

**SANITARY SEWER DISTRICT NO. 1A
(MICHIGAN AVENUE SEWERAGE SYSTEM)
TOWNSHIP OF FRANKENLUST, MICHIGAN
ord. no. 45 eff. Jan 17, 1987**

An Ordinance of the Township of Frankenlust, Bay County, Michigan, establishing a sewer district to be known as the Frankenlust Township Sewerage District Number 1A, Michigan Avenue Sewerage System; to provide for the collection and disposal of sanitary sewage; to acquire and/or construct, expand and/or enlarge, and improve the sanitary sewerage system; to provide for the expansion and enlargement of said system; to provide for the appropriation and use of other revenues available to the Township to pay expenses of operation and maintenance of said sewerage system, if necessary; to provide for connection to said system; to provide for rates and charges and fees for the connection to and use of said system; to provide penalties for violation hereof, and for the protection of the health, safety and general welfare of the inhabitants of the Township of Frankenlust, County of Bay and State of Michigan.

**THE TOWNSHIP OF FRANKENLUST, BAY COUNTY, MICHIGAN
ORDAINS:**

Sec. 1. TITLE.

Be it ordained by the Township Board of the Township of Frankenlust, County of Bay and State of Michigan that this Ordinance number 45 shall be known and cited as the Frankenlust Township Sanitary Sewer District number 1A (Michigan Avenue Sewerage System).
(ord. no. 45 eff. Jan. 17, 1987)

Sec. 2. DESCRIPTION OF DISTRICT.

The description of the area comprising the said sewerage district is as follows:

Michigan Avenue, Frankenlust Township, bounded on the North by Amelith Road, bounded on the south by Freeland Road, bounded on the East by I-75 and bounded on the West by the Easterly boundary of the Bay City Country Club, upon and from which sewer originated.

(ord. no. 45 eff. Jan. 17, 1987)

Sec. 3. DEFINITIONS.

The following terms shall, for purposes of this Ordinance, have the meanings herein stated unless the context indicates that a different meaning was intended.

A. **“Board”** shall mean the Township Board of the Township of Frankenlust, County of Bay, State of Michigan.

B. **“Residential Equivalent Use Factor”** (REU) shall mean the ratio of sewage use by a premises equated to the normal single/family residence as reflected in Appendix A [25.420] attached hereto and made a part hereof. Where metered water service is provided to a premises, the historical annual water consumption, divided by 75,000 gallons, shall be used in lieu of aforementioned Appendix A [25.420] to determine the equivalent REU.

C. **“Sewage”** shall mean a combination of water carried waste from residences, or other structures referred to in Appendix A [25.420], together with such subsurface, surface and storm water as may be present.

D. **“Sewage”** shall mean a pipe or conduit for carrying sewage.

E. **“Sewerage System”** shall mean all properties, structures, manholes, pipes, equipment and conduits for the purpose of collecting, treating, testing and dispensing of domestic waste water or other waste waters, as existing now or hereafter added to expanded or improved within the Frankenlust Township, Michigan Avenue Sewerage District.

F. **“User”** shall mean any person who discharges waste into the sewerage system.

(ord. no. 45 eff. Jan. 17, 1987)

Sec. 4. OPERATION AND MAINTENANCE.

The operation and maintenance of the sewerage system shall be under the supervision and control of the Township Board of the Township of Frankenlust.

(ord. no. 45 eff. Jan. 17, 1987)

Sec. 5. CONNECTION TO SYSTEM.

It is hereby determined and declared that the sanitary sewerage system provided for by this Ordinance is essential to the health, safety and welfare of the inhabitants of the Township of Frankenlust; that all premises within the said

sewerage district as defined in Section 2 [25.402] hereof, and any extension of said district, upon which there presently exists, or any time hereafter may exist, a building or structure in which sewerage as herein defined originates, shall be connected to the said system if service is available to such premises by virtue of the presence of said system. Such connection shall be made, in the case of premises upon which a building or structure presently exists, from which sewerage as herein defined originates, and which premises are currently being serviced by a septic tank type sanitary sewerage disposal system, at such time as the Bay County Environmental Health Section, or its successor, certifies that said septic tank type sanitary system is no longer serviceable for any reason whatsoever. Such connection shall be made, in the case of future improvement of the premises, prior to occupancy or use of the building or structure built or located upon said premises. When a public sewer is available, no plat of a new subdivision within said district shall hereafter be approved, unless the developer or subdivider shall agree to install in such subdivision, at its own expense, an approved system of lateral sewers, and connect the same to the sewerage system. The sewerage system shall be deemed for purposes hereof to be available to any premises if located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts upon the premises, and which right-of-way, easement, street or public way passes not more than 200 feet distant from the building or structure on such premises from which the sanitary sewage originates; provided, however, that the Bay City Country Club being a signatory to the Sewage System Acquisition Construction Agreement dated the 18th day of August, 1986, and which agreement is referred to in Section 11 [25.411] hereof shall be allowed to connect into the said system notwithstanding that the buildings and structures located in and upon the Bay City Country Club property are located more than two hundred (200) feet from the said system.
(ord. no. 45 eff. Jan. 17, 1987)

