

Charter Township of



**Charter Township of Alpena
Sanitary Sewer and Water Ordinance**

Revised July 22, 2019

**CHARTER TOWNSHIP OF ALPENA
ALPENA COUNTY, MICHIGAN
ORDINANCE NO. 139
SANITARY SEWER AND WATER ORDINANCE**

An ordinance to control the quality and safety of sanitary sewer and water services within the Charter Township of Alpena; to determine a fair and equitable cost to all users of such services; to determine the responsibilities and liabilities of all parties related to such services; to provide for rates for such services; to promote the public health, safety, and general welfare of persons and property; to provide for enforcement hereof; to provide penalties for the violation hereof; and to repeal the prior Charter Township of Alpena Sewer and Water Ordinance.

THE CHARTER TOWNSHIP OF ALPENA, ALPENA COUNTY, MICHIGAN, ORDAINS:

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Note: This Charter Township of Alpena Sanitary Sewer and Water Ordinance shall be used in conjunction with the Charter Township of Alpena Construction Standards and Specifications for Sanitary Sewer and Water Distribution Systems and the Charter Township of Alpena Industrial Pretreatment Sewer Use and Discharge Ordinance.

SECTION 1

Purpose of this Ordinance

- 1.1 The purpose of this Ordinance is to:
 - A. Control the quality and safety of the services
 - B. Determine a fair and equitable cost to all users
 - C. Determine the responsibility of all parties
 - D. Determine the liability of all parties
 - E. Stipulate use rates for the services
 - F. Protect health, welfare and environment of the Township

SECTION 2

Definitions

- 2.1 As used in this Ordinance, the following terms shall have the meaning ascribed to them unless the context in which they are used specifically indicates otherwise:
 - A. Township - Shall mean Alpena Charter Township. City - Shall mean the City of Alpena.
 - B. Supervisor - Shall mean the Alpena Charter Township Supervisor or his authorized representative.
 - C. Engineer - Shall mean the engineering firm currently authorized by the Township to act as agent for sewer and water systems.
 - D. Water Distribution System - Shall mean all water mains, hydrants, pumps; service leads, storage facilities and instrumentation as the same shall from time to time exist, and including all extensions and improvements, be used or useful in connection with the distribution of the water purchased from the City.
 - E. Sewage Collection System - Shall mean all sanitary sewers, service leads, pumping stations, force mains, and instrumentation as the same shall from time to time exist, including all extensions and improvements, be used or useful in delivery of sanitary waste to the City's collection system or treatment plant for treatment.
 - F. Water Main - Shall mean all that part of the water distribution system which is located

within the right-of-way lines of the roads, streets and alleys within the Township, Alpena County Road Commission or MDOT, or within the easements on private property which is the property of the Township held and controlled by the Township or the Alpena County Road Commission for the purpose of supplying water to the inhabitants of the Township or for the purpose of fighting fire within the Township.

- G. Service Pipe - Shall mean any pipe which is installed for the purpose of connecting the water mains of the Township to the individual premises where water conveyed therein is to be consumed.
- H. Sewer Main - Shall mean all that part of the sewage collection system located within the rights-of-way of the several roads, streets and alleys within the Township or within easements on private property which are the property of the Township held and controlled by the Township or the Alpena County Road Commission for the purpose of collecting sanitary waste water from the inhabitants of the Township.
- I. Service Lead - Shall mean any pipe which is installed for the purpose of connecting the sewage collection system to the individual premises.
- J. Seasonal Home - Shall be any home occupied less than seven months each year.
- K. Cross Connection - Shall be any connection between the water distribution system and any other water supply or any possible source of contamination of the water distribution system.
- L. Lot Assessment - Shall mean the charge placed by special assessment procedures on each lot or homestead which has frontage on the sewer/water system being considered. A homestead is one or more lots which are contiguous and being utilized as if it were one lot.
- M. B.O.D. - Shall mean Biochemical Oxygen Demand or the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C., expressed in milligrams per liter.
- N. Bulk Customer - Shall mean a governmental entity or group of governmental entities who build, repair, maintain and replace their own local collector sewer system and cause effluents to be transported to central discharge points for entry into the Alpena Charter Township Sewer System for treatment.
- O. Commercial User - Shall mean 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, governmental buildings, and other similar users.

- P. Commodity Charge - Shall mean a variable unit charge payable by a user based on the number of units discharged as determined in this ordinance.
- Q. Customer Class - Shall mean a governmental entity whose citizens receive the service of the System.
- R. Combination Sewers - Shall mean any sewer that accepts a combination of sewage, ground water, or surface water from any source.
- S. Director - Shall mean the Director of Department of Public Works of the Township under the direction of the Township Supervisor or his authorized deputy, agent or representative.
- T. Domestic User - Shall mean a person whose premises are domiciles for single or multiple family use.
- U. Effluent - Shall mean waste material discharged into the environment.
- V. Industrial User - Shall mean any profit seeking enterprise which discharges trade or process waste.
- W. Infiltrations - Shall mean 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. Infiltration does not include and is distinguished from inflow.
- X. Inflow - Shall mean 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, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface run-off, street wash waters, or drainage. Inflow does not include and is distinguished from infiltration.
- Y. Interceptor Sewer Lines - Shall mean those lines whose basic function is to collect wastewater from two or more separate trunk sewer lines and to transport such wastewater to the sewage treatment plant.
- Z. Lateral Sewer - Shall mean an individual user's sewer pipe beginning at the local collector sewer or other connection point and extending to the premises actually served. The lateral sewer includes the stub to which a user connects.
- AA. Local Collector Sewer Lines - Shall mean those lines which collect effluent from only the abutting property within one local drainage service area and empty into a trunk or interceptor sewer line.

- BB: Person - Shall mean any individual, firm, partnership, association, public or private corporation or public agency or instrumentality or any other entity receiving sewage disposal or water distribution service.
- CC: PH - Shall mean the negative logarithm of the hydrogen ion activity (in moles per liter).
- DD: Premises - Shall mean each lot or parcel of land, or building, having any connection to the water distribution or the sewer disposal system of the Township.
- EE: Public Sewer - Shall mean local collector, trunk and interceptor sewer lines including lift stations and all appurtenances that are owned or controlled by the Charter Township of Alpena Disposal System.
- FF: Service Charge - Shall mean a fixed charge payable by a user based on the amount of water used.
- GG: Sewage - Shall mean any liquid or water carried waste received from domestic, commercial and industrial customers including any infiltration or inflow as may be present.
- HH: Sewage Disposal System - Shall mean the complete Charter Township of Alpena Sewer Disposal System and shall be construed to include all plants, local collector sewer lines, trunk sewer lines, interceptor sewer lines, lift stations and all other properties, now or hereafter existing, used or useful in connection with the collection, pumping, disposal and treatment of sewage, as now or hereafter added to, expanded or improved.
- II: Sewage Treatment Plant - Shall mean any arrangement of devices and structures used for treating sewage.
- JJ: Storm Sewer - Shall mean a sewer intended to carry only storm waters, surface runoff, street wash waters and drainage.
- KK: Suspended Solids - Shall mean all matter existing in non-liquid state which is removable by filtration in accordance with standard laboratory procedures. Also referenced to as total suspended matter or particulate matter.
- LL: Trunk Sewer Lines - Shall mean those lines whose basic function is to collect wastewater from one local drainage service area only and to transport such wastewater to an interceptor sewer.
- MM: Uncontaminated Industrial Effluent - Shall mean water which has not come into contact with any substance used in or incidental to industrial processing operations and to

which no deliterious or toxic substance has been added.

- NN. User Class - Shall mean either a domestic, commercial, industrial, institutional or governmental group of users.
- OO. Unit Benefit Charge - Shall mean the fee paid by a customer when applying to connect to the system. The amount of the fee is determined by the number of units applicable, as determined in this ordinance and the cost per unit for the project involved.

