

**LELAND TOWNSHIP**  
**LEELANAU COUNTY, MICHIGAN**

**SEWER USE,  
MANDATORY CONNECTION, AND  
RATE ORDINANCE  
No. 2006-02**

**Adopted October 9, 2006**

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TOWNSHIP OF LELAND  
COUNTY OF LEELANAU, MICHIGAN

**Minutes of a regular meeting of the Township Board of the Township of Leland, Leelanau County, Michigan, held in the Leland Public Library Munnecke Room at 7:30 o'clock PM Local Time.**

**Present: Supervisor Harry Larkin, Treasurer Mike Kirt, Clerk Jane Keen, and Trustees Nick Lederle and Steve Plamondon**

**Absent: None**

**It was moved by Jane Keen and seconded by Mike Kirt that the following ordinance be adopted.**

ORDINANCE NO. 2006-02

**AN ORDINANCE TO PROVIDE FOR THE OPERATION OF THE LEELANAU COUNTY SANITARY SEWERAGE DISPOSAL SYSTEM NO. 3, COUNTY OF LEELANAU, STATE OF MICHIGAN, ON A PUBLIC UTILITY BASIS UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED, AND TO REGULATE THE USE AND MAINTENANCE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF SEWAGE AND WASTES INTO THE LELAND TOWNSHIP SEWER SYSTEM; TO PROVIDE FOR THE MANDATORY CONNECTION TO AND THE FIXING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE SANITARY SEWER SYSTEM; AND TO PROVIDE ENFORCEMENT PROVISIONS FOR ORDINANCE VIOLATIONS, AND FURTHER TO REPEAL THE TOWNSHIP'S EXISTING SEWER USE AND RULE ORDINANCES BEING ORDINANCE #89-1 AND #92-2.**

**The Ordinance was then discussed.**

**Upon roll call vote, the vote upon the motion adopting said Ordinance was as follows:**

**Yeas: Mr. Lederle, Mr. Plamondon, Mr. Larkin, Ms. Keen, and Mr. Kirt**

**Nays: None**

**The Township Clerk declared the following Ordinance # 2006-02 as adopted.**

**LELAND TOWNSHIP SEWER USE, MANDATORY CONNECTION AND  
RATE ORDINANCE #2006-02**

AN ORDINANCE TO PROVIDE FOR THE OPERATION OF THE LEELANAU COUNTY SANITARY SEWERAGE DISPOSAL SYSTEM NO. 3 COUNTY OF LEELANAU, STATE OF MICHIGAN, ON A PUBLIC UTILITY BASIS UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED, AND TO REGULATE THE USE AND MAINTENANCE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF SEWAGE AND WASTES INTO THE LELAND TOWNSHIP SEWER SYSTEM; TO PROVIDE FOR THE MANDATORY CONNECTION TO AND THE FIXING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE SANITARY SEWER SYSTEM; AND TO PROVIDE ENFORCEMENT PROVISIONS FOR ORDINANCE VIOLATIONS.

The Township of Leland ordains:

**ARTICLE I  
SHORT TITLE**

**SECTION 101. Title.** This Ordinance shall be known as the "Leland Township Sewer Use, Mandatory Connection and Rate Ordinance" and may be cited as such.

**ARTICLE II  
DEFINITIONS**

**SECTION 201. Definitions.** Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- |                                     |  |
|-------------------------------------|--|
| (1) Act                             | The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.       |
| (2) Administrator                   | The person designated by the Township Board to administer and supervise the System.                                    |
| (3) Beneficiary                     | Any property owner whose property is connected to the System.  |
| (4) BOD or Biological Oxygen Demand | The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in |

five (5) days at 20°C, expressed in PPM by weight.

- (5) Wastewater Board of Appeals Township Board
- (6) Building Drain That part of the lowest piping of a drainage system which receives the discharge of sewage or wastes from soil, waste, and other drainage pipes inside of the walls of the building and conveys said discharge to the Building Sewer. See Exhibit C.
- (7) Building Sewer The extension from the Building Drain which conveys its discharge of Sewage or Wastes to the Service Connection or other place of disposal. See Exhibit C.
- (8) Capacity Maximum discharge (daily and/or annual) allowed under the permit issued by the State of Michigan.
- (9) Cesspool An underground pit into which raw Domestic Sewage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.
- (10) COD or Chemical Oxygen Demand The oxygen consuming capacity of inorganic and organic matter present in Sewage.
- (11) Compatible Pollutant The pollutants which are treated and removed to a substantial degree by the Sewage Treatment Facility. These pollutants include but are not limited to BOD, SS, pH, and fecal coliform.
- (12) Combined Sewer A sewer receiving both surface runoff and sewage.
- (13) Connection Charge The charge for connection of Building Sewer(s) to the Public Sewer Service Connections in accordance with provisions of this Ordinance. This charge represents the cost to each premises of making the System available with sufficient capacity to service said premises.
- (14) County The County of Leelanau, Michigan.
- (15) Debt Service Charge The charges levied to customers of the wastewater system which are used to pay principle, interest, and administrative costs of retiring the debt incurred for construction of the System. The debt service charge shall be in addition to the user charge.
- (16) District The area located in the Township and served by the original system. The District may be amended from time to time as future extensions

to the original system are completed.

- (17) Domestic Sewage      The liquid waste from all habitable buildings and residences and shall include human excreta and wastes from sinks, lavatories, bathtubs, showers, laundries, and all other water-carried wastes of organic nature either singly or in combination thereof.
- (18) Garbage                Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, sale, and storage of produce.
- (19) Health Department    Leelanau-Benzie Health Department and/or Michigan Department of Public Health.
- (20) Industrial Wastes      The liquid wastes, solids or semi-solids from industrial processes as distinct from Domestic Sewage.
- (21) Inspection Fee        The amount charged to each applicant by the Township at the time an application is made to the Township for connection to the System to cover the routine cost of inspecting and approving the physical connection of a Building Sewer to the Service Connection and the issuance of a connection permit.
- (22) may                    Is permissive.
- (23) mg/l                    Milligrams per liter.
- (24) Miscellaneous  
Customer Fee              The amount charged to Users for miscellaneous services and related administrative costs associated with the System.
- (25) National  
Prohibitive Discharge  
Standard or Prohibitive  
Discharge Standard      Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
- (26) Natural Outlet        Any outlet into a Watercourse, pond, ditch, lake, or other body of surface or ground water.
- (27) Normal Strength      Sewage or Wastes, the concentration of which do not exceed BOD of 270 mg/l, SS of 300 mg/l, and phosphorus of 10 mg/l, which have a pH between 6.5 and 9.5 and which do not contain a concentration of other constituents which will interfere with the normal sewage treatment process.
- (28) NPDES Permit        The National Pollution Discharge Elimination System permit issued to the Township by the State of Michigan.

- (29) Nuisance Without limitation, any condition where Sewage or the effluent from any Sewage Disposal Facility is exposed to the surface of the ground; or is permitted to drain on or to the surface of the ground or into any Natural Outlet; or when the odor, appearance, or presence of this material has an obnoxious or detrimental effect on or to the senses and/or health of persons; or when it shall obstruct the comfortable use or sale of adjacent property.
- (30) Operation and Maintenance All costs, direct and indirect, inclusive of all expenditures attributable to administration, Replacement, and treatment and collection of Sewage or Wastes, necessary to ensure adequate treatment and collection of Sewage or Wastes on a continuing basis in conformance with the NPDES Permit, and other applicable regulations.
- (31) pH The negative logarithm of the concentration of hydrogen ions in solution, in grams per liter.
- (32) PPM Parts per million.
- (33) Person Any individual, firm, company, association, society, corporation, or group.
- (34) Pretreatment The treatment of extra strength wastewater flows in privately owned facilities prior to discharge into publicly owned sewage works.
- (35) Properly Shredded Garbage Garbage that has been shredded or cut to such degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than one-half inch in any dimension.
- (36) Public Health Act 368 of the Public Acts of Michigan of 1978 as amended.
- (37) Public Sewer The System, which is controlled by the Township and/or the Leelanau County Department of Public Works.
- (38) Revenues The terms "Revenues" or "Net Revenues" shall be understood to have meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.
- (39) Replacement Expenditures and costs for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the System to maintain the capacity and performance for which the System was designed and constructed.

