

**BREVORT TOWNSHIP  
ORDINANCE #16**

*An ordinance*

**TO AMEND SUBSECTIONS  
1.6e., 1.6.l., AND 1.6.ad,  
AND SECTIONS 4.1, 4.4, 5.5, AND 9.4  
OF TOWNSHIP ORDINANCE NO. 16  
ENTITLED THE  
“SEWER USE AND RATE ORDINANCE”**

**TOWNSHIP BOARD**  
**BREVORT TOWNSHIP**  
**MACKINAC COUNTY, MICHIGAN**

Board Member RUTLEDGE, supported by Board Member PETERSON, moved the adoption of the following ordinance:

**ORDINANCE NO. 16**

**AN ORDINANCE TO AMEND SUBSECTIONS 1.6.e., 1.6.l., AND 1.6.ad, AND  
SECTIONS 4.1, 4.4, 5.5, AND 9.4 OF TOWNSHIP ORDINANCE NO. 16,  
ENTITLED THE "SEWER USE AND RATE ORDINANCE"**

**The Township of Brevort Ordains:**

Section 1. Amendment of Subsections 1.6 e., 1.6.l. and 1.6.ad. That Subsections 1.6.e., 1.6.l., and 1.6.ad. of Brevort Township Ordinance No. 16 are amended in their entirety to read as follows:

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, but not including, the sewer grinder pump.

l. "Lateral Sewer" means the sewer line beginning at and including the sewer grinder pump on any property and terminating at the main sewer.

ad. "Side Sewer" shall have the same meaning as Lateral Sewer.

Section 2. Amendment of Section 4.1 of Township Ordinance No. 16. That Section 4.1 of Brevort Township Ordinance No. 16 is amended to read in its entirety as follows:

Section 4.1 Construction of Building Sewer or Lateral Sewer.

(a) No person shall construct a building sewer or lateral sewer, or make 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 or lateral sewer, in connection with or opening of, or use, alteration or disturbance of any public sewer is subject to inspection by the Township.

(b) The lateral sewer shall be part of the public sewer. Prior to the connection of a property to the public sewer, the property owner connecting shall give

an easement to the Township for any area necessary for the lateral sewer. The lateral sewer shall be constructed by the Township, or in the discretion of the Township by the owner connecting to the sewer, subject to such requirements as the Township shall provide.

Section 3. Amendment of Section 4.4 of Township Ordinance No. 16. That Section 4.4 of Brevort Township Ordinance No. 16, is amended to read in its entirety as follows:

Section 4.4 Maintenance. Building sewers shall be maintained by the owner of the property served thereby. Lateral sewers shall be maintained by the Township; provided, however, the property owner shall be responsible for the cost of repairing any damage caused by action of the property owner or any person using the property owner's facilities and for the cost of repairing any damage caused by roots of vegetation located near the lateral sewer.

Section 4. Amendment of Section 5.5. of Township Ordinance No. 16. That Section 5.5. of Brevort Township Ordinance No. 16, is amended to read in its entirety as follows:

Section 5.5    Preliminary Treatment of Wastes.

(a)    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 weight, (b) containing more than 350 parts per million by weight of suspended solids, (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 its 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, (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.

(b)    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.

(c)    Where, due to the strength and character of the waste and the type of operation the Township determines that the waste is incompatible with the System and approval for on-site or other waste treatment handling can be obtained from all regulating agencies, the Township, in its sole discretion, may determine that the building or use shall not be required to connect to the System, or if connected shall be disconnected.

Section 5. Amendment of Section 9.4. of Township Ordinance No. 16. That Section 9.4. of Brevort Township Ordinance No. 16, is amended to read in its entirety as follows:

Section 9.4 Late Payment Fees. The System is an enterprise fund that is self sustaining. So, when bills are not paid when due, the rates are higher for other users of the System because the System must have the revenues to pay its costs. There is also a cost to re-bill users, to engage in collection actions, and to obtain funds to meet any funding gaps due to non-payment or delinquent payment of bills. Accordingly, bills not paid within twenty (20) days from the due date shall be delinquent and shall be subject to a late payment/rebiling fee of \$15.00, or such other amount determined by resolution of the Township Board, and interest shall accrue on the unpaid balance from the date the bill became delinquent at the rate of one-half of one percent (0.5%) per calendar month or portion of a calendar month the amount due remains delinquent.

Section 6. Effective Date. This ordinance shall be entered in the minutes of the Township Board and the Ordinance or a summary thereof shall be published once after the passage thereof in the *St. Ignace News*, a newspaper circulated within Brevort Township, and shall not take effect until thirty (30) days shall have elapsed after its publication.