SECTION 3

Responsibilities and Liabilities of the Township

3.1 Interruption of Services

Should it become necessary to shut off the water or sewer from any section of the Township because of any accident or for the purpose of making repairs or extensions, the water department shall endeavor to give timely notice to the consumers affected thereby and shall, so far as practicable, use its best efforts to prevent inconvenience and damage arising from any such causes, but the failure to give such notice shall not render the Township, officials or employees or agents, or water department responsible or liable in damages for any inconvenience, injury or loss which may result therefrom.

3.2 Control of System

- A. The sewer and water systems of the Township shall be under the general control of the Supervisor; and no person other than agents or employees of the Supervisor shall tap, change, obstruct, interfere with or in any way disturb the sewer and water systems.
- B. The Director, Supervisor, Building and Plumbing Inspector have the authority to enforce these ordinances and make the evaluations necessary to determine unit charges, subject to review of the Township Board.

3.3 Extension of Systems

- A. All extensions and alterations of the system of sewer and/or water mains, except as provided in this ordinance shall be under the supervision of the Supervisor who shall act only upon authorization of the Township Board. Each petition for the extension of sewer and/or water mains shall be addressed to the Township Board, and the Township Board shall consider the same and advise the petitioners of their decision.

3.4 Dedicated Systems

- A. Any Owner(s) of property in the Township proposed to be dedicated to the Township or county for street or utility easement purposes shall;

- 1) Install sewer/water systems at their own expense if the public sewer/water is readily available, including all engineering and inspection fees.
 - 2) Submit four (4) sets of sealed drawings including plans and specifications of the proposed system(s) to the Township Board for approval.
 - 3) Not permit the system(s) to be used until the installation has been accepted by the Township.
- B. The Township Board shall insure that the plans and specifications are consistent with the general sewer/water plans, ordinances, and specifications of the Township.
- C. The Township Supervisor shall:
- 1) Insure that all work approved by the Board is inspected.
 - 2) Require tests to be made to insure installation is in accordance with the Township Sewer/Water standards and in compliance with all EGLE current regulations and requirements.
 - 3) The provisions of this subsection shall also apply to any installation of Sewer/Water mains outside of the Township where permission has been granted by the Township Board and the City of Alpena to connect such mains to the existing Township systems.

3.5 Enforcement

- A. Conformity - The Township shall have the right to see that all water and sewer mains and connections conform with the overall Alpena Sewer and Water Development Plan.
- B. Restrictions - The Township shall have the authority to restrict the number of sewer and water system connections due to any limitations of the sewer/water systems or treatment plants.
- C. Annual Audit- The Sewer/Water Department shall conduct an audit of its financial records on an annual basis.
- D. Violations and Penalties
- 1) Any person or organization who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction, as defined by Section 113 of the Revised Judicature Act of 1961, being Michigan Public Act 236 of 1961, as amended (“Public Act 236”).

- 2) The Charter Township of Alpena Department of Public Works Director, the Charter Township of Alpena Supervisor, and Charter Township of Alpena officials and employees as may be authorized by the Charter Township of Alpena Board of Trustees are authorized to administer and enforce this ordinance and issue municipal civil infraction citations.
- 3) A municipal civil infraction action may be commenced upon the issuance by an authorized local official directing the defendant to appear in court.
- 4) Failure of the defendant to appear within the time specified on a citation or at the time scheduled for a hearing or appearance is a misdemeanor punishable by up to ninety (90) days in jail and/or up to a \$500.00 fine, plus costs of prosecution, and can result in the entry of a default judgment against the defendant on the municipal civil infraction.
- 5) A defendant found responsible by the judge or magistrate for a violation of this ordinance shall pay a fine not to exceed \$500.00, plus costs not to exceed \$500.00, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Township.
- 6) In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order (including but not limited to injunctive relief) necessary to enforce this ordinance, in accordance with Section 8302 of Public Act 236.
- 7) If a defendant fails to comply with an order or judgment issued pursuant to Section 8727 of Public Act 236 within the time prescribed by the court, the court may proceed under Sections 8302, 8729, and 8731 of Public Act 236, as applicable.
- 8) Each day on which any violation of this ordinance continues constitutes a separate offense, and the offender shall be subject to the applicable fine, costs, penalties, and sanctions for each separate offense.
- 9) In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this ordinance.

SECTION 4

Responsibilities of the Property Owners in Charter Township of Alpena

4.1 Connections to the System – Tapping Fee

- A) Before any connection is made to a Township water main, application for a service pipe connection permit to do so must be made in writing by the owner of the premises to be served, or by his or her authorized representative at the Township utility billing office. The application shall be made on forms provided by the water department, and shall contain such information as the Township Board and the Supervisor may require. Advance notice shall be given to the Township prior to backfilling any construction trench for water service lines, to allow inspection during normal business hours. The service line shall not be covered until it is inspected and approved by the Township or its authorized representatives.
- B) No corporation cock of a size greater than one inch inside diameter shall be inserted in any water main, unless the permit therefore is granted on condition that the parties securing the permit shall bear the expense of making the connection in such a way approved by the Township Supervisor, as will preserve the full strength of the main feeding the pipe.
- C) After the service pipe connection permit has been granted, and before the connection is made, the owner shall pay the tapping fee established by Township Board as set forth herein.
- D) When a permit is requested for service to a building under construction, the owner shall pay the water department, in addition to the fee provided in subsection (c), a fee for water used during construction. This fee shall be estimated by the Township Supervisor in accordance with the size of the building and class of construction. It shall in no case be less than twenty-five dollars (\$25). In case the owner is not satisfied with the estimate made by the Supervisor, the Supervisor shall install a meter temporarily on the line and measure the consumption of water during construction, and the owner shall pay for water used at the current per unit rate. The owner shall be responsible for the meter and any damage to it shall be repaired at his or her expense. The rental fee for fire hydrant usage shall be as established by the Township Board as summarized in the current fee schedule.
- E) A separate and independent water service pipe and service line shall be provided for every building.
- F) Old water service pipes may be used in connection with the new building only when they are found on examination and test to meet all requirements of this ordinance.
- G) The Township is responsible for the operation, maintenance, and repair of the system

up to the stop box. The customer is responsible for maintenance and repair of the service line as defined. Any service rendered by the Township that is not the direct responsibility of the Township shall be billed to the customer at a rate designed to recover actual costs for labor, supplies, vehicle rent, and administration.

4.2 Connection and Service Line Inspection Fees

- A) Connection and service line inspection fees shall be established by a resolution adopted by the Township Board. The connection and inspection fee shall reimburse the system for the costs of labor and material costs for tapping the main, installing the service pipe from the main to the service cock, purchasing a meter and stop box, completing all necessary restoration activities, inspecting the service line and recovering a portion of the capital costs of the system, previously paid by the Township or the system reasonably attributable to each new customer. The connection and inspection fee shall be determined and paid according to a schedule of fees established by the supervisor and approved by the Township Board by resolution. The fee will be determined by calculating the average cost for materials, labor, equipment, administration, restoration, plus a reasonable apportionment of the Township's and the system's investment in system attributable to each new customer. The average connection expense for various sized service pipes will be reviewed annually and adjusted as needed to ensure recovery of actual installation and inspection costs.
- B) Connection and inspection fees shall include the costs for the meter, corporation cock, copper tubing, service box and labor or installation of the service pipe and a service line inspection.
- C) No charges shall be made for the repair or replacement of meters due to ordinary wear and tear.
- D) A service line inspection fee is established to recover the labor, materials, equipment and administrative costs necessary for conducting the inspection and shall be determined by the Township Supervisor and effective upon approval by resolution of the Township Board. The service line inspection fee shall be paid prior to the placement/replacement of any water service line.

4.3 Cost of Installation - It is the responsibility of each property owner to pay for the installation of piping from the curb box or right-of-way line to the establishment. Further, the owner is responsible to repair any damages to the Township sewer/water system or public right of way while in the performance of this act.

