

DELTA CHARTER TOWNSHIP

7710 W. Saginaw Highway
Lansing, Michigan 48917
517-323-8560

ORDINANCE NO. 20-109

**ADOPTION OF
AMENDMENTS TO THE CODE OF ORDINANCES FOR UTILITIES**

AN ORDINANCE OF THE CHARTER TOWNSHIP OF DELTA, EATON COUNTY, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED IN CHAPTER 40 (“UTILITIES”) IN ARTICLES III, IV, AND V (“WATER SYSTEM,” “WASTEWATER SYSTEM USE” AND “WASTEWATER SYSTEM RATES”) TO CLARIFY OR ADD DEFINITIONS, FEES, AND PROCEDURES RELATED TO THE TOWNSHIP WATER AND SEWER SYSTEM, INCLUDING THOSE FOR CAPITAL CHARGES AND READY-TO-SERVE CHARGES; TO REPEAL CONFLICTING ORDINANCES; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

The Charter Township of Delta, Eaton County, Michigan ordains:

SECTION I

AMENDMENT OF CHAPTER 40, ARTICLE III, SEC. 40-59—40-60. Sec. 40-59 through 40-60 shall be and hereby is amended as follows:

Sec. 40-59. - Definitions.

Curb valve or *curb stop* means the township owned valve at the end of the water service stub, located at or near the property line/road right-of-way or easement line, used to turn a water service on or off to a specific building.

Distribution system water main means that part of the POWSS located within easements or road rights of way and designed to supply one or more water service lines.

Fire service line means a water main connecting a property or premises to the distribution system water main solely for providing fire protection.

POWSS means the publicly owned water supply system consisting of distribution system water mains, pumps, equipment and other appurtenances owned, operated and maintained by the township for the transmission, treatment, storage, distribution and supply of potable water for domestic, commercial, industrial and fire protection uses.

Utilities department means the Delta Township Utilities Department.

Utilities director means the Delta Township Utilities Director.

Water meter means a device for measuring and registering the quantity of water that passes through a water service line or fire service line.

Water service line means a pipe from the curb valve to the water meter situated on a property or within a premise.

Water service stub means that part of the POWSS between the distribution system water main and the curb valve, including the curb valve.

Sec. 40-60. - Connection to the public water supply system.

- (a) Connections to the POWSS shall be as mandated by section 40-93 herein.
- (b) An application for a water connection shall be made to the township accounting department on forms prescribed and furnished by it.
- (c) Water connections shall not be made by the utilities department until payment of the required connection charges and capital charges.
- (d) Water connections shall be installed in accordance with the township municipal utility standards.
- (e) Water service lines smaller than two inches shall be installed by the utilities department, unless otherwise authorized by the utilities director or his/her designees.
 - (1) Water service lines may not be installed absent payment of the required installation charges, capital charges, and inspection fees.
 - (2) Water service lines smaller than two inches shall be guaranteed by the utilities department for one year from the date of installation of the water meter. Existing water service lines smaller than two inches shall be guaranteed by the utilities department for one year from the effective date of the ordinance from which this section is derived.
- (f) Water service lines two inches and larger shall be installed by the property owner's contractor and be subject to inspection by the utilities department following approval of construction plans for the installation and payment for the required plan review, installation charges, inspection fees and capital charges, if any.
- (g) The utilities department may refuse to authorize larger service lines than reasonably required by the premises served.
- (h) Curb valves shall not be located in driveways or sidewalks and shall be relocated at the property owner's expense if necessary.
- (i) Fire service lines are under the direct authority of the township fire chief or his/her designees. All fire service line installations and/or repairs shall require a permit issued by the township building department. The utilities department shall not be responsible for the installation or maintenance of fire service lines.
- (j) No water service lines shall be connected to a fire service line.

SECTION II

AMENDMENT OF CHAPTER 40, ARTICLE III, SEC. 40-137—40-138. Sec. 40-137 through 40-138 shall be and hereby is amended as follows:

Sec. 40-137. – Lawn sprinkling – Restrictions.

In the event that emergency water restrictions are required by the Township and/or Lansing Board of Water and Light, the following restrictions will apply: Lawn sprinkling is hereby allowed on even-numbered days of the month at all residences which are even-numbered in the township which use water supplied by the township and is prohibited on odd-numbered days of the month thereat. Lawn sprinkling is hereby allowed on odd-numbered days of the month at all residences which are odd-numbered in the township which use water supplied by the township

water system, and is prohibited on even-numbered days of the month thereat. The regulations and limitations of use set forth in this section shall be effective during the months of May, June, July and August of every year.

Sec. 40-138. – Same – Notice.

Notice of the lawn sprinkling regulations set forth in section 40-137 shall be published each year on the Township’s website.

SECTION III

AMENDMENT OF CHAPTER 40, ARTICLE III, SEC. 40-188—40-204. Sec. 40-188 through 40-204 shall be and hereby is amended as follows:

Sec. 40-188. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abutting property means property abutting a public water main, whether through or from the front, side or the back of the premises.

Building official means the individual appointed by the township board delegated to administer the state construction code.

Capital charge means such connection charge as may be established by resolution of the township board, which charge represents the respective portion of the capital investment of the water system, and which may be allocated or attributed to any premises, and includes without limitation expenses incurred from the oversizing of lines and treatment plant capacity and production facilities.

Connection means the act of joining a water lead to a new or existing building which results in the providing of public water to the building.

First party means persons and their successors, heirs or assignees entering into a contract with the township board to privately participate in funding additions to the water system.

Inspector means any person duly authorized by the township board to inspect and approve any or all facilities affected by this division.

Installation charge means the cost of extending water service from the main to the building.

Premises or properties means land and any building located thereon.

Public water means a water conduit in which all owners of abutting properties have equal rights and which is controlled by public authority.

Ready to Serve charge means the fee assessed to cover the fixed operating costs of the township water system, at rates set by resolution of the township board, based on the size of the property’s water meter(s), irrespective of actual connection or use.

Stubs means water leads from the main to the lot line.

Township engineer means the staff engineer of the township or such professional engineer retained by the township board to review the engineering aspects of the township water system, or the authorized representative of such engineer.

Sec. 40-189. - Properties affected.

