

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
AUGUST 6, 2007
ADOPTED MINUTES
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1. CALL TO ORDER

The regular meeting of the Superior Charter Township Board was called to order by the Supervisor at 7:30 p.m. on August 6, 2007, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

2. PLEDGE OF ALLEGIANCE

The Supervisor led the assembly in the pledge of allegiance to the flag.

3. ROLL CALL

The members present were William McFarlane, Kay Williams, Brenda McKinney, Nancy Caviston, Rodrick Green (late), Lisa Lewis (late), and David Phillips.

4. ADOPTION OF AGENDA

It was moved by Williams, supported by McKinney, to adopt the agenda as amended.

The motion carried.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF JULY 16, 2007

It was moved by Caviston, supported by McKinney, to approve the minutes of the regular Board meeting of July 16, 2007, as presented.

The motion carried.

6. CITIZEN PARTICIPATION

There was none.

7. REPORTS

A. SUPERVISOR

The Supervisor reported on five items:

1. ITC Transmission will be maintaining and painting the high voltage transmission lines, towers, and equipment in the Township this fall.

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2. The Township Engineers, OHM, have applied for the permits for the Clark Road non-motorized trail and the Utility Department water and sewer replacement project along Clark Road.
3. The MacArthur non-motorized trail that was constructed last year is complete except for the final paperwork.
4. The Legal Defense Fund Millage has proved useful for paying attorney fees for pending litigation with ACO, who is appealing the decision favorable to the Township; Rock, also appealing the decision for the Township; and Hummana which is not in court but the Planning Commission has passed a motion of intent to deny on July 25.
5. The Sidewalk Program will be more expensive than anticipated as the ramps to the street must meet the new ADA standards of no more than a 2% grade. To meet that grade, in some locations several flags must be replaced. And the ramp across the street from the new ramp must be replaced to the same standard as well. Homeowners must replace damaged sidewalks in the front of their homes, but the Township is responsible for the ramps to the street.

B. DEPARTMENT REPORTS: FIRE DEPARTMENT, OHM MONTHLY REPORT, PLANNING MONTHLY REPORT, PARK COMMISSION MINUTES

It was moved by McKinney, supported by Green, that the Fire Department Report for July, the OHM Monthly Report, and the Report on Planning Department Activities for July 2007, and the Park Commission minutes for May 24, 2007 be received.

The motion carried.

8. COMMUNICATIONS

A. HYUNDAI SISTER CITY INVITATION

Hyundai-Kia Motors has invited the Township Officials to travel to Korea with HATCI to commence discussions about forming a "Sister City" relationship between Superior Charter Township and local governmental leaders of Hwasung City in Korea where Hyundai-Kia R&D headquarters are located. The Officials will leave on September 9 and return September 15, 2007. Hyundai-Kia will provide the accommodations, meals, and transportation while in Korea; the Officials are responsible for airfare. The

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purpose of the trip is to develop a good working relationship between the communities and foster economic development and civic responsibility.

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board receive the invitation from Hyundai-Kia to travel to Hwasung, Korea, with great pleasure as the Board appreciates that Hyundai-Kia wishes to foster the "Sister City" relationship between Hwasung City and Superior Charter Township by offering to initiate the first meeting of the local officials and contributing to this first visit; the good will offered by such a visit will enhance and foster further economic development to Superior Charter Township; the Board further designates Supervisor McFarlane, Clerk Williams, Treasurer McKinney, Trustee Caviston, and Fire Chief Roberts as the Officials who will represent Superior Charter Township at this historic meeting.

The motion carried.

McFarlane noted that no Township tax dollars will be spent on this trip.

B. AATA A-RIDE

During the month of April 18 residents used A-Ride Service for persons with disabilities/or senior citizens 231 times, during May 22 residents used the service 270 times, and during June 18 residents were served 180 times.

There is an increase in the number of seniors using the service, many of them from St. Joseph Mercy Health Systems which does not pay taxes to provide the service. If this continues, the Supervisor will contact SJMHS about the situation.

It was moved by Caviston, supported by McKinney, that the AATA A-Ride report for April, May, and June 2007 be received.

The motion carried.

9. UNFINISHED BUSINESS

There was none.

10. NEW BUSINESS

A. WASTE HAULER CONTRACT

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The contract with the Township current waste hauler for residential customers, Allied Waste, ends September 30. The Township has been working with Jim Frey of Resource Recycling Systems, the City of Ypsilanti, and Ypsilanti Township to prepare a joint bid for the area. The bids have been returned with a separate bid for Superior Township waste hauling, as well as the joint bid. Three companies submitted bids for the proposed five-year contract: Republic, Duncan, and Waste Management. Jim Frey developed a scoring system for the bids. Republic Services had the highest score and the lowest pricing.

Stephanie Glysson, Director of Government Affairs, and Jim Young, Operations Manager, were present to answer questions.