Sec. 6. SEWER USE CHARGES.

A. Each user, whose premises are connected to the sewerage system, shall pay a quarterly charge for sewage disposal and treatment as provided in this Section 6 [25.406].

- (1) Where the premises are served by water which is metered, the quarterly charge shall be the metered water consumption or 15 TG multiplied by the REU, whichever is greater, multiplied by the rate of \$5.92 per TG. TG is the equivalent of 1,000 gallons of water.
(Amended by ord. no. 45B eff. Jan. 1, 2012)
- (2) A quarterly charge of Twenty-Five (\$25.00) Dollars for footing drain or sump pump connected to the system.

B. The Township shall have a lien on the land, residences and structures located thereon as security for the collection of sewerage system rates, assessments, charges and fees to be paid hereunder pursuant to the provisions of MCLA 123.162. Should any such charges for sewerage services rendered be delinquent for a period of six (6) months, the Township Officials in charge of the collection thereof shall certify annually on August 1 of each year to the tax assessing officer of the Township, the fact of such delinquency whereupon such charges shall by him be entered on the next tax roll as charged against said premises, and shall be collected and the lien thereof enforced in the same manner as general property taxes against such premises are collected and the lien thereof enforced; provided however, where notice is given that a tenant is responsible for such charges and service no further service shall be rendered to such premises until a cash deposit in the amount of One Hundred (\$100.00) Dollars shall have been made as security for payment of such charges and service.

In addition to the foregoing, the Township shall have the right to shut off the sewer service to any premises for which charges for sewer services are more than Twenty (20) days delinquent, and such services shall not be reestablished until all delinquent charges, penalties, actual expenses of shutting off and reestablishing said service have been paid.

In addition to any other remedy provided by law, the Township may recover such charges by instituting an appropriate action in a court of competent jurisdiction.
(ord. no. 45 eff. Jan. 17, 1987)

Sec. 7. OPERATING YEAR.

The sewerage system shall be operated on a fiscal basis, commencing on the 1st day of April, and ending on the 31st day of March.
(ord. no. 45 eff. Jan. 17, 1987)

Sec. 8. REVENUES.

The revenues of the sewerage system shall be set aside as collected and deposited in a separate depository account in a bank duly qualified to do business in the State of Michigan, and in an account to be designated Frankenlust Township Sewerage District Number 1A (Michigan Avenue Sewerage District) Receiving Fund, and said revenues so deposited shall be transferred from the receiving fund periodically in the manner and at the times hereinafter specified.

A. **OPERATION AND MAINTENANCE FUND.** Out of the revenues in the receiving fund, there shall be first set aside quarterly into a depository account, designated Operation and Maintenance Fund, a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the sewerage system, and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

B. **REPLACEMENT FUND.** There shall be next established and maintained a depository account, to be designated Replacement Fund, which shall be used solely for the purpose of making major repairs and replacements to the sewerage system, if needed. There shall be set aside in said fund, after provision has been made for the Operating and Maintenance Fund, such revenues as the Township Board shall deem necessary for this purpose not exceeding, however, twenty-five (25%) percent for the gross revenues annually derived from said system.

C. **SURPLUS MONIES.** Any surplus monies remaining after establishment of the foregoing funds and payment of the obligations of the sewerage system may, at the option of the Board, be transferred to the Replacement Fund.