Capital charges hereinafter established shall apply to all properties located within the boundaries of the township served by the township water system. Those properties within the township served by public water furnished by the City of Lansing, or any other municipal corporation or township shall be subject to such charges as may be provided for by contract between the township and any other municipality.

Sec. 40-190. - Times and conditions of collection of charges.

Charges imposed by this section shall be paid in full or refunded under the following conditions and at the following times unless otherwise provided herein:

- (1) From each premises requesting to use, or required to use the public water system, a capital charge will be charged and collected, as per section 40-191.
- (2) Upon application for a building permit for the purpose of erecting new buildings, capital charges shall be collected.
- (3) Upon application for authorization to connect a new building or existing building to the public water, all applicable installation charges shall be collected.
- (4) Prior to start of construction of new buildings or additions to existing buildings when a building permit is not required, or prior to a lateral connection to the public water system, all applicable charges shall be paid (for example, schools).
- (5) If an application is withdrawn (in writing), then the charges due under this division shall be refunded less an administrative charge as set by resolution of the township board.
- (6) The requirements of this section shall not apply to those properties served by water furnished by a municipal corporation or township other than the township but rather the contracted terms, amounts and methods of payment shall apply.

Secs. 40-191—40-192. - Reserved

Sec. 40-193. - Water capital charge.

- (a) A water capital charge shall be established by board resolution based upon a schedule of fees which shall be as set by resolution of the township board that shall apply to all new water service connections made to the township facilities and for any increase in sizing thereafter there shall be charged the difference between the charge for an existing meter and the fee herein established for the larger meter.
- (b) The water capital charges shall be paid upon making application to the township or upon application for installation of a larger meter size. Subsequent amendments of the schedule of fees shall be by board resolution.

Sec. 40-194. - Installation charges.

From the water main to the service valve (applicable to a 66-foot road right-of-way only), where water services are installed by another entity than the township, there shall be an inspection fee as shall be set by resolution of the township board.

Sec. 40-195. - Reserved.

Sec. 40-196. - Restriction on issuing permits and authorizations.

No authorizations to connect water shall be granted until the capital charges have been paid in accordance with this division subject to the exceptions in sections 40-190(6) and 40-202.

Sec. 40-197. - Reserved.

Sec. 40-198. - Water service rates.

- (a) *Ready to Serve charge.* The Ready to Serve charge shall be as set by resolution of the township board.
- (b) *Consumption rates.* Consumption rates shall be computed based upon the metered water consumption for those users connected to the township water supply system and shall be billed monthly at a rate set by resolution of the township board.
- (c) *Fire hydrant rental.* For the use of water through fire hydrants and for the availability of such water, the township shall pay a fee as set by resolution of the township board, payments to be made from funds legally available for such purpose or from the proceeds of taxes which the township shall levy within charter tax rate limitations.
- (d) *Fire hydrant maintenance.* Fire hydrants shall be installed on private property at the property owner's expense. Water supply and maintenance of fire hydrants installed on private property shall be provided by the township for a charge as set by resolution of the township board. Hydrants installed on private property shall be used for fire protection only and shall not be used for any other purposes, except as may be permitted by this division. No additional charge will be made for water used from these hydrants for fire purposes.
- (e) *Charge for turn-on or turn-off of water services.* For new customers, no charge shall be made. For customers who have defaulted on bills, a charge for turn-off or turn-on shall be as set by resolution of the township board.
- (f) *Special rates.* Special rates for miscellaneous or special services shall be fixed by the township board.
- (g) *Water from hydrants.* No one shall be allowed to use water from fire hydrants, except as follows:
 - (1) Through a meter installed and read by the utility department, or by measured amounts controlled by the utility department, to be billed to the user, at a rate set by the township board.
 - (2) By the utility department, for sewer flushing, unmetered, but the number of tank truck fills, and tank capacity thereof to be reported to the accounting department, and billed to the utility department.
 - (3) For water main flushing and such other uses determined as necessary by the utility department, not to be billed.
 - (4) For firefighting and fire training, not to be billed.
 - (5) For fire flow testing by the engineering department or for a sprinkler consultant under the supervision of the engineering department or utility department.
- (h) *Billings.*
 - (1) Bills shall be rendered to users no less often than on a monthly basis.
 - (2) The township board may require meter readings and/or billings to be made more often than on a monthly basis. Billings made more often than on a monthly basis may be

estimated and prorated on a monthly basis with the balance due to be adjusted by a meter reading and billing at the end of each month.

- (3) All bills rendered to users shall become due and payable 15 days after the billing date. Payments made by mail shall be postmarked no later than 15 days after the billing date. No utility department employee in the field shall be permitted to receive payments for billings or other charges.
- (i) *Past due bills.*
 - (1) All bills not paid on or before the due date as herein established shall be subject to a penalty as shall be set by resolution of the township board.
 - (2) Water service shall be discontinued 35 days after the billing date, if all necessary payments have not been made as required by this division, except as follows by subsection (i)(3) of this section. The 35-day requirement notwithstanding, the service shall not be discontinued unless the accounting department is open to receive payment on the day of and the day following discontinuation of service.
 - (3) When a customer claims hardship, the manager or finance director or their designees may allow the customer to make reduced payments at intervals more frequent than the usual billing interval. These payments shall equal in total the monthly bill. This method of payment shall not allow a customer to defer full payment of the bill beyond 35 days after the billing date.
 - (4) The procedure for notification of default in payment of bills prior to service discontinuation shall be by sending a past due notice 20 days after the billing date. The past due notice shall state the amount due, the service discontinuation date, the additional charge to reinstate discontinued service, and that payment made after the discontinuation date must be for all charges.
 - (5) Where service to a customer in default of a bill has been discontinued, the service shall not be restored until authorized by the accounting department. The accounting department shall not authorize restoration of service until arrangements for payment of all charges, as may be required by ordinance, have been made.
 - (j) *Returned (NSF) checks.* An administrative fee as set by resolution of the township board shall be charged for handling returned checks.
 - (k) *Water service deposits.* Water service deposits shall not be required, except as follows:
 - (1) Where annual notice is given in writing, as provided for in section 21, Public Act No. 94 of 1933 (MCL 141.121), that a tenant is responsible for such charges and services as is provided for by this division, then a cash deposit as set by resolution by the township board shall be made as security for payment of such charges and services. The deposit shall be returned after two years, if no default in payment of bills has occurred and if the customer has not been past due more than two times within a two-year period.
 - (2) As required by subsection (l) of this section, pertaining to enforcement.
 - (l) *Enforcement.* Charges for water services shall constitute a lien on the property served, pursuant to section 21, Public Act No. 94 1933 (MCL 141.121), unless annual notice is given that a tenant is responsible and whenever such charges shall be delinquent for two months or more, the township officer or officers in charge of the collection thereof shall certify annually before September 1 of each year, to the tax-assessing officer of the township, the fact 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 annual notice is given in writing that a tenant is responsible for such charges and services as provided by section 21, Public Act No. 94 of 1933 (MCL 141.121), no further service shall be rendered such premises until a cash deposit equal to six months' water charges shall have been made as security for payment of such charges and service. In addition to the other lawful enforcement methods, the payment of charges for service to any premises may be enforced by discontinuing the water service to such premises.

