

BUTMAN TOWNSHIP
(GLADWIN COUNTY, MICHIGAN)

SEWER ORDINANCE NO. 30

AN ORDINANCE PROVIDING FOR THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS; THE INSTALLATION AND CONNECTION OF BUILDING SEWERS AND LATERAL SEWERS; THE EMPLOYMENT OF AN INSPECTOR; RATES AND CHARGES FOR SEWAGE DISPOSAL SERVICES; PERMITS AND FEES FOR THE INSTALLATION AND CONNECTION OF SANITARY SEWERS; REGULATING THE DISCHARGE OF WATER AND WASTES INTO THE PUBLIC SEWER SYSTEM AND PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREOF; ON ALL PROPERTIES SERVED BY THE BUTMAN TOWNSHIP SEWER SYSTEM. THIS ORDINANCE SUPERCEDES ALL PAST ORDINANCES AND AMENDMENTS PASSED BY TOWNSHIP BOARDS PRIOR TO THE ENACTMENT OF THIS ORDINANCE.

The Township of Butman, Gladwin County, Michigan, hereby ordains:

Article I
General Provisions

Section 1.1 Short Title. This Ordinance shall be known as the "SEWER USE AND RATE ORDINANCE."

SECTION 1.2 Purpose. The purpose of this Ordinance is to protect the health, safety and welfare of the people in Butman Township and to provide rules and regulations for the use and construction of sanitary sewer facilities installed, or hereafter installed, altered or repaired within that portion of the township known generally as the "Sugar Springs Development: and more particularly described in Exhibit "A" attached hereto and hereby made a part hereof and to provide fair and equitable rates and charges to operate and maintain the sewer system.

Section 1.3. Relief on Application. When any person by reason of special circumstances, is of the opinion that any provision of this Ordinance is unjust or inequitable as applied to his or her premises, a written request may be made to the Township board, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises.

If such request is approved, the board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the request and continuing during the period of the special circumstances.

Section 1.4. Protection from Damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sanitary sewer system maintained and operated by the Township. Any person violating this provision shall be subject to the penalties provided by law.

Section 1.5. Interruption of Service. The Township shall make all reasonable efforts to eliminate interruption of services, and when such interruption occurs, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the sewer system or the treatment equipment all consumers affected by such interruption will be notified in advance whenever it is possible to do so. The Township shall, in no event, be held responsible for claim made against it by reason of the breaking of any mains or services pipes of by

reason of any other interruption of the service caused by the breaking of machinery or stoppage of necessary repairs, and no person shall be entitled to damages for any interruption.

Section 1.6. Definitions.

- a) "Applicant" means the person making the application for a sewage permit for a sewer or plumbing installation and shall be the owner of premises to be served by the sewer for which a permit is requested or his authorized agent.
- b) "Board" means the Township Board of the Township.
- c) "Building" means any structure containing sanitary facilities.
- d) "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- e) "Building Sewer" means that portion of any sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line or to a private sewage disposal system.
- f) "Combined Sewer" means a sewer receiving both surface runoff the sewage.
- g) "Contractor" means an individual, firm, corporation, partnership or association duly licensed by the State of Michigan or perform the type of work to be done under the permit.
- h) "County" means Gladwin County, Michigan
- i) "Garbage" means solid wastes from the preparation, cooking, and the dispensing of food, and from the handling, storage and sale of produce.
- j) "Industrial Wastes" means the liquid wastes from industrial processes as distinct from sanitary sewage.
- k) "Inspector" means the Township Inspector and shall mean any person or persons duly authorized by Township to inspect and approve the installation of building sewers and their connection to the public sewer system, building plumbing, and drainage systems.
- l) "Lateral Sewer" means the portion of a sewer lying within a public street connecting a building sewer to the main sewer.
- m) "Main Sewer" means a public sewer designated to accommodate more than one lateral sewer.
- n) "Manager" or "Operations Manager" means the person or persons appointed by the Board to administer and enforce the rules and regulations of the Township.
- o) "Outside Sewer" means a sanitary sewer beyond the limits of the Township not subject to the control or jurisdiction of Township.

