

**A RESOLUTION AMENDING THE USER CHARGE SYSTEM FOR
SANITARY SEWAGE DISPOSAL SYSTEM**

**TOWNSHIP OF FORSYTH
County of Marquette, State of Michigan**

Minutes of a regular board meeting of the Township Board of the Township of Forsyth, County of Marquette, State of Michigan held in the Township Community Center on July 28, 2016, at 6:30 o'clock p.m., Eastern Daylight Time.

PRESENT: Members Clerk Nordeen, Treasurer Roberts,
Trustee Adams, Trustee Bodenus,

ABSENT: Members Supervisor Minelli

The following preamble and resolution were offered by Member Trustee Adams and supported by Member Trustee Bodenus:

WHEREAS, the Township Board of the Township of Forsyth, County of Marquette, State of Michigan (the "Township"), has established a user charge system pursuant to Ordinance No. 7-79, as amended (the "Ordinance"), in accordance with the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended, and other applicable statutes of the State of Michigan, for the use of the Township's sanitary sewage disposal system (the "System"); and

WHEREAS, the Ordinance provides that the Township Board shall from time to time by resolution fix and revise rates, fees and charges for connection to and use of the System; and

WHEREAS, the Township Board hereby determines that it is necessary for the public health, safety, welfare, and continued operation of the System, that certain rates, fees and charges for use of the System be revised.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Amendment to User Charge System. Commencing September 1, 2016, the following rates, fees, and charges for connection to and use of the System shall be effective:

Description	Fee
Monthly Base Sewer Service (Unmetered users)	\$ <u>37.00</u> per REU
Monthly Base Sewer Service (Metered users)	\$20.00 for first 2,000 gallons \$ <u>10.00</u> per 1,000 gallons above 2,000 gallons
Readiness to Serve Charge	\$15.00 Sewer temporarily not used
Debt Service charge	\$ <u>N/A</u>
Sewer Connection Charge	\$ <u>N/A</u> per REU
Application Fee for Sewer Service	\$ <u>N/A</u>
Disconnection Charge	\$ <u>N/A</u>
Reconnection Charge	\$ <u>N/A</u>

2. No Other Changes. Except as specifically set forth herein, all other rates, fees and charges for connection to and use of the System established heretofore are hereby ratified, confirmed and approved, and shall remain unchanged and in full force and effect.

3. Repealer. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

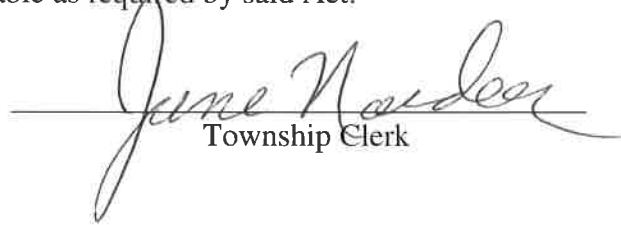
AYES: Members Trustee Bodanus, Trustee Adams,
Treasurer Roberts, Clerk Nordeen,

NAYS: Members _____

RESOLUTION DECLARED ADOPTED.

Jane Naylor
Township Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Township of Forsyth, County of Marquette, State of Michigan, at a regular board meeting held on July 28, 2016, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


Township Clerk

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**TOWNSHIP OF FORSYTH
MARQUETTE COUNTY, MICHIGAN
ORDINANCE NO. 7-79**

An ordinance to amend and restate Ordinance No. 7-79, entitled "SEWER RATE AND MANDATORY CONNECTION ORDINANCE - AN ORDINANCE ESTABLISHING RATES AND CHARGES AND PROVIDING FOR THE ENFORCEMENT THEREOF FOR THE USE AND SERVICE OF THE SANITARY SEWAGE DISPOSAL SYSTEM OF THE TOWNSHIP OF FORSYTH, MICHIGAN AND TO PROVIDE FOR THE MANDATORY CONNECTION TO SAID SYSTEM AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID SYSTEM" of the Township of Forsyth, County of Marquette, State of Michigan (the "Township") in its entirety.

Whereas, the Township has determined that it is in the best interests of the Township to amend and restate Ordinance No. 7-79 in its entirety.

NOW, THEREFORE, THE TOWNSHIP OF FORSYTH, MICHIGAN, ORDAINS:

Section I. Amendment and Restatement of Ordinance No. 7-79. Ordinance No. 7-79 is hereby amended and restated in its entirety and shall read as follows:

Section 1. Provision of Sanitary Sewage Service. The Township of Forsyth, County of Marquette, State of Michigan (the "Township") hereby determines for the health, safety, welfare, and best interests of persons residing and doing business in the Township to continue to provide for the collection, transport, treatment, and disposal of sanitary sewage from all developed properties located in the Township.