It was moved by Caviston, supported by McKinney, that the Superior Charter Township Board adopt the following resolution:

**SUPERIOR CHARTER TOWNSHIP BOARD
WASHTENAW COUNTY, MICHIGAN
AUGUST 6, 2007**

**A RESOLUTION TO CONTRACT WITH REPUBLIC SERVICES FOR
RESIDENTIAL COLLECTION OF SOLID WASTE, YARD WASTE AND
RECYCLABLES IN SUPERIOR CHARTER TOWNSHIP**

WHEREAS Superior Charter Township Ordinance 65 provides for the collection of residential waste by contract of a single hauler; and

WHEREAS the Township has employed the services of Resource Recycling Systems, Inc. to assist in the procurement of bids and prepare a recommendation of a preferred hauler; and

WHEREAS the three bids for the contract were analyzed and reviewed by the Supervisor, Clerk, and Treasurer with the assistance of Resource Recycling Systems, Inc.; and

WHEREAS after examining the proposals against organizational and technical criteria which demonstrated ability and experience to provide service for each vendor; and

WHEREAS Republic Services is the most cost effective and provides the highest quality service for Superior Township residents;

NOW, THEREFORE, BE IT RESOLVED that the Superior Charter Township Board authorizes the Supervisor to sign the contract with Republic Services for residential collection of solid waste, yard waste, and recyclables for five years with two one-year

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extensions for a cost per household for the first year of \$182.16 with 3% increases each subsequent year billed quarterly by Republic Services to each contracting household for unlimited cans/bags along with 96 gallon curb-cart provided by contractor, with call to arrange scheduled bulk item pickup with disposal, with bag/tag option, \$1,500.00 per year payment to Superior Township for recycling education, with call to arrange roadside pickup when necessary, and with scheduled collection routes on Monday, Tuesday, and Wednesday weekly with one-day delay for holidays.

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Caviston, Green, Lewis, Phillips

Nays: None

The motion carried.

B. PLYMOUTH NURSERY DEVELOPMENT AGREEMENT

The Planning Commission approved the final site plan for the expansion of Plymouth Nursery and the staff has reviewed the proposed development agreement.

Jeff Jones was present at the meeting.

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board authorizes the Supervisor to sign the following development agreement for Plymouth Nursery:

**SUPERIOR CHARTER TOWNSHIP
DEVELOPMENT AGREEMENT
PLYMOUTH NURSERY**

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into as of the 6th day of August, 2007, by and between Plymouth Nursery, Inc., whose address is 9900 Ann Arbor Road, Plymouth, MI 48170 ("**Owners/Developers**"), and the Charter Township of Superior, whose address is 3040 N. Prospect Road, Ypsilanti, Michigan 48198 (the "**Township**").

RECITALS

A. WHEREAS, the Developer desires to develop an overall parcel size totaling approximately 19.31 acres, which real property is described on Exhibit "A"

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- attached hereto and made a part of this Agreement, which is located on Ann Arbor-Plymouth Road, which property currently consists of an existing 12,000 square foot office building, an existing 7,200 square foot store, plus green houses and plant display area. The commercial development proposes a 4,800 square foot addition to the east of the existing building, improvements to the vehicular parking lots, and new greenhouses; and
- B. WHEREAS**, the Developer desires to expand the commercial business pursuant to the Superior Township Zoning Ordinance No.134, as amended and pursuant to all applicable Articles and Sections; and
- C. WHEREAS**, the Developer desires to improve all necessary on-site infrastructure, such as, but not limited to septic tile fields, aboveground storm water detention, entrance drives, parking, without the necessity of special assessments by the Township; and
- D. WHEREAS**, agreements, approvals, and conditions agreed to by the Developer and the Township remain in effect, including, but not limited to, conditions of all approvals by the Township regarding zoning and final site plan approval for the entire Development and permits that may have been issued by appropriate governmental review agencies for the subject site; and
- E. WHEREAS**, on April 25, 2007, the Township's Planning Commission passed a motion to approve the final site plan for the Development conditioned upon satisfying the items identified by Township Engineer including receiving the necessary permits from the Washtenaw County Road Commission;
- F. WHEREAS**, the Planning and Engineering Consultants' determined that all of the conditions of final site plan approval had been satisfied, and the parties having therefore determined that the date of July 25, 2007, shall constitute the date of the final site plan based upon all Planning Conditions being met; and
- G. WHEREAS**, the approved final site plan for the Development is consistent with the purposes and objectives of the Township's Zoning Ordinance pertaining to the use and development of the Development; and
- H. WHEREAS**, Section 10.04F1 of the Township's Zoning Ordinance requires the execution of a Development Agreement in connection with the approval of the final site plan for the Development, which Agreement shall be binding upon the Township, Developer and the owners of the site, their successors-in-interest and assigns;

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NOW, THEREFORE, in consideration of the premises and the mutual covenants of the parties described in this Agreement, and with the express understanding that this Agreement contains important and essential terms as part of the final approval of the Developer's final site plan of the Development, the parties agree as follows:

**ARTICLE I
GENERAL TERMS**

- 1.1 Recitals Part of Agreement.** Developer and the Township acknowledge and represent that the foregoing recitals are true, accurate and binding on the respective parties and are an integral part of this Agreement.
- 1.2 Zoning District.** The Township acknowledges and represents that the Development is zoned PC (Planned Community) for the development and for purposes of recordation shall be referred to as Plymouth Nursery Expansion.
- 1.3 Approval of Final Site Plan.** The amended final site plan, dated 7-25-07, a copy of which is attached hereto and made a part hereof, has been approved pursuant to the authority granted to and vested in the Township pursuant to Act No. 110, Public Acts of 2006, as amended.
- 1.4 Conditions of Final Site Plan Approval.** Developer and the Township acknowledge that the approved final site plan for the Development incorporates the Township's approved conditions and requirements that were adopted by the Township Planning Commission, the Township Zoning Board of Appeals, consultants and departments of the Township.
- 1.5 Agreement Running with the Land.** The terms, provisions and conditions of this Agreement shall be deemed to be of benefit to the Development described herein, shall be deemed a restrictive covenant which shall run with the land and be binding upon and inure to the benefit of the parties, their successors and assigns; and may not be modified or rescinded except as may be agreed to in writing by the Township, the Developer and/or their respective successors and assigns. This restrictive covenant shall be incorporated by the appropriate executed instruments into the title of the Development. Anything to the contrary herein notwithstanding, no person who is neither a party hereto or the successor or assignee of a party shall be deemed an intended contractual beneficiary of this Agreement or have the right to commence any lawsuit or proceeding to enforce this Agreement or any portion thereof.

ARTICLE II

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PROVISIONS REGARDING DEVELOPMENT

2.1 Permitted Principal Uses. The only permitted principal uses within the Development shall consist of the following:

- Expand garden center building.
- Add additional greenhouses and shade garden areas
- Parking increased to a maximum total in Phase I of 67 spaces, with an additional 62 paved parking spaces deferred to a later date.
- Add covered walkways.
- Reconfigure nursery display area.
- Pave existing vehicular parking area.
- Expand existing storm sewer system.

2.2 Storm Water Management: No part of the storm water detention area located within the Development shall be allowed to remain in an unkempt condition. All areas located within the detention area shall be maintained in accordance with Township ordinances and Drain Commission and Engineering Plans. The entire facility including inlet and outlets located within the Development shall be kept functioning as originally designed and accepted.

In the event Developer at any time fails to maintain or preserve such detention area in accordance with this Agreement, the Township may serve written notice upon the Developer setting forth the deficiencies in the maintenance and/or preservation of the detention area. Said written notice shall include a demand that definitive action be taken to cure deficiencies of maintenance and/or preservation within 10 days and cured within thirty (30) days of the date of receipt of the notice. If no action is taken on the deficiencies set forth in the original notice, or any subsequent notice thereto, are not cured within such thirty (30) day period or any extension thereof, the Township in order to prevent the detention area from becoming a nuisance, may enter upon the detention area and perform the required maintenance and/or preservation to cure the deficiencies. The Township's cost to perform any such maintenance and/or preservation, together with a fifteen (15) percent surcharge for administrative costs, shall be assessed to the owner of the site at the time such maintenance and/or preservation is performed or its successors or assigns, placed on the next Township roll as a special assessment and collected in the same manner as general property taxes.

2.3 Engineering Approval of Plans. In accordance with Superior Township Ordinance and Superior Township's Engineering Design Specifications, no construction work or grading, except as set forth below, shall be performed until engineering plans are reviewed and approved. Township agrees that all plan reviews required by its engineer shall be "turned-around" expeditiously.