- (40) REU Residential Equivalent Use Factor.
- (41) Sanitary Sewer A Sewer which carries Sewage or Wastes. Storm, surface, and ground waters are not normally admitted to a Sanitary Sewer.
- (42) Seepage Pit A cistern or underground enclosure constructed of concrete blocks, bricks, or similar material loosely laid with open joints to allow Septic Tank overflow or effluent to be absorbed directly into the surrounding soil.
- (43) Septic Tank A watertight monolithic tank or receptacle used to receive Sewage or Wastes from flush toilets, sinks, lavatories, bathtubs, showers, laundry drains, and similar waste lines and is intended to provide for the separation of substantial portions of the Suspended Solids in such Sewage or Wastes and the partial decomposition by bacterial action on solids so separated.
- (44) Service Connection The section of the System designated for connection of Building Sewers from a specific property parcel, which is an extension of the Public Sewer laterally from the main collector sewer onto the lot or parcel of property adjacent to the right-of-way of the Public Sewer mainline, including but not limited to force mains or pressure sewers, connector pipes and wye branches on the sewer mainlines, Pump Stations, Septic Tank Effluent Pumps, Septic Tanks, and appurtenances, but not including the Building Sewer(s). A "New" Service Connection is a Service Connection built after the original System construction. The Service Connections are part of the Public Sewer System even though they are located on private property. See Exhibit C.
- (45) Sewage Disposal Any Toilet Device, Cesspool, Seepage Pit, Septic Tank, Facilities Subsurface Disposal System, or other devices used in the disposal of Sewage or Wastes.
- (46) Sewage Treatment Facility The physical plant designated to receive and treat sewage and industrial wastes.
- (47) Sewage Works All public facilities for collecting, pumping, treating, and disposing of Sewage or Wastes, including all Service connections, mains, the Sewage Treatment Facility, and appurtenances.
- (48) Sewage or Wastes Any combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, including Industrial Wastes and Domestic Sewage.
- (49) Sewer Any pipe, tile, tube, or conduit for carrying Sewage or Wastes.



- (50) Sewer Rates and Charges                    The Connection Charge, Inspection Fee, User Charge, User Surcharge, Miscellaneous Customer Fee, Billing Charge and civil penalty imposed pursuant to Article VII.
- (51) Sewer Service Charge                    The sum of the applicable user charge, surcharges, and debt service charges.
- (52) shall    Is mandatory.
- (53) Slug    Any discharge of water, Sewage, or Industrial Wastes which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of time longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
- (54) STED System                                A Septic Tank Effluent Drain system which includes a septic tank(s) into which a building sewer directly discharges and is part of the service connection. The septic tank(s) as part of the service connection is considered to be part of the public sewer system.
- (55) STEP System                                A Septic Tank Effluent Pump System which includes a septic tank, effluent pump, pump chamber, and electrical controls into which a building sewer directly discharges and is part of the service connection. The septic tank(s), effluent pump, pump chamber, and electrical controls as part of the service connection are all considered to be part of the public sewer system.
- (56) Storm Sewer or Storm Drain                    A Sewer which carries storm or surface waters, or drainage and excludes Sewage or Wastes and polluted Industrial Wastes.
- (57) Structure in Which Sanitary Sewage Wastes Originate                    A privately-owned building in which toilet, kitchen, laundry, or bathing, or other facilities which generate Sewage or Wastes are used or are available for use for household, commercial, industrial, or other purposes.
- (58) Subsurface Disposal System                    An arrangement for distribution of Septic Tank effluent or overflow beneath the ground surface (also referred to as a "drainfield system" or a "soil absorption system").
- (59) Supervisor                                    The Supervisor of the Township or his or her authorized representative.
- (60) SS or Suspended Solids                    Solids either floating on the surface or suspended in Sewage or Wastes, or other liquids and which are removable by laboratory filtering and biological processes.

- (61) System                         The complete Leelanau County Sanitary Sewage Disposal System No. 3, including all sewers and service connections, 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.
- (62) SWRC                         The State Water Resources Commission or any of its affiliates, the Michigan Department of Health, and Michigan Department of Environmental Quality.
- (63) Toilet Device                 Any device which generates Domestic Sewage.
- (64) Township                     The Township of Leland, located in Leelanau County, Michigan, and/or its duly authorized agent or representative. Unless otherwise indicated, references to "Township" with in the body of the Ordinance shall mean "Township Board."
- (65) Treasurer                    The Treasurer of the Township, or his or her duly authorized deputies, assistants, or agents.
- (66) U.S. EPA                     The United States Environmental Protection Agency which assures the protection of the environment by abating or controlling pollution on a systematic basis.
- (67) Unit or Units                A standard of measuring the relative quantity of Sewage or Wastes and the benefits derived from the disposal thereof ordinarily arising from the occupancy of a single family residential dwelling unit (but such term shall not necessarily be related to actual use arising from any such dwelling unit) and shall be defined or determined from time to time by the Township through its Township Board. Said units are set forth in Exhibit A, according to the type of use to which the properties are put. Any use not enumerated in Exhibit A shall, in the discretion of the Township Supervisor, upon authority of the Township Board, possess those Units which attach to the property based upon the most similar use enumerated in Exhibit A.
- (68) User                         The recipients of services provided by the System, including premises which are connected to and discharge Sewage or Wastes into the System and shall consist of the following classes:
- (a) "Residential User" - A User whose premises (i) are domiciles for single or multiple family use and (ii) discharge only Domestic Sewage.

(b) "Governmental User" - A User whose premises (i) are publicly-owned or leased facilities performing government functions (e.g. government office building, post office, library, school) and (ii) discharge only Domestic Sewage.

(c) "Commercial User" - A User whose premises (i) are privately owned and used to perform and/or sell services and/or products for profit (e.g. retail and wholesale stores, restaurants, motels, gasoline stations) and (ii) discharge primarily Domestic Sewage.

(d) "Institutional User" - A User whose premises (i) are owned by a non-profit organization pursuant to Section 501 of the Internal Revenue Code of 1986, as amended (e.g. churches, hospitals) and (ii) discharge primarily Domestic Sewage.

(e) "Industrial User" - A User whose premises (i) are privately owned and are used for manufacturing a product from raw or purchased material and (ii) discharges wastewater used in any way in the manufacturing process in addition to Domestic sewage.

(69) User Charge

A charge levied on Users of the System for the User's proportionate share of the cost of Operation and Maintenance (including Replacement) of the System.

(70) User Surcharge

A charge imposed on a User of the System who discharges Sewage or Wastes in excess of Normal Strength.

(71) Watercourse

A channel in which a flow of water occurs, either continuously or intermittently.

### **ARTICLE III USE OF PUBLIC SEWERS REQUIRED**

**SECTION 301. General Use Prohibitions.** No Person shall place, deposit, or permit to be placed or deposited in any unsanitary manner upon public or private property within the District any Sewage or Wastes.