Section 7. Recordation and Filing. Within one week after its publication, the Township Clerk shall record this Ordinance in a book of ordinances kept by her for that purpose, and file an attested copy of the Ordinance with the County Clerk.

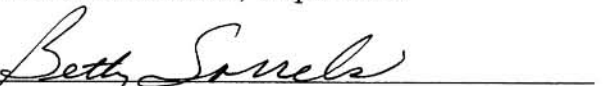
YEAS: SERWACH, SORRELS, ERSKINE, RUTLEDGE, PETERSON

NAYS: NONE

ABSENT: NONE

ORDINANCE NO. 16 ADOPTED.

  
Edward Serwach, Supervisor

  
Betty Sorrels, Clerk

I, Betty Sorrels, the Clerk for the Township of Brevort, hereby certify that the foregoing is a true and accurate copy of an ordinance adopted at a regular meeting of the Township Board held on 1-06, 2007.

  
Betty Sorrels, Clerk

Adopted: 1-06-04

Recorded: 1-21-04

Published: 1-15-04 in the ST. IGNAZEE NEWS

07067 (004) 196169.02

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; IN THAT PORTION OF BREVORT TOWNSHIP SERVED BY PUBLIC SANITARY SEWER

The Township of Brevort, Mackinac County, Michigan, hereby ordains:

## ARTICLE 1

### 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 Brevort 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 served by the public sewer 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, wilfully, 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 service, 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 service pipes or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for 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 sewer grinder pump.

f. "Combined Sewer" means a sewer receiving both surface runoff and sewage.

"Contractor" means an individual, firm, corporation, partnership or association duly licensed by the State of Michigan to perform the type of work to be done under the permit.

g. "Contractor" means an individual, firm, corporation, partnership or association duly licensed by the State of Michigan to perform the type of work to be done under the permit.

h. "County" means Mackinac 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 designed to accommodate more than one lateral sewer.

n. "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 or 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 the sewer maintained and operated by the Township and lying within a public street or easement.

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 a 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 house keeping 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), (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.

z. "Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage.

aa. "Sewer System" or "System" means the Township Sewage Disposal System as it presently exists and as it may hereafter be improved and enlarged.

ab. "Sewer" means a pipe or conduit for carrying sewage.

ac. "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.

ad. "Side Sewer" means the sewer line beginning at the sewer grinder pump on any property and termi-

ARTICLE 2  
USE OF PUBLIC SEWERS REQUIRED

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 Wastes 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 of 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 the Township and received an Occupancy Permit.

Section 2.5 Sewer Required. The Owner of any building used for human occupancy, located within the Township and abutting on any street in which there is now located or may in the future be located a public sewer, where (i) the property line of the site of the building is within 100 feet of a public sewer, or (ii) the building is within two hundred (200) feet of a public sewer, is hereby required at Owner's expense to connect said building directly to the public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after the 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.

AGNACE NEWS

Thursday, May 27, 1999

The total cost for connection to the public sewer shall be the responsibility of the property owner.

ARTICLE 3  
PRIVATE SEWAGE DISPOSAL

Section 3.1 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 this ordinances, and the rules and regulations of the 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 4  
BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

Section 4.1 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 or 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 in any street, the person applying for such permit shall have executed unto the Township and deposited with the Township a corporate surety bond in the sum of \$ 1,000.00 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.

Notice: All property owners owning property that abuts a state highway must obtain approval from the Michigan Department of Transportation before any work is undertaken.

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 building 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 building 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.

All sewer lines from the sewage grinder unit to the main sewer line shall be 1 1/4 inch diameter HDPE, SDR 11 for separate individual lines and 1 1/2 inch diameter HDPE, SDR 11 for all common lines.

The slope of the sewer from the grinder unit to the main sewer line shall be laid flat or slightly upgrade from the grinder unit to the main sewer line.

Section 4.7 Elevation. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Inspector. Pipe laying and backfill shall be performed in accordance with the current A.S.T.M. Specifications except that no backfill shall be placed until the work has been inspected by the Inspector or his representative.

Section 4.8 Joints and Connections. All joints and connections shall be made gas tight and water tight. Vitrified clay sewer pipe shall be fitted with factory made Resilient Compression Joints meeting the current A.S.T.M. "Specifications for Vitrified Clay Pipe Joints Having Resilient Properties" (Designation C425). Asbestos cement or concrete sewer pipe joints shall be of the rubber ring, flexible compression type, similar and equal to joints specified for vitrified clay pipe. The joints and connections shall conform to the manufacturer's recommendations.