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- 2.4 Tree Preservation.** Trees shown to be preserved on the final site plan shall be protected from encroachment during all phases of development and, if damaged or removed, shall be immediately replaced.
- 2.5 Staging.** The Developer will construct all facilities as shown on the amended site plan dated July 16, 2007, and approved by the Planning Commission July 25, 2007. Those items of construction include all grading, storm water management facilities, landscaping, Plymouth Road entrance, right-of-way improvements deemed necessary by the Washtenaw County Road Commission, parking lot designated as Phase I consisting of 67 spaces, vestibule entrance on north side of Garden Store, shade between Garden Store and Proposed Greenhouse, shade on south side of Proposed Greenhouse, and shade on east side of Proposed Greenhouse. These improvements are to be completed prior to construction start of Phases II or III. The Developer has two (2) years from the date of Planning Commission approval of the amended final site plan to submit application to complete the remaining Phases of the project. Record drawings are to be submitted to the Township after completion of each Phase of the project.
- 2.6 Performance Guarantee.** The Developer shall provide a performance guarantee to cover site improvements as specified within Section 10.10 of the Zoning Ordinance. The Developer shall provide security in the amount of **\$ 283,500.00** to the Township to assure the installation of all site improvements which the Developer proposes to install as reflected in the approved Final Site Plan, and amended site plan, including, but not be limited to, Phase I parking lots, walkways, grading, required landscaping, required screens, lighting, storm drainage systems, and establishment of monuments and corner markers. The Developer shall deliver such security (or deposit such funds) to assure the construction of the site improvements as stated above. The Developer shall deposit such funds **before the pre-construction meeting** with the Township Treasurer's Office in the form of a cash, bond, or irrevocable letter of credit (whichever Developer may elect), payable to the Charter Township of Superior. The bond or irrevocable letter of credit shall state "Security for Site Improvements as stated in Section 2.6 of the Development Agreement for Plymouth Nursery, Inc.". The **\$ 283,500.00** performance guarantee amount stated above is based on specifications and estimates prepared by the Developer's Engineer and approved by the Township's engineer, based on the Final Site Plan. The Township shall refund the bond or irrevocable letter of credit within forty-five (45) days after Developer provides written notice of completion of the improvements and Township approves such completion, such approval not to be unreasonably withheld, conditioned or delayed.
- 2.7 Fees and Escrow Amounts.** The Developer shall also pay to the Township

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\$ 15,900.00 prior to scheduling the pre-construction meeting as an escrow to cover the costs of inspection of the storm water utilities and paving to be constructed as a part of the Development. Any remaining balance in the escrow shall be returned to the Developer upon completion and final acceptance by the Township.

2.8 Engineering and Certification.

A. Developer shall furnish three mylar As-built Drawing plans signed and sealed by an engineer licensed in the State of Michigan indicating that the site grading, storm water conveyance, soil erosion/ sedimentation, detention/retention facilities, have been constructed in substantial accordance with the approved engineering plans. All inspections for storm water installations are to be performed by the Township engineers, with applicable fees paid by Developer. The Township will review and approve improvements in accordance with the Township "Engineering Design Specification for Site Improvements" and other applicable laws and ordinances prior to final completion.

B. Developer shall furnish As-Built Drawing plans in CD format that is in conformance with the Charter Township of Superior Standards for Submitting Digital As-Built Drawings, Revised March 2007 as amended.

2.9 Removal of Construction Debris. Developer shall remove all discarded building materials and rubbish at least once each week during construction and within one week of completion or abandonment of construction; provided that the responsibility under this Section 2.11 shall be deemed transferred to any subsequent owner of a portion of the Development as to that portion. No burning of discarded construction material shall be allowed on site.

2.10 Site Grading and Building Setbacks. The Developer or the Developer's representative shall certify that the as-built site grading and building setbacks conform to the Township approved site and engineering drawings. This certification shall be prepared by and bear the seal of a professional land surveyor licensed in the State of Michigan. The certification shall be submitted as directed on forms provided by the Township (Exhibit "C").

The Township shall have the right to spot-check certification grades at its own discretion and at its own expense. The final certificate of use and occupancy shall be withheld until the site grading/setback certification is received and approved by the Township. The Township shall have the right, at its own discretion, to waive some or all of the site grading and building setback certification requirements.

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- 2.11 On-site Sewer and Water.** All sewer and water systems must meet the requirements of the Environmental Health Department of Washtenaw County and the State of Michigan.

**ARTICLE III
MISCELLANEOUS PROVISIONS**

- 3.1 Modifications.** This Agreement may not be modified, replaced, amended or terminated without the prior written consent of the parties to this Agreement.
- 3.2 Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.
- 3.3 Township Approval.** This Agreement has been approved through action of the Township Board at a duly scheduled meeting.
- 3.4 Developer and Owner Approval.** The signers on behalf of Developer below represent by their signatures that they represent and have authority to bind all owners of legal and equitable title to the property.
- 3.5 Execution in Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one Agreement. The signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.
- 3.6 Preconstruction Meeting with Builders.** The parties acknowledge that Developer and/or any other third parties can build the facilities in accordance with the approved site plan. The parties agree that the Developer and/or any other third parties will comply with all related Township Policies and Ordinances prior to the preconstruction meeting. Prior to the commencement of any grading, the Developer or such other third parties shall schedule a meeting as per the Township's engineering standards with its general contractor, construction manager and the Township's applicable departments, officials, and consultants to review the applicable policies, procedures and requirements of the Township.
- 3.7 Continued Review.** The Developer shall be required to review conformance of this Agreement with Township Officials and/or designated Township consultants on a yearly basis or at such time as deemed reasonably necessary by the Township until completion of the project.
- 3.8 Fees.** The Owner shall pay for any reviews necessary to determine conformance of the Development to this Agreement. This fee would include review time by the Township Engineer, Planner or Attorney.

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3.9 Recordation of Agreement. The Township shall record this Agreement with the Washtenaw County Register of Deeds and shall provide a true copy to the Developer. All costs associated with the recording of this Agreement shall be borne by the Developer. This Agreement will run with the land. The "Developer" for all purposes hereunder shall be Plymouth Nursery, Inc.