- p) "Permit" means any written authorization required pursuant to this or any other regulation of Township for the installation of any sewage works or sewage service.
- q) "Person" means any human being, individual, firm company, partnership, association and private or public or municipal corporation, the United States of America, the State of Michigan, a district and any political subdivision, governmental agency of mandatory thereof.
- r) "Plumbing System" means all plumbing fixtures and traps, or soil, waste, special waste and vent pipes, and all sanitary sewer pipes within a building and extending to the building sewer connection three (3) feet outside the building wall.
- s) "Private Sewer" means a sewer serving an independent sewage disposal system not connected with a public sewer and which accommodates one or more buildings or industries.
- t) "Properly Shredded Garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded 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.
- u) "Public Sewer" means a sewer maintained and operated by the township and lying with a public street.
- v) "Residential Unit" means a unit of cost computed to reflect the cost of the collection, treatment, and disposal of sewage from an average single-family dwelling. The following residential establishments shall be deemed to have the following number of residential units:
 1. Single residential dwelling, designed for occupancy by one family only, which is not occupied by more than one family: One residential unit.
 2. Duplex, triplex, apartment house, condominium, or other multi-residential establishment designed for occupancy for living purposes by more than one family, which is divided into separate housekeeping units each of which is designed for occupancy by one family: Each housekeeping unit shall be deemed to be separate residential unit.
 3. Trailer court, mobile home park, and other like establishment, divided into separate living units, auto spaces or trailer spaces, with or without housekeeping facilities: Each room or suite of rooms, or each auto or trailer space, which is designed to be occupied for living purposes by persons living separately from others, shall be deemed to be a separate residential unit.
 4. Lodging house, rooming house, rest home, or other residential establishment, other than those herein above specified in subparagraphs (1), and (2) and (3), which is occupied, or designed, intended or arranged for occupancy, for residential purposes, by one or more persons to whom rooms are rented or otherwise made available for sleeping purposes but with common housekeeping facilities: Each six (6) beds, or any number less than six (6) shall be deemed to be a separate

residential unit. (for which purpose a double bed shall be deemed to be two beds). If separate housekeeping facilities are accorded any room or suite of rooms, each such room or suite of rooms shall be deemed a separate residential unit.

- w) "Residential Equivalent Unit: ("REU") means a unit of cost deemed to be equivalent to a single-family dwelling to reflect the cost of connection, tap, collection, treatment and disposal of sewage from an average single-family residence, Residential Equivalent Units are set forth on Exhibit A attached hereto and incorporated herein. Charges to be made for services of the sewer system shall be determined by multiplying the charge set forth in this Ordinance by the appropriate REU. In the event that the use proposed by an applicant for sewer use, the township shall take the REU's for a comparable use listed in Exhibit A, or may interpolate between similar uses.
- x) "Sanitary Sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- y) "Sewage" means a combination of water-carried wastes from residences, business building, institutions and industrial establishments.
- z) "Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage.
- aa) "Sewer System" of "System" means the Township Sewage Disposal System as it presently exists and as it may hereafter be improved and enlarged.
- bb) "Sewer" means a pipe or conduit for carrying sewage.
- cc) "Sewer Service and Facility Charges" means fees, tolls, rates, rentals or other charges for the availability of sewer service as well as actual sewer service provided by the sanitary sewerage system maintained and operated by the Township.
- dd) "Side Sewer" means the sewer line beginning at the foundation wall of any building and terminating at the main sewer and includes the building sewer and lateral sewer together.
- ee) "Storm Sewer or Storm Drain" means a sewer which carries storm and surface or ground waters and drainage, but excludes sewage and polluted industrial wastes.
- ff) "Street" means any public highway, road, street, avenue, alley, way, public space, public easement or right-of-way.
- gg) "Sugar Springs" means that portion of Butman Township known generally as "Sugar Springs Development" and more particularly described in exhibit "A" attached hereto and hereby made a part hereof.
- hh) "Township" means Butman Township, Gladwin, County, Michigan

ARTICLE II

USE OF PUBLIC SEWERS REQUIRED AT SUGAR SPRINGS

Section 2.1. Disposal of Wastes. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial waste.

