



**TOWNSHIP OF EAST BAY
GRAND TRAVERSE COUNTY, MICHIGAN
RESOLUTION NO. 01-06**

WHEREAS, the Township of East Bay has heretofore enacted a Sewer Rate Ordinance being Ordinance No. 107 as amended; and

WHEREAS, Ordinance No. 107 provides that the Township Board, by resolution, shall establish sewer use charges, benefit charges and riser charges;

NOW THEREFORE, be it resolved that pursuant to Section 4 of Ordinance No. 107 as amended, the following rates are hereby established;

Sewer Use Charge

Effective November 21, 2005 the sewer Use Charge shall be \$14.50 per benefit per month billed quarterly and then increased by \$1.00 annually as shown in the table below. The rate for sewer use when based on an approved flowage device (meter) shall be \$1.95 per 1,000 gallons, and shall also increase on an annual basis as stated in the table.

November 21, 2005	Sewer Use - \$14.50	Metered Use - \$1.95/1000 gallons
November 21, 2006	Sewer Use - \$15.50	Metered Use - \$2.05/1000 gallons
November 21, 2007	Sewer Use - \$16.50	Metered Use - \$2.20/1000 gallons
November 21, 2008	Sewer Use - \$17.50	Metered Use - \$2.35/1000 gallons
November 21, 2009	Sewer Use - \$18.50	Metered Use - \$2.45/1000 gallons

Motion by McAllister, supported by Friend to adopt the foregoing resolution.

Ayes: Friend, Larose, McAllister, Lile

Nays: None

Absent: Strail, Gee

Motion: Passed

JANUARY 9, 2006

**EAST BAY CHARTER TOWNSHIP
STATE OF MICHIGAN**

RESOLUTION NO. 2006-25

**ESTABLISHING CHARGES PURSUANT TO
TOWNSHIP ORDINANCE NO. 107**

Minutes of a regular meeting of the Township Board of East Bay Charter Township held in the Township Hall in Traverse City, Michigan on the 11th day of September, 2006 at 6:30 pm. local time.

Present: **Strait, LaRose, Bartlett, Lile, Courtade, Friend**

Absent: **McAllister**

The following preamble and resolution were offered by Board Member Courtade and Bartlett.

WHEREAS, the Township's Sewer Operation Ordinance No. 107, Section 4, provides that sewer benefit, usage and riser charges may be determined by Resolution of the Township Board.

NOW, THEREFORE, pursuant to the foregoing authority, the Township adopts the following sewer charges under Ordinance No. 107:

Benefit Charge.

Each sewer benefit or connection charge under Ordinance No. 107 shall be: \$3,900.

The minimum Benefit Charge shall be that specified above for a single family residence.

The Benefit Charge for connection of premises other than single family residences shall be in the appropriate amount specified above, multiplied by the factors provided for in Table 1 (as amended).

Sewer Use Charge.

Effective November 21, 2005 the sewer Use Charge shall be \$14.50 per benefit per month billed quarterly and then increased by \$1.00 annually as shown in the table below. The rate for sewer use when based on an approved flowage device (meter) shall be \$1.95 per 1,000 gallons, and shall also increase on an annual basis as stated in the table.

November 21, 2005	Sewer Use - \$14.50	Metered Use - \$1.95/1000 gallons
November 21, 2006	Sewer Use - \$15.50	Metered Use - \$2.05/1000 gallons
November 21, 2007	Sewer Use - \$16.50	Metered Use - \$2.20/1000 gallons
November 21, 2008	Sewer Use - \$17.50	Metered Use - \$2.35/1000 gallons
November 21, 2009	Sewer Use - \$18.50	Metered Use - \$2.45/1000 gallons

Upon roll call vote, the following voted:

YEAS: LaRose, Courtade, Lile, Bartlett

NAYS: Strait, Friend

ABSTAIN: none

ABSENT: McAllister

ADOPTED this 11th day of September, 2006

Certification

The undersigned, being the duly qualified and acting Clerk of the Charter Township of East Bay, Grand Traverse County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Township Board at a regular meeting held on Monday September 11, 2006, at which meeting a quorum was present and remained throughout, (2) that an original thereof is on file in the records of the Township, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.


Susanne M. Courtade, Clerk

**EAST BAY CHARTER TOWNSHIP
STATE OF MICHIGAN**

RESOLUTION NO. 2007-09

**ESTABLISHING CHARGES PURSUANT TO
TOWNSHIP ORDINANCE NO. 107**

Minutes of a regular meeting of the Township Board of East Bay Charter Township held in the Township Hall in Traverse City, Michigan on the 14th. day of May at 6:30 pm. local time.

Present: Friend, McAllister, Courtade, Lile, Bartlett, LaRose, Strait

Absent: NONE

The following preamble and resolution were offered by Board Member McAllister and Strait.