Section 2. Definition of System. Whenever the words "System" or "Sewer System" are used in this Ordinance, they shall be understood to mean the complete Sanitary Sewage Disposal System of the Township, including collectively all sewers, pumps, lift stations, treatment facilities, plants, works, buildings, and all other facilities, appurtenances, and attachments thereto, used in connection with the collection, transportation, treatment, and disposal of sewage, as are now existing, and all enlargements, extensions, repairs and improvements thereto hereafter made.

Section 3. Establishment of User Charge System. The Township hereby determines that the cost of providing the service of collection, transport, treatment, and disposal of sanitary sewage shall be paid for by users of said services from user rates, fees and charges established in compliance with and under the authority of the provisions of this Ordinance, Act 94, Public Acts of Michigan, 1933, as amended, and other applicable statutes of the State of Michigan.

The Township Board has determined that in order to assure safe collection, transport, treatment, and disposal of sanitary sewage, the System must receive sufficient total annual revenue to ensure the proper operation, maintenance, and administration of the System, the development and perpetuation of the system, and the preservation of the financial integrity of the System. The Township Board has also determined that the System shall be self-sustaining and

shall be supported solely by the revenues of the System and not dependent upon the property taxpayers of the Township.

Section 4. Management of System. In pursuance of and within the limits of applicable laws, the operation, management, maintenance and repair of the System, including collection and disposition of the revenues thereof, shall be under the supervision and control of the Township Board and said Board may employ or contract with such person or persons as it deems advisable to carry on the efficient management and operation of the System. The Township Board may make such rules, orders and regulations, as it deems advisable and necessary to assure the efficient management and operation of the System.

Section 5. Proportionality of Classification of Users According to Residential Equivalent Units (REU). The Township has investigated several methods of apportioning the cost of the System among users of the System. As part of that investigation, the Township has consulted with its engineers regarding studies of water use and sewage flows of a variety of establishments to generate a unit factor that most closely approximates the actual use by each user of the System in the absence of meters that measure flow of water to premises or sewage from a premises. Based on the Township's consultations with its engineers regarding methods of apportioning costs among classes of users, the Township has concluded that, in the absence of metered flows, the use of Residential Equivalent Units to apportion the direct and indirect costs of providing collection, transport, treatment, and disposal of sanitary sewage required from time to time by all users of the System is the fairest, most reasonable, equitable, and appropriate method.

Based upon the advice of its engineers, the Township hereby finds that the fairest, most reasonable, equitable, and appropriate method of charging System users proportionately for payment of the costs of acquiring, constructing, operating, and maintaining the System, in the absence metered flows, is to continue to administer a user charge system based on Residential Equivalent Units designed to reflect each users reasonably calculated use of the System on the basis of the type of land use of the user's premises. A Residential Equivalent Unit ("REU") shall be regarded as a normal house service connection for a single-family residence. Based upon this REU system, charges for other types of uses shall billed in multiples by multiplying the applicable rate, fee or charge, by the REU factor as shown on the REU Equivalency Table set forth at Exhibit A.

The Township hereby declares its intent to establish a program to install meters to measure the flow of municipal or private water to each user's premises. The Township hereby finds that a method of charging System users proportionately for payment of the costs of acquiring, constructing, operating, and maintaining the System based on the user's actual use as measured by the flow of water to the user's premises is preferred over the REU method and such measured flow reasonably and fairly approximates the user's actual discharge to the System.

Section 6. Rates, Fees and Charges for Sewer Services. There shall be and is hereby established the following user charge system for connection to and use of the services supplied by the System:

