

ORDINANCE NO 31

RATE AND MANDATORY CONNECTION ORDINANCE

An Ordinance to provide for the operation of the Iosco County Sanitary Sewage Disposal System (Township of Plainfield) on a public utility basis under the provision of Act 94, Public Acts of Michigan, 1933, as amended and to prescribe the rates to be charged for the use of said system; to provide for the mandatory connection to said system and to provide for other matters relative to said system.

THE TOWNSHIP OF PLAINFIELD HEREBY ORDAINS:

Section 1.

It is hereby determined to be desirable and necessary, for the public health, safety and welfare of the Township of Plainfield (the "Township), that the Iosco County Sanitary Sewage Disposal System (Township of Plainfield) be operated by said Township as lessee of Iosco County and the Iosco County Department of Public Works as County Agency under Act 185 of 1957, as amended, on a public utility rate basis in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

Section 2.

Whenever the words "the System" are referred to in this ordinance, they shall be understood to mean the complete Iosco County Sanitary Sewage Disposal System (Township of Plainfield), including all sewers, pumps, lift stations, treatment facilities, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired.

Whenever the words "revenues" and "net revenues" are used in this ordinance, they shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

Section 3.

The operation and maintenance of the System shall be under the supervision and control of the Iosco County Department of Public Works, subject to the terms of the contract between the County of Iosco and the Township (the "Contract). Pursuant to the terms of such contract the Township has retained the right to maintain the System subject to the Contract and 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 may 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 4.

Rates to be charged for service furnished by the System shall be as follows:

Sewer Use Charges

Sewer use charges to each single-family residential premises served by the System shall be in the flat amount of \$35.00 per quarter. Each premises other than a single-family residence shall pay a quarterly charge of \$35.00 multiplied by a factor representing a ratio of sewage use by such class of premises to normal single-family residential sewage use. The Township Board shall adopt and revise from time to time a schedule of such single-family residence equivalents or ratios; provided, however, that the minimum quarterly charge to any premises shall be \$35.00.

Connection Charge

- A. **Direct Connection:** Each direct connection to the system shall be charged a fee of Five Hundred Dollars (\$500.00).
- B. **Payment of Connection Charge:** Connection charges as set forth above shall be due and payable upon connection to the system.

Special Rates

For miscellaneous or special services for which a special rate shall be established, such rates shall be fixed by the Township Board.

Billing

Bills will be rendered quarterly on January 1, April 1, July 1, and October 1, payable without penalty within thirty (30) days after the date thereon. Payments received after such period shall bear a penalty of ten percent (10%) of the amount of the bill.

Enforcement

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, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six (6) months, the Township official or officials in charge of the collection thereof shall certify annually, on August 1st of each year, to the tax-assessing officer of the Township the facts of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced, in the same manner as general Township taxes against such premises are collected and the lien thereof enforced: Provided, however, where notice is given that a tenant is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such premises until a cash deposit in the amount of 4 times their normal quarterly fee shall have been made as security for payment of such charges and service.

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

Section 5.

No free service shall be furnished by said System any person, firm or corporation, public or private, or to any public agency or instrumentality.

Section 6.

It is hereby determined and declared that public sanitary sewers are essential to the health, safety and welfare of the people of the Township; that all premises on which structures in which sanitary sewage originates are situated shall connect to the System at the earliest, reasonable date as a matter for the protection of the public health, safety and welfare of the people of the Township, and therefore, all premises on which structures in which sanitary sewage originates are situated or become situated and to which sewer services of the System shall be available shall connect to said System within ninety (90) days after the mailing or posting of notice of such premises by the appropriate Township official that such services are available. Said notification and enforcement of this Section shall be in conformity with Act 288 of the Public Acts of Michigan of 1972.

Section 7.

The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the said System as are necessary to preserve the same in good repair and working order, to provide for the payment off the contractual obligations of the Township to the County of Iosco pursuant to the aforesaid contract between said County and the Township as the same become due, and to provide for such other expenditures and funds for said System as this ordinance may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

Section 8.

The System shall be operated on the basis of the Township's operating year.

Section 9.

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 SANITARY SEWER SYSTEM RECEIVING FUND (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. Operation and Maintenance Fund

Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a depository account, designated OPERATION AND MAINTENANCE FUND, a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

B. Contract Payment Fund

There shall next 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 Iosco 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 obligations when due. Should the revenues of the System prove insufficient for this purpose, such revenues may be supplemented by any other funds of the Township legally available for such purpose.

C. Replacement Fund

There shall next be established and maintained a depository account, designated REPLACEMENT FUND, which shall be used solely for the purpose of making major repairs and replacements to the System if needed. There shall be set aside into said fund, after provision has been made for the Operation and Maintenance Fund and the Contract Payment Fund, such revenues as the Township Board shall deem necessary for this purpose.

D. Improvement Fund

There shall next be established and maintained an Improvement Fund for the purpose of making improvements, extensions and enlargements to the System. There shall be deposited into said fund, after providing for the foregoing fund, such revenues as the Township Board shall determine.

E. Surplus Moneys

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 purposes of the System.

F. Bank Accounts

All moneys belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the Township within this single bank account, in the manner above set forth.

Section 10.

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 District, except sums in the Contract Payment Funds derived from tax levies, shall be transferred to the Operation and Maintenance Fund, to the extent of any deficit therein.

Section 11.

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

Section 12.

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provision of this ordinance.

Section 13.

All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

Section 14.

This ordinance shall be published once, in full, in the Iosco County News, a newspaper of general circulation within the boundaries of the Township and qualified under State law to publish legal notices, promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Supervisor and Township Clerk.

Section 15.

This ordinance shall become effective immediately upon its adoption.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 31 duly adopted by the Township Board of the Township of Plainfield, County of Iosco, Michigan at a Special Meeting held on July 24, 1991, at which all Members were present except None Absent and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976.

I further certify that Member Riedel moved adoption of said ordinance and that Member Bielby supported said motion.

I further certify that the following members voted for adoptions of said ordinance Bielby, Riedel, Bernard, Shellenbarger, Chrivia and that the following Members voted against adoption of said ordinance N/A.

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

(signed by Beverly S. Bernard, Township Clerk)