Section 2.2. Treatment of Waste Required. It shall be unlawful to discharge to any stream or watercourse any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this Ordinance.

Section 2.3. Unlawful Disposal. Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended for use for the disposal of sewage where public sewer is available.

Section 2.4. Occupancy Permit. No building, industrial facility or other structure shall be occupied until the Owner of the premises has complied with all rules and regulations of Township and received an Occupancy Permit.

Section 2.5. Sewer Required. The Owner of any building located within Sugar Springs or abutting on any street in which there is now located or may in the future be located a public sewer, is hereby required at Owner's expense to connect said building directly with the public sewer in accordance with the provisions of this Ordinance, with ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line within which the building is situated.

ARTICLE III

PRIVATE SEWAGE DISPOSAL AT SUGAR SPRINGS

Section 3.2. Sewer Not Available. Where a public sewer is not available under the provisions of Section 2.5, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health

Section 3.2. Cost of Maintenance by Owner. 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 3.3 Abandonment of Facilities. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 2.5, a direct connection shall be made to the public sewer in compliance with the ordinances, rules and regulations of Township, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Section 3.4 Additional Requirements. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by any law, ordinance, rule or regulation, or by the County Sanitarian.

ARTICLE IV

BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

Section 4.4. Permit and Inspection Required. No person shall construct a building sewer or lateral sewer, or make a connection with, or opening into, or use, alter or disturb any public sewer without first obtaining a written permit from the Township and paying all required fees and connection charges. The construction of a building sewer of lateral sewer, the connection with or opening of, or use, alteration or disturbance of any public sewer is subject to inspection by the Township.

Section 4.2. Security. Before a permit may be issued for excavating for plumbing in any street, the person applying for such permit shall be executed unto the township and deposited with the Township a corporate surety in the sum of \$10,000.00 conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules, and regulations established under the authority or any ordinance of the Township pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the Township and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

Section 4.3. Protection of Excavation. All excavations for a side sewer installation or connection to public sewer shall be adequately guarded with barricades or lights so as to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the Township and the County or any other person having jurisdiction thereover.

Section 4.4. Maintenance of Side Sewer. Side sewers shall be maintained by the Owner of the property served thereby.

Section 4.5. Separate Side Sewers. Each separate building shall be connected to the main sewer with a separate side sewer, except that one or more buildings located on property owned by the same person may be served by the same side sewer if the Township Engineer determines that it is unlikely that said property can or will be divided in the future. In the event that a parcel of property is divided, each building under separate ownership shall be provided with a separate side sewer, and it shall be unlawful for the owners thereof to continue to use or maintain a common side sewer.

Section 4.6. Minimum size and Slope of side Sewers. Pipe for side sewers shall have an internal diameter equal to or greater than that of the building drain to which it connects and in any case the minimum diameter shall be 4 inches. Where more than 150 fixture units are to be connected, the side sewer shall have a 6-inch minimum diameter. When more than one building sewer is allowed to be connected to a single side sewer, the side sewer from the point of intersection of one or more building sewers to the public sewer shall be not less than 6-inch diameter.

Section 4.7. Connection to Public Sewer. The connection of the building sewer into the public sewer shall be made at the lateral or "Y" branch designated for that property, if such lateral or "Y" branch is available at a suitable location. Where no properly located "Y" branch is

available, a neat hole may be cut into the public sewer to receive the building or lateral sewer, with entry in the downstream direction at an angle of about forty-five degrees (45 degrees). A wye saddle shall be used for the connection and in no case shall the pipe protrude inside the main sewer. A smooth neat joint shall be made, and the connection made secure and watertight by encasement in concrete. The connection to the public sewer shall be made in the presence of the Township Inspector and under his supervision and direction. The permit applicant shall notify the Inspector when the side sewer is ready for inspection and connection to the public sewer. Any damage to the public sewer shall be repaired at the cost of the applicant to the satisfaction of the Township Inspector.

Article V

USE OF PUBLIC SEWERS

Section 5.1. Drainage into Sanitary Sewers Prohibited. No leaders from roofs and no surface drains for rain water shall be connected to any sanitary sewer. No surface or sub-surface drainage, rain water, storm water, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method whatsoever.