Section 4.9 Cleanouts. A cleanout shall be installed at the location of a change in direction of the building sewer of more than \_\_\_\_ degrees, in an accessible location on the subject property. No cleanout need be installed if the run of the first building sewer cleanout is less than one hundred feet (100'). A cleanout shall also be installed at the junction of two or more common laterals. A cleanout at the junction of two or more common laterals shall be set in a pit with a 2 inch diameter pipe ending in a 2 inch cap. Cleanouts shall be the same diameter as the building sewer.

All cleanouts shall be maintained watertight and shall be constructed with a 45 degree riser and a cast iron 118 bend set in concrete at the surface of the ground and shall be sealed with a watertight brass screw plug or cap.

Section 4.10 Backwater Prevention Devices Maintenance. Each side sewer shall be protected from backflow of sewage by installing redundant backwater prevention devices of a type and in the manner prescribed by the Manager. Any such backflow device shall be installed by the applicant for sewer service at the sole cost and expense of the applicant.

Section 4.11 Connection to Public Sewer. 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 5  
USE OF PUBLIC SEWERS

A 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 subsurface drainage, rain water, storm water, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by an 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 waste which may contain more than 100 parts per million, by weight, or fat, oil or grease.
- c. Any gasoline, benzene, naphtha, fuel oil or other flammable 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 injure 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, or any flammable wastes, and, 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 Manager, 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 weight, 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 bled 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 nearest sampling point downstream of the side sewer.

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

\*Please turn to page 25

*\*Continued from page 24*

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 not 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. Prior to the discharge into the public sanitary sewer, the total and free chlorine shall not be greater than 0.05 mg/l.

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 6 INSPECTOR

Section 6.1 Township Inspector Compensation. The Board shall employ a fit and qualified person or persons to perform the duties of inspecting and approving the installation, connection, maintenance and use of all side sewers, public sewers, private sewers, building plumbing and drainage systems, and facilities in connection therewith, to be known as the Township Inspector. The person so employed shall receive as compensation for his services for making inspections required to be made by the ordinances, and orders and regulations from time to time enacted and ordered by the Board, a sum to be fixed by the Board. He shall serve during the pleasure of the Board and may be another official of the Township. The Board may contract with the County or another municipality for the employment of a person to serve as Inspector.

Section 6.2 Powers and Authorities of Inspectors. The officers, inspectors, manager and any duly authorized employees of the Township shall wear or carry an official badge of office or other evidence establishing his position as such and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purpose of inspection, reinspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of this Ordinance.

ARTICLE 7  
PERMITS AND FEES

Section 7.1 Permit Required. No unauthorized person shall 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 application to the Township for that purpose. The application shall contain 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 drawings and such other information as it may deem necessary.

In the event the applicant for a permit is required to provide plans, specifications or drawings 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, drawings 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 as hereinafter fixed.

Section 7.3 Compliance with 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 provisions, 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 six (6) months from the date of issuance or 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 the 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 of 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 (3) classes of permits, as follows:

- a. Single family residential dwelling sewer permit;
- b. Trailer court sewer permit; and
- c. Multiple family residential dwelling, 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 Alteration or Repair of Existing Side Sewers. A fee, as determined from time to time by resolution of the Board, shall be paid for issuance of a permit and inspection of any work adding to or extending an existing side sewer. A fee, as determined from time to time by resolution of the Board, shall be paid for issuance of a permit and inspection of any repair work done on an existing side sewer.

Section 7.10 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 7.11 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 7.12 All Work to be Inspected. All sewer construction work, building sewers, 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, inspected and approved by the Township Inspector. All sewers shall be tested for leakage in the presence of the Township Inspector and shall be cleaned of all debris accumulated from construction operations. If the test proves satisfactory, the Township shall issue a certificate of satisfactory completion.

Section 7.13 Notification. It shall be 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 7.14 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 instructing 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 7.15 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 7.16 Outside Sewers. Permission shall not be granted to connect any lot or parcel of land to the public sewers 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 7.17 Permit Optional. The granting of such permission for an outside sewer in any event shall be optional with the Board.

Section 7.18 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 7.19 Street Excavation Permit. A separate permit must be secured from the County or any other person having jurisdiction thereover, including the Michigan Department of Transportation, by Owners or Contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections.

Section 7.20 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 officers, 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 or any failure which may develop therein.