Sec. 40-199. - Enforcement.

If any premises is found to be connected to the public water mains in violation of this division or failed to have paid the capital charges in accordance with the provisions of this division, the director shall be notified of any violation within ten days of its discovery; the director shall cause notice to be given to the owners of record of the property by certified mail and by posting such notice conspicuously upon such building. The notice shall state the amount of capital charges due and owing, the last day of payment, the public office where such payment must be made and the right of appeal as provided in section 40-200.

Sec. 40-200. - Appeal.

Persons receiving notice of the charge may, within 30 days from the mailing of such notice, request a hearing before the township board as to the nature of the charges and the amounts thereof. The board shall determine the amount of charges due and owing and shall direct the director to place such charges upon the next tax roll of the township unless paid within ten days and such charges shall become a lien and collected in the same manner as provided for delinquent charges set forth in section 40-201.

Sec. 40-201. - Collection of delinquent charges.

- (a) Charges for water service and capital connection charges established by this division furnished to any property shall be a lien thereof, as provided by section 21, Public Act No. 94 of 1933 (MCL 141.121), and any charges delinquent for three months or more shall be certified annually prior to September 1 to the township treasurer who shall enter the same upon the next tax roll against the property for which such charges were incurred and such charges shall be collected and such lien shall be enforced in the same manner and subject to the same collection and penalty charges as provided for in the collection of general ad valorem taxes except such delinquent charges shall bear a delinquent interest rate of one-half of one percent per month from the date of delinquency in addition to the delinquent charges made and provided for the collection of ad valorem taxes. In addition to any other lawful enforcement methods, the payment may be enforced by discontinuing the water service to such property. Further, all charges and penalties may be recovered by the township by court action.
- (b) Such capital charges, or other charges as may apply to water improvements furnished within the corporate limits of the township by the City of Lansing or any other state municipal corporation or township shall become a lien on property and may be collected in the same manner as provided for in subsection (a) of this section. The township shall, upon collection of these charges, rebate them to the municipal corporation or township owed, less the interest as a collection fee.

Sec. 40-202. - Hardship.

- (a) Persons owning property with buildings located thereon and residing thereon who are required by state law, the Barry-Eaton District Health Department or by ordinance to connect to a public water main or who desire to connect to same may apply for hardship consideration in regard to payment of the various charges required by this division.
- (b) The manager or his/her designee shall determine in his/her discretion for each application if a hardship exists. The manager or his/her designee may require such proofs as he/she deems necessary to determine if a hardship actually exists and the degree thereof.
- (c) If it is determined that a hardship exists, a lien shall be placed against the property. All charges (including capital charges) required under this division may be deferred by use of the methods listed in subsection (d) of this section, chosen at the discretion of the board. In no event shall the property change ownership without payment in full of the charges due. (Survivorship of part owners shall not be considered an ownership change.)
- (d) Upon determination of hardship, one or more of the following hardship payment methods, in full, in part, or in combination thereof may be utilized by the manager or his/her designee:
 - (1) Capital charges established under this ordinance, under determination of hardship by the manager or his/her designee, may be paid in installments bearing interest at a rate as determined by resolution of the township board on the unpaid principal balance as computed at the time of connection. This deferral of such charges shall apply only to those properties situated within the boundaries of the township.
 - (2) Deferral of capital charges until the property changes ownership. Charges shall bear interest at the rate as determined by resolution of the township board. The property owner may pay off any and all charges with interest due at any time. The township manager or his/her designee may at his/her discretion determine that the hardship is ending and require immediate payment of all charges due. If, at his/her discretion, the manager or his/her designee determines that the hardship is reduced, he/she may require payment by use of subsection (d)(1) of this section.

Sec. 40-203. - Non-exclusivity of fees.

The charges herein established are in addition to any fee the township has heretofore or may hereinafter establish for a contractor's permit to construct, cut into or connect to the public water.

Sec. 40-204. - Additions and connections to the public water system.

- (a) No additions by other than the township shall be allowed to the public water system except by prior contract with the township board.
- (b) No persons shall be exempted from capital charges.
- (c) All plans and specifications for additions and connections to the public water system, including lateral connections, shall be submitted to and approved in writing by the township engineer.
- (d) Except as permitted herein, no permits for use of the public water system shall be requested or issued until after the addition to the water system has been certified in writing as being satisfactorily complete by the township engineer and the proper deeds of grant, waivers of lien and easement agreements are provided to the township. The township manager may grant temporary use permits for periods not to exceed 60 days. In the event of a violation of this section, the township may, without notice or any liability to the first party, disconnect the addition to the public water system and/or take any other action

necessary to prevent the flow of water into the addition to the public water system. The first party shall pay all costs, including actual attorney's fees, which the township incurs in enforcing the provisions of this section.

SECTION IV

AMENDMENT OF CHAPTER 40, ARTICLE IV, SEC. 40-234. Sec. 40-234 shall be and hereby is amended as follows:

Sec. 40-234. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act or the Act means the Federal Water Pollution Control Act, also known as Clean Water Act, 33 USC 1251 et seq.

Approval authority means the supervisor of the Shiawassee District of the state department of environmental quality.

Authorized representative of industrial user means a duly authorized representative who is responsible for the overall operation of the facilities from which the indirect discharge originates.