Section 5.2. Types of Wastes Prohibited. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- a) Any liquid or vapor having a temperature higher than 1500 F.
- b) Any water or water which may contain more than 100 parts per million, by weight, or fat, oil or grease.
- c) Any gasoline, benzene, naphtha, fuel oil or inflammable or explosive liquid, solid or gas.
- d) Any garbage that has not been shredded to such a 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.
- e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- f) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- g) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to insure or interfere with any sewage treatment process, constitute a hazard to human or animals, or create any hazard in the receiving waters of the sewage treatment plant.

- h) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- i) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- j) Any septic tank sludge.

Section 5.3. Interceptors Required. Grease, oil and sand interceptors shall be provided when in the opinion of the township, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts of any flammable wastes, and other harmful ingredients; except that such interceptors shall not be required for buildings used for residential purposes. All interceptors shall be of a type and capacity approved by the Operations Manager of the sewer system, and shall be so located as to be readily and easily accessible for cleaning and inspection.

Section 5.4. Maintenance of Interceptors. All grease, oil and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times.

Section 5.5. Preliminary Treatment of Wastes. The admission into the public sewers of any waters or wastes having (a) a 5-day Biochemical Oxygen Demand greater than 300 parts per million by weights, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) containing any quantity of substance having the characteristics described in Section 5.2, or (d) having an average daily flow greater than two percent of the average daily sewage flow of the Township, shall be subject to the review and approval of the township. Where necessary in the opinion of the Township, the Owner shall provide, at his expense, such preliminary treatment as may be necessary to, (a) reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or (b) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 5.2, or (c) control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Township and the Michigan State board of Health, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Section 5.6. Maintenance of Pretreatment Facilities. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his expense.

Section 5.7. Control Manholes. When required by the Manager the Owner of any property served by a side sewer carrying industrial wastes shall install a suitable control manhole in the side sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Township. The manhole shall be installed by the Owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 5.8. Measurements and Tests. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in Sections 5.2 and 5.5 shall be

determined in accordance with standard methods and shall be determined at the control manhole provided for in Section 5.7, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the side sewer is connected.

Section 5.9. Special Agreements. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Township and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Township for treatment, subject to payment therefor by the industrial concern and subject to such terms and conditions as might be required by Township.

Section 5.10. Swimming Pools. It shall be unlawful for any person to discharge the contents of a swimming pool into a sanitary sewer except in the manner specified herein. The size of pipe carrying discharge water shall not be larger than two inches and shall be under a head to exceed twenty (20) feet. If the water is discharged by pumping, the rate of flow shall not exceed one hundred (100) gallons per minute. Each swimming pool discharging to a sanitary sewer shall be equipped with an approved separator to preclude any possibility of a backflow of sewage into the swimming pool or piping system.

Section 5.11. Car Washes. From and after the effective date of this regulation the Manager may require that the applicant for any permit which includes a car wash within the facilities to be covered by said permit provide facilities for reclamation and reuse of all or a portion of the water used in the car wash process and the submittal of plans and specifications for the installation of such reclamation and reuse facilities acceptable to the Manager.

ARTICLE VI

INSPECTOR

Section 6.1. Township Inspector: The Manager or Operations Manager of the township sewer system or his/her designee shall perform the duties of inspecting and approving the installation, connection, maintenance and use of all side sewers, public sewers, private sewers, building and drainage systems and facilities on all properties served by the Butman Township Sewer System.

ARTICLE VII

PERMITS AND FEES

Section 7.1. Permit Required. No unauthorized person shall, at Sugar Springs, uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance or perform any work on any plumbing or drainage system, or install, alter, or repair a side sewer without first obtaining a written permit from the Township.

Section 7.2. Application for Permit and Payment of Charges. Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the Township for that purpose. He shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The Township may require plans, specifications or drawing and such other information as it may deem necessary.

In the event the applicant for a permit is required to provide plans, specifications or drawing and information as a condition to the issuance of the permit, the applicant shall pay all engineering legal, administrative and other expenses and charges prior to the issuance of the permit.

