

TOWNSHIP OF EAST BAY

GRAND TRAVERSE COUNTY, MICHIGAN

Ordinance No. 107 entitled "An Ordinance to Provide for the Operation and Maintenance of Grand Traverse County Sewage Disposal System 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 in the following particulars. Only the amended language is set forth herein.

TOWNSHIP OF EAST BAY
GRAND TRAVERSE COUNTY, MICHIGAN

NOTICE OF AMENDMENT

NOTICE IS HEREBY GIVEN that Ordinance No. 107, entitled "An Ordinance to Provide for the Operation and Maintenance of Grand Traverse County Sewage Disposal System 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 in the following particulars. Only the amended language is set forth herein. Interested parties can secure a complete copy of the Ordinance and its amendments from the Township Clerk.

Amendment No. 1:

Section 4 is hereby amended to read as follows:

Sewer Use Charge

Sewer use charges to each single-family residential premises served by the System shall be in the flat amount of \$7.00 per month. Each premises other than a single-family residence shall pay a monthly charge in the foregoing amount multiplied by a factor representing a ratio of sewage use by such class of premises to normal single-family residential sewage use, as set out in Table 1 of Section 15 of this ordinance; provided, however, that the minimum monthly charge to any premises shall be \$7.00. At the option of the Township Board either water or sewage flow metering devices may be installed on premises determined by said Board to be large volume users. If such a device or devices are installed, the cost of such installation shall be borne by the user, and the sewer use charge shall be based upon flowage shown by such device or devices, at a rate of 83¢ per 1,000 gallons.

Benefit and Riser Charge

(a) Prior to the time specified in subsection (b) hereof, there shall be paid on behalf of each single-family residential premises using, directly or indirectly, any of the sewer lines comprising the System, in cash, at the time of application for the tap permit, the following charges for the purchase of the privilege of using the facilities and receiving the service of the System:

Benefit charge	\$660.00
Riser charge (for connection from sewer to property line if not otherwise paid by property owner)	\$350.00

plus such sums as will compensate for the cost of making and inspecting the tap; provided, however, that such purchase represented by either or both charges for other than new construction may, at the option of the payor, be paid for over a 20-year period, in equal quarterly installments, with interest on the unpaid balance at a rate of 6 3/4% per annum, and provided further, however, that in the event of such installment payment, the cost of making and inspecting the tap shall be paid, in cash, upon application for the tap permit. Any charges being paid on an installment basis may be paid in full at any time with interest paid to the due date of the next installment.

(b) Upon the expiration of eighteen (18) months following the first day of the calendar month after publication of a notice by the Township in a newspaper of general circulation in the Township announcing that the entire System as presently constituted is completed and available for use, any application for a permit to tap a single-family residential premises, directly or indirectly, into any sewer lines of the System shall be accompanied by payment, in cash, of charges for the aforesaid purchase, in the following amounts:

Benefit charge	as provided for in Table 2, Section 15
Riser charge	\$525.00

plus such sums as will compensate for the cost of making and inspecting the tap.

Amendment No. 2:

Table 2 in Section 15 of the Ordinance is hereby REPEALED and the following new table 2 is substituted therefor:

TABLE 2

Within the first year after the expiration of the eighteen (18) month period referred to in Section 4 (b), the Benefit Charge shall be \$800.00 and in each successive year thereafter the Benefit Charge shall be as follows:

2nd year	\$ 860.00	9th year	\$1,280.00
3rd year	920.00	10th year	1,340.00
4th year	980.00	11th year	1,400.00
5th year	1,040.00	12th year	1,460.00
6th year	1,100.00	13th year	1,520.00
7th year	1,160.00	14th year	1,580.00
8th year	1,220.00	15th year	1,640.00
		16th year	1,700.00

Amendment No. 3

Section 2 is hereby amended in its entirety to read as follows:

SECTION 2 - DEFINITIONS

Wherever the following words are referred to in this ordinance, they shall be understood to have the meaning as defined in this section:

DEBT SERVICE CHARGE means those charges levied to meet principal and interest costs for monies borrowed to construct the sewage system.

INDUSTRIAL USER FOR PURPOSES OF INDUSTRIAL COST RECOVERY means:

"All establishments engaged in producing, manufacturing, or processing operations; other establishments engaged in any activity resulting in the production of industrial waste which have sewer service; or any waste water contributors identified in the S. I. C. Manual, 1972 Edition, prepared and published by the Executive Office of Management and Budget of the United States, classified within Divisions A, B, D, E, and I. A user in the divisions listed is excluded if the user discharges less than 25,000 gallons per day of equivalent sanitary flow provided it's waste discharge does not contain pollutants which, (1) are toxic or incompatible, (2) interfere with treatment plant processes, or (3) may otherwise contaminate or reduce the utility of sludge."