Available public sanitary sewer system means a public sanitary sewer system located in a right-of-way, easement, highway, street or public way which crosses, adjoins, or abuts upon the property and passes not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainpipes inside the walls of the building and conveys it to the building sewer, beginning approximately five feet outside the inner face of the building wall and is not part of the public sewer.

Building sewer means the extension from the building drain to the public sewer main or other place of disposal and is not part of the public sewer.

Building stub (house lead) means that part of the building sewer from the public sewer main to the right-of-way and is not part of the public sewer.

Bypass means the intentional diversion of the waste stream from any portion of an industrial user's treatment facility.

Chemical oxygen demand (COD) means a measure of the oxygen-consuming capacity of inorganic and organic matter present in the water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test.

Combined sewer means a sewer intended to receive both wastewater and stormwater or surface water.

Combined waste stream means the flow of wastewater from an industrial facility where the sanitary waste stream is combined with the process regulated waste stream following treatment.

Commercial user means a person whose premises are used to offer services and/or products such as retail and wholesale stores, gasoline stations, restaurants, schools, churches, hotels, motels, nursing homes, hospitals, warehouses, private clubs, theaters and governmental buildings.

Compatible pollutants means those pollutants that the township wastewater treatment plant was specifically designed to remove taking into account biochemical oxygen demand (BOD) and means suspended solids, fecal coliform bacteria, and total phosphorous.

Contamination means any introduction into water of microorganisms, chemicals, wastes or wastewater in a concentration that makes the water unfit for its intended use.

Control authority means and shall refer to the director of the wastewater treatment plant as defined in the approved pretreatment program under the provisions of 40 CFR 403.11.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state.

Director means the head of the township utility department or his authorized representative.

Discharge means spilling, leaking, seeping, pumping, pouring, emitting, emptying, dumping or depositing.

Domestic sewage means liquid or water-carried waste discharged from residential living units and resulting from activities usually considered to be carried on in a domicile.

Domestic user means a person whose premises are for single-family or multiple-family use.

Effluent means wastewater or other liquid, partially or completely treated, flowing out of a reservoir, basin, treatment plant, or industrial treatment plant or part thereof.

Environmental protection agency (EPA) means the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of such agency.

Federal categorical pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of Federal Water Pollution Act, amendments of 1972 (PL 92-500), which applies to a specific category of industrial users.

Federal prohibitive discharge standard means any regulation developed under the authority of section 307(b) of Federal Water Pollution Act, amendments of 1972 (PL 92-500), and 40 CFR 403.5.

Garbage, shredded, means garbage that has been cut or shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Garbage, solid, means solid wastes resulting from the domestic, commercial and industrial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce or from the canning or packing of food.

Grab sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Incompatible pollutant means a environmentally undesirable substance discharged to the township treatment works for which the treatment facility is not designed to remove or alter. The

substance may also cause treatment upset, adverse effects on the safety and/or health of the treatment plant workers, or pass through.

Indirect discharge means the discharge or the introduction of pollutants from any source into the POTW (including holding tank waste discharged into the system).

Industrial user means the user that discharges to the public sewer system from manufacturing or processing operations, including users engaged in profit seeking ventures which discharge a trade or process waste. This includes any user identifiable in divisions A, B, D, E and I in the Standard Industrial Classification Manual, 1972, U.S. Office of Management and Budget.

Industrial waste means the liquid or water-carried waste resulting from industrial or manufacturing process, trade or business, or from the development, recovery or processing of a natural resource, with or without suspended or dissolved solids as distinct from sanitary sewage.

Infiltration.

- (1) The term "infiltration" means the water entering a sewer system, including sewer service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls.
- (2) The term "infiltration" does not include inflow.

Inflow.

- (1) The term "inflow" means the water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, uncontaminated cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, stormwaters, surface runoff, street wash waters or drainage.
- (2) The term "inflow" does not include infiltration.

Interference means the inhibition or disruption of the POTW treatment processes or operations, or that which contributes to a violation of any requirement of the township NPDES permit. The term "interference" includes limitations of sewage sludge use of disposal by the POTW in accordance with 405 of the Act (33 USC 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria or those guidelines and criteria contained in any sludge management plan of the POTW applicable to the method of disposal or use employed by the POTW.

mg/l means milligrams per liter and represents a unit of the concentration of water or wastewater constituent used in reporting the results of water or wastewater analysis.

Natural outlet means any watercourse, pond, ditch, lake or any other body of water, either surface or ground.

New source means any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 301(c) (33 USC 1317) categorical pretreatment standard which will be applicable to such source. The term "new source" includes the following:

- (1) Construction of new or additional facilities which produce a process waste stream at a site where there has been no previous process discharge. The term "construction," as defined in this provision, is considered to have commenced when:
 - a. Installation or assembly of facilities or equipment has begun.
 - b. Significant site preparation has begun for installation or assembly.
 - c. The owner or operator has entered into a binding contractual obligation.
- (2) Complete replacement of process or production equipment which has previously been the source of wastewater discharge.
- (3) Wastewater production or wastewater generating processes which come on line at a facility which are substantially independent of an existing source at the same site.

ng/L means nanograms per liter and represents a unit of the concentration of water or wastewater constituent used in reporting the results of water or wastewater analysis.

Nondomestic user means an industrial user, commercial establishment or other entity that discharges wastewater to a publicly owned treatment works other than, or in addition to, sanitary sewage.

Normal domestic strength sewage means that sewage having a biochemical oxygen demand or suspended solids not to exceed 300 milligrams per liter.

NPDES permit means a permit issued pursuant to the National Pollutant Discharge Elimination System prescribed in U.S. PL 92-500.

Owner means the owner of any real property from which sewage is discharged.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pollution means a condition created by the presence of harmful or objectionable material in the water. See *Contamination*.

POTW means publicly owned treatment works and is comprised of the collection systems including the sanitary sewers, pumping stations, and the treatment plant.

Premises means each lot or parcel of land or building, having any connection to the sewer disposal system of the township.

Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR 403.6(d).

Pretreatment requirements means substantive or procedural requirements related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

Private sewage treatment and disposal facility means any privy, privy vault, septic tank, cesspool, or outlet into any pond, ditch, lake, watercourse or other body of water or any other device privately owned and maintained for the disposal of sewage.