**SECTION 302. Discharge to Natural Outlets.** No Person shall discharge to any Natural Outlet within the District any Sewage or Wastes, or other polluted waters except where suitable treatment has been provided in accordance with standards established by the SWRC, U.S. EPA, and this Ordinance.

**SECTION 303. Prohibition on Construction.** Except as provided in this Ordinance, no Person

shall construct or maintain in the District any Sewage disposal Facilities.

**SECTION 304. Mandatory Connection Within District.** It is hereby determined and declared that public sanitary sewers are essential to the health, safety, and welfare of the people of the Township of Leland. Owners of all Structures in which Sanitary Sewage or Wastes originate, now situated or hereafter constructed within the District and abutting on any right-of-way, easement, highway, street, or public way in which there is now located or may in the future be located a Public Sewer of the Township are hereby required at their expense to connect said structure's Building Sewer directly to the Public Sewer in accordance with the provisions of this Ordinance, provided said Public Sewer is within 200 feet of the nearest property line of said premise. The Township may require any such owners, pursuant to the authority conferred upon it by law or ordinance, to make such installations or connections, subject to the availability of the System.

This requirement may be waived subject to the capacity of the System and the availability of connections, at the discretion of the Township Board.

**SECTION 305. Apportioning Capacity:** The following priority, in order stated, will govern those who will be allowed to connect to the System:

- a. Those owners who have paid an assessment.
- b. Vacant lots within the District with plans that will require a connection. Those will be based on first come-first served. A connection permit issued hereunder is not transferrable to allow connection to the sewer for parcels of real property other than those described in the permit.
- c. Those special requests for sewer connections approved by the Township Board. Those requests which fall in this category should be evaluated as to the impact on available REU capacity and must be approved by the Township Board. Special requests for sewer connections which are approved by the Township Board shall be required to pay an additional "Expansion Charge" per REU based upon the actual cost to the Township to provide for additional System capacity.

A special request is defined as any use requesting more than 5 REU's, such as a new business, a condominium, or housing subdivision development.

**SECTION 306: Connection Outside District.** The owners of all Structures in which Sanitary Sewage or Wastes originates, now situated or hereafter constructed outside the District and abutting any right-of-way, easement, highway, street, or public way in which there is now located or may in the future be located a Public Sewer of the Township may, at their expense and upon approval of the Township, connect said structure's Building Sewer directly to the public sewer in accordance with the provisions of this Ordinance.

**SECTION 307. Time for Mandatory Connection and Penalty for Non Compliance.** As matters of public health and equipment reliability, each connection of the building sewer to the public sewer shall be completed no later than ninety (90) days after notification by the Township

for the specific parcel of property. Persons who fail to complete a required connection to the Public Sewer within such ninety (90) day period shall be liable for a civil penalty equal in amount to the User Charges that would have accrued and been payable had the connection been made as required in addition to all charges and fees as outlined in Article XI.

**SECTION 308. Division of Parcels.** The subdivision of premises located in the District into two or more lots or parcels may be conditioned upon an extension of the Public Sewer to the resulting lots or parcels.

**SECTION 309. Information Required by the Township.** The Township may require each person who applies for sewer service, receives sewer service, and through the nature of the enterprise creates a potential environmental problem, to file the material listed below. Any industry or structure discharging industrial wastes to the sanitary sewer, storm sewer, or receiving stream shall file the material listed below with the Township.

- (a) File a written statement setting forth the nature of the enterprise, the source and amount of water used, and the amount(s) of water to be discharged, with the present or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of the wastes.
- (b) Provide a plan map of the building, works, or complex, with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse, or groundwaters noted, described and the waste stream identified.
- (c) Sample, test, and file reports with the Township and the appropriate State agencies on appropriate characteristics of wastes on a schedule, at locations, and according to methods prescribed by the Township.
- (d) An Affidavit placing waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate State agency as properly qualified to supervise such facilities.
- (e) Provide a report on raw materials entering the process or support system, intermediate materials, final product, and waste by-products as those factors may affect waste control.
- (f) Maintain records and file reports on the final disposal of specific liquid, solids, sludge, oil, radioactive material, solvent, or other waste.
- (g) If any industrial process is to be altered so as to increase or decrease process waste or potential waste discharge to the sanitary sewer, written notification shall be given to the Township. Discharge of said altered waste streams shall be subject to the Township's approval and shall comply with all other provisions of this Ordinance and any applicable laws or regulations.

**ARTICLE IV  
PRIVATE SEWAGE DISPOSAL**

**SECTION 401. Authorization Under Certain Conditions.** If a Public Sewer is not available, for lack of capacity or otherwise, to a parcel of land located in the District under the provisions of Article III, the Building Sewer shall be connected to private Sewage Disposal Facilities constructed in compliance with requirements of the Health Department, the Public Health Code, and the SWRC. If a public Sewer is available to a parcel of land, but the land is located outside the District under the provisions of Article III, the Building Sewer may remain connected to a private Sewage Disposal Facilities constructed in complete compliance with current and future requirements of the Health Department, the Public Health Code, and the SWRC.

**SECTION 402. Operation of Private Sewer.** The owner shall operate and maintain the private Sewage Disposal Facilities in a sanitary manner at all times, at no expense to the Township.

**SECTION 403. Other Requirements.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Township, the Health Department, the SWRC, or any other governmental agency with jurisdiction over the District.

**SECTION 404. Connection to Public Sewer.** At such time as future extensions to the District are completed and a Public Sewer becomes available to a parcel served by private Sewage Disposal Facilities, as provided in Article III, the Building Sewer shall be connected to the Public Sewer in compliance with this Ordinance. The private Sewage Disposal Facilities shall be pumped out including removal of all septage, any kind of cover removed, and the private Sewage Disposal Facilities abandoned for sanitary use by filling with suitable materials, or as otherwise required by the Health Department.

**ARTICLE V  
BUILDING SEWERS AND CONNECTIONS**

**SECTION 501. Permit Required.** No unauthorized Person shall uncover, make any connections with or opening into, use, alter, or disturb the Public Sewer without first obtaining a written permit from the Township.

**SECTION 502. Information Required for Permit.** A connection to the Public Sewer shall be made only by an authorized contractor upon written authorization and a permit issued by the Township. Prior to said connection, the property owner or his agent shall submit an application to the Township. The application shall be on a form provided by the Township and be accompanied by any civil penalty which has accrued pursuant to Section 307, the applicable Inspection Fee, the Permit Application Fee, the provision for payment of all costs relating to construction of the New Service Connection (if required) the plans and specifications of all plumbing construction within the premises and layout of the service connection, and any other information on fees required by

the Township.

**SECTION 503. Approval of Permit.** The approval of a permit application is subject to:

- (a) Compliance with all terms of this Ordinance, including all payments required by Section 502 hereof and all orders, rules, and regulations of the Health Department and the SWRC;
- (b) Use of a licensed Contractor who has been approved by the Administrator and has filed a performance bond for the work as required by the Administrator and proof of insurance in the amounts as designated by the Township. The performance bond shall be an amount equal to the estimated cost of the work. Indemnification shall be provided by naming the Township on the Contractor's insurance policies;
- (c) The availability of capacity in the System, including Compatible Pollutant capacity;
- (d) Notification to the Administrator as to when any work in connection with the permit will be commenced; and
- (e) The plans and specifications must comply with the following standards for construction:
  - (i) The Building Sewer, STEP System, STED System, and new Service Connections shall meet the specifications prepared by the Sewer Administrator and on file with the Township Clerk.
  - (ii) The size of the Building Sewer shall not be less than four (4) inches in diameter.
  - (iii) No Building Sewer shall be laid parallel to and within three (3) feet of any bearing wall. The Building Sewer shall be laid at a minimum grade of one-quarter (1/4) inch per foot, sloping towards the Service Connection.
  - (iv) In all buildings in which any Building Drain is too low to permit gravity flow to the Service Connection, the Sewage to be carried by the Building Drain shall be lifted by means acceptable to the Township and discharged to the Service Connection.
  - (v) Where the Public Sewer is more than twelve (12) feet deep measured from established street grade, a riser shall be constructed on the Public Sewer using methods and materials approved by the Township.
  - (vii) All joints and connections shall be made gas-tight and water-tight. Stormwater inflow and groundwater infiltration to the Building Drain or Building Sewer are strictly prohibited.

