THREE OAKS TOWNSHIP
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO. 0 - 40

Boardmember Jelinek, supported by Boardmember LaLone,

moved the adoption of the following Ordinance:

AN ORDINANCE TO PROVIDE FOR THE OPERATION, MANAGEMENT, MAINTENANCE REPAIR AND CONTROL OF THE THREE OAKS TOWNSHIP WASTEWATER COLLECTION SYSTEM AND ANY EXTENSION THEREOF; TO PROVIDE FOR THE MANDATORY CONNECTION TO SAID SYSTEM; TO REGULATE THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATER AND WASTE INTO THE SAID SYSTEM; TO FIX RATES AND CHARGES APPLICABLE TO THE SYSTEM AND TO PROVIDE FOR THE COLLECTION THEREOF; AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

THE TOWNSHIP OF THREE OAKS ORDAINS:

Section 1. Title.

This Ordinance shall be known as the Three Oaks Township "Sewer Ordinance."

Section 2. Purpose.

It is hereby determined to be desirable and necessary for the public health, safety and welfare of Three Oaks Township, Berrien County, Michigan that a wastewater collection system be operated by said Township.

Section 3. Definitions.

Unless the context of usage indicates otherwise, the meaning of specific terms in this Ordinance shall be as follows:

"Available Public Sanitary Sewer" shall mean a public sanitary sewer system, whether publicly or privately finances, which passes not more than 200 feet from the premises measured from the nearest point of the lateral connection provided for the property in question and the nearest point of the structure from which sewage originates. In the event no lateral line has been provided for the property, a connection to the available sanitary sewer shall be required if the distance from

the juncture of the property line and the street or easement right of way line, in which the sewer lies, and the nearest point of the structure from which sanitary sewage originates is not more than 200 feet.

"Board" shall mean the Three Oaks Township Board of Trustees.

"B.O.D." (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20° C, expressed in milligrams per liter.

"Building Drain" shall mean 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 5 feet outside the inner face of the building wall.

"Building Sewer" shall mean the extension from the building drain to the public sanitary sewer main, or other place of disposal, whether on public or private property.

"Commercial User (Class II)" shall mean any property occupied by a nonresidential establishment not within the definition of an "Industrial User (Class III)", and which is connected to the system.

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.;

"Industrial User (Class III)" shall mean any Nonresidential User identified in Divisions A, B, D, E, or I of the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended. Class III shall also include any User, industrial or otherwise, which discharges wastewater containing toxic or poisonous substances or any substance which causes interference to the conveyance or treatment processes.

"Industrial Wastewater" shall mean the liquid, gaseous, or solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development or recovery of resources or containers as distinct from segregated domestic strength wastewater.

"Lateral" shall mean that portion of the public sewer which projects from the main line of the public sewer to the adjoining or abutting property lines and to which the building sewer is connected.

"Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

"Person" shall mean any individual, firm, company, association, society, corporation, or group.

"pH" shall mean the negative logarithm of concentration of hydrogen ions in grams per liter.

"Pretreatment" shall mean 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 the public sewer or the wastewater treatment system.

"Premises" shall mean the particular property connection to the system and includes appurtenant land and improvements.

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have 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 ½ inch in any dimension.

"Public Sewer" shall mean a sewer located in a public street, right of way, or easement in which all owners of abutting properties have equal rights and is controlled by public authority and includes all sewers of the system, but shall not include a building sewer or any connection thereto which serves only one building or owner.

"Residential User (Class I)" shall mean all premises used only for human residency and which is connected to the system.

"Sanitary Sewer" shall mean a pipe or conduit, which carries sewage, and to which storm, surface and ground waters are not intentionally admitted.

"Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

"Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage and specifically the treatment plant of the Village of Three Oaks.

"Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage and includes all facilities of the Township and the Village of Three Oaks.

"Sewer" shall mean a pipe or conduit for carrying sewage.

"Shall" is mandatory; "May" or "Should" are permissive.

"Slug/Shockload/Batch Discharge" shall mean any discharge of wastewater which, in concentration of any given constituent or in quantity of flow, causes, or may cause, interference to sewage works.
"Storm Drain" (sometimes referred to as "storm sewer") shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

"Structure" shall mean a building in which toilet, kitchen, laundry, bathing, or other facilities which generate water-carried sanitary sewage, are used or are available for use for household, commercial, industrial or other purposes.

"Surcharge" shall mean the additional charge which a user discharging wastewater having strength in excess of the limits set by the Township for the transportation and treatment of the system's sewage will be required to pay to cover the cost of treating such excess strength wastewater.

"Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

"Township" shall mean Three Oaks Township, Berrien County, Michigan.

"Units" or "Equivalent Units" shall mean the quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a single family of ordinary size, as shall from time to time be defined by the Township Board.

"Users" shall mean the person or persons who legally own, lease, or occupy private property with wastewater facilities which discharge or will discharge to sewage works.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 4. Ownership and Operation and Maintenance.

4.01 Operation and Maintenance.

The operation and maintenance of the system shall be under the supervision and control of the Township. The Township shall retain the exclusive right to establish, maintain and collect rates and charges for sewer collection and disposal service and in such capacity the Township Board may employ such person or persons in such capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient establishment, operation and maintenance of the system and the collection of rates and charges provided herein.

Section 5. Use of Public Sewers Required.

5.01 Mandatory Connection Requirement.

Each property owner owning property on which is located a structure in which sanitary sewage originates shall at his own expense install suitable sewage facilities in said structure and shall cause such facilities to be connected to an available public sanitary sewer. However, if the structure(s) has a septic system, the owner shall be required to connect to the available sewage facilities only i) in the event the Berrien County Health Department determines such septic system has failed or ii) in the event additional structures are proposed to be served by such septic system.

5.02 Connection Procedure.

Such connection shall be completed promptly but in no case later than 60 days from the date of the occurrence of the last of the following events:

a) Publication of a notice by the Township Clerk of the availability of the public sanitary sewer system in a newspaper of general circulation in the Township and mailing written notice of the availability of the public sanitary sewer to the owner or any one of the owners in case of co-ownership.

b) Modification of a structure so as to become a structure in which sanitary sewage originates.

5.03 Unlawful Use.

5.03.1

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Township any human excrement, or other objectionable waste.

5.03.2

It shall be unlawful to discharge to any natural outlet or drain within the Township any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance or the requirements of law.

5.03.3

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage in the Township.

Section 6. Industrial Use of System.

6.01 _____

The Township may require each person who applies for or receives sewer service, or through the nature of the enterprise creates a potential environmental problem to file the material listed below:

a) File a written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged, with its present or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of the wastes.

b) Provide a plan map of the building, works, or complex with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse, or ground waters noted, described, waste stream identified.

c) Sample, test, and file reports with the Township and the appropriate State agencies on appropriate characteristic of wastes on a schedule, at locations, and according to methods approved by the Township.

d) Place waste treatment facilities, process facilities, waster streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.

e) Provide a report on raw materials entering the process or support systems, intermediate materials, final products, and waste by-products as those factors may affect waste control.

f) Maintain records and file reports on the final disposal of specific liquid, solid, sludges, oils, radioactive materials, solvents, or other wastes.

g) If any industrial process is to be altered so as to include or negate a process waste or potential waste written notification shall be given to the Township and be subject to approval.

Section 7. Private Sewage Disposal.

7.01 Regulations.
7.01.1

Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the regulations of the Berrien County Health Department.

7.01.2

The owners shall operate and maintain any private sewage disposal facilities in a sanitary manner at all times, at no expense to the Township.

7.01.3

No statement contained in the section shall be construed to interfere with any additional requirements that may be imposed by the Berrien County Health Department.

7.02 Abandonment of Private System.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, a proper connection shall be made to the public sewer in compliance with this Ordinance, and any septic tank, cesspools, and similar private sewage disposal facilities shall be abandoned. The State Health Department, the Berrien County Health Department and the Township Board recommend that following the abandonment of the septic tank that the sewage be removed from the tank and the tank filled completely with earth, sand or gravel.

Section 8. Building Sewers And Connections.

8.01 Building Sewer Regulations.

8.01.1

A separate and independent building sewer shall be provided for every building.

8.01.2

All costs and expenses incidental to the installation of a building sewer and the connection of same to the public sewer shall be borne by the property owner. The owner shall indemnify the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

8.01.3

Old building sewers may be used in connection with new buildings only when they are found, on examination, and tests by the Township, to meet all requirements of this Ordinance.

8.01.4

The building sewer shall be constructed of any of the following types of pipe meeting the current American Society of Testing Materials (ASTM) specifications:

a. Plastic (PVC) ASTM D-1785 Schedule 40 or better
b. Plastic (ABS) ASTM D-1527 Schedule 40 or better

c. Cast Iron Extra Heavy ASTM A-74

If installed in filled or unstable ground, the building sewer shall be of cast iron heavy pipe, except that other types of pipe may be used if laid on a suitable improved bed or cradle as approved by the Township.