Public sewer means a sewer in which all owners of abutting property have equal rights, and which is controlled by public authority.

Sanitary sewage or *sewage* means any combination of liquid or water-carried waste from residences, business buildings, institutions, industrial, commercial, and governmental establishments including any infiltration or inflow as may be present.

Sanitary sewer means a sewer intended to carry only sanitary, or sanitary and industrial wastewaters from residences, commercial buildings, industrial plants and institutions, and to which stormwater, surface water and groundwater are not intentionally admitted.

Severe property damage.

- (1) The term "severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
- (2) The term "severe property damage" does not mean economic loss caused by delay in production.

Sewer means any pipe, tile, tube or conduit for carrying sewage.

Sewer permit means a permit issued by the township building department as written authorization to construct, install, or connect building sewers to the public sewer.

Significant noncompliance means chronic violations indicating significant noncompliance include, but are not limited to, the following:

- (1) Violation of a particular effluent limit in at least 66 percent of the samples taken over a six-month period of the same pollutant parameters.
- (2) Exceeding by 40 percent a conventional pollutant (BOD, solids, etc.) effluent limit in 33 percent of the samples taken over a six-month period.
- (3) Exceeding by 20 percent any other effluent limit (nonconventionals and toxins) in 33 percent of the samples taken in a six-month period.
- (4) Discharges which violate general prohibition standards or endanger public health.
- (5) Failure to achieve compliance schedule milestones within 90 days of the milestone date.
- (6) Failure to submit required reports within 30 days of the due date.
- (7) Failure to report noncompliance.
- (8) Other cases of significant noncompliance as determined by the utilities director.

Significant user means any user of the township sanitary sewer system that is:

- (1) A nondomestic user subject to categorical pretreatment standards under 40 CFR 403 and 40 CFR chapter I, subchapter N.
- (2) A nondomestic user to which one of the following applies:
 - a. Discharges 25,000 gallons each day or more of process water to the POTW, excluding sanitary noncontact cooling water and boiler blowdown wastewater;
 - b. Contributes a waste stream which makes up five percent or more of the average dry weather hydraulic or organic (biochemical oxygen demand, total suspended solids, phosphates and ammonia nitrogen) capacity of the treatment plant; or

- c. Has a reasonable potential, in the opinion of the control authority, to adversely affect the POTW treatment plant or collection system through inhibition, pass through of pollutants, equipment damage, sludge contamination or endangerment of POTW workers.
- (3) Upon finding that a nondomestic user meeting the criteria in subsection (1) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority may, at any time on its own initiative or in response to a petition received from a nondomestic user or POTW, determine that a nondomestic user is not a significant nondomestic user.

Slug means any discharge of water, sewage, or industrial waste which in concentration of any given waste component or in quantity of flow exceeds for any period of time longer than 15 minutes more than five times the average 24-hour concentration or quantity of flow during normal discharge. Flow shall not exceed 350 gallons per minute above the normal flow.

Storm sewer or storm drain means a sewer which carries stormwater, surface water, groundwater, roof runoff or subsurface drainage and to which sewage is not admitted.

Structure in which sanitary sewage originates means a building in which the toilet, kitchen, laundry, bathing or other facility generates water-carried sanitary sewage is used or is available for use in household, commercial, industrial or other purpose.

Substantial change means an anticipated shift in manufacturing process, production rate, or treatment which causes the makeup of a regulated or nonregulated waste stream to be altered in content, or amount of a pollutant with potential adverse impact to the treatment system or final discharge waters, or to contain discharged flow beyond the predetermined maximum flow for the facility.

Surcharge means that any user discharging to the public sewer a wastewater having biochemical oxygen demand, chemical oxygen demand, phosphates, or suspended solids within the range specified in section 40-286 shall be subject to an additional cost over and above the basic rates. The surcharge shall be the yearly average per pound of treatment cost computed as a percent of replacement reserve, and operation and maintenance divided by the yearly pounds of biochemical oxygen demand, chemical oxygen demand, phosphates or suspended solids. The surcharge per pound of pollutant shall be calculated annually by the superintendent and approved by the township board.

Suspended solids means all matter existing in nonliquid state which is removable by filtration in accordance with standard laboratory procedures.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

ug/L means micrograms per liter and represents a unit of the concentration of water or wastewater constituent used in reporting the results of water or wastewater analysis.

Uncontaminated industrial effluents means water which has not come into contact with any substance used in or incidental to industrial processing operations and to which no deleterious or toxic substance has been added.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards and/or an ordinance prohibiting or limiting standards because of factors beyond the reasonable control of the user; excluding such factors as changes in wastewater characteristics, operational error, improperly designed or

inadequate treatment facilities, or improper operation and maintenance or lack thereof. Affirmative defense of an upset by an industrial user must be established in accordance with the conditions of 40 CFR 403.16C.

User means any person, establishment or owner who discharges any domestic sewage or industrial waste into the sanitary sewer system of the township.

Utilities director means the head of the township wastewater treatment plant or his authorized representative.

Wastewater. See *Sanitary sewage* or *sewage*.

Wastewater discharge permit means a permit issued by the township POTW as written authorization to discharge wastewater into the township sanitary sewer system.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, whether surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

SECTION V

AMENDMENT OF CHAPTER 40, ARTICLE IV, SEC. 40-342. Sec. 40-342 shall be and hereby is amended as follows:

Sec. 40-342. - Permit conditions.

Wastewater discharge permits shall be subject to all provisions of this article and all other applicable regulations, user charges, and fees established by the township. Permits shall contain no less than the following conditions, where appropriate:

- (1) A wastewater permit shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation.
- (2) Duration of a wastewater permit shall be one to three years as authorized in writing by the Utilities Director or his/her designees.
- (3) A condition of permit requirements may include submission of facility plans for accidental spill prevention, cleanup procedures, notification, and reporting of a spill incident.
- (4) The terms and conditions of the permit may be subject to modification by the township during the term of the permit. (Refer to sections 40-268, 40-269 and 40-270.)
- (5) Limits on the average and maximum wastewater constituents and characteristics.
- (6) Limits on the average and maximum rate and time of discharge and/or requirements for flow regulation and equalization.
- (7) Requirement for installation and maintenance of inspection and sampling facilities.
- (8) Compliance schedules.
- (9) Requirements for submission of a baseline monitoring report, special technical reports, discharge reports, or compliance schedule reports different from those prescribed in this article, all of which shall comply with the standards and guidelines which are (or in the future may be) established by the township.
- (10) Requirement for notification to the township of significant change in discharge.

