

TOWNSHIP OF BARRY
COUNTY OF KALAMAZOO, STATE OF MICHIGAN

ORDINANCE NO. 64

ADOPTED: DECEMBER 3, 2013

EFFECTIVE: JANUARY 17, 2014

ORDINANCE AMENDING SEWAGE DISPOSAL SYSTEM ORDINANCE
(ORDINANCE NO. 159)

An Ordinance to amend certain sections of the Barry Township SEWAGE DISPOSAL SYSTEM ORDINANCE RATES, USAGE, REGULATIONS, MANDATORY CONNECTION, AND ENFORCEMENT (Ordinance No. 159) (hereinafter "Sewer Ordinance"); and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF BARRY

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION 1
AMENDMENT OF SECTION 4 OF SEWER ORDINANCE PERTAINING TO
DEFINITIONS

Section 4 of the Sewer Ordinance is hereby amended by the addition in alphabetical order of the following definitions:

Commodity Fee: shall mean a fee charged for use of the System based upon a measured amount of water as measured by a water meter or sewer meter on the premises or as estimated based upon past readings of the meter, set from time-to-time by the Municipality pursuant to recommendation of the Authority.

Miscellaneous User Fee: shall mean a fee charged to Users for miscellaneous services and related administrative costs associated with the System incurred by the Authority.

Storm Water: shall mean water from rain events, including surface waters and drainage.

SECTION 2
AMENDMENT OF SECTION 5 OF SEWER ORDINANCE PERTAINING TO
CONNECTIONS TO SEWER SYSTEM

Subsections "B" and "T" of Section 5 of the Sewer Ordinance are hereby amended to read as follows:

B. Building Sewer Permits. There shall be three classes of building sewer permits:

1. Residential permits: For connection of a premise's building sewer to the available Public Sewer Service Lead.
2. Tear-down permits: For the tear-down of a premises, including the excavation to the Service Lead in order that it may be properly capped (i.e., sealed against foreign debris, dirt, Inflow and Infiltration).
3. Commercial permits: For connection of commercial, industrial, governmental and institutional uses to the System and also for required installation of grease, oil or other interceptors to protect the Owner's building sewer and the downstream portion of the System from damage.

In each respective case, the Owner or his agent shall make application on a special form furnished by the Authority. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Director and/or the Authority's engineers. The Permit Fees (also known as the Inspection and Administration Fees) for the above permits shall be determined from time-to-time by the Authority based upon Authority costs incurred for such inspection and permit handling.

T. Interceptors. Exterior grease, oil, sand or other interceptors shall be provided at the Owner's expense for industrial, commercial and residential (excluding single family dwelling units) premises where it is determined by the Authority that the wastewater discharge from said premises is deleterious to the System or causes excessive or unnecessary System maintenance. The Owner of a building existing prior to the effective date of this Ordinance may, with the prior written approval of the Director, be permitted to install and operate an interior type interceptor until such time as the Director determines that an exterior interceptor is required in order to avoid adverse impact downstream. All interceptors shall be properly maintained and operated by the Owner, shall be of a type and capacity approved by the Authority's engineers, shall be subject to approval by State or Local Plumbing Code Inspectors, and shall be located as to be readily and easily accessible for

SECTION 3
AMENDMENT OF SECTION 6 OF SEWER ORDINANCE PERTAINING TO RATES
AND FEES

Section 6 of the Sewer Ordinance is hereby amended as described below:

- A. The heading of this Section is hereby amended to read as follows:

**RATES; CONNECTION FEES; USER FEES; DEBT RETIREMENT FEES;
MISCELLANEOUS USER FEES**

- B. The first sentence of the second paragraph of Subsection A of Section 6 is hereby amended to read as follows:

The fees established herein shall be divided into four categories: Connection Fees, User Fees, Debt Retirement Fees and Miscellaneous User Fees.

- C. Subsection A of Section 6 is hereby further amended by the addition of a new Subpart 4 to read as follows:

4. Miscellaneous User Fees. The Authority shall, from time-to-time, establish by resolution and impose on one or more Users a Miscellaneous User Fee, as necessary, for the cost of miscellaneous service, repairs and costs associated with the System and incurred by the Authority as a result of the intentional or negligent acts of such User or Users, including, for example and without limitation, excessive inspection or other services not covered by other fees, costs of repairing and/or replacing a Grinder Pump, costs incurred by the Authority to shut off and turn on sewer service and costs incurred by the Authority for the treatment of Storm Water, surface water, groundwater, roof run-off, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water improperly diverted into the System.

