

**ACME TOWNSHIP  
GRAND TRAVERSE COUNTY, MICHIGAN**

**BOARD OF TRUSTEES RESOLUTION #R-2016-15**

**ACME TOWNSHIP RESOLUTION ADOPTING SEWER ORDINANCE**

At a regular meeting of the ACME TOWNSHIP BOARD OF TRUSTEES held on March 1, 2016 the ACME TOWNSHIP BOARD OF TRUSTEES adopts the following resolution.

WHEREAS, The Township Board of Trustees originally adopted the Sewer Operation and Maintenance Ordinance on February 3<sup>rd</sup>, 1975 ("Ordinance");

WHEREAS, the Acme Township Board of Trustees has amended the Ordinance on multiple occasions; and

WHEREAS, the amendments to the Ordinance are difficult to piece together and the attached Amended and Restated Ordinance compiles those amendments into one uniform document.

NOW THEREFORE, BE IT RESOLVED that the Acme Township Board adopts the attached Amended and Restated Ordinance to Provide for the Operation and Maintenance of Grand Traverse County Sewage Disposal System No. 2.


This Amended and Restated Ordinance shall be published once, within 30 days of today's date, in the Traverse City Record Eagle and shall take effect 30 days after the date of publication.

This Amended and Ordinance shall be recorded in the Township's ordinance book as set forth in MCL 41.185.

Yes: Dye, Scott, White, Jenema, LaPointe, Zollinger, Aukerman

No:

Abstain:

  
\_\_\_\_\_  
Jay B. Zollinger, Supervisor

  
\_\_\_\_\_  
Cathy Dye, Clerk

**AMENDED AND RESTATED ORDINANCE TO PROVIDE FOR THE  
OPERATION AND MAINTENANCE OF GRAND TRAVERSE COUNTY  
SEWAGE DISPOSAL SYSTEM NO. 2 (ACME TOWNSHIP) ON A PUBLIC  
UTILITY BASIS UNDER THE PROVISIONS OF ACT 94,  
PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED**

March 1, 2016

THE TOWNSHIP OF ACME HEREBY ORDAINS:

**Section 1.** It is hereby determined to be desirable and necessary for the public health, safety and welfare of the Township of Acme that the Grand Traverse County Sewage Disposal System No. 2 (Acme Township) be operated by said Township on a public utility rate basis in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

**Section 2. Definitions**

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

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

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

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

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

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

THE SYSTEM means the complete Grand Traverse County Sewage Disposal No. 2 (Acme Township), including all sewers, pumps, lift stations, flowage rights in interceptors of other systems, treatment facilities, or interests therein, and all other facilities uses or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which hereafter be acquired.

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

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

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

**Section 3.** The operation, maintenance, alteration, repair, and management of the System shall be under the supervision and control of the Grand Traverse County Board of Public Works, subject to the terms of the contract effective January 1, 1985 as amended entitled: "Operating Agreement for Grand Traverse County, the Grand Traverse County Board of Public Works, and the

Townships of Acme, East Bay, Garfield, Peninsula and Elmwood.” Said Board may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System, and the Township shall set the rates and charges for the use of the System unless otherwise provided pursuant to said contract.

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

Sewer Charges. On the date that this Amended and Restated Ordinance takes affect, the current sewer use rates, and benefit and riser charges for the System shall remain as previously set by resolution of the Township Board. The residential equivalent unit and the schedule of residential equivalents shall be set as the attached Exhibit 1.

All future sewer use, benefit and riser charges, residential equivalent unit, and the schedule of residential equivalents for the system, which shall include all existing and future Acme Township sewer systems, shall be established and adjusted by resolution of the Acme Township Board of Trustees. Notice of any resolution establishing or adjusting sewer use, benefit or riser charges shall be published in the Traverse City Record-Eagle at least once between 5 and 14 days before the meeting where the resolution is to be considered. The effective date of any changes that are established or adjusted by resolution shall be determined by the Township Board of Trustees in its discretion and shall be stated in the resolution.