- (11) Special conditions as the superintendent may reasonably require under particular circumstances of a given discharge including, but not limited to, sampling locations, frequency of sampling, number and type of sample, standards for testing, and reporting schedule.

SECTION VI

AMENDMENT OF CHAPTER 40, ARTICLE V, SEC. 40-505—40-514. Sec. 40-505 through 40-514 shall be and hereby is amended as follows:

Sec. 40-505. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abutting property means property abutting a public sewer main, whether through or from the front, side or the back of the premises.

Accumulated sanitary sewer system value means that value, per 1,000 cubic feet of sewer use, as established by resolution of the township board which shall be adjusted periodically by resolution of the township board to reflect the most current net system value.

Average cost per linear foot of main according to pipe size for sewer main shall be calculated by dividing the total project cost by the total linear feet of pipe, valves, manholes and fillings installed in the project of interest, prorated by pipe size. The township engineer shall also proportion the cost of installing a sewer at a depth not exceeding 20 feet.

Building official means an individual appointed by the township board delegated to administer the state construction code.

Capital charge means such charge as may be established, which represents the respective portion of the capital investment of sewer system, which may be allocated or attributed to any premises, including but not limited to oversizing of lines and treatment plant capacity and production facilities.

Commercial user means a user of the system which is primarily engaged in business or commerce (whether for profit or not-for-profit), but not classified as a residential, institutional or governmental user.

Connection means the act of joining a sewer lead to a new or existing building which results in the providing of public sewer to the building.

Director means the director of the township utility department.

First party means persons and their successors, heirs, or assignees entering into a contract with the township board to privately participate in funding additions to the water or sewer system.

Governmental user means a user of the system which is the state, a municipality, a subdivision of a municipality or of the state, including a school district.

Household means a claimant and spouse and all other persons residing therein.

Household income means all income received by all persons of a household in a tax year while members of a household.

Income means the sum of federal adjusted gross income as defined in the Internal Revenue Code, plus all income specifically excluded or exempt from the computations of the federal adjusted gross income.

Industrial user means that user that uses water or the public water system for manufacturing or processing purposes including users engaged in profit-seeking ventures which discharge a trade or process waste.

Inspector means any person duly authorized by the township board to inspect and approve any or all facilities affected by this article.

Institutional user means a user of the system which is an organizational, establishment, foundation or society of a public, educational, or charitable character such as a hospital, educational facility, charity or church.

Lateral sewer main means a sewer main, eight inches or larger in diameter, that serves, or is intended to serve, two or more buildings and is connected to, and part of, the public sewer system.

Normal domestic strength sewage means that sewage characterized by a biochemical oxygen demand (BOD) or concentration of suspended solids of not to exceed 300 milligrams per liter (mg/l).

Operation and maintenance (O&M) means those items of labor, service, material, utility costs and other charges including replacements which are necessary to the functioning of the sanitary sewage collection and disposal system of the township.

Premises and properties means land and any building located thereon.

Pretreatment means the methods and processes as approved by the director, to remove incompatible pollutants from industrial waste prior to the entry of such waste into the township sanitary sewer system.

Public sewer means a sewer conduit in which all owners of abutting properties have equal rights to use and which is controlled by public authority.

Ready to Serve charge means the fee assessed to cover the fixed operating costs of the township sanitary sewer system, at rates set by resolution of the township board, based on the size of the property's water meter(s), irrespective of actual connection or use.

Replacement means any equipment, accessories and appurtenances necessary to cause the system to live out its useful design life.

Residential user means those users of the system whose primary use is that of a domicile and whose sewage is of normal domestic strength.

Sanitary sewer system value means the net assets less liabilities and contributed equity of the township sanitary sewer system as determined from the most current, completed yearly audit.

Senior citizen means an individual, or either one of two persons filing a joint tax return under Act No. 20 of the Public Acts of Michigan of 1973 (MCL 206.30 et seq.), who is 65 years of age or older and whose estimated household income for the current taxable year will not exceed \$8,500.00, or such other amount as may be determined by resolution of the township board to be applicable and consistent with the provisions of the aforesaid Act No. 20 as of the date of filing of an application by a senior citizen for a senior citizen rate.

Sewage means the water-carried wastes from residences, business buildings, institutions, industrial establishments and any other premises.

Sewage disposal system or system means the sanitary sewage collection and treatment system within the township and all connections thereto, both public and private, used for the purpose of collection and treatment of water-carried waste.

Sewer service charge means the total charge for sanitary sewer service within the township including charges for operation, maintenance, replacement, local capital cost and the cost of billing.

Stubs means sewer leads from the main to the lot line.

Surcharge means that any user discharging to the public sewer a wastewater having biochemical oxygen demand, chemical oxygen demand, phosphates, or suspended solids within the range specified in section 40-286 shall be subject to an additional cost over and above the basic rates. The surcharge shall be the yearly average per pound of treatment cost computed as a percent of replacement reserve, and the operation and maintenance divided by the yearly pounds of biochemical oxygen demand, chemical oxygen demand, phosphates or suspended solids. The surcharge per pound of pollutant shall be calculated annually by the superintendent and approved by the township board.

Township engineer means the staff engineer of the township or such professional engineer retained by the township board to review the engineering aspects of the township sewer and/or water system, or the authorized representative of such engineer.

Volume of sewer use, for the purpose of enforcement of this article, means and is hereby determined to be synonymous with the volume of township metered water serving the user and it shall be assumed that all metered water is entering the public sanitary system unless the customer can demonstrate to the contrary. Separate water meters serving users that do not use the sanitary sewer system for their disposal need not be considered for establishment of sewer capital charges that are not set by schedule.

Sec. 40-506. - Rates.

(a) *Metered rates.*

- (1) *Inside the township.* In addition to the Ready to Serve charge, rates to be charged for sanitary sewer service shall be computed based upon metered water consumption for those users connected to the township's water distribution system or other water supply source and whose premises are within the corporate limits of the township and are as set by resolution of the township board.
- (2) *Outside of the township.* Rates to be charged for sanitary sewer service shall be as set by resolution of the township board.