4.4 Unserviced Lots - When a new building is constructed on property not serviced by a sewer or water lead, it shall be the responsibility of the property owner to assume all cost of installing the new lead from the main to the property line. The property owner shall also be responsible for all special assessments, hook-up and other charges as spelled out in the Township Water and Sewer Ordinances. The Township shall provide one service lead for

each lot or homestead assessed at the time of construction of the sewer or water main.

- 4.5 Contracts - Any property owner involved in new construction along a sewer or water system shall have all contracts for sewer or water unit benefit charges signed before a construction permit is given.
- 4.6 New Tap-Ins - Any property owner who desires to connect into an existing water/sewer system where the service pipe/lead does not currently exist and the parcel was not assessed shall;
- A. Pay to the Township the cost of installation, or;
 - B. Hire, at their own expense, a private contractor authorized to do such work by the Township.
- 4.7 Meeting Codes - It is the responsibility of the property owner to see that all installation of sewer or water lines on his property conform to state plumbing codes and all existing ordinances of the Charter Township of Alpena.
- 4.8 Water Contract - A Contract as well as a plumbing permit must be secured and signed before a property owner is entitled to connect to a sewer or water system.
- 4.9 Plumbing Permit - The property owner must obtain a plumbing permit from the Charter Township of Alpena for each sewer or water installation.
- 4.10 Maintenance - It is the responsibility of the property owner to maintain the sewer and water lines installed on owned property.
- 4.11 Freeze-Up Calls - In the event the Township is called by a property owner to repair a service lead to any property and it is determined by the Township that the damage or freeze-up is on private property, the Township retained contractor will then prepare a bill for the repair service and present it to the Township, whom in turn will present it to the property owner. It shall then be the responsibility of the property owner to make full payment for the billing due within fifteen days of receipt of the same or be in violation of this ordinance.
- 4.12 Extension of Service - Any individual, business, industry or entity that wishes to extend the Township's sewer or water system for their individual utilization may do so at their own expense with a contract agreement between said person or entity and the Charter Township of Alpena. Said extensions must meet all State and Township standards, specifications, ordinances, codes, and requirements.
- 4.13 Extension Engineering – Charter Township of Alpena reserves the right to supply the Consulting engineering services for the feasibility and appropriate inspection services

related to the extension of sewer or water mains on Township property. The cost of these extensions must be paid by the person(s) or entity extending the service.

- 4.14 Stop Work Orders – The Charter Township of Alpena reserves the right to stop any project that it feels is not complying with State or Township codes, ordinances or standards, or that is not being installed to the Township’s satisfaction.
- 4.15 Damaged Lines - Any contractor or property owner, in the process of extending or modifying Township sewer or water systems, shall be liable or responsible for the proper repair of all damages to any utility above or below ground level whether owned by the Township or others.
- 4.16 Service Leads - Each individual building must have a service lead unless otherwise determined by the Supervisor or his designated official.
- 4.17 Cross Connections - It shall be unlawful for any person to install or attempt to install an illegal tap which includes any type of meter bypass, cross connection or any extension from one building to the other or any tap in without a permit issued by the Township.
- 4.18 Permits - Before any connection is made to the Township sewer or water main, application for a permit to do so must be made in writing by the owner of the premises to be served or by his authorized representative, to the office of the Supervisor or his designated employees. The application shall be made on forms provided by the Township Water Department and shall contain such information as the Township Board and the Supervisor deem necessary.
- 4.19 Convenience Contracts - If a property owner secures a contract to install a sewer or water service on his or her property prior to the completion and approval of a Township main, then the property owner must leave the service line disconnected and securely plugged at the property line. It is also the responsibility of said property owner to make payments on the signed contract.
- 4.20 Premature Hook-Ups - A property owner shall not connect to a sewer or water system until that segment of the system has been approved by the Township. Anyone found to be in violation of this section of the Township Water Ordinance will be subjected to a fine not exceeding \$100.00 and any damages incurred by the Township resulting from the premature hook-up by the property owner.
- 4.21 Property Sales - When property is sold it shall be the responsibility of the new property owner to assume all responsibility for all payments due or pending on a water or sewer system. Said property owner must also sign a contract with Alpena Charter Township upon purchasing property upon which payments were current.

SECTION 5 WATER

Service Pipes

- 5.1 Depth and Separation - All service pipes, on either public or private property, as permitted in this article, shall be laid on solid ground not less than six (6) feet below the established grade of the street. Service pipe shall be laid at least 10 feet horizontally from any sanitary sewer, storm sewer or sewer manhole, “whenever possible,” the distance shall be measured edge-to-edge. When local conditions prevent a horizontal separation of 10 feet, service pipe may be laid closer to a storm or sanitary sewer provided that:
- A. The bottom of the service pipe is at least 18 inches above the top of the sewer.
 - B. Where this vertical separation cannot be obtained, the sewer shall be constructed of materials and with joints that are equivalent to water main standards of construction and shall be pressure tested to assure water-tightness prior to backfilling.
- 5.2 Installation Codes - That portion of the service pipe from the main to the water meter shall be of copper, 200 psi plastic, or some other material of like corrosion-resistant nature, not less than three-fourths (3/4) inch in diameter, approved by the Supervisor. All service pipe two (2) inches and less in diameter shall be laid six (6) feet or more beneath the surface of the ground. All service pipe shall be brought to the required depth as soon as possible after leaving the tap. All joints in copper pipe shall be at least three-fourths (3/4) inch and shall be flare or compression joints. Service cocks shall be stop type and shall be placed at the property line. The stop box shall be set so that the cover is level with the surrounding sidewalk or lawn and must be set on a brick or concrete foundation to prevent settlement. The lid of the box shall be marked with the word “Water”. No service pipe shall be laid on a fill unless compacted and supported in such a manner that the settlement of such fill will not affect such pipe.
- 5.3 Meter Valves - A gate valve shall be placed on the service pipe just inside the building wall on both sides of the water meter; such valves shall be equal in quality to the service valve.
- 5.4 Service Leads - The corporation stop, the service pipe from the main to the curb stop, the curb stop, and stop box will be provided in place with a cement block installed below and maintained by the water department after payment of the fee charged for a water connection permit, as provided in this ordinance. The service pipe from the curb stop to the building on private property shall be installed and properly maintained by the owner. The owner shall keep the stop box free from dirt, stones or other substances that will prevent access to the service valve.
- 5.5 Pipe Installation - All service pipe on private property and all water piping in all premises shall be installed by a plumber licensed under state law or may be installed by homeowner

if properly inspected. Licensed plumbers shall not interfere in any way with service pipes installed by the water department and shall not be permitted to turn water on or off at the curb stop except for the purpose of testing their work, in which case, after the test is made, the curb stop shall be left in the same condition and position as they found it. Any plumber called upon to shut off water and drain pipes in any premises shall do so inside the building only.

SECTION 6

Meters

- 6.1 Required Meters - All premises using water shall be metered and payment shall be made for water which passes through any given Township approved meter at the rate to be authorized by resolution of the Township Board.
- 6.2 Ownership - All meters shall be the property of the Township and shall, at all times, be under its control.
- 6.3 Meter Inspection - The Township shall have the right to inspect to see that meters are maintained so as to function accurately.
- 6.4 Payment of Meters - All cost of meters is the responsibility of the property owner. In a project where federal funds are used the cost of the meters for the existing homes is included within project cost. This does not however, include the cost of meters to vacant property, thus it becomes the responsibility of future builders to pay the cost of meters needed. All meters shall be purchased from the Township to insure that all meters conform to township specifications.
- 6.5 Larger Meters - Where application is made for a meter larger than three-fourths (3/4) inch, the Supervisor shall determine whether a meter of such size is required.
- 6.6 Payment of Commercial/Industrial Meters - Meters for commercial or industrial owned property must be paid for by the property owner. If each of the following requirements are met, the Township will furnish a meter:
 - A. If the establishment existed at the time the system was paid for in part by federal funds.
 - B. If the meter required is no larger than a 3/4 inch pipe size.
 - C. If the property owner hooks up within the 18th month financing period.
- 6.7 Meter Location - All meters shall be located just within the foundation walls of the building supplied, or if the building has no basement, a place within the building which is easily accessible to the meter reader.