- (viii) Connection of the Building Sewer to the Public Sewer shall conform to requirements of the building and plumbing code or other applicable rules and regulations of the Township. Any deviation from the prescribed procedures and materials must be approved by the Township.
  - (ix) In addition to plumbing, a connection to the System will consist of furnishing and connecting adequate electrical power service, in full conformance with all applicable codes of the Township and the Leelanau County Building Code, from the premises owner's electrical service equipment to the Septic Tank Effluent control panel or panels, which are part of the System, as required for the particular property. All costs associated with the electrical work and any permits required shall be paid for by the owner of the premises.
- (f) A permit shall be issued to the applicant within ten (10) days after it has been determined that the applicant has met all terms and conditions for approval.

**SECTION 504. Expiration of Permits.** A permit is valid for one year from the date of its issuance.

**SECTION 505. Excavations, Pipe Laying and Backfill.** All excavations, pipe laying, and backfill required for the installation of Building Sewers shall be done to conform to requirements and standards approved by the Township. No backfill shall be placed until the work has been inspected and approved by the Administrator. Cinders shall not be used as backfill.

**SECTION 506. Location and Method of Connection of the Building Sewer.** The connection of the Building Sewer to the Public Sewer shall be made at the Service Connection. If no Service Connection is available, the owner(s) of the Parcel shall be responsible for payment of all costs related to construction and installation of the Building Drain, Building Sewer, STEP System or STED System, New Service Connection, connection of the Building Sewer to the Service Connection, installation of the wye branch on the sewer mainline including, but not limited to, the purchase of pipe and associated structures, engineering, if required, actual costs of construction, backfill, and restoration. The Township shall determine the exact location and method of cutting into the Public Sewer to install the Service connection and wye branch and the materials to be used.

**SECTION 507. Prohibited Connections.** No Person shall make connection of roof downspouts, exterior footings or foundation drains, areaway drains, storm drains, or other points of entry of surface runoff or groundwater to a Building Sewer or Building Drain which, in turn, is connected directly or indirectly to the Public Sewer.

**SECTION 508. Required Precautions.** All excavations for Building Sewer installation and connection to the Public Sewer 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 at the cost of the property owner in a manner satisfactory to the Township.



**SECTION 509. Costs of Installation, Connection, Permission from County Road Commission and Indemnification of Township.** All costs and expenses incidental to the installation and connection of the Building Sewer to the Public Sewer shall be borne by the owner of the property being connected. No such work shall be commenced before such owner obtains the necessary permission to work in the public right-of-way from the Township and the County Road Commission. Said owner shall indemnify the Township from all loss or damage that may directly or indirectly be caused by the installation and connection of the Building Sewer to the Public Sewer.

**SECTION 510. Notification of Completion.** Connections shall be made only after an inspection by the Administrator. The applicant for a Building Sewer permit shall notify the Administrator when the Building Sewer is ready for inspection. If the Administrator determines that the Building Sewer has been constructed and installed pursuant to this Ordinance and the permit issued by the Township, the Building Sewer shall then be connected with the Public Sewer under the observation of the Administrator.

**SECTION 511. Cost of Repair, Operation, Maintenance and Replacements of Building Sewers.** The cost of all repairs, operation, maintenance, and replacements of existing Building Sewers, including anything within the house or structure itself, the line leading from the house to the septic tank, any water meter and the connection to Public Sewers, shall be borne by the property owner. Such owner shall make application to the Township to perform such work.

**SECTION 512. Cost of Repair, Operation, Maintenance and Replacment of the System.** The cost of all repairs, Operation and Maintenance, and Replacement of the System shall be borne by the Township as part of the Township's budgeted annual expense of the System, including the septic tank and beyond including all the connections to the main sewer line and lift pump, subject to the right of the Township to impose a Miscellaneous Customer Fee in accordance with Section 706.

**SECTION 513. Cost of Electricity.** The cost of electricity to operate a STEP System shall be borne by the property owner.

## **ARTICLE VI USE OF THE PUBLIC SEWERS**

**SECTION 601. Prohibited Discharge and Connections.** No Person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drains, cooling water, or unpolluted industrial process waters to the Public Sewer. No Storm Sewer or Storm Drain shall be connected directly or indirectly to the Public Sewer.

**SECTION 602. Discharge of Unpolluted Drainage.** Storm water and all other unpolluted drainage shall be discharged to the ground surface or to a Natural Outlet approved by the Township or the SWRC.

**SECTION 603. Restricted Discharge.** Except as hereinafter provided by specific limits stated in the Ordinance, no Person shall discharge or cause to be discharged any of the following described Sewage or Wastes to any Public Sewer:

- (a) BOD in excess of 270 mg/l.
- (b) COD in excess of 550 mg/l.
- (c) Chlorine demand in excess of 15 mg/l.
- (d) Explosive liquid, solid or gas, benzene, naptha, fuel oil, or other flammable material.
- (e) Any Garbage which is not Properly Shredded Garbage.
- (f) Grease, oils, wax, fats, or any other substances that will solidify or become viscous in the Sewer at temperatures between 32°F and 150°F.
- (g) Substances which tend to settle out in the Sewer, causing stoppage or obstruction to flow.
- (h) Liquids which are corrosive.
- (i) Insoluble, solid, or viscous substances such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, paunch manure.
- (j) Any noxious or malodorous gas or substance capable of creating a public Nuisance.
- (k) Substances having a pH less than 6.5 or greater than 9.5.
- (l) All toxic, poisonous or radioactive wastes exceeding limits established by applicable state and federal regulations, including conformance to Section 307(a) of the Act.
- (m) Any substance harmful to the System.
- (n) Any live animals or fish.
- (o) Suspended Solids in excess of 300 mg/l.
- (p) Wastes having a temperature less than 32°F or greater than 150°F.
- (q) Phosphorus in excess of 10 mg/l.

- (r) Heavy metals.

**SECTION 604. Discharge in Excess of NPDES Limits.** No Person shall discharge or cause to discharge to the System any Sewage or Wastes which would cause effluent from the Sewage Treatment Facility to exceed discharge limits established in the NPDES Permit issued to the Township for operation of the System.

**SECTION 605. Authorized Action of the Township.** If any Sewage or Wastes are discharged, or are proposed to be discharged to the Public Sewer, and such Sewage or Wastes contain the substances or possess the characteristics enumerated in Section 603, and which, in the judgment of the Township, may have a harmful effect upon the Sewage Works or Sewage Treatment Facility, or receiving waters, or which otherwise create a hazard to life or constitute a public Nuisance, the Township may take the actions necessary to:

- (a) Reject the Sewage or Wastes from the Public Sewer;
- (b) Require pretreatment to an acceptable condition for the discharge of the Sewage or Wastes to the Public Sewers;
- (c) Require control over the quantities and rates of discharge; or
- (d) Require payment to cover the added cost of handling and treating the Sewage or Wastes pursuant to Sections 703 and 704 hereof.