3.10 Incorporation of Recitals. The Recitals set forth above are hereby incorporated into and made a part of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as the year and date set forth above.

DEVELOPER:

WITNESSES:

Plymouth Nursery, Inc

a Michigan limited liability company.

By: _____

Jeff Jones

Its: Owner

STATE OF MICHIGAN)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____ 2007, by _____, of Plymouth Nursery, Inc.

Notary Public

_____ County, Michigan

My Commission Expires:

Acting in _____ County

WITNESSES:

TOWNSHIP:

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CHARTER TOWNSHIP OF SUPERIOR,
a Michigan municipal corporation

By: _____

William A. McFarlane

Its: Supervisor

STATE OF MICHIGAN)
) ss.
COUNTY OF WASHTENAW___)

The foregoing instrument was acknowledged before me this _____ day of _____, 2007, by William A. McFarlane, Supervisor of the Charter Township of Superior, a Michigan municipal corporation, on behalf of the corporation.

Notary Public
Washtenaw County, Michigan
My Commission Expires: April 27, 2012

Exhibit A – Legal Description

Tax Code # J-IO-02-400-023

GARDEN CENTER PARCEL DESCRIPTION (19.31 ACRES)

Commencing at the Southeast corner of Section 2, T2S, R 7E, Superior Township, Washtenaw County, Michigan; thence NORTH 967.94 feet along the East line of said Section and the centerline of Gotfredson Road to the POINT OF BEGINNING; thence S89°10'18"W 797.19 feet; thence NORTH 440.96 feet; thence N67°13'40"E 266.27 feet; thence N13°01'20"W 550.29 feet; thence N67°13'40"E 732.70 feet along the centerline of Plymouth Road; thence SOUTH 1352.24 feet along the East line of said Section and the centerline of Gotfredson Road to the Point of Beginning. Being a part of the Southeast 1/4 of Section 2, T2S, R7E, Superior Township, Washtenaw County, Michigan and containing 19.31 acres of land, more or less. Being subject to the rights of the public over that portion of Plymouth Road and Gotfredson Road, as occupied. Also being subject to easements and restrictions of record, if any.

Drafted by and when recorded return to:

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Kay Williams
Superior Charter Township Clerk
3040 N. Prospect
Ypsilanti, Michigan 48198
(734) 482-6099

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Caviston, Green, Lewis, Phillips

Nays: None

The motion carried.

C. HYUNDAI SPECIAL ASSESSMENT AGREEMENT

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board authorizes the Supervisor to sign the following Agreement with Hyundai regarding the Special Assessment for the Leforge/Geddes Intersection Improvements:

SPECIAL ASSESSMENT AGREEMENT

THIS AGREEMENT, is entered into as of August 6, 2007, by and between the Charter Township of Superior, County of Washtenaw, State of Michigan, a Michigan municipal corporation (the "Township"), Hyundai America Technical Center, Inc., a Michigan corporation, and Hyundai Motor America, a California corporation (together "Hyundai").

WHEREAS, the Township has prepared, reviewed and confirmed Special Assessment Roll No. 602 - Hyundai (the "Roll") for the construction of certain public improvements in Special Assessment District No. 602 - Hyundai (the "Improvements") for the benefit of Hyundai; and

WHEREAS, Hyundai is the sole property owner assessed on the Roll; and

WHEREAS, in anticipation of collections of future due installments on the Roll, the Township intends to issue its 2007 SPECIAL ASSESSMENT BONDS (LIMITED TAX GENERAL OBLIGATION) (TAXABLE) (the "Bonds"); and

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WHEREAS, the Bonds are not subject to optional redemption prior to maturity;
and

WHEREAS, prepayment by Hyundai of special assessment obligations on the Roll may result in a deficiency in the ability of the Township to satisfy its debt service obligations on the Bonds from the special assessment payments combined with interest earnings thereon; and

WHEREAS, the parties desire to assure that in the event of prepayment by Hyundai of all or a portion special assessment obligations on the Roll, the Township will have sufficient funds, from such prepayment, future due installments and interest earnings thereon, to provide for the payment of principal of and interest on the Bonds to maturity.

IT IS THEREFORE AGREED BETWEEN THE PARTIES HERETO IN CONSIDERATION OF THEIR MUTUAL UNDERTAKINGS AS FOLLOWS:

1. Hyundai agrees that in the event that it prepays any portion of its special assessment obligation on the Roll, that it will provide the Township with additional funds certified by the Township's financial advisor as necessary to assure that the sum of (a) the prepaid portion of the special assessments; (b) future due special assessment obligations on the Roll; and (c) interest earnings thereon is sufficient to pay the principal of and interest on the Bonds as it becomes due through maturity.