Section 7.21 Determination of Fees. The Brevort 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 8  
SEWER SERVICE CHARGES

Section 8.1 Trunkage Charge. A trunkage charge is hereby established for each lot of parcel of property to which the public sewer is available. The trunkage charge is provided to cover a portion of the cost of construction of the sewage treatment plant and sewer trunks. The trunkage charge shall be due and payable to the Township:

- a. for a lot or parcel on which a building is located at the time the Sewer System is available to the lot or parcel, (1) at the time a permit to connect to the Sewer System is requested, or (2) eighteen (18) months after the Sewer System is available to the lot or parcel, whichever first occurs, or
- b. for all other lots or parcels, at the time a building permit is requested from the Township.

Section 8.2 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 of \$1,000 per REU to compensate for the capital cost of the System.

Section 8.3 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 basis, per REU as set forth on Exhibit A.

The use charge is in addition to the availability of service or facilities charge established in Section 8.1, but shall not become applicable unless and until connection is made to the public sewer.

Section 8.4 Use Other Than Normal Domestic Sewage. For any industrial or other nondomestic connection with respect to which the quantity of the sewage is greater, or 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 purpose of this Section the quantity for normal domestic sewage shall be deemed to be an average of approximately 250 gallons per day, per residential unit.

Section 8.5 Relief from Unjust Charges. The owner or occupants of any lot or parcel who by reason of special circumstances finds that the charges, either as set forth in Sections 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 by resolution fix and establish fair and equitable charges for such premises during the period of such special circumstances, or any part thereof.

Section 8.6 Charges Constitute Liens. Any use charge or availability-of-service charge established by Article 2, 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.

ARTICLE 9  
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 within twenty (20) days from the due date shall be delinquent, and a penalty of 10% shall then be added to the bill, or amount due; when a bill becomes delinquent, interest computed at one-half of one percent (0.5%) per month, commencing on the date the bill became delinquent, shall accrue for the period of said delinquency, and be collected with the amount of the bill.

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.

LIFT UP FOR USER EQUIVALENT RATES, EXHIBIT A

## ARTICLE 10 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 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 1.4 hereof, shall be served by the Manager or other authorized 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 nor 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 and 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 for Violation. Any person violating any of the provisions of this Ordinance shall become liable to the Township for any expense, loss or damage occasioned by the Township by reason of such violation.

ARTICLE 11  
ENACTMENT

Section 11. 1 Effective Date. This Ordinance shall be entered in the minutes of the Township Board and shall be published once, within ten (10) days after the passage thereof, in *The St. Ignace News*, a newspaper circulated within Brevort Township, and shall not take effect until thirty (30) days shall 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 a book of ordinances kept by him 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 any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

I hereby certify that the foregoing ordinance was duly adopted by the Township Board of Brevort Township, Mackinac County, Michigan, at a meeting thereof held on the 1st day of October, 1996, at which Members Roggenbuck, Erskine, Sorrels, Rutledge and Luepnitz were present, by the following vote:

AYES, and in favor thereof, Members: All above

NOS, Members: 0

ABSENT, Members: 0

Otto Roggenbuck  
Supervisor

ATTEST:

Betty Sorrels  
Clerk, Brevort Township

I hereby certify that the foregoing ordinance was published in *The St. Ignace News*, a newspaper circulated within Brevort Township, on May 27, 1999, and was filed with the County Clerk on May 28, 1999.

Betty Sorrels  
Clerk, Brevort Township

EXHIBIT A  
TABLE OF SEWER EQUIVALENT UNITS FOR CHARGES FOR SERVICE BY  
BREVORT TOWNSHIP SANITARY SEWER SYSTEM  
Residential Equivalent Units

REV  
\*

Occupation/Use	Units	Unit Factor
Single Family Residence	1.0	per residence
Auto Dealers - New and/or Used	1.0	per premises plus 0.30 per 1,000 sq. ft. of building including service area
Auto/Truck Repair/Collision	1.0	per premises plus 0.40 per 1,000 sq. ft. of building including service area
Auto Wash (Coin Operated Do-it-yourself 10 gal. or less per car)	1.0	per stall
Auto Wash (Mechanical - Over car) - Not Recycled	10.0	per stall or production line including approach and 10 gal. per drying area
Auto Wash (Mechanical - Over 10 car) - Recycled	5.0	per stall or production line including approach and drygal. per ing area
Barber Shop	1.0	per shop plus 0.15 per chair
Bar	4.0	per 1,000 sq. ft.
Beauty Shops	1.0	per shop plus 0.15 per chair
Bowling Alleys (no bar)	1.0	per premise plus 0.2 per alley