If the Township permits the pretreatment or equalization of Sewage or waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Township, the Health Department, the SWRC, and subject to the requirements of all applicable codes, ordinances, regulations, and laws. No construction of pretreatment facilities shall take place until all necessary approvals are obtained in writing.

**SECTION 606. Operation of Preliminary Treatment and Flow Equalizing Facilities.** Where preliminary treatment or flow equalizing facilities are provided for any Sewage or Wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at no expense to the Township.

**SECTION 607. Special Agreements with Industrial Users.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Township and any Industrial User whereby Industrial Wastes of unusual strength or character may be accepted by the Township for treatment, subject to payment of a User Surcharge by the Industrial User.

**SECTION 608. Authorization of Special Agreements with Other Municipalities.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Township and any other municipality whereby Sewage or Wastes from the municipality may be accepted by the Township for treatment, subject to payment therefore by the municipality.

**SECTION 609. Grease, Oil and Sand Interceptors.** Grease, oil, and sand interceptors shall be provided by and at the cost of Users of the System when determined by the Township to be necessary for the proper handling of Sewage or Wastes containing ingredients described in Section 603 of this Article. All interceptors shall be (a) of the type and capacity prescribed by the Township, (b) located so as to be readily and easily accessible for cleaning and inspection, (c) constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, and (d) of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

**SECTION 610. Control Manholes.** When required by the Township, the owner(s) of any property serviced by a Building Sewer carrying Industrial Wastes shall install a suitable control manhole in the Building Sewer. The purpose of this control manhole shall be to enable observation, sampling, and measurements of the Industrial wastes. Such manhole shall be in a location approved by the Township, shall be easily accessible, and shall be constructed in accordance with plans and specifications approved by the Township and the Administrator. Installation of the control manhole, sampling equipment, and other appurtenances required by the Township shall be at the expense of the property owner. The owner shall also maintain the control manhole and appurtenances in a safe and accessible manner at all times.

**SECTION 611. Measurements, Tests and Analysis of Industrial Waste.** All measurements, tests, and analyses of characteristics of Industrial Wastes shall be conducted on samples obtained at the control manhole. Where no specific control manhole has been constructed, the control manhole shall be considered to be in the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected.

**SECTION 612. Determination of Measurements, Tests and Analyses.** All measurements, tests, and analyses of Sewage or Waste characteristics described in this Article shall be determined in accordance with the current "Standard Methods for the Examination of Water and Sewage", as published by the American Public Health Association.

## **ARTICLE VII RATES AND CHARGES**

**SECTION 701. Basis for Establishing and Collecting Rates and Charges.** The operation and maintenance of the System shall be under the supervision and control of Leelanau County Department of Public Works on a public utility basis as authorized by State law and subject to the terms of the contract dates as of September 1, 1990, between the County of Leelanau and the Township of Leland under Act 185, Public Acts of Michigan, 1957, as amended. Pursuant to the terms of such contract, the Township of Leland has retained the exclusive right to establish, maintain, and collect rates and charges for sewer collection and disposal service and in such capacity the Township Board of the Township of Leland shall employ such person or persons in the capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient establishment, maintenance, and collection

of such rates and charges.

**SECTION 702. Debt Service Charges.** It is the goal of the Township Board that all Beneficiaries of the System pay an appropriate share, as determined by the Township Board, for the capital costs, which includes construction and maintenance costs, of the System, which shall be based upon the Residential Equivalent Units assigned to the Beneficiary. In order to meet this goal the Debt Service Charges owed by each Beneficiary shall be determined as follows:

(a) Residential Equivalent Use Determination and Metering:

- (i) Each Beneficiary of the System shall be assigned a Residential Equivalent Use factor ("REU") based upon their anticipated use of the System. Initially, this determination shall be made in accordance with Exhibit A. Such assignment shall, for purposes of Debt Service Charges, not be altered or amended absent the approval of the Township Board and may be appealed to the Wastewater Board of Appeals.
- (ii) At the option of the Township Board, after meter readings are available for two (2) years, the REU for the premises may be recalculated based upon the average monthly metered use during full operations. The highest six (6) months of metered use for each of the two most recent years will be added together and averaged to determine the average monthly metered use.

The average monthly use shall then be divided by 4,167 gallons per month to determine the new REU, which may not be less than the initial REU as set forth in subsection (i) above absent Township Board approval.

- (iii) Beneficiaries of the System shall be determined by the Township prior to connection to the System to be either single family or non-single family (i.e. multi family), referred to as residential or commercial, respectively. Such determination may be appealed to the Wastewater Board of Appeals.

Upon connection to the System, commercial and non-single family users with an REU greater than one (1) shall have installed on their water supply a water meter with a remote reader, of the size and type specified by the Township. The cost of both the meter and the installation shall be paid for by the user with the installation to be made or approved by the Township.

- (b) All Beneficiaries shall be assessed and pay the Debt Service Charge as set forth in Exhibit B, based upon the REUs assigned to that Beneficiary. Debt Service Charges shall begin to accrue as of the date of connection of the Building Sewer to the Public Sewer in accordance with Article V, above or 90 days after the first day of the first month the Township notifies the person to connect to the System, whichever comes first.

**SECTION 703. Connection and Billing Charges**

- (a) The Connection Charges set forth in Exhibit B shall be due and payable at the time an application is made to the Township for connection to the System
- (b) If the installation of a new service connection is required for the connection, the owner of the premises shall be liable in addition to the Connection Charges for the costs and expenses of installing the service connection including the STEP or STED system.
- (c) The Billing Charges set forth in Exhibit B shall be due and payable on a monthly or quarterly basis, as determined by the Township.

**SECTION 704. User Charges.** It is the intent to have all Users pay for the operational costs of the System based on use. Therefore, in addition to the above capital charges, the operation, maintenance, reserve and replacement charges (hereinafter referred to as "User Charges") for use of the System by each User, shall be billed monthly or quarterly at rates as follows:

- (a) For those premises connected to the System that have metered water, the rates shall be established by the Township Board based on the Sewer Usage ("commodity") Charge as set forth in Exhibit B.

Metered customers will pay the commodity charge based on their metered flow. In the event the meter fails or meter readings are not available during any period of time, the customer will be notified that they must repair or replace their meter within fifteen (15) days. If meter readings are not available after fifteen (15) days, a new rate will be set at 150% of the previous 12 (12) months highest usage.

- (b) Those premises without water meters shall be charged a flat rate based upon the REU assigned to the premises and utilizing Exhibit B.
- (c) The User Charges imposed pursuant to this Section are applicable to all Users who discharge Normal Strength Domestic Sewage. A User who discharges toxic pollutants or Sewage or Waste into the System that do not qualify as Normal strength Domestic Sewage shall also pay a User Surcharge determined pursuant to Section 704 below for each day such toxic pollutants or non-qualifying Sewage or Waste are discharged.
- (d) User Charges shall begin to accrue as of the date of connection of the Building Sewer to the Public Sewer in accordance with Article V, above or 90 days after the first day of the first month the Township notifies the person to connect to the System, whichever comes first.

**SECTION 705. Establishment of User Surcharges.** The User Surcharges shall be determined using the User Charge System and adopted by resolution of the Township Board and shall be sufficient to provide for the proportional distribution of the increased expense of Operation and Maintenance of the System to each User contributing toxic pollutants or Sewage or Waste that does not qualify as Normal Strength Domestic Sewage. Factors such as Sewage or Waste strength,

volume, and delivery flow rate characteristics shall be considered and included as a basis for determining the User Surcharge.