2. The parties agree that in the event of any prepayment of special assessment obligations on the Roll, the Township, in its sole discretion, may determine to establish a defeasance escrow for all or a portion of the Bonds. Hyundai agrees to pay all costs associated with the establishment of such defeasance escrow as are determined to be necessary by the Township's financial advisor.

IN WITNESS WHEREOF, the Township and Hyundai have caused this Special Assessment Agreement to be duly executed and delivered as of the date first written above.

WITNESSED

HYUNDAI MOTOR AMERICA,
a California corporation

By: _____

Name: O.S. Koh

Its: President & CEO

By: _____

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Name: Katherine K. Parker

Its: VP, HR & Administration

INC.,

HYUNDAI AMERICA TECHNICAL CENTER,

a Michigan corporation

By: _____

Name: Chung Kook Park

Its: President

CHARTER TOWNSHIP OF SUPERIOR

By: _____

Name: William McFarlane

Its: Supervisor

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Caviston, Green, Lewis, Phillips

Nays: None

The motion carried.

D. UTILITIES ORDINANCE # 169 – FIRST READING

During the past fifty years the Township has adopted over thirty utilities ordinances and amendments, most of them amendments to Ordinance #13 which was adopted in 1959. The Utilities Department, Township Attorneys, Supervisor, and Clerk have been reviewing the ordinances and have compiled the currently active ordinances and amendments into one new ordinance, repealing the previous ordinances. The result of this review is the new Ordinance #169.

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It was moved by Williams, supported by McKinney, that the Superior Charter Township Board adopt for first reading the following Ordinance, Utilities Ordinance #169, which repeals all previous ordinances:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE No. 169

UTILITIES ORDINANCE

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- Sec. 261. Duration.
- Sec. 262. Notice of final decision; appeal.
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ARTICLE I. IN GENERAL

Section 169- 01. Connections or openings to water mains, sewer lines or fire hydrants; permit required; penalty for violation of section.

- (a) No connection or opening shall be made or permitted to be made to any water mains, sewer lines or fire hydrants of the combined system without obtaining a permit. Application for such permit shall be made and filed with the Utility Department, who shall issue such permit when all prescribed conditions have been met, subject to regulations to be established by the Township Board.
- (b) Any person violating the provisions of this section by making unauthorized connection to the combined system shall be guilty of a misdemeanor and, upon conviction, shall be fined in an amount not exceeding \$100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 169-02. Maintenance of sewer and water lines.

- (a) *Responsibilities of the Township.* The Township Utility Department shall maintain, repair, and replace the water and sewer trunk lines at Township Utility Department expense. The Township Utilities Department shall maintain, repair, and replace the water service line to the curbstop at Township Utility Department expense.
- (b) *Responsibilities of the property owner.* The property owner shall be responsible for all costs of repair and replacement of the water service line to the curbstop, and shall be responsible for all costs of repair and replacement of the curbstop when the owner or the owner's agent has caused damage to the service line or has cause damage to the curbstop.

The property owner shall be responsible to maintain, repair, and replace the sewer service line from the building, dwelling, or structure to the trunkline/main of the Township's sanitary sewer collection system. The property owner shall be responsible to repair and replace any plumbing within a building, dwelling, or structure necessitated by meter replacement. The property owner is responsible to maintain, repair, and replace meter pits on private property, including but not limited to meters, pits and covers. The property owner is responsible for any damage to the meter, the remote register or the wiring for any cause except normal wear and tear. The property owner is responsible for any repair or replacement due to a malfunction or damage within a sanitary lead line.

No repair work at the curbstop or between the property line and the dwelling, building, or structure will be performed by the Township Utility Department until a written authorization form is signed by the property owner except in an emergency as determined by the Utility Department. In the event of an emergency repair, the property owner shall

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remain responsible for the costs of repair or replacement notwithstanding that no written authorization was obtained.

- (c) *Removal, repair or tampering with meter: sanction.* No person except an employee of the Township Utility Department shall remove, repair or in any way tamper with a meter, unless pursuant to written permit from the department. Any person who violates this section shall be deemed responsible for a municipal civil infraction and will be responsible to pay a civil fine on file at the Township Municipal Civil Infractions Ordinance Violations Bureau. Repeat offenders under this article shall be subject to increased fines on file at the Township Municipal Civil Infractions Ordinance Violations Bureau.
- (d) *Enforcement and lien for collection of repair charges.* All charges for repair of the water and sewer systems which are performed by the Township Utility Department shall be in accordance with a schedule of such charges established by resolution of the Township Board and are the responsibility of the property owner and shall be paid promptly upon receipt of the bill for such services. All bills must be paid within 24 days from the date on the bill and ten percent will be added to the bill if not paid within 24 days. Such repair charges are under the provisions of section 21, Act No. 94 of the Public Acts of Michigan of MCL 141.121, MSA 5.2751), as amended, made a lien on all premises served thereby, and are hereby recognized to constitute such lien. Whenever such charges against any piece of property shall be delinquent for six months, the Township official in charge of the collection thereof shall certify annually on July 1 of each year to the Treasurer of the Township the fact of such delinquency, whereupon such charge shall be 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.