\*Please turn to page 26

SEE PRECEDING PAGE FOR CONTINUATION, EXHIBIT A

# PUBLIC NOTICES

\*Continued from page 25

Churches	0.20	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
Country Clubs and Athletic Clubs	1.5	per 1,000 sq. ft. of clubhouse plus restaurant and bar
Drug Stores	1.0	per premise plus snack bar
Fraternal Organizations	1.0	per hall plus the appropriate units for additional uses
Funeral Home	1.5	per 1,000 sq. ft. plus residence to be computed separately
Grocery Stores and Super Markets	1.0	per premise plus 0.8 per 1,000 sq. ft.
Hospital	1.1	per bed
Hotels/Motels/Cabins	1.0	per premises plus 0.40 per bedroom plus restaurant and bar
Industry - Wet Process	—	to be determined upon application
Laundry (self-serve)	1.0	per premise plus 0.5 per washer
Two-Family Residential	1.0	for each living unit
Mobile Homes (free-standing)	1.0	for each living unit
Multiple-Family Residence	1.0	for each living unit
Offices—		
Professional	1.00	per 1,000 sq. ft.
Other	.40	per 1,000 sq. ft.
Parks & Recreation Areas		
With Utility Hook-up	.25	per site
Without Utility Hook-up	.15	per site
Public/Private		
Restroom/Bath Facility	1.00	plus 1.00 per 1,000 sq. ft.
Public Building	0.75	per 1,000 sq. ft.
Restaurants (meals only)	2.5	per 1,000 sq. ft.
Restaurants (meals and drinks)	6.5	per 1,000 sq. ft.
Schools	1.50	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.
Swimming Pool	1.85	per 1,000 sq. ft.
Retail Store (other than listed)	1.0	per premise plus 0.1 per 1,000 sq. ft.
Theaters (drive-in)	0.04	per car space
Theaters	0.04	per seat
Post Office	1.0	per 1,000 sq. ft.
Warehouse and storage	0.2	per 1,000 sq. ft.
Utility Substation	1.0	per premises
Veterinary Facility	1.5	per facility
Veterinary Facility with Kennel	1.5	per facility plus 0.5 per 5 kennels
Waste Disposal Station	2.0	per station

Note: 1. All sq. ft. measurement outside unless otherwise agreed upon.  
2. All uses shall have a minimum of 1.0 Equivalent Units.



# State of Michigan

In the City of St. Ignace for the County of Mackinac

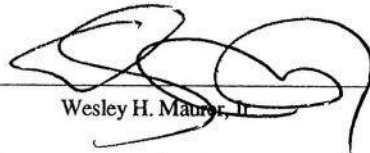
In the Matter of Ordinance No. 16

COUNTY OF MACKINAC, ss.

Wesley H. Maurer, Jr., being duly sworn, says: I am the publisher-editor of The St. Ignace News, a newspaper published and circulated weekly in said county. The annexed is a printed copy of a notice that was published in said paper on the following dates, to wit:

May 27, 1999

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Wesley H. Maurer, Jr.

Subscribed and sworn to at St. Ignace, in said county,

this 27th day of May 1999

Before me Wendy Lambiris, Notary  
Public of Mackinac County.

My Commission expires December 26, 2001

WENDY LAMBIRIS, Notary Public  
Mackinac County, State of Michigan  
My Commission Expires: 12-26-01

**TOWNSHIP OF BREVORT**  
**Mackinac County, Michigan**

**NOTICE OF ORDINANCE ADOPTION**  
**SUMMARY OF ORDINANCE**

**Ordinance Adoption**

Notice is given that at a regular meeting held on April 4, 2000, the Township Board of the Township of Brevort, located in Mackinac County, Michigan, has adopted Ordinance No. 16A, called the "Brevort Township Sewer Use and Rate Ordinance" and entitled for the purposes of adoption:

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; IN THAT fees, charges and other payments, provides that violations are misdemeanors and public nuisances, and provides certain penalties and remedies for violations.