**SECTION 706. User Surcharges.** Notwithstanding Section 704, Extra Strength Wastewater Surcharges shall initially be established pursuant to Exhibit B. These charges may be adjusted by the Leland Township Board via resolution pursuant to Section 710.

**SECTION 707. Establishments of Miscellaneous Fees.** The Township Board shall, from time to time by resolution, establish and impose Miscellaneous Customer Fee(s), as necessary, for miscellaneous or special services, repairs, and related administrative costs associated with the System.

**SECTION 708. Inspection Fee.** The Inspection Fee shall be set forth in Exhibit B, or as hereafter established by Resolution of the Township Board.

**SECTION 709. Permit Application Fee.** The permit application fee shall be the actual cost to the Township for review and approval of the application, including contracted services, as set forth in Exhibit B..

**SECTION 710. Billings.** Bills will be sent monthly or quarterly by the Township or its agent and be payable without late fee within thirty (30) days after the date hereon. Payments received after such period shall bear a late fee as established in Exhibit B.

**SECTION 711. Revisions of Rates and Charges.** Revisions to the rates for total sewer service charges, including debt service, are to be established by Resolution of the Township Board, which may be enacted apart from this Ordinance as necessary to ensure sufficiency of revenues in meeting administrative, operation, maintenance, replacement and debt service costs.

**SECTION 712. Charges to Become a Lien Upon Premises.** The charges for services which are under the provisions of Section 21, Act 94, Public Acts of Michigan 1933, as amended, made a lien on all premises served thereby, 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 1<sup>st</sup> of each year, to the tax-assessing officer of the Township the facts of such delinquency, whereupon such charge shall be by the assessor 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. Where written notice is given that a tenant is responsible for such charges and service at the discretion of the Township Board, no further service shall be rendered to such premises until a cash deposit in the amount of \$500.00 shall have been made as a security for payment of such charges and services. Such notice shall include a copy of the lease of the premises, if there is one,

**SECTION 713. No Free Service.** No free service shall be furnished by the System to any Person, public or private, or to any public agency or instrumentality.

**SECTION 714. Annual Audit.** The System shall be operated on the basis of the Township of Leland's operating year and shall be audited annually as part of the Township audit in accordance

with the provisions of Act 2, Public Acts of Michigan 1968, as amended.

**SECTION 715. Receiving Fund.** 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, in an account to be designated THE SEWER ACCOUNT (hereinafter, for brevity, referred to as the "Receiving Fund"), and said revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the times hereafter specified.

- (a) **Operations 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 including the sum calculated on an annual basis for replacement in accordance with the MDEQ approved User Charge System.
- (b) **Contract Payment Fund.** There may 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 County of Leelanau pursuant to the aforesaid contract. 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 obligation when due. Should the revenues of the System prove insufficient for the purpose, such revenues may be supplemented by any other funds of the Township legally available for such purpose.
- (c) **Improvement Fund.** There shall next be, as funds become available, established and maintained an Improvement Fund, to be designated 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.
- (d) **Surplus Money.** Moneys 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 connection with any other project of the Township reasonably related to the purposes of the System, as funds become available.

**SECTION 716. Deficiency.** In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any moneys and/or securities in other funds of the System, except sums in the Contract Payment Fund derived from tax levies, may be transferred to the Operation and Maintenance Fund, to the extent of any deficit therein.



**SECTION 717. Hardship Deferment of Charges.** The owner of any premises which have been assessed any charges under this Ordinance or any other Ordinances with regard to the System, may submit a hardship application to the Township seeking a deferment in the partial or total payments of the charges based upon a showing of financial hardship. In the event the Township makes a finding of hardship, the Township Board shall fix the amount of charges deferred for that year. Reapplication may be made to the Township annually.

**ARTICLE VIII  
POWERS AND AUTHORITY OF INSPECTORS**

**SECTION 801. Powers and Authority of Inspectors.** The duly authorized representatives, employees, or agents of the Township, including, but not limited to, the Supervisor, the Administrator, the Contractor hired to perform the installation, representatives of the Leelanau County Department of Public Works, representatives of the Health Department, and representatives of SWRC bearing proper credentials and identification shall be permitted to enter at any time during reasonable or usual business hours in and upon all properties provided sewer service for the purposes of inspection, observation, measurement, sampling, testing, construction of STEP System or STED systems, construction of building sewers and the service connection, maintenance of STEP System or STED System including pumping of septic tanks, maintenance of the service connection, and repairs in accordance with the provisions of this Ordinance.

**ARTICLE IX  
WASTEWATER BOARD OF APPEALS**

**SECTION 901. Composition and Duty of Board of Appeals.** In order that the provisions of the Ordinance may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of these sections, the Leland Township Board shall serve as a Wastewater Board of Appeals. The duty of such Board shall be to consider appeals from the decision of the Administrator and to determine, in particular cases, whether any deviation from strict enforcement will violate the intent of the Ordinance or jeopardize the public health or safety.

**SECTION 902. Request for Informal Hearing.** An informal hearing before the Administrator may be requested in writing by any user or contractee deeming itself aggrieved by any citation, order, charge, fee, surcharge, penalty or action within ten days after the date thereof, stating the reasons therefor with supporting documents and data.

**SECTION 903. Scheduling of Informal Hearing.** The informal hearing shall be scheduled at the earliest practicable date, but not later than fourteen (14) days after receipt of the request, unless extended by mutual written agreement.

**SECTION 904. Procedure of Informal Hearing.** The hearing shall be conducted on an informal

basis at such place as designated by the Administrator.

**SECTION 905. Appeal to the Wastewater Board of Appeals.** Appeals from Orders of the Administrator may be made to the Board of Appeals, within thirty (30) days from the date of any citation, order, charge, fee, surcharge, penalty, or other action. Such appeal may be taken by any person aggrieved. The appellant shall file a Notice of Appeal with the Administrator and with the Board, specifying the ground therefor. Prior to a hearing, the Administrator shall transmit to the Board a summary report of all previous action taken. The Board may, at its discretion, call upon the Administrator to explain the action. The final disposition of the appeal shall be in the form of a resolution, either reversing, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the Board must concur.

**SECTION 906. Scheduling of an Appeal to the Wastewater Board of Appeals.** The Wastewater Board of Appeals shall fix a reasonable time for the hearing of the appeal, but in no event more than thirty (30) days following the final decision of the Administrator, give at least fourteen (14) days notice prior to the hearing to interested parties, and decide the same within thirty (30) days after the conclusion of the hearing. Within the limits of its jurisdiction, the said Wastewater Board of Appeals may reverse or affirm, in whole or in part, or may make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end shall have all the powers of the official from which said appeal is taken.

**SECTION 907. Decisions of Wastewater Board of Appeals are Final.** The decision of said Wastewater Board of Appeals shall be final, except that said Board or the members thereof may be required under proper mandamus proceedings, to show cause why certain actions were taken or decisions rendered.

**SECTION 908. Procedure of Hearing Before the Wastewater Board of Appeals.** The Wastewater Board of Appeals shall meet at such times as the Board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public in accordance with applicable laws. The Wastewater Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings, showing findings of fact, the action of the Board, and the vote of each member upon each question considered. A quorum for the Wastewater Board of Appeals shall follow the rules for a quorum of the entire Township Board.

**SECTION 909. Notice of Hearing before the Wastewater Board of Appeals.** The Wastewater Board of Appeals may prescribe the sending of notice to such persons as it deems to be interested on any hearing by the Board.