8.01.5

All building sewer joints and connections shall be made gastight and watertight and shall conform to the requirements of the current building and plumbing codes. The joints and connections shall confirm to the manufacturer's recommendations.

8.01.6

Building sewers shall be of such diameter to carry the estimated volume of discharge. Minimum pipe size permitted is four (4) inches inside diameter.

8.01.7

Cleanouts shall be installed every 50 feet of straight run beginning with a cleanout at the right of way line. Cleanouts shall be installed at each line change of direction of 90 degrees or more. Cleanout risers shall be a minimum of four (4) inches inside diameter and shall be plugged.

8.01.8

The size and slope of the building sewers shall be subject to the approval of the Township, but in no event shall the diameter be less than four inches. Minimum grade shall be as follows:

6-inch pipe – 1/8" per foot or 1" per 8 feet
4-inch pipe – ¼" per foot or 2" per 8 feet

8.01.9

Whenever possible, the building sewer shall be brought to the buildings at an elevation below the basement floor. No building sewer shall be laid parallel to, or within three feet of, any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe or long-radius fittings with a clean out at each curved pipe. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Township. Pipe laying and backfill shall be performed in accordance with current American Society for Testing Materials (ASTM) specifications, except that no backfill shall be placed until the work has been inspected by the Township or his authorized representative.

8.01.10

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary wastewater carried by such drains shall be lifted by artificial means and discharged to the building sewer.

8.01.11

The connection of the building sewer into the public sewer shall be made at the wye branch designated for the property if such branch is available at a suitable location. Any connection not made at the designated wye branch in the sewer shall be made only as directed by the Township.

8.01.12

The applicant for the building sewer shall notify the Township when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Township or its authorized representative.

8.01.13

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township.

8.02 Connection Regulations.

8.02.1

No unauthorized person shall uncover, make any connections with or openings into, alter or disturb any public sewer or appurtenance thereof without first obtaining a written connection permit from the Township.

8.02.2

At the time application for a permit is made, a fee in an amount established by the Township shall be paid.

8.02.3

No connection to the system will be permitted unless there is capacity available in all downstream sewers, lift stations, forcemains and the sewage treatment plant, including capacity for treatment of BOD and suspended solids.

8.02.4

All connections to the system will be made by a licensed contractor or plumber registered with the Township; provided, however, that a property owner may make his own installation and connection following issuance of a connection permit.

8.02.5

No person shall connect any roof downspout, foundation drain, areaway drain, swimming pool drain, or any other source of surface or ground water to a building sewer, which in turn is connected to the system.

Section 9. Use of the Public Sewers.

9.01 Storm, Ground and Unpolluted Water.

9.01.1

No personal shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

9.01.2

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the appropriate state and county agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state or county agency, to a storm sewer or natural outlet.

9.02 Prohibited Discharges.

Except as hereinafter provided by specific limits, no person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewer:

a) BOD in excess of 300mg/1.

b) COD in excess of 450mg/1.

c) Chlorine demand in excess of 15mg/1.

d) Color, as from but not limited to dyes, inks, vegetable tanning solutions, shall be controlled to prevent light absorbency which would interfere with treatment plant processes or that prevent analytical determinations.

e) Explosive liquid, solid, or gas, gasoline, bezene, naptha, fuel oil, or other flammable material shall not be admitted.

f) Garbage not properly shredded (no particle size greater than ½ inch) shall not be allowed.

g) Grease, oils, wax, fat, whether emulsified or not, in excess of 50mg/1, or other substances which may solidify or become viscous at temperatures between 32° F and 150° F shall not be admitted to the sanitary sewer.

h) Industrial wastes in concentrations above limitations set forth by appropriate state agencies to comply with federal guidelines for protection of treatment plant and receiving water course shall not be allowed to enter sanitary sewers in sufficient quantity to impair the operation of the sewage treatment processes.

i) Inert suspended solids (such as but not limited to Fullers earth, lime slurries, and lime residues) or dissolved solids (such as but not limited to sodium chloride and sodium sulfate) in unusual concentrations shall not be allowed.

j) Insoluble, solid or viscous substances such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, weed, hair, fleshings, etc., shall not be admitted to sanitary sewers.

k) Noxious or malodorous gas, such as but not limited to Hydrogen Sulfide, Sulphur Dioxide or Oxides of Nitrogen and other substances capable of producing a public nuisance shall not be allowed.