If the Township determines that the plans, specifications, drawing and other information furnished by the applicant are satisfactory and are in compliance with the ordinances, rules and regulations of the Township, it shall issue the permit applied for upon payment of the charges herein referred to and of the fees and hereinafter fixed.

Section 7.3 Compliance and Permit. After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the Township.

Section 7.4. Agreement. The applicant's signature on an application for any permit as set forth in Section 7.2 hereof, shall constitute an agreement to comply with all of the provision, terms and requirements of this and other ordinances, rules and regulations of the Township, and with the plans and specifications he has filed with his application, if any, together with such corrections or modifications as may be made or permitted by the Township, if any. Such agreement shall be binding upon the applicant and may be altered only by the township upon the written request for the alteration from the applicant.

Section 7.5. Time Limit on Permits. If work under a permit is not commenced within a six (6) months from the date of issuance of if after partial completion, the work is discontinued for a period of one (1) year, the permit shall thereupon become void and no further work shall be undertaken without obtaining a new permit. If the connection charge applicable at the time of this new permit is greater than that paid at the time of the permit last issued, the difference shall also be paid. Work is defined for the purpose of this Section as construction the improvements to be served by the sewer system.

Section 7.6. Extensions. The Board, on good cause shown, may grant two extensions of time, without payment of an additional fee, for periods not to exceed three (3) months each.

Section 7.7 Classes of Permits. There shall be three € classes of permits, as follows:

- a. Single family residential swelling sewer permit;
- b. Trailer court sewer permit; and
- c. Multiple family residential swelling, commercial, industrial, church, school, public and other user sewer permit.

Section 7.8 Sewer Permit and Inspection Fees. Permit and inspection fees shall be established from time to time by resolution of the Board.

Section 7.9 Saddle or Manhole Connections. In addition to other permit and inspection fees required herein, a fee, as determined from time to time by resolution of the Board,

shall be paid for the inspection of a saddle, wye, or tee connection to an existing main sewer or the connection of a lateral sewer to an existing manhole.

Section 7.10. Disposition of Fees. All fees collected on behalf of the Township shall be deposited with the proper authority provided by the Township to receive such funds.

Section 11. All Work to be Inspected. All sewer construction work, building sewers, and plumbing and drainage systems shall be inspected by an inspector acting for the Township to insure compliance with all requirements of the Township. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to a public sewer maintained and operated by Township until the work covered by the permit has been completed.

Section 7.12. Notification. It shall be a the duty of the person doing the work authorized by permit to notify the office of the Township in writing that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the Township before giving the above notification.

Section 7.13. Condemned Work. When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given insutrcitng the Owner of the premises, or the agent of such Owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the Township.

Section 7.14. All Costs Paid by Owner. All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the Owner. The Owner shall indemnify the Township from any loss or damage that may directly or indirectly be occasioned by the work.

Section 7.15. Outside Sewers. Permission shall not be granted to connect any lot or parcel of land outside that area of the township known as sugar Springs to the public sewers maintained and operated by Township unless a permit therefor is obtained. The applicant shall first enter into a contract in writing whereby he shall bind himself, his heirs, successors and assigns to abide by all ordinances, rules and regulations in regard to the manner in which such sewer shall be used, the manner of connecting therewith, and the plumbing and drainage required, and he also shall agree to pay all fees required for securing the permit and a monthly fee in the amount set by the Township for the privilege of using such sewer.

Section 7.16. Permit Optional. The granting of such permission for an outside sewer in any event shall be optional with the Board.

Section 7.17. Special Outside Agreements. Where special conditions exist relating to an outside sewer, they shall be the subject of a special contract between the applicant and the Township.

Section 7.18. Street Excavation Permit. A separate permit must be secured from the County Road commission of any other person having jurisdiction thereof by Owners or Contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections.

Section 7.19. Liability. The Township and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for, and shall save the Township and its officer, agents and employees harmless from any liability imposed by law upon the Township or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his work any failure which may develop therein.

Section 20 Determination of Fees. The Butman Township Board, by resolution shall, from time to time, determine the fees required to be paid pursuant to this Ordinance, which shall be fair and reasonably compensate the Township for the services provided.