- 6.8 Meter Readings - The meter reading shall be conclusive evidence of the quantity of water used except when the meter is found to have registered incorrectly or has ceased to register.
- 6.9 Extra Meter Readings - The Township Board shall by resolution set a fee to be charged for meter readings requested by customers which are over and above the readings found necessary by the Township to determine water and sewer usage costs to the customers.
- 6.10 Testing Meters - The accuracy of the meter on any premises will be tested by the Township upon written request of the owner, who shall pay in advance a fee determined by the Township Board. If, on the test, the meter shall be found to register more than four percent (4%) more or less water than actually passes through it, the meter will be repaired and the water bill for the last preceding quarter will be adjusted in such manner as may be fair and just and the meter test fee shall be refunded.
- 6.11 Water Measuring - All water furnished by the Township and used on any premises must pass through the meter placed on such premises or installed for the purpose of measuring the water supplied to such premises. No bypass or connection around the meter will be permitted except meters on (1) inch or more in size and then only upon written consent of the Supervisor, in accordance with the rules established by him. In such case the bypass valve shall be sealed shut by the Township and no person shall break such seal without authorization from the Township.

SECTION 7

Rules Governing the Use of Water

- 7.1 New Service - When new service pipes are put into any premises, the curb stop shall be left closed and may thereafter be opened only by an authorized employee of the Water Department and only upon request of the owner or his agent, however, a licensed plumber may open and close a curb stop to test his work, as provided in subsection (5.5) of Section 5.
- 7.2 Temporary Use of Water - In case a permit is issued and a water meter has been installed for the temporary use of water, the owner or occupant of the premises shall notify the Supervisor upon the completion of his work so that the water meter may be read and the connection shut off.
- 7.3 Lot Crossings - No connection through which water may pass from one lot or parcel of land to another shall be constructed, notwithstanding that the ownership of both properties may be the same, except by the Township upon an easement thereof.
- 7.4 Water Shut Offs - Where the water has been turned off by the Supervisor for any reason, no person, except the Supervisor or designated employees may turn it on again. Whenever this subsection is violated, the Supervisor may shut the water off at the curb stop and the owner shall pay in advance the entire expense incurred by the water department or a minimum fee

of \$50.00 for so doing, before the water may be turned on again.

7.5 Lots with Multiple Buildings - When there is more than one building on a lot or parcel, it shall be the responsibility of the Township to determine how many leads are needed to service the property. It shall also be the Townships responsibility to determine how many buildings will be serviced by each lead. Wherever possible each building shall have an individual lead.

7.6 Fire Facilities

- A. Permission to Use - No one other than Township personnel shall use a fire hydrant without specific written permission of the Charter Township of Alpena.
- B. Permits/Meters - Any person wishing to utilize water directly from a fire hydrant must secure a permit to do so from the Charter Township of Alpena. All water used directly from a fire hydrant by a private citizen, business, or industry must pass through a back flow preventer provided by the Township and must be metered unless other specific arrangements are made for payment of the water. A meter must be obtained from the Township when the permit is issued. The rental of the meter is one (\$1) dollar a day, with a required deposit of \$300.00, refunded on return and the cost of the water will be at the current rates.
- C. Fines - Any person failing to adhere to (A) or (B) of this section fully shall be subject to a one hundred dollar (\$100) fine or 90 days in jail or both.
- D. Inspection - The Township shall inspect the hydrant(s) to be used prior to and after use, to establish any incurred damages. The person(s) using fire hydrants shall be responsible for any damages incurred during the use of the hydrant.
- E. Sprinkler Systems - All establishments utilizing a fire protection sprinkler system shall pay to the Charter Township of Alpena a usage charge. Said charge shall be negotiated on an individual basis between the user and the Township Board except when a fire service meter is installed.
- F. Testing - Where pipes are provided for fire protection on any premises, or where hose of the service pipes shall have not less than twenty-five (25) feet of fire hose constantly attached thereto and except for the purpose of testing such purpose other than for the tests and for the extinguishing of fires. No test of fire equipment may be conducted unless a special permit is first secured therefor from the Supervisor.
- G. Fire Utilities - If a water service pipe is introduced into the premises to supply fire hydrants, automatic sprinklers, or other fixtures to be used for the suppression of fires, a valve shall be placed on such connections just inside the building wall and no connections will be permitted on such pipes whereby water may be used for

any other purpose on the premises. Sealed valves shall be opened in case of fire only; and when so opened, the water office shall be notified within twenty-four (24) hours and the valve shall then be sealed by an employee of the Township. A sealed valve shall not be required when an approved indicator check or fire service meter is installed.

SECTION 8

Inspection

- 8.1 Authorized Personnel - The Director and other duly authorized employees of the Township bearing property credentials and identification shall be permitted to enter upon all properties at reasonable times for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter and any rules and regulations adopted pursuant hereto. Any person who applies for and/or receives services from the system under this ordinance shall be deemed to have consented to inspections pursuant to this section, including entrance upon that person's property at reasonable times to make inspections.
- 8.2 Refusal of Entry - In case the Director be refused admittance to any premises using Township water or is in any way hindered in making any necessary inspections or examination, the water may be turned off from such premises, after giving twenty-four (24) hours notice to the owner or occupant thereof.

SECTION 9

Cross Connections with Public Water Supply System

- 9.1 Ordinance - This Ordinance is in accordance with the BOCA Basic Plumbing Code and every individual, company or corporation is expected to comply with the rules set herein.
- 9.2 Cross Connection Control Program - The Charter Township of Alpena has a Cross Connection Control Program, thus it is expected that every individual, company or corporation shall comply with the Michigan State Health Department Cross Connection Rules established in April of 1972 as authority given to the State Health Department by Section 9 and 427 of Act No. 380 of the Public Acts of 1965, as amended, being section 325.203, 325.210, 16.527 of the Compiled Laws of 1948.
- 9.3 Protective Devices - The protective devices mentioned in said manual regarding back flow preventors, air gaps, four way plug valves and all others mentioned on pages 29 thru 40 of said manual will be stringently enforced. Additionally, all protective devices mentioned that are able to be tested shall be tested annually with the inspection report submitted to the Township. A copy of the Cross Connection Rules can be obtained from

the MDHHS, Lansing, Michigan.

- 9.4 Right of Property Entry - It shall be the duty of the Supervisor or his designated officials to have the right to enter at any reasonable time any property served by a connection to the public water supply system of the Township for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessee or occupants of any property so served, shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.
- 9.5 Inspections - It shall be the duty of the Supervisor or his designated officials to cause inspections to be made of all properties served by the public water supply where cross connection is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Charter Township of Alpena for water supply systems and as approved by the MDHHS.
- 9.6 Cross Connection Service Shut-Off - The Supervisor or his designated officials is hereby authorized and directed to discontinue water service after twenty-four (24) hours notice or in emergency, hazardous situations, “immediately”, as provided for by the local cross connection control program of the Township, as approved by the MDHHS, to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this section.
- 9.7 Potable Water Supply - The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this section and by the State Plumbing Code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: WATER UNSAFE FOR DRINKING
- 9.8 Supplementary Statement - This section does not supersede the State Plumbing Code but is supplementary to it.

SECTION 10

Use of The Sewage Disposal System

- 10.1 Conforming Persons - Any person conforming to the standards, rules and regulations established in or pursuant to this ordinance shall be permitted to discharge effluent into the system provided there exists adequate sewer service available to which he can connect. Combination sewers are prohibited within the Charter Township of Alpena.