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

When industrial users as defined in 40 C.F.R. 905-8 are serviced by the collecting sewers constructed by Grant C263242-02, funded under Title II of Public Law 92-500, an Industrial Cost Recovery System in accordance with 40 C.F.R. 35.923 will be established for those portions of the collecting system funded under Title II of Public Law 92-500.

Billing. Bills will be rendered at least quarterly, payable without penalty within fifteen (15) days after the date thereon. Payments received after such period shall bear a penalty of ten percent (10%) of the amount of the bill.

Enforcement. The charges for 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 a 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 official or officials in charge of the collection therefor shall certify annually, on September 1<sup>st</sup> of each year, to the tax assessing officer of the Township the facts of such delinquency, whereupon such charge shall be by him entered upon the next 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 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 as provided by Section 21, no further service shall be rendered such premises until a cash deposit in the amount of \$100.00 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 sewer service to any premises for which charges for sewer service are more than three (3) months delinquent, and such service shall not be re-established until all delinquent charges and penalties and a turn-on charge, to be specified by the Township Board, have been paid. Further, such charges and penalties may be recovered by the Township by court action.

Lateral Benefit Charge. There shall be paid on behalf of any premises making a direct private service line connection to any sewer line of the System which has not been either privately constructed and paid for on behalf of said premises or publicly financed at least in part by means of special assessments levied against the property on which said premises are located, for the privilege of making use of said public sewer line as a sanitary sewer lateral, at the time of application for a tap permit, a lateral benefit charge measured by the footage abutting the line tapped. The following sewer lines are subject to a lateral charge in the amounts and methods specified.

1. U.S. 31 North - Shore Road sanitary sewer which extends from Manhole #A23 or Shore Road to Manhole #H-1 on U.S. 31, then North along both sides of U.S. 31 to Manhole #H-5 and H-1B

80 feet of Property or less \$2,400.00

Provided however, any property with abutting frontage which exceeds 80 feet shall pay an additional lateral benefit charge of \$30.00 per foot of abutting property in excess of 80 feet.

Payment of the lateral benefit charge shall be made in full at the time of obtaining a permit to connect to the sanitary sewer.

2. Huffman Road - Holt Road sanitary sewer which extends along Huffman Road from Manhole #40G to Manhole #40I and North on Holt Road from Manhole #40I to the clean out.

80 feet of property or less \$1,376.00

Provided however, any property with abutting frontage which exceeds 80 feet shall pay an additional lateral benefit charge of \$17.20 per foot of abutting property in excess of 80 feet.

Payment of the lateral benefit charge shall be made in full at the time of obtaining a permit to connect to the sanitary sewer.

**Section 5.** No free service shall be furnished by said System to any person, firm or corporation, public or private, or to any public agency or instrumentality.

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

**Section 7.** The rates hereby fixed by the Township Board are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the said System as are necessary to preserve the same in good repair and working order, to provide for the payment of the contractual obligations of the Township to the County of Grand Traverse pursuant to the aforesaid contract between the County and the Township of Acme

as the same become due, and to provide for such other expenditures and funds for said System as this ordinance may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts, as set out in Section 4.

Section 8. The System shall be operated on the basis of a fiscal year corresponding with that of the Township.

Section 9. The revenues of the System shall be set aside as collected and deposited in a separate depository account in a bank duly qualified to do business in Traverse City, Michigan, in an account to be designated Sewage Disposal System Receiving Fund (hereinafter "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 System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

(B) Contract Payment Fund

There shall be established and maintained a depository account to be designated Contract Payment Fund, which shall be used solely for the payment of the Township's obligations to the County of Grand Traverse pursuant to the aforesaid contract. There shall be deposited in said fund quarterly after requirements of the Operation and Maintenance



Fund have been met such sums as shall be necessary to pay said contractual obligations when due. Should the revenue of the System prove insufficient for this purpose, such revenue may be supplemented by any other funds to the Township legally available for such purpose.

(C) Replacement Fund

There shall next be established and maintained a depository account designated Replacement Fund, which shall be used solely for the purpose of making major repairs and replacements to the System if needed. There shall be set aside into said fund after provision has been made for the Operation and Maintenance Fund and the Contract Payment Fund such revenues as the Township Board shall deem necessary for this purpose.