OPERATION AND MAINTENANCE means those costs required for personnel, materials and supplies to operate and maintain the system in good working order.

REPLACEMENT COSTS means costs that are levied and set aside for the purpose of making major repairs and replacement to the system, if needed, and is part of the operation and maintenance of the system.

REVENUES AND NET REVENUES means the same definition as provided for in Section 3, Act 94, Public Act of Michigan, 1933, as amended.

SEWER SERVICE CHARGE means the fees billed to all customers attached to the system for support of the cost of the system. This charge includes user charges, debit service charges, and replacement charges.

SEWER USER CHARGE means the costs that are levied to cover the cost of operation and maintenance of the system and replacement cost.

"THE SYSTEM" means the complete Grand Traverse County Sewage Disposal No. 3 (East Bay Township), including all sewers, pumps, lift stations, flowage rights in interceptors of other systems, treatment facilities or interests therein, and all other facilities used or useful in the collection, treatment, and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which hereafter be acquired.

USER CLASS means classification of users based on type of sewage being discharged to the system as follows:

CLASS I - Residential, commercial, institutional and industrial users that discharge sewage normal domestic. Sewage normal domestic is sewage which does not exceed the qualitative standard provided for in Article VI of the township's Uniform Sewer Use and Construction Ordinance of 1976 as amended.

CLASS II - Residential, commercial, institutional and industrial users that discharge sewage excess strength. Sewage excess strength is sewage which exceeds the qualitative requirements of the township's Sewer Use and Construction Ordinance of 1976 as amended.

Amendment No. 4

That portion of Section 4 entitled "Sewer Use Charge" shall be amended as follows:

Sewer User Charge

Sewer User charges to each single-family residential premises served by the System shall be in the flat amount of \$7.00 per month. Each premises other than a single-family residence shall pay a monthly charge in the foregoing amount multiplied by a factor representing a ratio of sewage use by such type of premises to normal single-family residential sewage use, as set out in Table 1 of Section 15 of this ordinance; provided, however, that the minimum monthly charge to any premises shall be \$7.00. At the option of the Township Board either water or sewage flow metering devices may be installed on premises determined by said Board to be large volume users. If such a device or devices are installed, the cost of such installation shall be borne by the user, and the sewer use charge shall be based upon flowage shown by such device or devices, at a rate of \$.92 per 1,000 gallons. Of the \$7.00 per month user charge, \$5.52 is being used for operation and maintenance and \$1.48 for debt service.

Amendment No. 5

That portion of Section 4, entitled "Special Rate" shall be amended as follows:

Special Rate

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

When industrial users as defined in 40 C.F.R. 35.905-8 are serviced by the collecting sewers constructed by Grant C-263241-02, funded under Title II of Public Law 92-500, an Industrial Cost Recovery System in accordance with 40 C.F.R. 35.923 will be established for those portions of the collecting system funded under Title II of Public Law 92-500.

Amendment No. 6

Section 4 shall be modified by adding the following paragraph at the end of said section:

Annual Review

The township shall provide for an annual review of the system operations and revenue to insure continued proportionality of rates and economic self-sufficiency of the system.

EAST BAY TOWNSHIP

1965 3 Mile Road
Traverse City, Michigan 49684
Phone (616) 947-8647

Supervisor - George J. Shimek
Clerk - Frances Ferguson
Treasurer - Donna J. Finnila

Trustee - Jerome F. Korb
Trustee - Thomas Strait

TOWNSHIP OF EAST BAY GRAND TRAVERSE COUNTY, MICHIGAN

Ordinance 107 "A ordinance to provide for the operating and maintaining of the Grand Traverse County sewage disposal system #3 (East Bay Township) on a public utility basis under the provisions of act 94 Public Acts of Michigan 1933 as ammended is hereby ammended in the following particularly only as the ammendment language is set forth herein:

Ammendment #7

The following paragraph shall be added to section 4 after the paragraph entitled "benefit and riser charge"

LATERAL BENEFIT CHARGE

There shall be paid on behalf of any premises making a direct private service line connection to any sanitary sewer line of the East Bay Township sewer system listed below. A lateral benefit charge based on the footage of the property of the sewer line being connect to. Such lateral benefit charge shall be computed by multiplying the front footage of the premises that is connecting to said sewer line times the lateral costs specified for that sewer line. The lateral benefit charge shall be paid in full at the time that application for a connection permit is made.