- 10.2 Management of System - The Charter Township of Alpena Sewage Disposal System shall Be and remain under the management, supervision, and control of the Charter Township of Alpena Supervisor or manager who may employ or designate such person or persons in such capacity or capacities as he deems advisable to carry out the efficient management and operation of the system. The Township Supervisor or his designee may make such rules, orders or regulations as he deems advisable and necessary to assure the efficient management and operation of the system; however, to the rights, powers and duties with respect thereto which are reserved by law to the Charter Township of Alpena Board.
- 10.3 Rules and Regulations - The standards, rules and regulations established in or pursuant to this chapter are deemed to be the absolute minimum consistent with the preservation of the public health, safety and welfare, to prevent pollution of the environment, and to fulfill the obligations of the Township with respect to State and Federal Law and all rules and regulations adopted in conformance thereto. The discharge into the System of any substance which exceeds the limitations contained herein, or in any manner fails to conform hereto, is hereby declared to be a public nuisance and a violation of this code.

SECTION 11

Prohibited Substances

- 11.1 Except as hereinafter provided no person shall discharge or cause to be discharged any of the following substances into the sanitary sewer:
- A. Any effluent having a temperature higher than 104 degrees F.
 - B. Any effluent which contains more than 100 ppm of animal fat, vegetable fat, oil, or grease or any combination thereof.
 - C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - D. Any grease, oil, or other substance that will become solid or viscous at temperatures 60 degrees Celsius and below after entering the system.
 - E. Any substance from the preparation, cooking and dispensing of food and from handling, storage, and sale of produce which has not been shredded to such a degree that all particles shall be carried freely under flow conditions normally prevailing in the public sanitary or combined sewer, with no particle larger than one half inch any dimension.
 - F. Any substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage disposal system including but not limited to mineral oil, grease, ashes, cinders, sand, mud, plastics, wood, paunch manure, straw,

shavings, metal, glass, rags, feathers, asphalt, tar, and manure.

- G. Any effluent PH lower than 6.5 or higher than 9.5 or having any other corrosive properties capable of causing damage or hazard to structures, equipment or personnel of the treatment works.
- H. 1. Any effluent in excess of:
 - a. 1.5 mg/l of Cadmium as Cd.
 - b. 6 mg/l of Zinc as Zn.
 - c. 2 mg/l of total Chromium as Cr.
 - d. 1.5 mg/l of Copper as Cu.
 - e. 1 mg/l of Cyanide as Cn.
 - f. 1.5 mg/l of Nickel as Ni.
 - g. .02 mg/l of Phenol or derivative of Phenol
- 2. Any discharge of phosphorus ammonia, nitrates, sugars or other nutrients or waste waters containing them which have an adverse effect on treatment processes or cause stimulation of growth of algae, weeds, and slimes which are or may become injurious to water supply, recreational use of water, fish, wildlife and other aquatic life.
- I. Any paints, oils, lacquers, thinners or solvents including any waste containing a toxic or deleterious substance which impair the sewage treatment process or constitute a hazard to employees working in the Sewage Disposal System.
- J. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- K. Any effluent of such character or quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant or to maintain the system.
- L. Any discoloration such as, but not limited to, dyes, inks, and vegetable tanning solutions or any unusual chemical oxygen demand, chlorides, sulfates or chlorine requirements in such quantities as to be deleterious and a hazard to the System and its employees.
- M. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable local, State or Federal regulations.
- N. Any effluent containing a five (5) day biochemical oxygen demand greater than 300 mg/l.
- O. Any effluent containing suspended solids greater than 350 mg/l.

- P. Any effluent containing phosphorus greater than 40 mg/l.
- Q. Any effluent having an average daily flow greater than 2% of the systems average daily flow.
- R. Any inflow of surface types as described in K and L.

The Director upon review may approve discharges in excess of the limits set forth in subsections A through R subject to conditions either set forth in this chapter or special conditions he deems necessary in order to preserve and protect public health, safety and welfare, subject to conformance with the applicable State and Federal Laws and the City of Alpena sanitary sewer ordinance.

SECTION 12

Installation of Service Leads

All service leads, on either public or private property, shall be laid on solid ground, with proper bedding to maintain the required minimum grade for the size of pipe used.

12.1 Slopes & Grades - The minimum slopes for sewer pipe are:

- A. 4" 1.0 feet per 100 feet
- B. 6" .60 feet per 100 feet
- C. 8" .40 feet per 100 feet
- D. 10" .28 feet per 100 feet
- E. 12" .22 feet per 100 feet

12.2 Minimum Pipe Size - The minimum size pipe for service leads is 4"

- A. Service leads may be of any material approved by State or Local Building Codes.
- B. Joints on service leads shall be welded or of rubber or Neoprene Gasket.
- C. Service leads where possible shall have a cover of at least 42".

12.3 Sewer Installation - Whenever possible, sewers should be laid at least 10 feet horizontally from any existing or proposed water main or service lead. When local conditions prevent a horizontal separation of 10 feet, the sewer may be laid closer to a water main or service pipe, provided the bottom of the water main is at least 18 inches above the top of the sewer or the sewer is constructed of materials to assure water tightness and it is pressure tested prior to backfilling.

SECTION 13

Rules Governing the Use of Sewers

- 13.1 Roof Drains and Sump Pumps - Only sewage will be allowed to enter the sanitary sewer system. Roof drains and sump pumps or any other sources of surface water will not be allowed to enter the sewer system.
- 13.2 Crossing Lot Lines - No connection through which sewage may pass from one lot to another shall be constructed, notwithstanding that the ownership of both properties may be the same, except the Township upon an easement thereof.
- 13.3 Cross Connections - There shall be no physical connection between a public or private potable water system and a sewer or appurtenance thereto which would permit the passage of any sewage or polluted water into the potable supply.
- 13.4 Pumping Stations - When pumping stations are required during initial construction of a project, the Township will install and maintain the pumps, whether on public or private lands. If a pump is required on private land after construction of the project, it is the responsibility of the property owner to install and maintain the pump(s).

SECTION 14

Private Disposal Systems - When Prohibited

- 14.1 Outhouses - No person shall hereafter construct or cause to be constructed any privy, outhouse, septic tank or privy vault within the Township if there is a sewer connection within a reasonable distance of the building to be served.
- 14.2 Discontinuation - In all cases in which a privy, outhouse, septic tank or privy vault are within a reasonable distance of a sewer connection, such use shall be discontinued and all such privies, outhouses, septic tanks, and privy vaults, shall be removed from the premises or otherwise made inoperable in accordance with District Health Department Rules & Regulations within one (1) year after the sewer system becomes operational.

SECTION 15

Use of Storm Sewers

- 15.1 Prohibited - No person shall discharge or cause to be discharged into any storm sewer or natural or artificial water course, effluent other than storm water or uncontaminated effluent, except with authorization by a Natural Pollution Discharge Elimination System permit and with the approval of the Townships Director of Public Works as prescribed by State

Environmental Protection Agency.

SECTION 16

Pretreatment or Additional Charges for Certain Sewage

- 16.1 Additional Burden to Systems - If the character of sewage or waste from any premises shall be such as to impose an additional burden upon the sewers or the sewage disposal system, then an additional charge may be made over and above the regular rates, or it may be required that such sewage be pretreated by the person responsible thereof before being emptied into the sewer, or the right to empty such sewage may be denied if necessary for the protection of the sewers and sewage disposal facilities of the system or the public health or safety.

SECTION 17

Protection from Damage

- 17.1 Malicious Damage - No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with or alter any structure, property, appurtenance, equipment of any other item which is part of the Sewage Disposal System or Water Distribution System.
- 17.2 MISS DIG - All property owners or their contractors are responsible to notify MISS DIG at 811 prior to any underground construction.