Section 169-03. Definition.

The following term, when used in the Article, shall have the meaning set forth in this Section, except where the context clearly indicates a different meaning:

System means the complete water supply and sewage disposal system of the Township Utility Department, including all water mains and laterals, water treatment facilities, wells, pumps, and all plants, works, instrumentalities and properties used or useful in obtaining a water supply, treating and distributing the same for domestic, commercial, industrial, institutional and/or fire protection purposes, and all pumps, pumphouses, sewage treatment facilities, sewers, lift stations, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial, industrial or institutional wastes, and all other appurtenances to the System, including all easements, rights and land for such easements, and including all extensions and improvements thereto which may be acquired or constructed on behalf of current and future users of the System.

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Section 169-04. Findings.

- (a) *Necessity for Potable Water.* The Township Board has previously found, and currently reaffirms, that the businesses, industries, governmental and charitable agencies, and residents located in the township need to have potable and otherwise usable water.

- (b) *Availability of Potable Water.* The Township Board has previously found, and currently reaffirms, that the supply of potable water available from private wells or other sources within the sewer district of the township as delineated in the Growth Management Plan of Superior Charter Township, is insufficient to assure that all businesses, industries, governmental and charitable agencies, and residents will have sufficient potable water available for their use and other water necessary for industrial and fire prevention and control unless the Township offers water to all properties located within the Township designated urban service area sewer district.

- (c) *Necessity of Sewer Service.* The Township Board has previously found, and currently reaffirms, that the use of septic tanks, privies, privy vaults, cesspools, or similar private sewage disposal facilities in the sewer district as delineated in the Growth Management Plan of Superior Charter Township, is deleterious to the health, safety and welfare of the businesses, industries, governmental and charitable agencies, and residents of the Township and that the health, safety and welfare of the businesses, industries, governmental and charitable agencies, and residents is enhanced by the creation of a public sewage disposal system, with regulation by the Township of pollutants and other harmful materials according to state and federal standards.

- (d) *Method of Measuring Use of Water Supply System.* Based on advice of its engineers and administrative staff, the Township Board has previously found, and currently reaffirms, that the most practical, cost-effective and accurate methods, given available technology, of measuring the use of the water supply from the System by an user is by a meter or meters controlled by the Township.

- (e) *Method of Measuring Use of Sewage Disposal System.* Based on advice of its engineers and administrative staff, the Township Board has previously found, and currently reaffirms, that the most practical and accurate method, given available technology, of measuring the use of the System's sewers by any user is by the meter or meters used to measure water usage. The Township Board has previously found, and currently reaffirms, that for unmetered premises or premises for which metering is otherwise impractical, the methods for measuring use specified in subsections (2) through (5) of Section 54-201 of the code of Ordinances represent the most practical and equitable means of measuring use of the System's sewers.

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- (f) *Continuation of Water Supply Service.* The Township Board has previously found, and further currently reaffirms, that in order to provide and continue to provide clean and potable and other usable water to all users of the System, in quantities necessary for all varieties of use, it is necessary from time to time to install improvements, enlargements, extensions and repairs to the System.
- (g) *Continuation of Sewage Disposal Service.* The Township Board has previously found, and further currently reaffirms, that in order to provide and continue to provide for the safe and uninterrupted removal and treatment of sewage, pollutants, and other harmful materials, it is necessary from time to time to install improvements, enlargements, extensions and repairs to the System.
- (h) *Purpose of Fees.* The fees for the use of and connection to the System are hereby established for the purpose of recovering the cost of construction, reconstruction, maintenance, repair, and operation of the System and to comply with Federal and State laws and regulations, to provide for the payment of principal of and interest on any bonds authorized to be issued as and when the same become due and payable, to create a bond and interest redemption account therefore and to provide an account for reasonable and necessary improvements to the System. Such fees shall be made against all users of the System in a fair and equitable manner and based on the level of service provided, in accordance with the purposes herein described, as well as the following:
- (1) All premises connected directly or indirectly to the System, except as hereinafter provided, shall be charged and shall make payments to the Township in amounts computed on the basis of this Chapter 54 of the code of Ordinances.
 - (2) The rates and fees for water supply and sewage disposal service by the System are established herein to adequately provide for bond requirements and to ensure that the System does not operate at a deficit.
 - (3) The Township's Utility Department shall periodically review the charges, rates, fees, rules and regulations of the System, which review shall be completed not less than one (1) time per fiscal year. Results of the Review shall be reported to the Township Board with recommendations for any adjustments.
 - (4) The charges, rates and fees shall be set so as to recover costs from users in reasonable proportion to the cost of serving those users.
- (i) *Proportionality, Fairness, and Benefits of Rates and Fees.* The Township Board has previously found, and further currently reaffirms, that the fairest and most reasonable method of providing for the operation, maintenance, repair replacement and improvement of the System is to charge each user, based in all cases on amount of use, for the costs of: (i) retiring debt secured by the net revenues of the System issued to pay

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for improvements and replacements to the System; (ii) ongoing repair, replacement and improvement and budgeted as part of the annual costs of the System; and (iii) operation, administration and maintenance costs of the System.