**Ordinance Sections**

PORTION OF BREVORT TOWNSHIP SERVED BY PUBLIC SANITARY SEWER

**Ordinance Contents**

The ordinance requires connection to an available public sanitary sewer of the Brevort Township Sewer System, provides the conditions and requirements for using the sewer, provides specific limitations concerning the quantity and quality of discharges into the system, provides requirements for private sewage disposal systems where the public sewers are not available, provides for preliminary treatment of certain wastes, provides for the imposition of rates,

This Ordinance contains the following sections:

ARTICLE 1.	GENERAL PROVISIONS
Section 1.1	Short Title
Section 1.2	Purpose.
Section 1.3	Relief on Application.
Section 1.4	Protection from Damage.
Section 1.5	Interruption of Service.
Section 1.6	Definitions.
ARTICLE 2.	USE OF PUBLIC SEWERS REQUIRED
Section 2.1	Disposal of Wastes.
Section 2.2	Treatment of Wastes Required.
Section 2.3	Unlawful Disposal.
Section 2.4	Occupancy Permit.
Section 2.5	Sewer Required.
ARTICLE 3.	PRIVATE SEWAGE DISPOSAL
Section 3.1	Sewer Not Available.
Section 3.2	Cost of Maintenance by Owner.
Section 3.3	Abandonment of Facilities.
Section 3.4	Additional Requirements.
ARTICLE 4.	BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS
Section 4.1	Permit and Inspection Required.
Section 4.2	Security.
Section 4.3	Protection of Excavation.
Section 4.4	Maintenance of Side Sewer.
Section 4.5	Separate Side Sewers.
Section 4.6	Minimum Size and Slope of Side Sewers.
Section 4.7	Elevation.
Section 4.8	Joints and Connections.
Section 4.9	Cleanouts.
Section 4.10	Backwater Prevention Devices - Maintenance.
Section 4.11	Connection to Public Sewer.

<b>ARTICLE 5.</b>	<b>USE OF PUBLIC SEWERS</b>
Section 5.1	Drainage into Sanitary Sewers Prohibited.
Section 5.2	Types of Wastes Prohibited.
Section 5.3	Interceptors Required.
Section 5.4	Maintenance of Interceptors.
Section 5.5	Preliminary Treatment of Wastes.
Section 5.6	Maintenance of Pretreatment Facilities.
Section 5.7	Control Manholes.
Section 5.8	Measurements and Tests.
Section 5.9	Special Agreements.
Section 5.10	Swimming Pools.
Section 5.11	Car Washes.
<b>ARTICLE 6.</b>	<b>INSPECTOR</b>
Section 6.1	Township Inspector, Compensation.
Section 6.2	Powers and Authorities of Inspectors.
<b>ARTICLE 7.</b>	<b>PERMITS AND FEES</b>
Section 7.1	Permit Required.
Section 7.2	Application for Permit and Payment of Charges.
Section 7.3	Compliance with Permit.
Section 7.4	Agreement.
Section 7.5	Time Limit on Permits.
Section 7.6	Extensions.
Section 7.7	Classes of Permits.
Section 7.8	Sewer Permit and Inspection Fees.
Section 7.9	Alteration or Repair of Existing Side Sewers.
Section 7.10	Saddle or Manhole Connections.
Section 7.11	Disposition of Fees.
Section 7.12	All Work to be Inspected.
Section 7.13	Notification.
Section 7.14	Condemned Work.
Section 7.15	All Costs Paid by Owner.
Section 7.16	Outside Sewers.
Section 7.17	Permit Optional.
Section 7.18	Special Outside Agreements.
Section 7.19	Street Excavation Permit.
Section 7.20	Liability.
Section 7.21	Determination of Fees.
<b>ARTICLE 8.</b>	<b>SEWER SERVICE CHARGES</b>
Section 8.1	Trunkage Charge.
Section 8.2	Connection Charge.
Section 8.3	Use Charge.
Section 8.4	Use Other Than Normal Domestic Sewage.
Section 8.5	Relief from Unjust Charges.
Section 8.6	Charges Constitute Liens.

ARTICLE 9.	BILLING AND COLLECTING
Section 9.1	Billing Period.
Section 9.2	Due Date.
Section 9.3	Where Payable.
Section 9.4	Penalties and Interest.
Section 9.5	Billing.
Section 9.6	Person Responsible.
Section 9.7	Discontinuing Service.
Section 9.8	Suit.
Section 9.9	Billing and Collecting Delinquencies on Tax Roll.
Section 9.10	Compensation.
ARTICLE 10.	ENFORCEMENT
Section 10.1	Violation Unlawful.
Section 10.2	Violation.
Section 10.3	Misdemeanor.
Section 10.4	Public Nuisance.
Section 10.5	Disconnection.
Section 10.6	Public Nuisance, Abatement.
Section 10.7	Liability for Violation.
ARTICLE 11.	ENACTMENT
Section 11.1	Effective Date.
Section 11.2	Recordation and Filing.
Section 11.3	Separability.