D. **INSUFFICIENT FUNDS.** In the event the revenues derived from the operating of said sewerage system are insufficient in any period to provide for the current requirements of the Operation and Maintenance Fund, the Township Board may appropriate any other available income or revenues derived from any other source for such purpose.
(ord. no. 45 eff. Jan. 17, 1987)

Sec. 9. **PERMIT.**

Permits for connection to the system shall be obtained from the Township Clerk or his deputy prior to commencement of any work relating to said connection. All such connections shall meet the requirements of applicable codes and ordinances, including the plumbing code, shall be inspected by appropriate officials of the Township, and at such times as are specified in applicable codes and ordinances, and shall not be put into use until finally approved by appropriate Township Officials and/or others acting on behalf of the Township pursuant to applicable ordinances and/or codes.
(ord. no. 45 eff. Jan. 17, 1987)

Sec. 10. **VIOLATIONS, PENALTIES.**

Every person, firm, partnership or corporation violating any of the terms of this Ordinance shall be guilty of a misdemeanor, and upon conviction, shall be fined not to exceed One Hundred and no/100 Dollars (\$100.00), or by imprisonment

for not to exceed Ninety (90) days, or both, in the discretion of the sentencing judge. Each day during which violation continues shall be deemed a separate offense.

In addition to the criminal sanctions herein provided for, the Township reserves the right and shall have the authority to proceed in any court of competent jurisdiction to obtain injunctive relief or other appropriate civil remedies to prevent, enjoin, abate or remove any violation of this Ordinance.

Violations of the Ordinance shall in addition to any of the foregoing, be deemed a nuisance subject to abatement by appropriate proceedings.
(*ord. no. 45 eff. Jan. 17, 1987*)

Sec. 11. INCORPORATION BY REFERENCE.

A. There is hereby incorporated by references, made a part hereof and marked Appendix B [on file in Clerk's office] a certain Sewage System Acquisition and Construction Agreement entered into between the Township of Frankenlust, an Municipal Corporation within the County of Bay and State of Michigan; Country Club Estates, Inc., a Michigan Corporation; LaQuinta Estates, a Michigan Registered Co-Partnership; and the Bay City Country Club, a Michigan Non-Profit Corporation, and which agreement was approved by the Township Board by Resolution dated the 9th day of December, 1986.

B. There is hereby incorporated by reference, made a part hereof and marked Appendix C [on file in Clerk's office] the Northwest Utilities Authority Sewage Disposal Regulations and adopted by the Townships of Carrollton, Saginaw, Kochville, and the city of Zilwaukee and referred to therein and for purposes hereof as "Municipalities". The said Northwest Utilities Authority Sewage Disposal Regulations shall hereafter govern and apply to every residential, industrial, commercial and other users whose waste water is discharged into or flows through Sewer District No. 1A (Michigan Avenue Sewerage System). The said regulations shall be applicable only to Frankenlust Township Sewer District No. 1A.

(*ord. no. 45 eff. Jan. 17, 1987; ord. no. 45A eff. Mar. 12, 1991*)

Sec. 12. REPEAL OF INCONSISTENT ORDINANCES.

Any Ordinance or Resolution or Order in conflict with or inconsistent with the aforesaid Northwest Utilities Authority Sewage Disposal Regulations are, to the extent of such conflict, hereby repealed.

(*ord. no. 45 eff. Jan. 17, 1987; ord. no. 45A eff. Mar. 12, 1991*)

Sec. 13. SEVERABILITY.

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The publication referred to herein shall be not later than the 19th day of December 1986.

(ord. no. 45 eff. Jan. 17, 1987)

Sec. 14. PUBLICATION.

This Amendment to Ordinance no. 45, known as Sewer District No. 1A (Michigan Avenue Sewerage System), together with Appendix C referred to herein shall be published once, in full, in the Bay City Democrat, a newspaper circulating within the boundaries of the Township of Frankenlust and promptly after its adoption, the same shall be recorded in the Ordinance Book of the Township and such recording authenticated by the Township Clerk pursuant to law.

(ord. no. 45 eff. Jan. 17, 1987; ord. no. 45A eff. Mar. 12, 1991)

Sec. 15. EFFECTIVE DATE.

This Amendment to Ordinance No. 45, known as Sewer District No.1A (Michigan Avenue Sewerage System), shall become effective thirty (30) days after publication as provided for herein.

(ord. no. 45 eff. Jan. 17, 1987; ord. no. 45A eff. Mar. 12, 1991)

Adopted: December 9, 1986

Published: December 18, 1986

**APPENDIX A
RESIDENTIAL EQUIVALENT USE FACTOR**

<u>OCCUPATION USE</u>	<u>UNITS</u>	<u>UNIT FACTOR</u>
Single Family Residence	1.0	Per Residence
Country Clubs/Athletic Clubs	1.5	Per 1,000 sq. feet
Two Family Residential	1.0	Per Unit
Multiple Family Residence Duplex or Row Houses	1.0	Per Dwelling
Apartments	.5	Per Dwelling Unit
Swimming Pool--nonresidential	3.0	