIGNATED. The revenues of the System shall be set aside as collected and deposited in a separate depository account to be designated by the Township Board, which bank shall be duly qualified to do business in Michigan, and revenues deposited shall be transferred from the Receiving Fund periodically in the manner and at the times hereinafter specified.

- A. **Operation and Maintenance Fund.** Out of the revenues in the Receiving Fund, there shall be first set aside quarterly into a depository account designated Operation and Maintenance Fund, a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.
- B. **Contract Payment Fund.** There shall be established and maintained a depository account, to be designated Contract Payment Fund, which shall be used solely for the payment of the Township's obligations to the City of Battle Creek pursuant to the aforesaid Agreement. There shall be deposited in said fund quarterly, after requirements of the Operation and Maintenance Fund have been met, such sums as shall be necessary to pay said contractual obligations when due. Should the revenues of the System prove insufficient for this purpose, such revenues may be supplemented by any other funds of the Township legally available for such purpose.
- C. **Replacement Fund.** There shall next be established and maintained a depository account, designated Replacement Fund, which shall be used solely for the purpose of making major repairs and replacements to the System, if needed. There shall be set aside into said fund, after provision has been made for the Operation and Maintenance Fund and the Contract Payment Fund, such revenues as the Township Board shall deem necessary for this purpose.
- D. **Improvement Fund.** There shall next be established and maintained an Improvement Fund for the purpose of making improvements, extensions, and enlargements to the System. There shall be deposited into said fund, after providing for the foregoing fund, such revenues as the Township Board shall determine.
- E. **Surplus Monies.** Monies remaining in the Receiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the Township Board, be transferred to the Improvement Fund or used in connected with any other project of the Township reasonably related to purposes of the System.
- F. **Bank Accounts.** All monies belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the monies shall be allocated on the books and

records of the Township within this single bank account, in the manner above set forth.

SECTION 11. TRANSFER OF FUNDS. In the event the monies in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any monies and/or securities in other funds of the Township, except sums in the Contract Payment Fund derived from tax levies, shall be transferred to the Operation and Maintenance Fund, to the extent of any deficit therein.

SECTION 12. INVESTMENT OF MONEY. Monies in any fund or account established by the provisions of this Ordinance may be invested in obligations of the United States of America in the manner and subject to the limitations provided in 1933 PA 94, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

SECTION 13. PENALTIES.

- A. A person who violates any provision of this Ordinance is responsible for a municipal civil infraction subject to payment of the civil fine of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00), plus costs and other sanctions for each infraction. Each day on which any violation of this Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense. Repeat offenses shall be subject to increased fines as provided in the Bedford Charter Township Civil Infraction Ordinance.
- B. In addition to the foregoing, any person violating any of the provisions of this Ordinance shall become liable of the Township for any expense, loss, or damage occasioned by the Township by reason of such violation.

SECTION 14. SEVERABILITY. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid section, paragraph, clause, or provision, and for this purpose, the sections, paragraphs, clauses, and provisions of this Ordinance are hereby declared to be severable.

SECTION 15. REPEAL. Ordinance 6-26-90-39 is hereby repealed, together with all other ordinances, resolutions, or orders, or parts thereof in effect that are in conflict with this ordinance.

SECTION 16. SAVINGS. All suits, proceedings, or prosecution, whether civil or criminal, for causes arising, or acts done or committed prior to said amendment, may be commenced, maintained, and/or prosecuted as if said amendment had not been made.

SECTION 17. EFFECTIVE DATE. This Ordinance shall take effect on the date of publication pursuant to MCL 42.22, which publication shall take place within thirty (30) days from the date of adoption and shall be in a local newspaper of general circulation. Publication of a summary of this Ordinance, as part of the published proceedings of the Township Board, shall constitute publication of the Ordinance.

This Ordinance is hereby declared to have been passed and adopted by the Charter Township of Bedford, County of Calhoun, State of Michigan, at a regularly scheduled meeting thereof duly called and held on this 13th day of April, 2017.

Adam Heikkila, Supervisor

ATTEST:

Joyce Feraco, Clerk

Prepared by:
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