SECTION 18

Rates and Charges

- 18.1 Purposes of Charges - Charges for the installation of, connection to and use of water and sewage disposal systems are hereby established for the purpose of recovering the cost of construction, reconstruction, maintenance, repair, operation and replacement of the systems. Such charges shall be made in accordance with the provisions hereinafter set forth and shall be made against all users of the systems.
- 18.2 Permit Fee Charges - Charges for inspection and the issuance of permits or certificates or copies thereof required or issued under the provision of this Ordinance may be collected by the Plumbing Inspector or Water Department in advance of issuance. The amount of such charges shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.
- 18.3 Temporary Meter and Water Cost - When a permit is requested for service to a building

under construction, the owner shall pay to the Township Water Department a charge for water used during construction. In addition to said charge, a meter deposit shall be paid as prescribed by the Township Board. This meter shall be temporarily installed on the line to measure the consumption of water during construction. The owner shall pay for water used at such rate as shall be prescribed for such connections by authority of the Township Board. The owner shall be responsible for the meter and any damage to it shall be repaired at his Expense. An owner may also request a water meter for use while filling a swimming pool. The owner shall pay to the Township Water Department a charge for water used filling the pool. The above meter deposit and meter damage liability shall apply.

- 18.4 Water and Sewer Charges - The charges for service furnished by the Township sewage collection system or water distribution system shall be levied upon each lot or parcel of land, building or premises, having any sewer or water connection with the Township systems. FREE SERVICE IS PROHIBITED.
- 18.5 Establishing Rates - Charges for installation are further discussed later in this article. Charges for water are based on the quantity used as measured by the Township meter installed on each premises. (Where municipal water is available and used by the property owner, sewage collection charges shall be 75% of the water cost to the property owner.)
- 18.6 Meter for Private Well - Any property owner who is on a private water supply system and disagrees with the rate schedule established for such property owner, may at his own expense have a meter installed on his private water supply system to determine his sewage collection use. If the Township requests that a meter be installed by a property owner for either sewer or water, the Township has the right to charge said property owner for the meter plus installation cost.
- 18.7 Overhead and Maintenance Charge - The Township reserves the right to establish an overhead and maintenance charge on any system and the customers serviced by that system. The amount of the charge and the length of time that the charge will be in effect will be established by resolution of the Township Board.
- 18.8 Metering Sewage - For purposes of determining the amount of sewage used by all residential, commercial or industrial users of two unit benefits or more who have a private water supply system, the users may install at their expense a water meter to determine the amount of water used to determine sewage collection use or pay charges according to the rate schedule as established by resolution of the Township Board.
- 18.9 Special Rates - Where sewage disposal service is furnished to users not connected to the water system or in cases where users make use of large quantities of water which may be discharged into separate storm sewers, or for other miscellaneous users of water for which special consideration should be given, special rates may be fixed by resolution of the Township Board.

- 18.10 Minimum Sewage Rates - The sewage collection charge to any property owner will not be less than the current minimum sewage rate charge that has been established for property owners presently using the public water system.
- 18.11 Penalty Charges - The Township Board may by resolution provide for a minimum rate for the sewage collection or water distribution services and may further provide that a penalty shall be added if accounts are not paid on or before the 15th day of the month in which they become due.

SECTION 19

Billings

- 19.1 Date Changes - The Township reserves the right to change the dates for water and sewer billings as well as prorate any charges for the purpose of bringing bills up to date.
- 19.2 Quarterly Readings - All water meters shall be read quarterly and bills shall be rendered quarterly and shall become due and payable on or before the 15th day of the month. If any premises is billed for water on a monthly basis, it shall also be billed for sewage disposal service on the same basis.
- 19.3 Water and Sewage Billings - The bill will include the following items, where applicable:
- A. Charge for the water used.
 - B. Charge for the sewage collected.
 - C. Periodic payments for system cost and installation charges of the sewer and/or water systems and interest due.
 - D. Any additional service charges, late charges or miscellaneous charges.
- 19.4 Rental Billings - The property owner is responsible for all sewage and water billings due to the Charter Township of Alpena regardless if the property is rented out to someone other than the property owner unless otherwise stipulated in this ordinance.
- 19.5 Lease Exception - The provisions of this section shall not apply in any instance, where a lease has been legally executed, containing a provision that the lessor shall not be liable for payment of water and sewer bills occurring subsequent to the filing of an affidavit with the Township Clerk and twenty (20) days notice shall be given by the lessor of any cancellation, change in or termination thereof.
- 19.6 Responsibility of the Property Owner - It is the responsibility of the property owner to pay all sewer/water billings due within fifteen days of date of billing. If the bill is not paid

within fifteen days of date of billing, a penalty to be set by resolution of the Township Board shall be added. If the bill is not paid within thirty days of date of billing, a shut off notice shall be mailed. Shut offs will be made Monday through Friday 9 a.m. to 4 p.m. following the mailing of the notice (Refer to section 7, paragraph 4). Shut off may be avoided by paying at least ½ of the total bill, providing the balance is paid prior to the next billing.

- 19.7 Discontinued Service - A service charge as fixed by resolution of the Township Board shall be made when the use of service is discontinued for any reason and a similar charge shall be made for the resumption of said service.
- 19.8 Delinquent Deposit - Where payment of sewer or water charges have become delinquent, no further service shall be rendered to the premises until a cash deposit, fixed by resolution of the Township Board, shall have been made as security for payment of the charges and service.
- 19.9 Property Liens - The Township shall have as security for the collection of any sewer/water rates, or any assessment, charges or rentals due or to become due for the use of consumption of water supplied to or sewage collected from any house or other building or any premises, lot or lots, parcel or parcels of land, a lien upon the house or other buildings and upon the premises or lot, or parcel upon which the house or other building shall be situated or to which the sewer/water was supplied. The lien shall become effective immediately upon the distribution of the sewer/water to the premises or property supplied but shall not be enforceable until the expiration of a period of three (3) years thereafter. The official records of the Township Clerk or other proper officer or department of the Township having charge of its sewer/water system, shall constitute notice of the pendency of said lien.
- 19.10 Lien Priority - The lien created by this section shall have priority over all other liens, except taxes or special assessments, whether or not cash liens accrued or were recorded prior to the accrual of the water and sewer lien hereunder.
- 19.11 Lien Enforcement - The charges for sewer and water services which are, under the provisions of Section 21, Act 94, Public Acts of Michigan 1933, as amended, made a lien on all premises served thereby, unless notice is given that the tenant is responsible are hereby recognized to constitute such lien and whenever any such charge against any piece of property shall be delinquent for six (6) months, the Township Clerk shall certify on or before the first day of October of each year, to the Township Assessor, the fact of such delinquency, whereupon the charge shall be entered upon the next tax roll as a charge against such premises and the lien thereof enforced in the same manner as general township enforced; however, where notice is given that a tenant is responsible for such charges and service as provided by this ordinance.
- 19.12 Court Action - Unpaid water and sewer charges may also be collected by suit brought in the name of the Township against the owner or occupant of the premises, or both.

SECTION 20

Installation Charges: System Cost Charges

- 20.1 System Cost Charges - Whenever a local collector sewer or water line is constructed either through a special assessment project or as may be ordered or required by law the property owners for whom the line is designed to serve shall each pay their share of the cost of installation as herein established by the Township Board. Similarly, any property owner requesting service who has not previously paid his share of the cost of construction the local collector sewer or water line shall pay those costs as established by the Township Board at the time of construction before service is permitted.
- 20.2 Charges Titled - The charge shall be known as the Unit Benefit Charge, Lot Assessment Charge, or combination of both as prescribed at the beginning of construction of a project by the Township Board.
- 20.3 Governed by Ordinance - All system cost charges and installation cost charges to the people of the Charter Township of Alpena shall be governed by the ordinances written in this manual.
- 20.4 Cost Charge Determination - The system cost charge is determined by the number of unit benefit charges assigned to each premises and in accordance with the rules established by resolution of the Township Board.
- 20.5 Additional Interest Rate - If not paid in full, the Township may charge an interest rate 1% higher than the interest rate on the Bond Issue involved.
- 20.6 New Project Charges - On all new projects or extension of existing projects, the amount of the unit charge will be determined by the Township consulting engineers and approved by the Township Board of Trustees prior to the project or extension of such.
- 20.7 Formula for Unit Benefit Charges - The unit charge for both sewer and water shall be based on the water usage of an average residential home as established by the national average (the current average is 250 gallons a day). In reference to commercial business and industrial users unit benefit charges shall not be based solely upon water usage, but shall take into account other benefits for sewer and water. Unit benefit charges shall, in lieu of known water usage, be based on the unit benefits as more specifically set forth in Section 22 and as established in this ordinance. When a property utilizes the consumption method (as described in this Section) for determining the cost of the unit benefit charges then the property owner will be required to pay the Township the estimated unit benefit charges as “computed by the Township” upon connection to his system. The remaining charges or refund will be due or payable at the end of 12 months operation, unless the property owner’s contract is signed while the 18th month period for financing is in effect. As long as the property owner has signed a contract within that 18 month period, financing is available to them.