- (1) Monthly Base Sewer Service Charge. The Township Board shall by resolution establish a monthly base sewer service charge for the use of and for the services supplied by the System, such charge shall be levied upon all users of the Sewer System.
- (2) Readiness to Serve Charge. The Township Board may by resolution establish a readiness to serve charge to be levied upon all users of the Sewer System to pay the costs of maintaining the System and ability to readily serve such users.
- (3) Debt Service Charge. The Township Board may by resolution establish a debt service charge to be levied upon all users of the Sewer System to pay principal, interest, and administration costs of retiring debt incurred for the System.
- (4) Surcharges. If the character of the sewage of any manufacturing or industrial plant or any other building or premises is such as to impose any unreasonable burden upon the sewers or the System or upon the sewage treatment plant in excess of the maximum when it is prescribed by resolution of the Township Board, an additional charge shall be made and assessed over and above the regular rates. The Township Board may establish surcharges by resolution.
- (5) Sewer Connection Charge. Based on its investigation, the Township Board hereby finds that to ensure the stability and viability of the Sewer System for the benefit of its users, each new user connecting to the Sewer System shall pay a connection charge as provided in this section to provide sufficient service to all users of the Sewer System.
 - (a) All new users connecting to Township owned or privately owned sewers served by the Sewer System after the effective date of this section shall pay a connection charge based on the then current rate as established by resolution of the Township Board based upon costs and other factors relevant at the time of connection, which charge may be amended from time to time by resolution of the Township Board. The Township Board may provide that such connection charge may be payable in installments under terms set by resolution of the Township Board.
 - (b) Connection charges not listed, for unusual conditions and/or for commercial and industrial processed, shall be determined by the Township based on anticipated water usage in relation to similar uses in the REU Equivalency Table in Exhibit A. As a guide, one unit would be the equivalent of the average single-family residential usage for one month or 4,000 gallons. In addition, other factors may be considered in setting the connection charge amount.
 - (c) The connection charge shall be paid in advance of a land use permit being issued or a connection being installed to an existing building.

- (d) Whenever a building use changes to another use, the Township shall review the proposed use to determine if an additional connection charge should be assessed based upon the change in use.
 - (e) An additional connection charge will be levied for existing buildings if the renovation or additional usage requires a larger service line than presently exists or if the changed use will result in an increase in impact or flow contribution to the Sewer System. The size of service line must meet requirements of applicable plumbing and building codes. When an existing building is demolished and a new structure erected or a new addition is made to an existing structure, connection charges will be levied based on the usage criteria in this ordinance.
 - (f) In the event a user challenges the assignment of the connection charge, the user shall pay the amount required and must, at the same time, notify the Township that the same is being paid under protest.
 - (g) If the connection charge relates to an increase in demand on capacity, the Township shall credit against the specific amount of the connection charge the amount of any connection charge previously paid for connection of that property to the Sewer System.
- (6) New or Replacement Connections to the Sewer System.
- (a) Before a new or replacement building sewer line is installed, the property owner shall obtain a permit from the Township. The fee for said permit shall be in an amount as established by resolution of the Township Board, and the fee shall be paid prior to the commencement of work.
 - (b) Upon specific approval of the Township, the permit holder shall engage a competent contractor to install the connecting line between his or her property line and the Township sewer. All such work shall be fully inspected by the Township, and only a licensed contractor shall make the actual tap into the Township sewer, using approved methods and materials. All tap charges shall be estimated by the Township and paid in advance of a permit being issued or the tap being permitted.
 - (c) Where cutting of concrete or blacktop street surfaces is required, an additional deposit shall be made equal to the cost of making such permanent pavement repairs and replacements as are necessary to restore the street to the same condition it was in before the cutting. The deposit amount shall be determined by the Supervisor or his or her designee and shall be paid before the work begins. Upon completion of the repairs and replacements, the Township shall inspect the work to assure that the street has been restored to its prior condition in a good and workmanlike

manner. The deposit may be refunded by the Township subsequent to such inspection.

- (7) Rates for Customers With Private Water Sources. If a customer has a private water source and his or her sewage is discharged into Township sewer lines, the Township shall require that a meter be set in the private water line at the cost to the customer, which meter shall be read by the Township and such readings used by the Township to bill the customer for sewage discharge. The Township hereby finds that the most reasonable and equitable method to charge customers with a private water source for their proportionate costs of acquiring, constructing, operating, and maintaining the System is by basing such customer's use of the System on the measured flow of water from the private water source through a meter as such measurement reasonably and fairly approximates the user's actual discharge to the System. In the event that a customer with a private water source refuses to allow and/or pay for the installation of a meter in the private water line, the Township may seek injunctive, declaratory and/or monetary relief from a court of competent jurisdiction ordering the customer to comply with the terms of this Ordinance, requiring the customer to allow and/or pay for the installation of the meter, and directing the customer to provide any other relief necessary to secure the customer's compliance with this Ordinance. The Township shall be entitled to recover from the customer all attorneys' fees and costs incurred by the Township in connection with its efforts to seek any such compliance with this Ordinance.
- (8) Outside Service. All rates, fees, and charges for sewer services provided outside of the Township limits, except as otherwise agreed to in a written contract between the municipal or private customer and the Township, shall be established and may be amended from time to time by resolution of the Township Board. Such rates, fees, and charges for sewer services provided outside of the Township limits may be set at amounts higher than those charged for sewer services provided within the Township limits as permitted by law.
- (9) Disconnection Charge. Premises connected to the System in which no toilet, kitchen, laundry, bathing, or other facilities which generate water-carried sanitary sewage exist may apply to the Township for disconnection from the System and upon approval by the Township for disconnection the customer shall pay the appropriate disconnection fee as established by resolution of the Township Board.