WHEREAS, the Township's Sewer Operation Ordinance No. 107, Section 4, provides that sewer benefit, usage and riser charges may be determined by Resolution of the Township Board.

NOW, THEREFORE, pursuant to the foregoing authority, the Township adopts the following sewer charges under Ordinance No. 107 effective as of January 1, 2007

Benefit Charge.

Each sewer benefit or connection charge under Ordinance No. 107 shall be: \$3,900.

The minimum Benefit Charge shall be that specified above for a single family residence.

The Benefit Charge for connection of premises other than single family residences shall be in the appropriate amount specified above multiplied by the factors provided for in Table 1 (as amended).

Sewer Use Charge.

Effective OCTOBER 1, 2007, the sewer Use Charge shall be \$16.50 per benefit per month billed quarterly and then increased by \$1.00 annually as shown in the table below.

Effective DECEMBER 1, 2007, the rate for sewer use when based on an approved flowage device (meter) shall be \$2.20 per 1,000 gallons, and shall also increase on an annual basis as stated in the table.

October 1, 2007	Sewer Use - \$16.50
October 1, 2008	Sewer Use - \$17.50
October 1, 2009	Sewer Use - \$18.50
December 1, 2007	Metered Use - \$2.20/1000 gallons
December 1, 2008	Metered Use - \$2.35/1000 gallons
December 1, 2009	Metered Use - \$2.45/1000 gallons

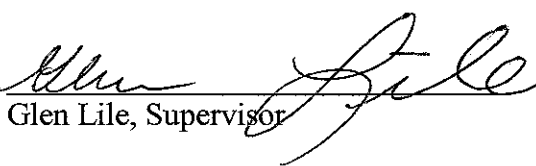
Upon roll call vote, the following voted:

YEAS: Friend, McAllister, Courtade, Lile, LaRose, Strait

NAYS: NONE

ABSTAIN: NONE

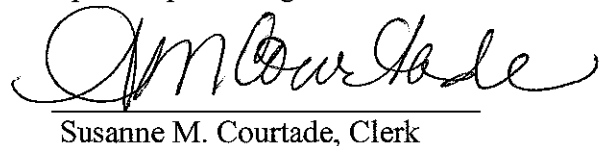
ABSENT: NONE


Glen Lile, Supervisor


Susanne M. Courtade, Clerk

Certificate

I, Susanne M. Courtade, the Clerk of East Bay Charter Township, hereby certify that the foregoing resolution was adopted by the Township Board of said Township at the regular meeting of said Board held May 14, 2007, at which a quorum was present by a roll call vote of said members as hereinbefore set forth; that said resolution was ordered to take immediate effect. Any and all previous resolutions passed pertaining to this resolution are deemed void.


Susanne M. Courtade, Clerk

Charter Township of East Bay

AMENDMENT TO ORDINANCE NO. 107

Amendment No. 2007-23
Sewer Operation and Maintenance Ordinance

AN AMENDMENT TO ORDINANCE TO PROVIDE FOR THE OPERATION AND MAINTENANCE
OF GRAND TRAVERSE COUNTY SEWAGE DISPOSAL DISTRICT NO. 3 (EAST BAY TOWNSHIP)
ON A PUBLIC UTILITY BASIS UNDER THE PROVISIONS OF ACT 94,
PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED

WHEREAS the Township has heretofore adopted an ordinance entitled: "An Ordinance to Provide for the Operation and Maintenance of Grand Traverse County Sewage Disposal District No. 3 (East Bay Township) on a Public Utility Basis Under the Provisions of Act 94, Public Acts of Michigan, 1933, as amended." (herein the Ordinance) and,

WHEREAS said Ordinance provides for the payment in full of sewage disposal benefit charges at the time a permit is issued, according to a "Schedule of Residential Equivalents" as attached to the Ordinance, and

WHEREAS the Township finds that in order to protect the health, safety and welfare of the Township and to encourage the use of suitable sewage treatment facilities within commercial and industrial development where authorized by the Township, it is necessary and convenient to grant authority to the Township Board of the Township to defer a portion of the payment of benefit charges where payment in full represents a heavy economic burden unduly restricting appropriate economic development and the use of suitable sewage treatment facilities,

WHEREFORE

The Charter Township of East Bay ordains:

Ordinance No. 107 entitled "An Ordinance to Provide for the Operation and Maintenance of Grand Traverse County Sewage Disposal District No. 3 (East Bay Township) on a Public Utility Basis Under the Provisions of Act 94, Public Acts of Michigan, 1933, as amended." is hereby amended to add thereto Section 4B which shall read, in its entirety, as follows:

“Section 4B Deferral of Benefit Charges

(a) Charges Eligible

Where the benefit charges imposed under Section 4 for a single permit exceed five (5) residential equivalents, the Township Board may, upon written application by the property owner made before of the benefit charges or issuance of the permit, defer payment under the terms and conditions set forth herein if the Township Board determines, in its sole discretion, that deferral will adequately protect the financial position of the Township and is in the public interest. The Applicant shall, at the time of application and at all times thereafter, with respect to the premises to be served by the sewer connection, be in compliance with all applicable Ordinances of the Township.