ARTICLE VIII

SEWER SERVICE USER AND CONNECTION CHARGES.

Section 8.1. Use Charge. All improved lots or parcels served by the Sewer System shall pay a Use Charge in an amount as determined from time to time by resolution of the Board, said use charge shall be applied on a per Residential Equivalent Unit bases, per REU as set forth on Exhibit A.

Section 8.2. Use Other Than Normal Domestic Sewage. For any industrial or other nondomestic connection with respect to which the quantity of the sewage is greater, and the character of the sewage requires plant treatment or operations, or both, greater than that for normal domestic sewage, the sewer use charge provided in Section 8.2 shall be adjusted upward on an equitable basis, as determined by the Board by resolution from time to time and set forth in a schedule of charges, for the pupose of this Section the quantity for normal domestic sewage shall be deemed to be an average of approximately 400 gallons per day, per residential unit.

Section 8.3. Relief from Unjust Charges. The owner or occupant of any lot or parcel who by reason of special circumstances finds that the charges, either as set forth in Section 8.1 or 8.2, or as determined pursuant to Section 8.3, are unjust or inequitable as applied to his premises, may make written application to the Board, stating the circumstances and requesting a different basis of charges for his premises. If such application be approved, the Township Board may by resolution fix and establish fair and equitable charges for such premises to be effective as of the date of such application and continuing during the period of such special circumstances. The Board may on its own motion find that by reason of special circumstances certain charges are unjust and inequitable as applied to particular premises and may be resolution fix and establish fair and equitable charges for such premises during the period of such special circumstances, or any part thereof.

Section 8.4 Charges Constitute Liens. Any use charge or availability-of-service charge established by article II, and all interest and penalties thereon, shall constitute a lien upon the premises served (except that no such lien shall be created against any publicly-owned property) effective immediately upon the availability of service or providing of services thereto, and the official records of the Township shall constitute notice of the pendency of the lien. Such lien shall continue until the charge, or charges, and all penalties and interest thereon are fully paid or the property sold therefor.

Section 8.5 Connection Charge. An applicant to the Township requesting connection to the Sewer System, where the subject lot or parcel has not been specially assessed for the capital cost of acquisition of the Sewer System, shall pay a connection fee to be in the amount as set by the Butman Township Board to compensate for the capital cost of the System.

ARTICLE IX

BILLING AND COLLECTING

Section 9.1. Billing Period. The regular billing period for said sewer service and facility charges will be for each calendar month, or quarter, as determined by the Board. Opening and closing bills shall be for not less than one month.

Section 9.2. Due date. All charges shall become due and payable at the beginning of the billing period.

Section 9.3. Where Payable. All charges shall be payable at the office of the Township, or its designated agent.

Section 9.4. Penalties and Interest. A bill not paid by the quarterly due date (30th) of the month, shall be delinquent, and a penalty of 10% shall then be added to the bill, or amount due.

Section 9.5 Billing. The Township shall ascertain the amount of charges applicable to each lot or parcel, and shall mail, or cause to be mailed, to the owner of each lot or parcel, at the beginning of each billing period, a bill for the charges then due and payable. The Township may contract with any person, firm, or corporation, public or private, to accomplish the billing on behalf of Township. On each bill shall be a statement as to when the bill becomes delinquent. Such bills shall be mailed to the persons listed as the owners on the last County tax roll at the address shown on such roll, or to a different address if requested by owner, or to the successor in interest of an owner if the name and address of the successor in interest is known to the Township. If an owner so requests, a duplicate bill may be mailed to a lessee or licensee of the lot or parcel. Failure of the Township to mail a bill or failure of an owner to receive a bill, shall not excuse the owner of any lot or parcel from the obligation of paying the charge or charges for any lot or parcel owned by him.