(b) *Unmetered rates.*

- (1) *Inside the township rates.*
 - a. Residential users shall be charged a flat rate based on residential averages multiplied by the sum of the inside of the township rates for operation and maintenance, debt service, capital and replacement costs.
 - b. Nonresidential users shall be charged a flat rate based on equivalent nonresidential averages multiplied by the sum of the inside of the township rates for operation and maintenance, debt service, capital and replacement costs.
- (2) *Outside of the township rates.*
 - a. Residential users shall be charged a flat rate based on residential averages multiplied by the sum of the outside of the township rates for operation by the sum of the outside of the township rates for operation and maintenance, debt service, capital and replacement costs.

- b. Nonresidential users shall be charged a flat rate based on nonresidential averages multiplied by the sum of the outside of the township rates for operation and maintenance, debt service, capital and replacement costs.
- (c) *Surcharge rates.*
 - (1) Rates to be charged for surcharge shall be based on the samples taken from the user's wastewater discharge, which concentrations fall within the surcharge range for the pollutants that have been established by resolution of the township board.
 - (2) The rates shall be reviewed annually by the director of the wastewater treatment plant.
 - (3) The rates shall be approved and adopted by township board resolution.
- (d) *Billings.*
 - (1) Bills shall be rendered to users no less often than on a monthly basis.
 - (2) The township board may require meter readings and/or billings to be made more often than on a monthly basis. Billings made more often than on a monthly basis may be estimated and prorated on a monthly basis with the balance due to be adjusted by a meter reading and billing at the end of each month.
 - (3) All bills rendered to users shall become due and payable 15 days after the billing date. Payments made by mail shall be postmarked no later than 15 days after the billing date. No utility department employee in the field shall be permitted to receive payments for billings or other charges.
- (e) *Special rates.* Rates for miscellaneous or special services for which a special rate shall be established by resolution of the township board, provided that the operation and maintenance and replacement components be uniformly applied to users subject to the rate.
- (f) *Past due bills.*
 - (1) All bills not paid on or before the due date as herein established shall be subject to a penalty as shall be set by resolution of the township board.
 - (2) Sanitary sewer service shall be discontinued 35 days after the billing date, if all necessary payments have not been made as required by this article, except as follows by subsection (f)(3) of this section. The 35-day requirement notwithstanding, the service shall not be discontinued unless the accounting department is open to receive payment on the day of and the day following discontinuation of service.
 - (3) When a customer claims hardship, the manager or finance director or their designees may allow the customer to make reduced payments at intervals more frequent than the usual billing interval. These payments shall equal in total the monthly bill. This method of payment shall not allow a customer to defer full payment of the bill beyond 35 days after the billing date.
 - (4) The procedure for notification of default in payment of bills prior to service discontinuation shall be by sending a past due notice 20 days after the billing date. The past due notice shall state the amount due, the service discontinuation date, the additional charge to reinstate discontinued service, and that payment made after the service discontinuation date must be for all charges.
 - (5) Where service to a customer in default of a bill has been discontinued, the service shall not be restored until authorized by the accounting department. The accounting

department shall not authorize restoration of service until arrangements for payment of all charges as may be required by ordinance, have been made.

- (g) *Returned (NSF) checks.* An administrative fee as set by resolution of the township board shall be charged for handling returned checks.
- (h) *Sewer service deposits.* Sewer service deposits shall not be required, except as follows:
 - (1) Where annual notice is given in writing as provided for in section 21, Act No. 94 of the Public Acts of Michigan of 1933 (MCL 141.101 et seq.), that a tenant is responsible for such charges and services as provided for by this article, then a cash deposit as established by township board resolution shall be made as security for payment of such charges and services. The deposit shall be returned after two years, if no default in payment of bills has occurred and if the customer has not been past due more than two times within a two-year period.
 - (2) As required by subsection (i) of this section, pertaining to enforcement.
- (i) *Enforcement.* Charges for sewer services shall constitute a lien on the property served, pursuant to section 21, Public Act No. 94 of 1933 (MCL 141.121), unless annual notice is given that a tenant is responsible and whenever such charges shall be delinquent for two months or more, the township officer in charge of the collection thereof shall certify annually before September 1 of each year, to the tax assessing officer of the township, the fact 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 annual notice is given in writing that a tenant is responsible for such charges and services as provided by section 21, Public Act No. 94 of 1933 (MCL 141.121), no further service shall be rendered to such premises until a cash deposit equal to six months sewer charges shall have been made as security for payment of such charges and service. In addition to other lawful enforcement methods, the payment of charges for service to any premises may be enforced by discontinuing the sewer service to such premises.
- (j) *Winter averaging.* Winter averaging, if any, shall be established by resolution of the township board, provided that the operation and maintenance and replacement components are uniformly applied to users subject to the rate.
- (k) *No free service.* No user of the township's sanitary sewer system, public or private, shall receive free service.

Sec. 40-507. - Sewer capital charges.

- (a) Sewer capital charges hereinafter established shall apply to all properties located within the boundaries of the township served by the public sewer system owned by the township. Those properties within the township served by public sewer furnished by the City of Lansing, or any other municipal corporation or township, shall be subject to such charges as may be provided for by contract between the township and such other municipality.
- (b) Sewer capital charges for properties located outside the boundaries of the township shall be as arranged by agreement between the township and the property owners requesting such service and the unit of government where such property is situated; however, no capital charge shall be less than those charges to properties located within the township.

Sec. 40-508. - Times and conditions of collection of charges.