(b) Deferral

The deferral shall be made pursuant to a written Application executed by or on behalf of owner of the premises for which a sewer permit is requested. If approved by the Township Board, the sewer permit requested shall issue upon the condition, which shall be noted on the permit, that payment has been deferred by Township Board. The Township may require such evidence of ownership of the real estate and the authority of the signers to bind the owner as it shall deem necessary. Execution and delivery of the Application shall represent the agreement of the owner to the terms of the deferral described herein and as approved by the Township Board.

(c) Down Payment

The deferral of payment shall require the payment of twenty percent (20%) of the amount of benefit charges imposed with respect to the permit at the time of issuance of the permit.

(d) Payment of Installments

The balance of the benefit charges shall be paid over four years in equal installments of principal with interest as provided in the Agreement. The payment interval shall be the same interval employed by the Township for regular sewer charges and, if the Township elects, the deferral payments may be set forth on the same bill as regular sewer charges and shall be due the same day. If a special billing is used, the special bill shall be due thirty (30) days from date of billing. The first payment shall incorporate interest on the unpaid balance between the date of execution of the Agreement and the first billing of regular sewer charges, and may be irregular in amount. The first such payment shall be due on the earlier of the first regular sewer billing date following issuance of the permit or one year from the date of issuance. The remainder of the payments shall be uniform and sufficient to amortize the balance including interest during the term of the deferral.

(e) Interest

The balance of deferred payments shall accrue interest at the rate of Seven Percent (7%) per annum beginning on the date of execution and delivery of the Deferral Agreement. All payments of the deferred amount shall be applied first to interest and then to principal.

(f) Prepayment

Prepayment of the balance due following full payment of interest charges may be made with any regular payment, but the amount of regular installments will not be changed until final payment.

(g) Enforcement

The deferred benefit charges are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, and are a lien on all premises with respect to which the permit was issued. In the event any installment of principal or interest on the deferred amount is due and unpaid at the time the next succeeding bill for regular charges is rendered, the entire balance of principal and interest remaining unpaid shall become immediately due and payable without further action or notice by any party and shall be billed as a regular charge, and if it remains unpaid shall be collected in the same manner as general Township taxes as provided in Section 4. Any expenses incurred by the Township in the collection of past due deferred charges may be billed and shall be paid as additional regular charges.

(h) Early Termination

In the event that, subsequent to approval of the deferral, the premises to be served or being served by the sewer connection shall cease to comply with applicable Ordinances of the Township, including but not limited to this Ordinance, the Sewer Use Ordinance, the Sewer Construction Ordinance, the Water Use Ordinance, the Township Zoning Ordinance, or the Township Land Division Ordinance, the Township may give written notice to the owner to cure the non-compliance and, if thirty (30) days after mailing of notice to cure to the property address used for billing, the owner or person in control of the premises shall fail to cure the non-compliance, the Township Board may terminate this deferral without further notice. Provided, however, that the owner or person in control of the premises shall have the right to a hearing before the Township Board or officer designated by the Township board if a written request therefor is made before expiration of the thirty-day cure period.”

(i) Township Expenses

All expenses of the Township incurred in connection with the Application or deferral including fees of counsel, and out-of-pocket fees for abstracts, UCC searches, certificates, recording, and the like shall be billed to and paid by the owner of the premises within thirty (30) days of billing therefor. Submission of an Application for a deferral shall be deemed the owner's undertaking to pay the expenses described in this paragraph.

This Amendment shall take effect thirty (30) days following publication in the Traverse City Record Eagle.

CERTIFICATION


The undersigned, being the duly qualified Clerk of the Charter Township of East Bay hereby certifies that (1) the foregoing is a true and complete copy of an Amendment to Ordinance duly adopted by the Board of Trustees at a regular/special meeting held on October 8, 2007 at which meeting a quorum was present and remained throughout, (2) that an original of said Amendment to Ordinance is on file in the records of the township (3) the meeting was conducted and public notice there was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), (4) minutes of such meetings were kept and will be made available as required by law, and, (5) the Amendment to Ordinance was initially presented to the Township Board at a regular/special meeting held on October 8, 2007 following publication as required by law.

The names of the Township Board members voting and their votes were as follows:

Ayes: Strait, Bartlett, Friend, McAllister, Courtade, Lile

Nays: None

Absent: None


Susanne Courtade, Township Clerk
Date of Certification: 10-8-07

Drafted by:
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