l) pH less than 5.5 and greater than 9.5 shall not be allowed.

m) Radioactive wastes or isotopes of such halflife or concentration, which may exceed limits established by applicable state and federal regulations, shall not be allowed.

n) Suspended solids in excess of 350mg/1.

o) Temperature of wastes less than 32° F and greater than 150° shall not be allowed.

p) Waters or wastes containing substances, which are not amenable to treatment only, to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

9.03 Grease, Oil and Sand Interceptors (Traps).

9.03.1

Grease, oil and sand interceptors (traps) shall be provided at the expense of the property owner when liquid wastes contain grease in excessive amounts, or other harmful ingredients; except that such interceptors shall not be required for single-family and multi-family dwelling units. All

interceptors shall be of a type and capacity approved by the Township and shall be located as to be readily and easily accessible for cleaning and inspection. Grease, oil and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted into place shall be gastight and watertight.

9.03.2

When installed all grease oil and sand interceptors (traps) shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

9.04 Discharges Exceeding Limitations.

9.04.1

If any waters or wastes are discharged, or are proposed to the discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 8.02, and which in the judgment of the Township, may have deleterious effects upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Township may:

a) Reject the wastes.

b) Require pre-treatment to an acceptable condition for discharge to the public sewers.

c) Require control over quality, quantity and rate of discharge.

d) Require surcharge payments to cover the added cost of handling and treating the wastes not covered by existing taxes and sewer charges.

9.04.2

Where pre-treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at no expense to the Township. Plans, specifications and any other pertinent information relating to proposed pre-treatment facilities shall be submitted for approval and no construction of such facility shall be commenced until said approvals are obtained in writing. All such preliminary treatment or pre-treatment shall be in accordance with Federal and State laws and regulations.

9.05 Industrial Wastes.

9.05.1

The owner of any property served by a building sewer carrying industrial wastes may be required by the Township to install a suitable control manhole in the building sewer to facilitate

observation, sampling and measurement of the wastes. Such manhole when required shall be accessibly and safely located and shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

9.05.2

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the most recent edition of "Standard Methods for the Examination of Water and Sewage", and shall be determined at the control manhole provided for, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituent upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether grab sample or samples should be taken.

9.05.3

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 System for treatment, subject to payment therefore, by the industrial concern.

Section 10. System Charge or Rates.

10.01 Regular Rates.

10.01.1

Owners of premises within the Township which are used or occupied by persons, firms or corporations, and for which connection to the system is available, shall pay:

a) All charges which are charged by the Village of Three Oaks. The Township may by resolution set such additional charges as it deems necessary and properly and such shall be paid upon deemed.

b) The service charge for all other users except extra strength industrial users shall be an amount per month arrived at by multiplying the equivalent unit factor of the user by the unit rate.

10.02 Special Rates.

10.02.1

If the character of the sewage of any user shall be such as to impose a burden upon the system in excess of the maximum limitations imposed by this Ordinance, then an additional charge or surcharge as determined by the Village of Three Oaks or the Township Board shall be charged each user over and above the regular service charge, or the Village of Three Oaks or the Township shall require that such sewage be treated by the user before being emptied into the system. Surcharges required by this section shall be computed as the pro-rated share of the annual costs of operation, maintenance and replacement attributable to treating a substance multiplied by the ratio of weight of surchargeable excess of the discharged substance to the total weight of such substance that is treated in that year. This amount shall be colleted on the basis of estimated surchareable amounts with each monthly billing and shall be adjusted annually to reflect actual operation, maintenance and replacement costs.

10.02.2

In those cases involving new construction where a lateral connection has not been provided for the property in question, the owner shall make application to the Township for the installation of a lateral connection. The Township shall proceed with the installation of the lateral connection when the owner deposits an amount as determined by the Township as being necessary to cover the estimated cost of installing the lateral connection including all surface restoration and repair and replacement of pavement that may be necessary, said sum, or sums, to be deposited with the Township are to be applied to the actual cost of installing said lateral connection. The Township shall arrange for the installation of the lateral, providing all labor and materials and upon the completion thereof present an itemized statement to the owner showing the charges accrued based on time and material supplied. The money on deposit shall be used to pay the actual charges accrued and the unused deposit money, if any, shall be returned forthwith to the owner. All sums expended by the Township in installing the lateral in excess of the deposit shall be promptly paid by the owner. Failure of the owner to promptly pay any charges not covered by the deposit for installing a lateral connection shall result in a creation of a lien on the premises subject to collection and enforcement as provided in the Ordinance.