SECTION 4
AMENDMENT OF SECTION 9 OF SEWER ORDINANCE PERTAINING TO OTHER
CONDITIONS OF DISPOSAL

Section 9 of the Sewer Ordinance is hereby amended by the amendment of Subsections D and G to read as follows:

- D. Discharge of Unpolluted Drainage to System: Unlawful. No person shall discharge or cause to be discharged, any Storm Water, surface water, ground water, roof run-off, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer of the System. If a

person is found to be discharging such water into the System, the person shall be given written notice to disconnect within 90 days or be subject to a Miscellaneous User Fee for such discharge.

EXCEPTION: For basement or foundation drain systems (e.g., b-dry type collector systems) should the Owner or occupant of the premises add 1 or more chemicals to such groundwater or subsurface drainage for maintenance purposes, the groundwater or subsurface drainage from the system may be permitted by the Authority in its sole discretion to be connected to the Public Sewer System, subject to the following conditions:

1. The Authority shall be provided by the Owner with annual written verification of the addition of such chemical(s) to the groundwater or subsurface drainage.
2. A water meter (or flow meter if a gravity connection is involved) approved by the Authority shall be installed and maintained on the groundwater discharge pipe. If there is more than one groundwater discharge pipe, such a meter shall be installed on each of the pipes or the piping be connected such that one meter can provide measurement of the total discharge from all of the pipes.
3. Installation and maintenance of an Authority-approved water meter on the drinking water well supply (if the premises is not connected to the public water system).

Meters shall be supplied by the Authority at no cost to the Owner. Installation cost of the meters shall be at the expense of the Owner and subject to inspection by the Authority at the time of installation and also at reasonable times as determined by the Authority to read or verify readings and operation of the meters. Meters shall have exterior reading capability. The Authority shall read the meters quarterly or more frequently and shall use the readings to calculate (based upon the surcharge fee rate to be established by the Authority) the quarterly surcharge fee, if any, to be paid by the Owner for the treated groundwater or subsurface drainage discharged into the Public Sewer System. Should the Owner take any action that prevents the Authority from obtaining such meter readings, the Authority, in addition to all other remedies it may be entitled to under law and this Ordinance, shall determine the quarterly surcharge to be paid by the Owner as a Miscellaneous User Fee based upon the Authority's best estimate of the volume of the treated groundwater or subsurface drainage from the subject premises into the Public Sewer System.

G. Existing Building Sewers. Existing Building Sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the Authority to meet all requirements of this Ordinance and applicable building codes. Upon connection of the premises to the Public Sewer, septic tanks and drywells shall no longer be utilized for the containment or disposal of Domestic Sewage. In the event that a property owner requests reuse of an existing building sewer, the Authority shall provide a closed-circuit televised inspection of the existing building sewer at a fee determined from time-to-time by resolution of the Authority, in order that the Authority may grant or deny permission for reuse of the building sewer. All determinations made by the Authority shall be final.

SECTION 5 SEVERABILITY

If any section, clause, sentence or provision of this ordinance is determined to be invalid by a court of competent jurisdiction, said invalidity shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 6 REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days following publication after adoption as required by law, or on January 17, 2014, whichever occurs last.

Debra Knight
Clerk

CLERK'S CERTIFICATE

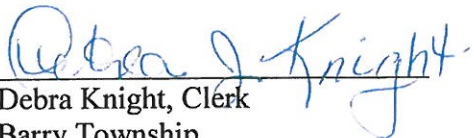
I, Debra Knight, Township Clerk of the Township of Barry, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Barry Township Board held on December 3, 2013, at 7:00 o'clock p.m., at the Barry Township Hall, located at 155 East Orchard Street, Delton, Michigan, at which the following members were present: Wesley Kahler, Debra Knight, Jim Alden, Rick Lawrence and Judith Wooer, the Board enacted and passed Ordinance No. 64, hereinbefore recorded, to become effective thirty (30) days following publication after adoption as required by law, or on January 17, 2014, whichever occurs last, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Ayes: Wesley Kahler
Debra Knight
Jim Alden
Rick Lawrence
Judith Wooer

Nays: None

I do further certify that a summary of Ordinance No. 64, including where the same could be examined and purchased, was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Barry Township, on December 12, 2013; a copy of Ordinance No. 64 was filed with the Barry County Clerk on Dec 13, 2013; and that said Ordinance No. 64 was recorded in the official Ordinance Book on Dec 13, 2013.

Dated: Dec 13, 2013


Debra Knight, Clerk
Barry Township