The following sewer line ~~is~~ subject to a lateral charge.

Holiday Hills Road - Sanitary Sewer which extends from the East Bay Acme township line easterly 1956 feet to manhole #EB207 lateral cost \$12.14 per foot.

Town Line Road - Sanitary Sewer which extends from South Airport Road South 910 feet to manhole #303 lateral cost \$12.00 per foot.

This ammendment shall take immediate effect upon passage by the Town Board. A copy of the ordinance including this ammendment may be purchased or inspected at the East Bay Township Hall, 1965 Three Mile Road, Traverse City, Michigan, phone 947-8647 between the hours of 9:00 till 4:00 Monday thru Friday.

George Shimek, Supervisor
Frances A. Ferguson, Clerk

Passed by Town Board on July 28, 1980

AMENDMENT NOS. 8 AND 9 TO ORDINANCE NO. 107

THE TOWNSHIP OF EAST BAY ORDAINS:

That Ordinance No. 107 (an Ordinance to provide for the operation and maintenance of Grand Traverse County Sewage Disposal System No. 3 [East Bay Township] on a public utility basis under the provisions of Act 94, Public Acts of Michigan, 1933, as amended) shall be and is hereby amended as follows:

AMENDMENT NO. 8:

Those portions of Section 4 entitled "Sewer Use Charge" and "Benefit and Riser Charge" are hereby respectively amended to read as follows:

Sewer Use Charge

Sewer use charges to each single-family residential premises served by the System shall be in a flat monthly amount established by resolution of the Township Board. Each premises other than a single-family residence shall pay a monthly charge in the foregoing amount multiplied by a factor representing a ratio of sewage use by such class of premises to normal single-family residential sewage use, as set out in Table 1 of Section 15 of this ordinance; provided, however, that the minimum monthly charge to any premises shall be the flat rate set by the Township Board for single-family residences. At the option of the Township Board either water or sewage flow metering devices may be installed on premises determined by said Board to be large volume users. If such a device or devices are installed, the cost of such installation shall be borne by the user, and the sewer use charge shall be based upon flowage shown by such device or devices, at a rate established by resolution of the Township Board. All of the sewer use charge shall be used to pay for operation and maintenance of the sewer system.

Benefit and Riser Charge

(a) Prior to the time specified in subsection (b) hereof, there shall be paid on behalf of each single-family residential premises using, directly or indirectly, any of the sewer lines comprising the System, in cash, at the time of application for the tap permit, the following charges for the purchase of the privilege of using the facilities and receiving the service of the System:

Benefit charge	\$660.00
Riser charge (for connection from sewer to property line if not otherwise paid by property owner)	\$350.00

plus such sums as will compensate for the cost of making and inspecting the tap; provided, however, that such purchase represented by either or both charges for other than new construction may, at the option of the payor, be paid for over a 20-year period, in equal quarterly installments, with interest on the unpaid balance at a rate of 6 3/4% per annum, and provided further, however, that in the event of such installment payment, the cost of making and inspecting the tap shall be paid, in cash, upon application for the tap permit. Any charges being paid on an installment basis may be paid in full at any time with interest paid to the due date of the next installment.

(b) Upon the expiration of eighteen (18) months following the first day of the calendar month after publication of a notice by the Township in a newspaper of general circulation in the Township announcing that the entire System as presently constituted is completed and available for use, any application for a permit to tap a single-family residential premises, directly or indirectly, into any sewer lines of the System shall be accompanied by payment, in cash, of charges for the aforesaid purchase, in the following amounts:

Benefit charge	as provided for by resolution of the Township Board
Riser charge	as provided for by resolution of the Township Board

plus such sums as will compensate for the cost of making and inspecting the tap.

AMENDMENT NO. 9:

Table 2 in Section 15 of the Ordinance is hereby REPEALED.

Enacted by the Township Board on September 14, 1987.

These amendments shall be effective October 1, 1987.