Section 9.6. Person Responsible. The owner of any lot or parcel is and shall be responsible for payment of any and all charges applicable to the lot or parcel owned by him. It shall be and is hereby made the duty of each such owner to ascertain from the Township the amount and due date of any charge applicable to a lot or parcel owned by him and to pay the charge when due and payable. It also shall be and is hereby made the duty of the owner of a lot or parcel to inform the Township immediately of all circumstances, or of any change in circumstances, which will in any way affect the applicability of any charge to the lot or parcel owned by him or the amount of any such charge. In particular, but not by way of limitation, an owner shall immediately inform the Township of any sale or transfer of such lot or parcel by or to such owner.

Section 9.7. Discontinuing Service. When a bill becomes delinquent, Township shall mail to the owner a final written notice of said delinquency. If a delinquent bill is not paid within ten (10) days after it becomes delinquent (30 days from the due date), the sewer service may be discontinued.

Section 9.8 Suit. All unpaid charges, including penalties and interest, herein provided, may be collected by suit. Defendant shall pay all costs of suit in any judgment in favor of Township, including reasonable attorney's fee.

Section 9.9. Billing and Collecting Delinquencies on Tax Roll. As an alternative procedure, the Township may provide that any charges, including penalties and interest, remaining unpaid and delinquent for six months or more may be certified to the Township tax assessing officer and entered upon the County tax rolls against the premises to which such services or facilities have been made available. The same shall be collected and the lien shall be enforced in accordance with the provisions of the general tax laws of the State. Costs of any action brought to collect or enforce the lien of any such charges (including penalties and interest), including reasonable attorney's fee shall be awarded to Township.

Section 9.10 Compensation. Provision may be made for the payment of a reasonable collection charge as an administration expense of operating the sewer system.

ARTICLE X ENFORCEMENT

Section 10.1. Violation Unlawful. Following the effective date of this Ordinance it shall be unlawful for any person to connect to construct, install or provide, maintain and use any other means of sewage disposal at Sugar Springs except by connection to a public sewer in the manner as in this Ordinance provided.

Section 10.2 Violation. Any person found to be violating any provision of this Ordinance except Section 10.4 hereof, shall be served by the Manager or other unauthorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall be not less than two or more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 10.3. Misdemeanor. Any person who shall continue any violation beyond the time limit provided for in Section 10.2 shall be guilty of a misdemeanor, punishable by a fine not exceeding \$100.00, or by imprisonment in the County jail not to exceed 90 days, or by both such fine and imprisonment. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 10.4. Public Nuisance. Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this Ordinance, is hereby declared to be a public nuisance. The Township may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

Section 10.5 Disconnection. As an alternative method of enforcing the provisions of this Ordinance, the Township shall have the power to disconnect the user from the sewer mains maintained and operated by the township. Upon disconnection the Township shall estimate the cost of disconnection from the reconnection to the system, and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. The Manager shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

Section 10.6. Public Nuisance, Abatement. During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Township shall cause proceedings to be brought for the abatement for the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of

reconnection, there is to be paid to the Township a reasonable attorney's fee and cost of suit arising in said action.

Section 10.7 Liability of Violation. Any person violating any of the provisions of this Ordinance shall become liable to the Township for any expense, loss of damage occasioned by the township by reason of such violation.

ARTICLE XI

ENACTMENT

Section 11.1 Effective Date. This Ordinance shall be entered in the minutes of the Township Board and a Public Notice thereof shall be published once, within ten (10) days after the passage thereof, in The Gladwin County Record, a newspaper circulated within Butman Township, and shall not take effect until thirty (30) days have elapsed after its publication.

Section 11.2 Recordation and Filing. Within one week after its publication, the Township Clerk shall record this Ordinance in book of ordinances kept by him/her for that purpose, and file an attested copy of the Ordinance with the County Clerk.

Section 11.3 Separability. The Township Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that anyone or more of the sections, subsection, sentences, clauses or phrases be declared unconstitutional.

A motion was by _____; second by _____ to adopt Butman Township Sewer Ordinance #30. By roll call vote the following voted.

Ayes: _____

Nays: _____

Absent: _____

CERTIFICATION

I Don Joyce, Clerk of Butman Township, Gladwin County Michigan, hereby certify that the foregoing Ordinance was adopted by the Butman township Board of Trustees on the 11th day of July 2013 and that notice of same was published in the Gladwin County Record on ___ day of

Don Joyce, Clerk of Butman Township