**Ordinance Availability**

This ordinance will take effect thirty days after publication of this notice and summary. Complete copies of the ordinance are available for inspection or copying at the Brevort Township Hall, Church Street, Moran, Michigan during normal Township business hours.

Betty Sorrels  
Township Clerk  
Township of Brevort  
Mackinac County, Michigan

**TOWNSHIP BOARD  
BREVORT TOWNSHIP  
MACKINAC COUNTY, MICHIGAN**

Board Member Rutledge, supported by Board Member Peterson,  
moved the adoption of the following ordinance:

**ORDINANCE NO. 16**

**AN ORDINANCE TO AMEND SUBSECTIONS 1.6.e, 1.6.1.,  
AND 1.6.ad, AND SECTIONS 4.1, 4.4, 5.5, AND 9.4 OF  
TOWNSHIP ORDINANCE NO. 16, ENTITLED THE  
"SEWER USE AND RATE ORDINANCE"**

**The Township of Brevort Ordains:**

**Section 1. Amendment of Subsections 1.6.e, 1.6.1 and 1.6.ad.** That Subsections 1.6.e., 1.6.1., and 1.6.ad. of Brevort Township Ordinance No. 16 are amended in their entirety to read as follows:

**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, but not including, the sewer grinder pump.

**l. "Lateral Sewer"** means the sewer line beginning at and including the sewer grinder pump on any property and terminating at the main sewer.

**ad. "Side Sewer"** shall have the same meaning as Lateral Sewer.

**Section 2. Amendment of Section 4.1 of Township Ordinance No. 16.** That Section 4.1 of Brevort Township Ordinance No. 16 is amended to read in its entirety as follows:

**Section 4.1 Construction of Building Sewer or Lateral Sewer.**

**(a)** No person shall construct a building sewer or lateral sewer, or make 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 or lateral sewer, in connection with or opening of, or use, alteration or disturbance of any public sewer is subject to inspection by the Township.

**(b)** The lateral sewer shall be part of the public sewer. Prior to the connection of a property to the public sewer, the property owner connecting shall give an easement to the Township for any area necessary for the lateral sewer. The lateral sewer shall be constructed by the Township, or in the discretion of the Township by the owner connecting to the sewer, subject to such requirements as the Township shall provide.

**Section 3. Amendment of Section 4.4 of Township Ordinance No. 16.** That Section 4.4 of Brevort Township Ordinance No. 16, is amended to read in its entirety as follows:

**Section 4.4 Maintenance.** Building sewers shall be maintained by the owner of the property served thereby. Lateral sewers shall be maintained by the Township; provided, however, the property owner shall be responsible for the cost of repairing any damage caused by action of the property owner or any person using the property owner's facilities and for the cost of repairing any damage caused by roots of vegetation located near the lateral sewer.

**Section 4. Amendment of Section 5.5 of Township Ordinance No. 16.** That Section 5.5 of Brevort Township Ordinance No. 16, is amended to read in its entirety as follows:



### **Section 5.5 Preliminary Treatment of Wastes.**

(a) 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 weight, (b) containing more than 350 parts per million by weight of suspended solids, (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 its 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, (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.

(b) 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 approval are obtained in writing.

(c) Where, due to the strength and character of the waste and the type of operation the Township determines that the waste is incompatible with the System and approval for on-site or other waste treatment handling can be obtained for all regulating agencies, the Township, in its sole discretion, may determine that the building or use shall not be required to connect to the System, or if connected shall be disconnected.

### **Section 5. Amendment of Section 9.4 of Township Ordinance No. 16.**

That Section 9.4 of Brevort Township Ordinance No. 16, is amended to read in its entirety as follows:

**Section 9.4 Late Payment Fees.** The System is an enterprise fund that is self sustaining. So, when bills are not paid when due, the rates are high for other users of the System because the System must have the revenues to pay its costs. There is also a cost to re-bill users, to engage in collection actions, and to obtain funds to meet any finding gaps due to non-payment or delinquent payment of bills. Accordingly, bills not paid within twenty (20) days from the due date shall be delinquent and shall be subject to a late payment/rebiling fee of \$15.00, or such other amount determined by resolution of the Township Board, and interest shall accrue on the unpaid balance from the date the bill became delinquent at the rate of one-half of one percent (0.5%) per calendar month or portion of a calendar month the amount due remains delinquent.