(D) Improvement Fund

There shall next be established and maintained an Improvement Fund for the purpose of making improvements, extensions and enlargements to the System. There shall be deposited into said fund after providing for the foregoing fund such revenues as the Township Board shall determine.

(E) Surplus Moneys

Moneys remaining in the Receiving Fund at the end of any operating year after full satisfaction of the requirements of the foregoing funds may, at the option of the Township Board, be transferred to the Improvement Fund or used in connection with any other project of the Township reasonably related to purposes of the System.

(F) Bank Accounts

All moneys belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the Township within this single bank account in the manner above set forth.

**Section 10.** In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any moneys and/or securities in other funds of the System, except sums in the Contract Payment Fund derived from special assessments or tax levies, shall be transferred to the Operation and Maintenance Fund to the extent of any deficit therein.

**Section 11.** Moneys in any fund or account established by the provisions of this ordinance may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Act 94, Public Acts of Michigan, 1933, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

**Section 12.** 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.

**Section 13.** All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

**Section 14.** This ordinance shall be published once, in full, in the Traverse City Record-Eagle, a newspaper of general circulation within the boundaries of the Township and 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 15.** This ordinance shall become effective 30 days after its publication.

  
Jay B. Zollinger, Supervisor

**Certification**

I, Cathy Dye, being the duly elected and acting Clerk of Acme Township, Grand Traverse County, Michigan, hereby certify that (1) the foregoing is a true and complete copy of an Ordinance duly adopted by the Township Board at a Regular meeting held March 1, 2016, at which meeting a quorum was present and remained throughout, (2) that an original thereof is on file in the records of the Township, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan 1976), and (4) minutes of such meeting were kept and will be or have been made available as required.

  
Cathy Dye, Clerk

Acme Township -Table 1		Approvd March 2016
SCHEDULE OF RESIDENTIAL EQUIVALENTS	Benefits	NEW SCHEDULE
All buildings connected to sewer and/or water are 1.00 benefit minimum regardless of size. Residential 1.00 benefit for the home + .50 minimum for businesses within a home.		1 benefit equals approximately 200 gallons per day
Single family homes/Duplex	1.00	benefit each unit
Apartments 2 bedrooms, Bath and 1/2	0.50	Per unit
Apartment more than two bedrooms or 2 full baths	1.00	benefit each unit
Assisted Living, Convalescent and/or Nursing homes		
Per bed without Kitchen/Kitchenette	0.25	per bed
Double occupancy room (up to 2 people) with Kitchen/Kitchenette	0.50	per room
Auto/Boat/Snowmobile Dealers, etc. & Repair Facilities		
Per Service Stall	0.30	per stall +
+ other areas based on their use-office/storage, etc.		other areas at their rate
Barber, Beauty, Massage, Nail, Tanning Shops - based on 1.00 benefit	1.00	benefit +
+ number of chairs at .10 per chair	0.10	per chair
Bar		
50.1% or more of its revenue from the sale of alcoholic drinks	0.10	per seat
Bowling Alleys	0.16	per alley
Car Washes		
Manual/wand type - out of car operation - usually self serve	1.00	per stall
Automatic-Driver stays in the car	12.00	per lane
Churches	1.00	benefit +
+ .10 per 1,000 sq. ft.	0.10	per 1,000 sq. ft.
Cleaners - based on sq. ft.	2.00	benefits per 1,000 sq. ft. +
+ number of presses	2.00	benefits per press
Clubhouse - within a subdivision and or condo association (not a "public" meeting area-private for residents only.)	0.50	per 1,000 sq. ft.
Day Care Center Adult or Child	1.00	benefit +
	0.10	per person (adult/child)
Distillery/Winery/Tasting Rooms	0.10	per seat
Like manufacturing (+ Industrial Pre-Treatment Processing as required by OMI/WWTP Operators)		Minimum of 1.00 benefit for tasting room area
Food Court Vendors with shared seating	2.00	per vendor
Fraternal Organizations	1.00	for the first 2,000 sq. ft +
	0.50	per 1,000 sq. ft.
Garage-residential with water hooked to it for a sink or bathroom	0.00	
If it is being used as a residential unit see apartment/residential unit above.	1.00	benefit per unit
Gas Station/Service Station	0.25	benefits per fill-up location +
Plus retail areas and repair stalls at their rate		other areas at their rate
Grocery Store - Party/Liquor Store ("party" as in a store like 7-11, Geyer's Party Haus not a store selling party decorations-see retail for this type) (For other types of stores see Offices/Banks/Retail/Stores/Work areas below)		1.00 per 1,000 sq. ft.
	0.50	per 1,000 sq. ft.
Gyms	0.70	per 1,000 sq. ft. +
Tennis Courts - (Inside a gym.)	0.25	per court