JOHN S. PORTER, Supervisor
FRANCES FEHRENBACH, Clerk
Adopted: September 14, 1987
Prepared in the Law Offices of:
Running, Wise, Wilson,
Ford & Phillips
By: Richard W. Ford
Township Attorneys
Business Address:
326 State Street
P.O. Box 686
Traverse City, MI 49685-0686

AMENDMENT NO. 10 TO ORDINANCE NO. 107

THE TOWNSHIP OF EAST BAY ORDAINS:

That Ordinance No. 107 (an Ordinance to provide for the operation and maintenance of Grand Traverse County Sewage Disposal System No. 3 [East Bay Township] on a public utility basis under the provisions of Act 94, Public Acts of Michigan, 1933, as amended) shall be and is hereby amended as follows:

AMENDMENT NO. 10:

Section 6 is hereby amended to read as follows:

Section 6. All premises to which services of the System shall be available shall connect to the System within eighteen (18) months following the first day of the calendar month after publication of a notice by appropriate officials in charge of the System indicating that such services are available except in the following circumstances:

(A) When that portion of the System that is available to the premises was constructed with non-public funds;

(B) For the purpose of connecting premises which do not have any present sanitary sewer system to the Grand Traverse County Sewage Disposal System No. 3;

(C) The premises are used for single-family residential purposes; and

(D) The premises have a septic tank disposal system that was installed in accordance with all applicable health regulations and standards and continues to function properly.

Enacted by the Township Board on FEBRUARY 11, 1991.

This amendment shall be effective FEBRUARY 15, 1991.

JOHN S. PORTER, Supervisor
FRANCES A. FEHRENBACH, Clerk
Adopted: FEBRUARY 11, 1991
Prepared in the Law Offices of:
Running, Wise, Wilson,
Ford & Phillips
By: Richard W. Ford
Township Attorneys
Business Address:
326 State Street
P.O. Box 686
Traverse City, MI 49685-0686

* * *

TO THE RECORD EAGLE:

Please publish on:

Monday, March 4, 1991

Please send affidavit to:

Running, Wise, Wilson, Ford & Philli

Please send bill to:

East Bay Township

* * *

RECEIVED BY THE RECORD EAGLE:

Date: 2-27-91

Time: 3:45 P

By: Patt

AMENDMENT NO. 11 TO ORDINANCE NO. 107

THE TOWNSHIP OF EAST BAY ORDAINS:

That Ordinance no. 107 (an Ordinance to provide for the Operation and Maintenance of Grand Traverse County Sewage Disposal System No. 3 [East Bay Township] on a public utility basis under the provisions of Act 94, Public Acts of Michigan 1933, as amended) shall be and is hereby amended as follows:

AMENDMENT NO. 11:

Section 4, Lateral Benefit Charge, shall be amended to add the following sewer line that will be subject to a lateral charge.

Three Mile Road- A sanitary sewer which extends along Three Mile Road from Hammond Road south approximately 2,850 feet to manhole #270. The lateral cost shall be \$24.00 per foot.

Enacted by the Township Board on September 9, 1992 .

This amendment shall be effective upon publishing .

JOHN S. PORTER, Supervisor

JANICE GEE, Clerk

Adopted: September 9, 1992

Prepared in the Law Offices of:

Running, Wise, Wilson, Ford & Phillips

By: Richard W. Ford

Township Attorneys

Business Address:

326 State Street

P.O. Box 686

Traverse City, Michigan 49685-0686

TO THE RECORD EAGLE:

Please publish on: November 19, 1992
Please send affidavit to East Bay Township
Please send bill to: East Bay Township

RECEIVED BY THE RECORD EAGLE:

Date: _____

Time: _____

By: _____

AMENDMENT NO. 12 TO ORDINANCE NO. 107

THE TOWNSHIP OF EAST BAY ORDAINS:

That Ordinance no. 107 (an Ordinance to provide for the Operation and Maintenance of Grand Traverse County Sewage Disposal System No. 3 [East Bay Township] on a public utility basis under the provision of Act 94, Public Acts of Michigan 1933, as amended) shall be and is hereby amended as follows:

AMENDMENT NO. 12:

Section 7 is hereby amended to read as follows:

Section 7A. All industrial, commercial, or residential development premises which are constructed after February 15, 1993, to which services of the Entire System are reasonably available, shall connect to the Entire System.

Section 7B. No free service shall be furnished within the Entire System to any person, firm or corporation, public or private, or to any public agency or instrumentality.