Section 7. No Free Service. No free service shall be allowed for any user of the Sewer System. The Sewer System shall not furnish free service to the Township or to any individual, firm or corporation, public or private, or to any public agency or instrumentality.

Section 8. Billing.

- (a) It is hereby made the duty of the Township Treasurer to render bills for all rates, fees or charges related to service provided by the System and to collect all monies due therefrom.
- (b) Bills for the rates, fees and charges as herein established shall be sent monthly by the Township to users of the Sewer System. All bills shall be due and payable on the 20th day of the month following the period of service and shall be paid at the office of the Township Treasurer. All charges remaining unpaid as of the due date shall subject to an additional late charge of ten percent (10%) of the unpaid balance.
- (c) In the event a utility bill is paid by check which is later returned unpaid by the financial institution, an additional service charge in an amount determined by resolution of the Township Board shall be assessed to the account.
- (d) In the event that any charges for service of the System remain unpaid thirty (30) days following the due date, the Township shall have the right to shut off the water supply for the premises affected. Such water service shall only be restored after full satisfaction of all outstanding charges and upon payment of a water restoration charge in an amount determined by resolution of the Township Board.
- (e) The charges for services provided by the System are, under the provision of Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all premises served thereby. If any lot, parcel of land or premises served by the Sewer System are delinquent for six (6) months, the Township official in charge of the collection thereof shall certify to the tax assessing officer of the Township the fact of such delinquency, whereupon such charge shall be entered upon the next Township tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Township taxes.
- (f) In all cases where a tenant is responsible for the payment of charges for service, the landlord shall furnish to the Township a true copy of the lease or other contract evidencing the tenant's obligation to pay charges for sewer service. If the tenant fails to pay charges for the use of the System, the delinquent charges shall not become a lien against the premises, the Township shall, however, cease to provide service to the premises until the tenant pays the delinquent charges in full and pays an additional cash deposit of not less than three (3) months' service as security for payment of future charges for services.

Section 9. Fiscal Year. The fiscal year and operating year for the System shall commence on April 1st and end on March 31st of the following year.

Section 10. Rate Revisions. The Township Board may amend any of the rates, fees, or charges charged for services provided by the Sewer System by resolution at any time when review of such rates, fees, charges, costs of service, treatment or other factors related thereto indicate a rate change would be in the best interests of the Sewer System to ensure sound financial operation, maintenance and administration of the System.

Section 11. Mandatory Connection to Sewer Required.

(1) The owner of any structure in which sanitary sewage originates is hereby required at his or her expense to connect to the available public sanitary sewer system at the earliest reasonable date and in no event later than ninety (90) days after the mailing or posting on such premises of official notice to connect.

(2) As used in this section, “available public sanitary sewer system” means a public sanitary sewer system located in a right of way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the property and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.

(3) As used in this section, “structure in which sanitary sewage originates” or “structure” means a building in which toilet, kitchen, laundry, bathing, or other facilities which generate water-carried sanitary sewage are used or are available for use for household, commercial, industrial, or other purposes.

Section II. Conflict and Severability. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed, and each section of this Ordinance and each subdivision of any section hereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

Section III. Paragraph Headings. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

Section IV. Publication and Recordation. This Ordinance shall be published in full in a newspaper of general circulation in the Township qualified under State law to publish legal notices promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Supervisor and the Township Clerk.

Section V. Effective Date. This Ordinance is hereby determined by the Township Board to be immediately necessary for the preservation of the peace, health and safety of the Township and shall be in full force and effect from and after its passage and publication as required by law.

Section VI. Inspection. A copy of this Ordinance shall be available for purchase or inspection during regular business hours at the Township Hall, 186 West Flint Street, Gwinn, Michigan 49841-1360.