10.03 Equivalent Unit Factors.

The number of units to be assigned to any particular premises used for other than single residence purposes shall be determined by the Township Board and its decision shall be final. (Said Township Board, if the circumstances justify, may assign to each premises but to a single-family dwelling.) No less than one unit shall be assigned to each premises but units in excess of one may be computed and assigned to the nearest tenth. If subsequent changes at any time increase the amount of sanitary sewage emanating from any premises and thereupon the fees and charges specified. The equivalent units of users having an equivalent unit factor of more than one shall be reviewed by the Township at least once a year. Unless the equivalent unit factor of such user is changed by resolution of the Township Board, the unit factor for a user shall remain the same as it was for the preceding year. Where the user is connected to the Township Water System, water meter readings may be used as the basis of sewer charge. The equivalent unit

factor for such user may be determined as the average monthly water consumption for a twelve-month period divided by 7500 gallons.

10.04 Revision of Rates.

Charges for sewage disposal services to each premises within the Township connected with the system may be amended by resolution adopted and amended from time to time by the Township Board. No free service shall be furnished by the system to any municipality or to any person, firm or corporation, public or private, or to any public agency or instrumentality.

10.05 Collection of Rates and Charges.

Rates and charges shall be billed and collected quarterly or more frequently as determined by resolution of the Township Board. Failure to receive a bill shall not excuse failure to pay the bill when due. Bills shall be due and payable, without discount, at such times as the Township Board shall determine, but not more than 20 days after rendered, and such due date shall be indicated on the face of each bill. If any bill is not paid when due, then a penalty of 10% shall be added thereto and commencing ninety (90) days after staid due date such charges for disposal services and said penalty shall draw interest at the rate of twelve (12%) per annum. Charges for sewage disposal services furnished by the system to any premises, and cash payments required for the physical connection of new laterals to the sanitary sewer system and any other fees or charges required under this Ordinance pertaining to any premises shall be a lien thereon as of the due date thereof and on September 1st of each year the Clerk of the Township shall certify any such charges which have been delinquent one hundred twenty (120) days, or ore, plus penalties and interest accrued thereon to the Supervisor or Assessor who shall cause the same with an additional penalty of 12% of the aggregate amount to be entered upon the next tax roll of the Township against the premises to which such services shall have been rendered and against which such connection fee, and/or other charges have bee placed and said unpaid charges and fees, with penalties and interest accrued thereon, shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

Section 11. General Provisions.

11.01 Penalties and Enforcement.

11.01.1

Any person found to be violating any provision of this Ordinance shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violations.

11.01.2

Any person who shall continue any violation beyond the time limit provided for in Section 10.01.1 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in the

amount not exceeding $100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

11.01.3

Any person violating any of the provisions of this Ordinance shall become liable to the Township for any expense, loss, or damage occasioned the system or Township for reason of such violations.

11.01.4

The provisions of this Ordinance shall be enforceable through the bringing of appropriate action for injunction, mandamus, superintending control, or otherwise, in any Court having jurisdiction. Any violation of this Ordinance is deemed to be a nuisance per se.

11.02 Protection from Damage.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works.

11.03 Powers and Authority of Inspectors.

The Township and other duly authorized employees or representatives of the Township or the Village of Three Oaks bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. Neither the Township nor the Village shall have the authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

11.04 Validity.

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

11.05 Effective Date.

11.05.1

This Ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

11.05.2

All Ordinance or parts thereof in conflict with this Ordinance are hereby repealed, but only the extent of such conflict.

Approved this 13 day of March, 2005.

YEAS: Boardmembers Sittig, Jelinek, Osburn, LaLone

NAYS: Boardmembers None

ABSTAIN: Boardmembers

ABSENT: Boardmembers Cummings

We hereby certify that the foregoing was adopted by the Township Board of Trustees at a public session held on March 13, 2006.

Dated: March 13, 2006

Charles Sittig
Township Supervisor

Elizabeth Cummings
Township Clerk

CERTIFICATION

I, the undersigned Township Clerk of the Township of Three Oaks, certify that the above Ordinance is a true and complete copy of an Ordinance adopted at a special meeting of the Township Board of Trustees held on March 13, 2006, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption including a summary of its contents, was published in South County Gazette on April 1, 2006. I further certify that the above Ordinance was entered into the Ordinance Book of the Township on April 24, 2006, and was effective May 1, 2006, the date of its publication.

Dated: April 24, 2006

Elizabeth Cummings
Township Clerk