Enacted by the Township Board on February 8, 1993

This amendment shall be effective February 15, 1993

JOSEPH BARTKO, Supervisor
JANICE L. GEE, CLERK
Adopted: *2/8/93*

TO THE RECORD EAGLE:

Published on 2/28/93
Please publish on: February 28, 1993 *JL.*
Please send affidavit to: East Bay Township
Please send bill to: East Bay Township

RECEIVED BY THE RECORD EAGLE:

Date:

Time:

By:

AMENDMENT NO. 13 TO ORDINANCE NO. 107

THE TOWNSHIP OF EAST BAY ORDAINS:

That Ordinance No. 107 (an Ordinance to provide for the Operation and Maintenance of Grand Traverse County Sewage Disposal System No. 3 [East Bay Township] on a public utility basis under the provisions of Act 94, Public Acts of Michigan 1933, as amended) shall be and is hereby amended as follows:

AMENDMENT NO. 13

Section 4, Lateral Benefit Charge, shall be amended to add the following sewer line that will be subject to a lateral charge.

Carlisle Road/Hammond Road Sanitary Sewer - a sanitary sewer which extends from manhole #259 located approximately 740 feet north of Hammond Road along Three Mile Road thence southeast along an easement approximately 600 feet to manhole #312 located on Hammond Road; thence east along Hammond Road approximately 2084 feet to manhole #319, located at Hammond and Carlisle Road; thence South along Carlisle Road approximately 2725 feet to manhole #329 the present terminus of the sewer line. The lateral charge shall be \$39.00 per foot.

Enacted by the Township Board on DECEMBER 8, 1997.

This amendment shall be effective DECEMBER 15, 1997.

Joseph Bartko, Supervisor

Janice Gee, Clerk

Adopted:

Prepared in the Law Offices of:

Running, Wise, Wilson, Ford & Phillips

By: Richard W. Ford

Township Attorneys

Business Address:

326 State Street

P.O. Box 686

Traverse City, Michigan 49685-0686

* * *

TO THE RECORD EAGLE:

Please publish on: DECEMBER 15, 1997

Please send affidavit to: East Bay Township

Please send bill to: East Bay Township

* * *

RECEIVED BY THE RECORD EAGLE:

Date: _____

Time: _____

By: _____

notes\970029b.amd

AMENDMENT NO 14 TO ORDINANCE NO. 107

THE TOWNSHIP OF EAST BAY ORDAINS:

That Ordinance No. 107 (an Ordinance to provide for the Operation and Maintenance of Grand Traverse County Sewage Disposal System No. 3 [East Bay Township] on a public utility basis under the provisions of Act 94, Public Acts of Michigan 1933, as amended shall be and is hereby amended as follows:

AMENDMENT NO 14

Section 4, Lateral Benefit Charge, shall be amended to add the following sewer line that will be subject to a lateral charge.

South Airport Road Sanitary Sewer -- a sanitary sewer which extends 2,600 feet along South Airport Road to the western property line of the proposed Woodcreek PUD. The present Terminus of the sewer line. The lateral charge shall be \$41.10 per foot.

Enacted by the Township Board on JULY 13, 1998

This amendment shall be effective JULY 27, 1999

Joseph Bartko, Supervisor

Janice Gee, Clerk

Adopted: July 13, 1998

Prepared in the Law Offices of:

Running, Wise, Wilson, Ford & Phillips

By: Richard W. Ford

Township Attorneys

Business Address:

326 State Street

P.O. Box 686

Traverse City, Michigan 49685-0686

Charter Township of East Bay
Ordinance No. 107 – Sewer

Amendment No. 15

That Ordinance No. 107 an Ordinance to provide for the Operations and Maintenance of Grand Traverse County Sewage Disposal System No. 3 (East Bay Township) on a Public Utility bases under the Provisions of Act 94, Public Acts of Michigan, 1933, as amended

Section 4. Rates to be charged for service furnished by the System shall be as follows:

Sewer Use Charge

Effective April 1, 2009 sewer use charges to each single-family residential premises served by the System shall be in the flat amount of \$21.50 per month with an annual January 1st increase of 3.5% thereafter. Each premises other than a single-family residence shall pay a monthly charge in the foregoing amount multiplied by a factor representing a ratio of sewage use by such class of premises to normal single-family residential sewage use, as set out in Table 1 of Section 16 of this ordinance; provided, however, that the minimum monthly charge to any premises shall be \$21.50. At the option of the Township Board either water or sewage flow metering devices may be installed on premises determined by said Board to be large volume users. If such a device or devices are installed, the cost of such installation shall be borne by the user, and the sewer use charge shall be based upon flowage shown by such device, at the rate of \$2.70 per 1,000 gallons with an annual January 1st increase of 3.5% thereafter.

Adopted
12/8/2008
SC