Dated: 7/7/2016

TOWNSHIP OF FORSYTH

BY: Jane Nordeen
Jane Nordeen, Township Clerk

CERTIFICATE

I hereby certify that the foregoing Ordinance was adopted by the Township Board of the Township of Forsyth at a meeting held on June 28, 2016 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, Public Act 267 of 1976, as amended.

Jane Nordeen
Jane Nordeen, Township Clerk

EXHIBIT A
REU EQUIVALENCY TABLE

FORSYTH TOWNSHIP SEWER SERVICE CHARGE EQUIVALENT USER TABLE		
DESIGNATION	USER TYPE	REU USER FACTOR
SW 00	No sewer service	0
SW 02A	AUTO REPAIR/COLLISION/BODY SHOPS	1.00
SW 02B	ADULT CARE CENTER	1.00
SW 00	BALLFIELD	0
SW 02C	BANKS	1.00
SW 02D	BARBER SHOPS	1.00
SW 09A	BARS (including restaurants within bars)	1.00
SW 09B	BARS (including restaurants within bars)	1.80
SW 09C	BARS (including restaurants within bars)	2.60
SW 02E	BEAUTY SHOPS	1.00
SW 02E1	BEAUTY SHOPS plus apartment	2.00
SW 20A	CAR WASHES (self-service)	2.50
SW 20B	CAR WASHES (automatic, no conveyor)	10.00
SW 02 F	CHILD CARE CENTERS	1.00
SW 01CA-1	CHURCHES	1.00
SW 01CA-2	CHURCHES	2.00
SW 01CB	CHURCH W/CHILD CARE CENTER	
SW 02GA	CLEANERS (pick-up only)	1.00
SW 02GB	CLEANERS (pressing facilities)	1.00
SW 02AD	COMMUNITY CENTER	4.00
SW 02H	DENTISTS	1.00
SW 02I	DOCTOR'S OFFICES	1.00
SW 02J	DOG GROOMING PARLOR	1.00
SW 02K	DRUG STORES	1.00
SW 08	FIRE STATIONS (volunteer)	1.73
SW 02L	FRATERNAL ORGANIZATIONS (members only)	1.00
SW 02M	FUNERAL HOMES	1.00
SW 02N	GROCERY STORES & MARKETS	1.00
SW 02O	HOTELS & MOTELS (private baths)	4.33
SW 02P	ICE SKATING RINK	1.20
SW 18	LAUNDROMATS – SELF-SERVICE	0.50/washer
SW 02Q	LIBRARY	1.00
SW 02R	LUMBERYARDS	1.00
SW 00	MAINTENANCE GARAGE	0

FORSYTH TOWNSHIP SEWER SERVICE CHARGE EQUIVALENT USER TABLE		
DESIGNATION	USER TYPE	REU USER FACTOR
SW 02T	MOBILE HOMES	1.00/pad
SW 15	MULTIPLE FAMILY RESIDENCES	1.00/apt
SW 02U	MULTI - USE COMMERCIAL	1.00
SW 02V-A	OFFICE BUILDINGS	0.89
SW 02V-B	OFFICE BUILDINGS	1.00
SW 02V-C	OFFICE BUILDINGS	1.19
SW 02W	POST OFFICES	1.25
SW 02XA	RESTAURANTS – FAST FOOD (including drive thru & primary drink service)	1.19
SW 02XB	RESTAURANTS – W/LIQUOR LICENSE	1.19
SW 02XC	RESTAURANTS – MEALS W/SERVICE & DISHES	1.19
SW 02XD	RESTAURANTS – TAKE-OUT	1.00
SW 02Y	RETAIL STORES	1.00
SW 04	SCHOOLS – w/o showers and/or pool	1.00
SW 02ZA	SERVICE STATIONS – gas service	1.00
SW 02ZB	SERVICE STATIONS – with auto repair	1.14
SW 02ZC	SERVICE STATIONS – with mini mart	1.19
SW 02ZD	SERVICE STATIONS W/CAR WASH (production line w/o recycle)	34.00
SW 02ZE	SERVICE STATIONS W/CAR WASH (production line w/recycle)	9.40
SW 02ZF	SERVICE STATIONS W/CAR WASH (semi-auto, no conveyor)	15.00
SW 02ZG	SERVICE STATIONS W/CAR WASH (self-service)	3.50
SW 01	SINGLE FAMILY RESIDENCES	1.00
SW 02AA	TRAILER PARKS (central bath units)	0.40
SW 02AB	TRAILER PARK/CAMPGROUND (individual baths)	0.50
SW 02AC	WAREHOUSES & STORAGE	1.00