Racquetball Court - (Inside a gym.)	0.25	per court
Swimming Pool - (Inside a gym if not used for competitions/spectator events.)	1.00	benefit
Hotels or Motels		
Units under 400 ft w/o kitchen	0.50	per unit without a kitchen
Units under 400 sq. ft.w/a kitchen	0.25	with a kitchen
Units under 400 ft w a hot tub	0.25	adder
Units over 400 sq. ft.	1.00	
Laundry - Self Service	0.50	per washer
Manufacturing (exclusive of Industrial Waste)	0.50	per 1,000 sq. ft.
Manufacturing (+ Industrial Pre-Treatment Processing as required by OMI) (Same rates for us but must meet any requirements by OMI/WWTP operators)	0.50	per 1,000 sq. ft.
Marina Building (bathrooms & showers for boaters) 2010-Lowered the rate but recheck each year.	0.75	per 1,000 sq. ft.
Meat Market or Produce Market	2.50	per 1,000 sq. ft.
Mobile Home Parks	1.00	benefit per home space
Offices-Chiropractic, Dental, Medical, etc.	1.00	benefit +
	0.50	per exam chair/room/table
Offices/Banks/ Retail/Stores/Work Areas	0.50	benefit per 1,000 sq. ft.
Residential 1.00 benefit for the home + .50 minimum for businesses within a home.		based on type of business in the home
Stores: Clothing, Drapery, Drug, Gift, Fabric, Furniture, Retail, etc. (Grocery - Party store see above)	1.00	per 1,000 sq. ft.
Examples of Work Areas: Where anything is manufactured, assembled, coated, prepared painted for manufacturing, and or tested, etc.		
Public Meeting Spaces	1.00	benefit per 1,000 sq. ft.
Racquetball/Tennis Courts (stand alone-not inside a gym) 1.00 benefit + .25 per court	1.00 0.25	benefit + per court
Restaurants	0.125	per seat
Restaurants-Outdoor seating: patio/deck	0.014	per sq. ft
Residence (single family-whether a home, apartment, mobile, or modular home) Residential 1.00 benefit for the home + .50 minimum for a businesses within a home.	1.00	benefit each based on type of business in the home
Roller Rinks	1.00	benefit per 1,000 sq. ft.
Schools	0.30	per classroom
Snack Bars - Inside an establishment (Drive-In, etc. providing no alcohol)	0.10	per seat
Sporting Events that serve alcohol	0.004	per seat
Swimming pools-Pool Areas inside an establishment that is not a recreational facility- (like a hotel/motel)	1.00	benefit per pool
Swimming pools-Pool Areas: Olympic size or associated with a recreation facility- with competitions/spectators during events	1.00	benefit per 1,000 sq. ft.
Warehouse (loading/unloading trucks or racks with stored material) And/Or Storage (areas used as "cold" storage only - nothing is manufactured, assembled, coated, prepared for manufacturing, and/or tested. If work is done in the area see Office/Stores/Work Areas above.)	0.10	per 1,000 sq. ft.
ALL COMMERCIAL BUILDINGS ARE REQUIRED TO HAVE AN INSPECTION MANHOLE.		
ALL ESTABLISHMENTS THAT DO ANY KIND OF FOOD PREPARATION NEED A GREASE TRAP.		