**SECTION 910. Outstanding Charges for Service, Penalties, Fees or Surcharges.** All charges for service, penalties, fees, or surcharges outstanding during any appeal process shall be due and payable to the Township. Upon resolution of any appeal, the Township shall adjust such amounts accordingly; however, such adjustments shall be limited to the previous four quarters' billing unless otherwise directed by court order.

**SECTION 911. Finality of Administrative Action.** If an informal or formal hearing is not

demanded within the periods specified herein, such administrative action shall be deemed final. In the event either or both such hearings are demanded, the action shall be suspended until a final determination has been made, except for Immediate Cease and Desist Orders issued.

**SECTION 912. Appeals to the Circuit Court.** Appeals from the determinations of the Board of Appeals may be made to the Circuit Court for the County of Leelanau as provided by law. Such appeals shall be governed procedurally by the Administrative Procedures Act of the State of Michigan (1979 P.A. No. 306, MCLA 24.201 et. seq.). All findings of fact, if supported by the evidence, made by the Board shall be conclusive upon the Court.

## **ARTICLE X ENFORCEMENT-OPERATION**

**SECTION 1001. Enforcement.** The Administrator is charged with the duty of investigating, preventing, and abating violations and enforcing the provisions of the Ordinance.

**SECTION 1002. Duties and Employment of the Administrator.** The operation, maintenance, alteration, repair, and management of the wastewater collection and treatment system shall be under the supervision and control of the Administrator. The Township may employ such person or persons in such capacity or capacities as it deems advisable to carry out the efficient management and operations of the system and may make such necessary or recommended rules, orders, and regulations to assure the efficient management and operation of the system, including the setting of rates, surcharges, fees, penalties, or other charges, for the use of said system.

**SECTION 1003. Authority of the Administrator.** The Administrator shall:

- (a) Supervise the implementation and administration of this Ordinance.
- (b) Institute actions with approval of the Township Board against all users violating these sections and institute legal proceedings in the name of the Township of Leland in a court of competent jurisdiction for the abatement or prevention of any nuisance, injunctive relief, damages, or other relief with respect to violations of this Ordinance.

## **ARTICLE XI ENFORCEMENT**

**SECTION 1101. Prohibited Activities.** No Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the System, including the Sewage Treatment Facility. No unauthorized Person shall connect or disconnect any Building Sewer to the System.

**SECTION 1102. Notice of Violation.** 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 provided a reasonable time limit, but in no event more than forty-five (45) days, for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

**SECTION 1103. Civil Infraction.** Any person, firm, or corporation which violates the provisions of this Ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall be a civil fine of not less than fifty dollars (\$50.00), plus costs and other sanctions. Increased civil fines may be imposed for repeated violations of this Ordinance by a person, firm, or corporation. A "repeat violation" of this Ordinance is a second or subsequent violation of this Ordinance committed by a person, firm, or corporation within six months of a prior violation of this ordinance, and for which the person, firm, or corporation admits responsibility or is determined to be responsible. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than two hundred fifty dollars (\$250.00), plus costs and other sanctions. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than five hundred dollars (\$500.00), plus costs and other sanctions. The Township Supervisor and the Township Attorney are authorized to issue municipal civil infractions citations for violations of this Ordinance.

**SECTION 1104. Nuisance Per Se.** Any nuisance or use violation of this Ordinance is deemed to be a nuisance per se. The Township, in the furtherance of the public health is hereby empowered to make all necessary repairs or take other corrective action necessitated by such nuisance or violation. The Person who violated the Ordinance or permitted such nuisance or use violation to occur shall be responsible to the Township for the costs and expenses incurred by the Township in making such repairs or taking such action.

**SECTION 1105. Additional Costs for Violation.** Any Person violating any of the provisions of this Ordinance shall become liable to the Township and its authorized representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the Township by reason of such violation.

**SECTION 1106. Injunctive Relief.** When a person fails to connect to the public sanitary sewer system in violation of this Ordinance or MCLA 333.12753, the Township in accordance with MCLA 333.12754 may bring an action for a mandatory injunction or order in the local court to compel the owner to connect or the Township may enter the person's property, install the service connection including the STEP System or STED System, modify or install a building sewer including any physical changes to the property in order to complete the connection of the property to the public sanitary sewer system, and then place a lien on the property for all costs and fees associated with the Township for the connection, including all installation costs, connection fees, application fees, attorney and engineering costs.

**SECTION 1107. Penalties for Late Payment.** If Sewer Rates and Charges are not paid on or before the due date, the Township, pursuant to Act 178 of the Public Acts of Michigan of 1939, as amended, may (i) discontinue the services provided by the system by disconnecting the electrical service to the STEP unit or plugging the STED unit, and the service so discontinued shall not be

reinstated until all sums then due and owing, including time price differential, penalties, interest, and all expenses incurred by the Township for shutting off and turning on the service, shall be paid to the Township; (ii) institute an action in any court of competent jurisdiction of the collection of the amounts unpaid, including penalties, interest, and reasonable attorney fees; or (iii) enforce the lien created in Article XII. These remedies shall be cumulative and shall be in addition to any other remedy provided in this Ordinance or now or hereafter existing at law or in equity. Under no circumstances shall action taken by the Township to collect unpaid Sewer Rates and Charges, time price differential, penalties, and interest, invalidate or waive the lien created Article XII.

**SECTION 1108. Cancellation of Permit Applications and/or Service Disconnection.** Permit applications may be cancelled and/or sewer service disconnected by the Township for any violation of any part of this Ordinance, including, without limitation, any of the following reasons:

- (a) Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the System;
- (b) Nonpayment of Sewer Rates and Charges;
- (c) Improper or imperfect and/or failure to keep Building Sewers in a suitable state of repair;
- (d) Discharges in violation of this Ordinance;
- (e) Damage to any part of the System; or
- (f) Excessive flow due to groundwater infiltration.
- (g) Upon shut down, Health Department shall be notified.

**SECTION 1109. Remedies are Cumulative.** The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive.

## **ARTICLE XII REPEAL AND VALIDITY**

**SECTION 1201. Conflicts and Repeal.** All ordinances or parts of ordinances in conflict herewith and relating to the System are hereby repealed specifically Leland Township Ordinance #89-1 and #92-2. However, to the extent issues or disputes arise pursuant to a prior ordinance, the ordinance in effect at that time will apply.

**SECTION 1202. Severability.** The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts

**SECTION 1203. State or Federal Law Shall Control.** If any provision of applicable state or federal law imposes greater restrictions than are set forth in this Ordinance, then the provisions of such state or federal law shall control.

**ARTICLE XIII  
PUBLICATION EFFECTIVE DATE**


**SECTION 1301. Publication.** A true copy or a summary of this Ordinance shall be published in The Leelanau Enterprise within thirty (30) days after the adoption of the Ordinance by the Township. Publication date was September 21, 2006.

**SECTION 1302. Effective Date.** This Ordinance shall be in full force and effect thirty (30) days after its publication as provided by law. Effective date was October 21, 2006.

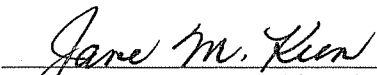
**ARTICLE XIV  
AMENDMENT**

**SECTION 1401. Amendment.** Subject to compliance with the applicable rules and regulations of the U.S. EPA and the right of holders of any outstanding bonds secured in part or in whole by revenues for the System, 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 to repeal, abandon, increase, decrease, or otherwise modify any of the Sewer Rates and Charges herein provided.

Passed and adopted by the Township Board of the Township of Leland, County of Leelanau, Michigan and approved by me on September 11, 2006.