- (a) Charges imposed by this article shall be paid in full or refunded under the following conditions and at the following times unless otherwise specifically provided elsewhere in this article:
- (1) For each premises requesting to use or required to use the public sewage disposal system, unless previously paid, a sewer capital charge will be collected at the rate set by a resolution of the Delta Township Board.
 - (2) Upon application for a building permit for the purpose of erecting new buildings, all applicable sewer charges shall be collected.
 - (3) Upon application for a building permit to construct an addition to an existing premises, other than a single-family residence, all applicable sewer charges shall be paid at the same rate as though the addition were a new building. The sewer capital charge shall apply only to the addition being added, provided that the class of use of the premises is not being changed.
 - (4) Sewer capital charges, once paid for the first occupant's use, shall not be further adjusted for future changes in occupancy unless there is intensification of a use by a classification change, structural, plumbing addition, or other changes that would create a larger demand on the system. Charges for such added use shall be paid upon application for building permit; or if a building permit is not required by ordinance, then such additional charges shall be paid prior to a plumbing permit; or if neither a building or plumbing permit is required by ordinance, then the additional charge shall be paid prior to occupancy by the new occupant.
 - (5) If a sewer capital charge rate has not been established by township board resolution in regard to a particular use, then the time of collection shall be as described in section 40-512.
 - (6) Upon application for authorization to connect a new building, existing building, or lateral sewer main connection to the public sewer, all applicable charges shall be collected, except as provided in sections 40-513, 40-514 and 40-516.
 - (7) When the class of use of a proposed building, existing building or addition to an existing building is not set forth in the application for building permit, the sewer capital charge shall be the amount as established by township board resolution for unknown occupancies. This charge shall be adjusted at the time that the first total building occupancy or use class is known.
 - (8) Prior to start of construction of new buildings or additions to existing buildings when a building permit is not required, all applicable charges shall be paid (for example, schools).
 - (9) If an application is withdrawn (in writing), then the charges due under this article shall be refunded, less an administrative charge.
- (b) The requirements of this section shall not apply to those properties served by a sewer furnished by a municipal corporation or township other than the township, but rather the contracted terms, amounts and methods of payment shall apply.

Secs. 40-509—40-510. - Reserved

Sec. 40-511. - Sewer stubs.

When no sewer stub exists, the property owner shall bear the expense of installation of such stub.

Sec. 40-512. - Capital charges.

- (a) A capital charge as set by resolution of the township board, per single-family residence or residential equivalent unit shall be charged as a condition of obtaining service from the system.
- (b) The township board shall adopt and revise from time to time if necessary, a schedule of residential equivalent unit factors representing the ratio of average residential sewage use to volume of nonresidential uses. Such schedule shall be used in determining capital charges except as otherwise provided herein. When the charge is based upon building area, the outside perimeter of the walls shall be used.
- (c) The township building official, manager or utility director or their designees may require metering of private water supply systems to verify the accuracy of charges.
- (d) There shall be no rebate of capital charges once paid.
- (e) Sewer capital charges once paid shall not be transferred to other parcels of land, other buildings, or other portions of buildings. However, if a building is removed, then such charge, if paid or assumed to have been paid, can be credited towards another building to be located on the same parcel of property.

Sec. 40-513. - Additions and connections to the public sewer.

- (a) No additions by other than the township shall be allowed to the public sewer system except by prior contract with the township board.
- (b) No properties shall be exempted from capital charges.
- (c) All plans and specifications for additions and connections to the public sewer system, including lateral connections, shall be submitted to and approved in writing by the township engineer.
- (d) Except as provided herein, no permits for use of the public sewer system shall be requested or issued until after the addition to the public sewer system has been certified in writing as being satisfactorily complete by the township engineer and the proper deeds of grant, waivers of lien and easement agreements are provided to the township. The township manager may grant temporary use permits for periods not to exceed 60 days. In the event of a violation of this section, the township may, without notice or any liability to the first party, disconnect the addition to the public sewer system, shutoff or disconnect the public water supply and/or take any other action necessary to prevent the flow of sewage into the addition to the public sewer system. The first party shall pay all costs, including actual attorney's fees, which the township incurs in enforcing the provisions of this section.

Sec. 40-514. - Hardship.

- (a) Persons owning property with buildings located thereon and residing thereon who are required by state law, the Barry-Eaton District Health Department or by ordinance to connect to a public sewer system or who desire to connect to same may apply for hardship consideration in regard to payment of the various charges required by this article.
- (b) The manager or his/her designee shall determine for each application if a hardship exists. The manager or his/her designee may require such proofs as he/she deems necessary to determine if a hardship actually exists and the degree thereof.

- (c) If it is determined that a hardship exists, a lien shall be placed against the property. All charges (including capital charges) required under this article may be deferred by use of the methods listed in subsection (d) of this section, chosen at the discretion of the board. In no event shall the property change ownership without payment in full of the charges due. (Survivorship of part owners shall not be considered an ownership change.)
- (d) Upon determination of hardship, one or more of the following hardship payment methods, in full, in part, or in combination thereof may be utilized by the manager or his/her designee:
 - (1) Payments may be made in 15 equal annual installments bearing interest at a rate as determined by resolution of the township board on the unpaid principal balance as computed at the time of connection. This deferral of charges shall apply only to those properties situated within the boundaries of the township.
 - (2) Deferral of all charges (including capital charges) until the property changes ownership. Charges shall bear interest at the rate determined by resolution of the township board. The property owner may pay off any and all charges with interest due at any time. The manager or his/her designee may at his/her discretion determine that the hardship is ending and require immediate payment of all charges due (the property owner may still elect to use section 40-514(d)(1), to the extent allowed therein to non-hardship cases.) If, at his/her discretion, the manager or his/her designee determines that the hardship is reduced, he/she may require payment by use of section 40-514(d)(1).

SECTION VII

SEVERABILITY. If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

SECTION VIII

REPEAL. All ordinances or parts of ordinances of the Charter Township of Delta inconsistent herein are hereby repealed so far as they may inconsistent with the provisions of this Ordinance.

SECTION IX

EFFECTIVE DATE. This Ordinance shall take effect upon final publication as required by law.

CHARTER TOWNSHIP OF DELTA

MARY R. CLARK, TOWNSHIP CLERK

Copies of this ordinance may be inspected in the office of the Township Clerk from 8:00 AM to 5:00 PM, Monday through Friday except holidays.

I, Mary R. Clark, Clerk of the Charter Township of Delta, Eaton County, Michigan hereby certify that the foregoing is a complete ordinance adopted by the Township Board at their regular meeting on Monday, December 21, 2020.

CHARTER TOWNSHIP OF DELTA

MARY R. CLARK, TOWNSHIP CLERK

Introduced by Township Board	December 7, 2020
Published following first reading: Lansing State Journal	December 13, 2020
Adopted by the Township Board	December 21, 2020
Published following final reading: Lansing State Journal	December 28, 2020
Effective Date	December 28, 2020