- 20.8 Heavy Water Usage - A heavy water user is described as any commercial, residential or industrial establishments that uses 1250 gallons a day or over. The manner of determining number of unit benefits for these establishments will be based on water consumption over the first 12 months of operation divided by the base described in Section 20.7 of this ordinance. In no case shall there be less than one unit charge imposed on a property owner.

SECTION 21

Delayed and New Hook-Ups

- 21.1 18 Month Financing Period - It is the policy of the Township to allow the property owners 18 months to connect into a system and still allow them to secure financing through the Township and terminate 18 months from the time of such approval. Anyone connecting into a sewer or water system after the 18 month grace period has expired, shall pay all hook-up charges to the Township in cash plus any other miscellaneous charges involved.
- 21.2 New Use Charge - The owner of a planned new building, or an existing building to be expanded or remodeled, shall pay in full (at the time the building permit is issued) the new or additional system cost charges designated by this ordinance. Where the system cost charges are determined by the 12 months usage rule, the owner shall pay the estimate in full (at the time the building permit is issued). Any balance or refund due shall be paid in full at the end of the twelve month period and final determination of costs.
- 21.3 Tap-In Fees - Any property owner which desires to tap into an existing water or sewer system and the service lines do not currently exist shall pay a tap-in fee as outlined in Sections 4.1 and 4.2 herein and as designated by the Township Board. The tap-in fee shall be in addition to any special assessments and unit benefit charges of said water and sewer lines.
- 21.4 Property Splits - Where a parcel of property has been split from a larger parcel within any of the water or sewer special assessment districts, the purchaser shall, in lieu of a special assessment charge, pay to the Charter Township of Alpena, a lateral charge of four hundred dollars (\$400) at the time of hook-up to any Township sewer or water line. The new property owner is also responsible for all unit benefit or other charges as written in this ordinance.

SECTION 22

Unit Benefit Charges

- 22.1 Revision Clause - This section of the Charter Township of Alpena Water Ordinances shall be titled Unit Benefit Charges of the Charter Township of Alpena. These charges are in addition to any specific assessment charges and have been established by resolution of the Charter Township of Alpena Board and shall be subject to revision by said Board at

anytime.

- 22.2 Minimum Unit Charge - The minimum charge for a residential home with a three-fourth inch water connection or four inch sewer connection to the Township's sewer or water system will be one unit charge. In the event that a second year-round home or trailer is on the same lot, the cost to that home or trailer is an additional unit charge.
- 22.3 Mobile Homes or Trailers - Each mobile home or trailer located on a residential lot not within the confines of a trailer court or park shall pay the same system cost charge as a residential home (1 unit charge).
- 22.4 Seasonal Homes – Seasonal homes that are the sole home on the lot will be charged the minimum one unit charge if incorporated on 3/4 inch connection.
- 22.5 Cabins, Motels, Seasonal Trailer Courts - If the owner's home is situated on the property, that home will be charged the one unit charge plus 1/4 unit charge for each cabin, etc., must be paid to the Township before construction can start. An additional one unit charge will be made for each common laundry room, up through 4 washers plus 1/4 unit for each additional washer. An additional one unit charge will be made for each common bath up to 4 shower heads and 1/4 unit for each additional shower head.
- 22.6 Year-Round Trailer Courts - If the home is on the premises, it is covered by subpart (22.5) of this section, title "Cabins, Motels and Seasonal Trailer Courts". The unit charge per trailer lot will be 1/2 unit charge. However, if common laundry rooms and showers are installed on the property, then there will be additional unit charges paid to the Charter Township of Alpena for each installation of this kind, as prescribed in this section Subpart (22.5).
- 22.7 Hotels – Hotels where only rooms with bath are available. The system cost charge will be based on the total amount of rooms. A 1/8 unit charge per room will be made.
- 22.8 Hotels With Apartments - There will be 1/2 unit charge for each apartment and an 1/8 unit charge for each room. If common laundry facilities are installed outside the apartment, there will be an additional charge of one unit for each of these, as per subpart (22.5) of this section. If individual laundry facilities are provided in each apartment, the unit charge per apartment will then be charged as described in subpart (22.9) of this section.
- 22.9 Condominiums and Apartment Housing - System cost will be based on the size of the apartments. For apartments with one bedroom, 1/2 unit charge; two bedrooms, 3/4 unit charge; three bedrooms, one unit charge. The system cost charge for each condominium or apartment house will be a sum total of all units per/each condominium or apartment house. If common laundry rooms are available on the premises to service the apartments, then there will be an additional charge per laundry room, as per subpart (22.5) of this section.

- 22.10 Apartment & Condominiums - Any new multiple apartment housing or condominium complex, that is not serviced in its entirety by existing Township sewer or water mains against said complex. Upon completion of the complex all sewer and water mains installed by property owners must meet all state and local specifications. All streets must be seal-coated. All sewer and water plans and designs shall be supplied to the Township by the property owner. If these requirements have been met by the property owner, the Charter Township of Alpena shall establish the unit benefit at 1/3 of the cost as described under this section of the Township Water Ordinances.
- 22.11 Complexes, Apartments, Shopping, etc. – Any which is not fully occupied at the beginning of the 12 month consumption period shall have the unit benefits computed as if the complex was fully occupied I.E. The actual usage divided by the actual occupancy shall determine the water consumption used in computing the unit benefit charges.
- 22.12 Duplexes - Will be charged a one unit charge per side. Anything in excess of a duplex will be treated as a condominium.
- 22.13 New Subdivisions - Any individual, company, or corporation constructing a new subdivision must pay the full cost of the construction of the water and sewer system in that subdivision plus each new home buyer within the boundaries of said subdivision must pay an improvement and maintenance factor equivalent to a 1/4 unit charge to Alpena Charter Township.
- 22.14 Office Buildings – Which fall under B-1 zoning. Such offices which conduct their business solely out of a staffed office will be charged 1/2 unit charge for each 3 employees with a minimum of one residential unit for each company located in a building.
- 22.15 Garages, Gas Stations, Body Shops - Automobile, bicycle, snowmobile, motorcycle, repair shops, other than those operated on home property, shall pay one unit for each 4 employees or fraction thereof.
- 22.16 Business In or On Home Property - Where a business is located in the home or on the same lot, the system cost charge will be that of the home unless an additional connection is needed to supply the business. In the event that an additional connection is necessary, an extra connection to the Townships main is required. The cost here is one unit charge or a charge equivalent to the size of the connection necessary to supply the business, whichever is greater. Branch lines from home supplies to said business buildings are prohibited.
- 22.17 Grocery Stores and Supermarkets - The system cost charges will be based on the amount of employees on the payroll nine months after the time of hookup; 2 part time employees constitutes a full time employee. Each 4 employees shall constitute one unit charge. If a shower or laundry room has been installed for employee convenience, there will be an additional charge, as per subpart (22.5) of this section. If a shower or laundry room

is constructed at a later date, then this charge must be paid to the Township before construction commences.