  
\_\_\_\_\_  
Harry Larkin, Supervisor  
Township of Leland

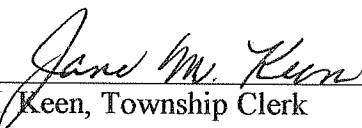
ATTEST:

  
\_\_\_\_\_  
Jane M. Keen, Township Clerk

CLERK'S CERTIFICATE


I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Leland, County of Leelanau, State of Michigan, at a regular meeting held on September 11, 2006, and that public notice of said meeting was given pursuant to act No. 267, Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

  
Jane M. Keen, Township Clerk

I, Jane M. Keen, Township Clerk of the Township of Leland, Leelanau County, Michigan, hereby certify pursuant to MCLA 41.192 that the Leland Township Sewer Use Ordinance (Township Ordinance No ) or a summary thereof was published in The Leelanau Enterprise on September 21, 2006. I further certify that a copy of said ordinance was filed with the County Clerk on or before October 21, 2006.

Dated: 10/12/2006

  
Jane M. Keen  
Leland Township Clerk

**EXHIBIT A**  
**SCHEDULE FOR THE CONVERSION RATIOS OF**  
**RESIDENTIAL EQUIVALENT USER FACTORS**

<u>Occupation Use</u>	<u>Units</u>	<u>Unit Factor</u>
Single Family Residence	1.0	Per residence
Auto Dealers – New and/or Used	1.0	Per premise plus 0.25 per 1,000 sq. ft. of building including service area
Auto Repair/Collision	1.0	Same as above
Auto Wash (Coin Operated Do-It-Yourself-10 gallons or less per car)	1.0	Per stall
Auto Wash (Mechanical – over 10 gallons or less per car – not recycled)	10.0	Per stall or production line including approach and drying area
Auto Wash (Mechanical – over 10 gallons or less per car – recycled)	5.0	Same as above
Barber Shop	1.0	Per shop plus 0.1 per chair after 2
Bar	4.0	Per 1,000 sq. ft
Beauty Shops	1.0	Per shop plus 0.1 per booth
Bowling Alleys (No Bar)	1.0	Per premise plus 0.2 per alley
Churches	0.25	Per 1,000 sq. ft. – minimum 1 unit
Cleaners (pick up only)	1.0	Per shop
Cleaners (cleaning & pressing facilities)	1.0	Per premise plus 0.5 per 500 sq. ft.
Clinics (Medical or Dental)	1.0	Per premise plus 0.5 per exam room
Convalescent or Boarding Homes	1.0	Per premise plus 0.25 per bedroom
Convents	1.0	Per premise plus 0.25 per bedroom
Country Club and Athletic Clubs	1.5	Per 1,000 sq. ft. of clubhouse plus restaurant, bar, and pro shop as retail store.



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<u>Occupation Use</u>	<u>Units</u>	<u>Unit Factor</u>
Drug Stores	1.0	Per premise plus snack bar
Factories (office and Production) Wet Process	0.75	Per 1,000 sq. ft. based on metered sewage flow
Funeral Home	1.5	Per 1,000 sq. ft. plus residence to be computed separately
Grocery stores and Supermarkets	1.0	Per premise plus 0.8 per 1,000 sq. ft.
Hospitals	1.1	Per bed
Hotels and Motels	0.40	Per bedroom
Laundry (self serve)	1.0	Per premise plus 0.5 per washer
Two Family Residential	1.0	Per unit
Mobile Homes (free standing)	1.0	Per unit
Mobile Homes (parks or subdivision)	0.75	Per pad or site at indirect connection rate plus laundry, community buildings, and office to be computed separately per schedule.
Marinas – per boat docking space	0.06 0.10	Per space under 25 ft. in length Per space over 25 ft. in length
Multiple Family Residence, Duplex, Row Houses or Townhouses	1.0	Per dwelling unit
Apartment Residence – Self contained unit including laundry facilities in apartment	1.0	Per dwelling unit
Apartment Residence – other than self contained unit- not having laundry facilities in apartment	0.80	Per dwelling unit
Fraternity or Sorority Houses	0.50	Per dwelling unit

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<u>Occupation Use</u>	<u>Units</u>	<u>Unit Factor</u>
Parks, Recreation Facilities, Campgrounds, Picnic Facilities –No bathing or overnight accommodations	0.20	Per parking space
Picnic Facilities – with bathing privileges or swimming pool	0.35	Per parking space
Campground Facilities – Recreation Vehicles, tents, trailers under 12 feet	0.35	Per pad or site plus picnic facilities
Campground Facilities – Trailer Parks or trailers in excess of 12 feet	0.50	Per pad or site plus picnic facilities
Professional Office	0.25	Per 500 sq. ft. – minimum 1
Public Institutions	0.75	Per 1,000 sq. ft.
Restaurants (meals only)	2.5	Per 1,000 sq. ft. excluding restrooms, public areas not in regular use and unfinished areas
Restaurants (meals and drinks)	3.5	Same as above
Restaurants (public areas, auxiliary dining rooms, dance floors, or ballrooms which are not in regular use)	0.5	Per 1,000 sq. ft.
Retail store (other than listed)	1.0	Per premise plus 0.1 per 1,000 sq. ft.
Schools	1.0	Per classroom
Service Stations	1.5	Per 1,000 sq. ft. of building area
Snack Bars, Drive-ins, etc.	2.5	Per 1,000 Sq. Ft.
Theaters (Drive-In)	0.04	Per car space
Theaters	0.04	Per seat
Warehouse and storage	0.20	Per 1,000 sq. ft.

**EXHIBIT A  
SCHEDULE FOR THE CONVERSION RATIOS OF  
RESIDENTIAL EQUIVALENT USER FACTORS**

<u>Occupation Use</u>	<u>Units</u>	<u>Unit Factor</u>
Veterinary Facility	1.5	Per facility
Veterinary Facility with Kennel	1.5	Per facility plus 0.5 per 5 kennels

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**Multiple single family dwelling units on a single parcel:**

- 1.0 REUs for the largest swelling on the parcel, plus 1.0 REU for each unit greater than 800 sq. ft.
- 0.8 REUs for each unit between 500 and 800 sq. ft.
- 0.5 REUs for each unit less than 500 sq. ft.

**Multiple family dwelling units, duplexes, apartments without meters:**

- 1.0 REU for each unit greater than 800 sq. ft.
- 0.8 REUs for each unit between 500 and 800 sq. ft.
- 0.5 REUs for each unit less than 500 sq. ft.

**A dwelling unit is defined as a building that contains a minimum:**

- Sleeping facilities
- A toilet
- Bath or shower
- Kitchen

There is no additional connection fee for any residential building that does not meet the definition of a dwelling unit.

**EXHIBIT B**

**NON-METERED CUSTOMERS**

<u>CHARGE</u> (PER MONTH)	<u>RATE</u>
Billing Charge	\$ 0.56
Debt Service	\$22.25 Per REU
Sewer Usage (Commodity)	<u>\$15.98</u> Per REU
	<b>\$38.79 Total for one (1) REU</b>

**METERED CUSTOMERS**

<u>CHARGE</u> (PER MONTH)	<u>RATE</u>
Billing Charge	\$ 1.53
Meter Reading Charge	\$ 0.97
Debt Service	\$22.25 x REU
Sewer Usage (Commodity)	\$ 5.66/1000 gal

**CONNECTION CHARGES**

\$6,000.00 Per REU

**EXPANSION CHARGE**

Actual cost to provide additional capacity as determined by the township.

**INSPECTION FEE**

\$25.00 per hour or fraction of

**APPLICATION FEE**

\$25.00

**LATE FEE**

1% per month for each full or partial month payment is late

EXHIBIT C