**Section 6. Effective Date.** This ordinance shall be entered in the minutes of the Township Board and the Ordinance or a summary thereof shall be published once after the passage thereof in *The St. Ignace News*, a newspaper circulated within Brevort Township, and shall not take effect until thirty (30) days shall have elapsed after its publication.

**Section 7. Recordation and Filing.** Within one week after its publication, the Township Clerk shall record this Ordinance in a book of ordinances kept by her for that purpose, and file an attested copy of the Ordinance with the County Clerk.

**YEAS:** Serwach, Sorrels, Erskine, Rutledge, Peterson.

**NAYS:** None.

**ABSENT:** None.

**ORDINANCE NO. 16 ADOPTED.**

**Edward Serwach, Supervisor  
Betty Sorrels, Clerk**

**TOWNSHIP BOARD  
BREVORT TOWNSHIP  
MACKINAC COUNTY, MICHIGAN**

Board Member Rutledge, supported by Board Member Peterson, moved the adoption of the following ordinance:

**ORDINANCE NO. 16**

**AN ORDINANCE TO AMEND SUBSECTIONS 1.6.e, 1.6.1., AND 1.6.ad, AND SECTIONS 4.1, 4.4, 5.5, AND 9.4 OF TOWNSHIP ORDINANCE NO. 16, ENTITLED THE "SEWER USE AND RATE ORDINANCE" of Brevort Ordains:**

**Section 1. Amendment of Subsections 1.6.e, 1.6.1 and 1.6.ad.** That Subsections 1.6.e., 1.6.1., and 1.6.ad. of Brevort Township Ordinance No. 16 are amended in their entirety to read as follows:

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, but not including, the sewer grinder pump.

l. **"Lateral Sewer"** means the sewer line beginning at and including the sewer grinder pump on any property and terminating at the main sewer.

ad. **"Side Sewer"** shall have the same meaning as Lateral Sewer.

**Section 2. Amendment of Section 4.1 of Township Ordinance No. 16.** That Section 4.1 of Brevort Township Ordinance No. 16 is amended to read in its entirety as follows:

**Section 4.1 Construction of Building Sewer or Lateral Sewer.**

(a) No person shall construct a building sewer or lateral sewer, or make 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 or lateral sewer, in connection with or opening of, or use, alteration or disturbance of any public sewer is subject to inspection by the Township.

(b) The lateral sewer shall be part of the public sewer. Prior to the connection of a property to the public sewer, the property owner connecting shall give an easement to the Township for any area necessary for the lateral sewer. The lateral sewer shall be constructed by the Township, or in the discretion of the Township by the owner connecting to the sewer, subject to such requirements as the Township shall provide.

**Section 3. Amendment of Section 4.4 of Township Ordinance No. 16.** That Section 4.4 of Brevort Township Ordinance No. 16, is amended to read in its entirety as follows:

**Section 4.4 Maintenance.** Building sewers shall be maintained by the owner of the property served thereby. Lateral sewers shall be maintained by the Township; provided, however, the property owner shall be responsible for the cost of repairing any damage caused by action of the property owner or any person using the property owner's facilities and for the cost of repairing any damage caused by roots of vegetation located near the lateral sewer.

**Section 4. Amendment of Section 5.5 of Township Ordinance No. 16.** That Section 5.5 of Brevort Township Ordinance No. 16, is amended to read in its entirety as follows:

**State of Michigan**

In the City of St. Ignace for the County of Mackinac

In the Matter of Ordinance No. 16

COUNTY OF MACKINAC, ss.

Wesley H. Maurer, Jr., being duly sworn, says: I am the publisher-editor of The St. Ignace News, a newspaper published and circulated weekly in said county. The annexed is a printed copy of a notice that was published in said paper on the following dates, to wit:

January 15, 2004

Wesley H. Maurer, Jr.

Subscribed and sworn to at St. Ignace, in said county,

this 15th day of January 2004

Before me Wendy Hambro, Notary  
Public of Mackinac County.

My Commission expires December 26, 2005

WENDY LAWRENCE, Notary Public  
Mackinac County, State of Michigan  
My Commission Expires: 12-26-05

#### **Section 5.5 Preliminary Treatment of Wastes.**

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(b) 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 approval are obtained in writing.

(c) Where, due to the strength and character of the waste and the type of operation the Township determines that the waste is incompatible with the System and approval for on-site or other waste treatment handling can be obtained for all regulating agencies, the Township, in its sole discretion, may determine that the building or use shall not be required to connect to the System, or if connected shall be disconnected.

**Section 5. Amendment of Section 9.4 of Township Ordinance No. 16.**  
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