- 22.18 Miscellaneous Commercial Units - Clothing stores, department stores, accessory shops, appliance stores, automotive supply stores, book stores, sporting good stores, cabinet shops, upholstery shops, general merchandising (heating and air-conditioning suppliers, plumbing distributors, office suppliers), radio-TV repair shops, fruit and flower markets, theaters, paint suppliers, car dealers, fabric shops, carpet suppliers, banks, lumber companies, moving/storage businesses, furniture dealers, funeral homes, glass companies, public service suppliers, or any organization that the building inspector feels should fall into this category shall pay one unit for each 5 employees or fraction thereof (2 part-time employees constitutes one full time employee). As in every case if a shower or laundry is installed for employee convenience, an additional charge will be required, as per subpart (22.5) of this section.
- 22.19 Car Washes, Dairies - Professional farms and all other commercial establishments that are considered heavy water users by the Charter Township of Alpena, the number of units will be based on water consumption over the first 12 months of operation divided by the base described in Section 20.7.
- 22.20 Combination Business - Such as upholstery shop and car wash combination, etc. will pay the unit charges of the larger of the two, or a combination of both as determined by the Township Supervisor or his designated employees.
- 22.21 Swimming Pools - Any person wishing to construct a commercial swimming pool of normal depth for other than single family use (1 foot free board) with a surface area in excess of 240 sq. ft. must pay the Charter Township of Alpena one additional unit charge for each additional 1,000 square feet in excess of 240 square feet of surface area prior to installation.
- 22.22 New Industry - May tap into the Township water service main only upon a specific agreement between the Charter Township of Alpena and said industry. This agreement shall establish the unit benefit charge and said charge shall be determined on a basis to encourage industrial expansion within the Charter Township of Alpena.
- 22.23 Laundromats - Laundromats will be charged 1/4 unit for each washing machine.

SECTION 23

Industrial Cost Recovery

- 23.1 Creation - Pursuant to the Federal Water Pollution Act Amendments of 1972 (P.L. 92-500) and the Rules and Regulations promulgated thereunder (CFR 35.928 et. seq.), an Industrial

Cost Recovery System is hereby created. Each year during an industrial cost recovery period, each industrial user of the System shall pay its share of any grant including any amendments, thereto awarded to the System by the United States Environmental Protection Agency under the Federal Water Pollution Act. An industrial user's share shall include only that portion of the grant assistance allocable to its use.

23.2 Definitions - For the purposes of this ordinance the following words and phrases shall have the meaning respectively ascribed to them by this section unless the context in which they are used specifically indicates otherwise:

- A. Industrial Cost Recovery Period - Shall be equal to thirty (30) years or the useful life of the treatment works which were constructed with a Federal Pollution Act grant, whichever is less.
- B. Industrial Users - Shall mean all industrial users classified in the Standard Industrial Classifications Manual, 1972, Office of Management and Budget, as amended, in Divisions A, B, D, and E and those Division 1 customers discharging other than segregated domestic wastes.
- C. Industrial User's Share - Shall mean an industrial user's proportionate share of the cost required to be recovered based on that user's flow as a percentage of the total flow of all industrial users in any given year. Additionally, each industrial user shall pay a charge for concentrations of biochemical oxygen demand and suspended solids in excess of limits defined herein.
- D. Rates and Charges - Industrial users shall pay rates and charges established by resolution of the Township Board. Industrial users shall be billed and shall make payment of these rates and charges annually provided that the first payment shall not be due and payable until one year after the industrial user begins to use and receive the benefit of treatment facilities completed which have been paid for in whole or in part by the grants received.
- E. Monitoring - Employees of the System shall have the right to monitor each industrial user which discharges into the System in order to determine the appropriate rates and charges to be imposed. This shall include both retail industrial users and those industrial users receiving services through a bulk customer class. All industrial users shall be monitored on a regular basis as determined by the Director but no less often than annually.
- F. Appeal - Any industrial user shall have the right to appeal the reasonableness of the allocations of industrial cost recovery rates and charges shall include an analysis of the industrial user's discharge by an independent laboratory with a certified copy of such analysis provided to the Director by the laboratory. The Director shall review the appeal and respond to the industrial user with a letter which shall be approved by

the Township Board.

- G. Review Request - Any other party affected by the Industrial Cost Recovery System and this ordinance may also request in writing a review by the Director of the System's administration of the rates and charges imposed. Such a request for review shall specifically state the reason review is being requested and how he is affected by the Industrial Cost Recovery System. The Director shall review all information presented and respond appropriately in a letter which has been approved by the Township Board.

SECTION 24

Minimum Lot Size

- 24.1 Rules - In these ordinances where a portion of the cost for sewer or water charges is based on special lot assessment the following rules apply:
- 24.2 Small Lot Subdivision - In platted subdivisions where lots have a front footage of seventy-five feet or less, then for the purposes of these ordinances, it will require two lots to constitute a lot providing that said lots are served by a common boundary and under one ownership.
- 24.3 Small Lot Splits - If an undeveloped lot in a platted subdivision has seventy-five feet or less of frontage and is situated between two lots owned by other person(s) then that lot will be subject to the assessment charges as applicable to a large lot. However, if a person(s) does split this lot and sells half of it to the property owner(s) on each side of said lot and they agree (to the satisfaction of the Township) to maintain their portion as lawn or home property, then a special assessment will not be made on this type of lot prior to the approval of the assessment role.
- 24.4 Incorporated Lots - If a person owns three adjoining undeveloped lots of seventy-five feet or less per lot that are located in a platted subdivision, then it will be required by the Township that these three lots will be incorporated into two lots of equal size or into solely one lot after which no future splits will be allowed. Then this lot or lots will be liable for a single assessment charge per lot as prescribed by the Supervisor and Township Board.

SECTION 25

Legal Interpretations

- 25.1 Interpretation of Ordinance - In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinances, rules,

regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of the Ordinance, or which shall be adopted or issued pursuant to law relating to water and sewer systems and likewise not in conflict with this Ordinance.

- 25.2 Legal Action - The Director is hereby authorized to bring any appropriate action in the name of Alpena Charter Township, as may be necessary or desirable to restrain or enjoin any public nuisance, to enforce any of the provisions of this Ordinance to initiate criminal prosecution, and in general to carry out the intent and purpose of this ordinance.
- 25.3 Vested Right - It is hereby expressly declared that nothing in this Ordinance shall be held or construed to give or grant to any person, firm or corporation any vested right, license, privilege or permit.
- 25.4 Severance Clause - Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.
- 25.5 Additions and Deletions - The Township reserves the right to add to, delete from or rewrite all or any portion of these ordinances that said Township feels necessary to keep abreast with changing circumstances.

SECTION 26

Effective Date, Publication, Repeal

- 26.1 Effective Date – This ordinance shall become effective immediately upon its publication as required by law.
- 26.2 Publication, Recordation, Authentication – This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of the Township, and qualified under state law to publish legal notices, within 30 days after its adoption; this ordinance shall be recorded in the record of ordinances book of the Township; and the Township Supervisor and the Township Clerk shall authenticate this ordinance by placing his or her official signature upon this ordinance.
- 26.3 Repeal – The prior Charter Township of Alpena Sewer and Water Ordinance is hereby repealed.

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the Charter Township of Alpena Board of Trustees at a regular meeting held on _____.

I further certify that the following Board members were present at the meeting: Supervisor Skibbe, Clerk Palevich, Treasurer Ellery-Somers, Trustee Poli, Trustee Dunkel, Trustee Kroll, and Trustee Lappan, and that the following Board members were absent: None.

I further certify that the Board member _____ moved for adoption of the ordinance, and the motion was supported by the Board member _____.

I further certify that the following Board members voted upon roll call vote for the adoption of the ordinance: _____, and the following Board members voted against the adoption of the ordinance: _____.

Adopted and approved this ____ day of _____, _____, by the Charter Township of Alpena Board of Trustees.

Nathan Skibbe
Charter Township of Alpena Supervisor

Michele Palevich
Charter Township of Alpena Clerk