- (j) *Water and Sewer Service Charges.* The Township has investigated several methods of apportioning the costs of the water and sewer service provided by the System. Based on its investigation and on the advice of its consulting engineers and administrative staff, the Township Board has previously found, and currently reaffirms, that to ensure the stability and viability of the system for the benefit of its users, the fairest and most accurate way to apportion the costs of operation, maintenance, replacement and improvement of the System is to charge each user: (i) a commodity charge for water usage which is based on the user's actual metered use of water supplied by the System, (ii) a commodity charge for sewer usage based on the user's actual metered water use, (iii) a Township set connection fee which reflects such user's proportionate share of debt service and capital expenditures of the System, and (iv) such other fees and costs for services as authorized by this Chapter 54 of the Code of Ordinances.

The Township Board further has previously found, and currently reaffirms, that the charges, rates and fees set forth herein and by resolution fairly and accurately apportion the fixed and variable costs of providing water and sewer service among the users of the System and that the connection fees provide actual benefits to such users in the form of ready access to water and sewer services that would be unavailable if such charges were not imposed.

- (k) *Useful Life of Improvements.* Based on the advice of its engineers and administrative staff, the Township Board has previously found, and currently reaffirms, that any improvements to or capital expenditures for the System did not, at the time such improvements were constructed and financed, have an expected useful or design life that would exceed the term of the respective bonds issued to finance such improvements or capital expenditures and paid for by rates and charges.

Section 169-05. Establishment of System.

Based on the above findings and for the purposes set forth above, and pursuant to the authority granted to the Township under Act 94, Public Acts of Michigan, 1933, as amended, the Township has previously established and hereby re-establishes the System, as an enterprise system, consisting of the complete water supply and sewage disposal system of the Township, including all water mains and laterals, water treatment facilities, wells, pumps, and all plants, works, instrumentalities and properties used or useful in obtaining a water supply, and all pumps, pumphouses, sewage treatment facilities, sewers, lift stations, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, and all other appurtenances to the System, including all easements, rights and land for such easements, and including all

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extensions and improvements thereto which may be acquired or constructed on behalf of current and future users of the System.

Sections 169-06 – 30. Reserved

ARTICLE II. WATER SERVICE

DIVISION 1. GENERALLY

Section 169-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Utility Department means the department in charge of the Superior Charter Township Utilities System

Water connections means that part of the water distribution system connecting with the water main to a point between the curblines and property line, including the curb box and curbstop.

Water mains means that part of the water distribution system located within easement lines or streets and designed to supply more than one water connection.

Water service pipe has the meaning that is assigned to such term in the Township building code.

Water supply system means the complete system for the supply of water, including all plants, works, instrumentalities and properties used or useful in connection with obtaining a water supply, treatment of water and/or the distribution of water.

Section 169-32. Penalty for violation of article.

- (a) The violation of any provision of this article shall be deemed to be a nuisance per se. Any person, or the agent or the employee of the Utility Department, who violates, disobeys, neglects, or refuses to comply with, or resists enforcement of any provision of this article, or any amendment thereof, shall, upon conviction, be punished as provided by law.
- (b) Each and every day during which any section of this article is violated shall be deemed a separate offense. The Township Board or the Director of the Township

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Utility Department may institute any appropriate action or proceeding to prevent, enjoin, abate, or remove any unlawful violation of this article. The rights and remedies in this section are cumulative and in addition to all other remedies prescribed by law.

Section 169-33. Utilities connections.

- (a) All utilities connections shall be made by the Utility Department on payment of the required connection fee as provided in Section 293. All users (homes, business establishments, etc.) shall have approved meters installed to the Township meter sizing standards chart. Meters five-eighths of an inch through two inches inclusive shall be "Sensus Sealed Register with Remote Readers." Meters larger than two inches shall be of a brand and type approved by the Township Utility Department.
- (b) Fee for water meters shall be sold based on current Township Resolution.

Section 169-34. Turning on or off; authority.

No person other than an authorized employee of the Township Utility Department shall turn on or off any water service.

Section 169-35. Access to Meters.

The Utility Department shall have the right to shut off the supply of water to any premises where the Utility Department is not able to obtain access to the meter. Any qualified employee of the Utility Department shall at all reasonable hours have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing or inspecting the meters. No person shall hinder, obstruct or interfere with such employee in the lawful discharge of his duties in relation to the care and maintenance of such water meters. A suitable area shall be reserved for the installation of the water meter and shall be readily accessible for inspection and reading purposes. The meter shall be mounted not less than 24 inches above the floor.

Section 169-36. Injury to facilities.

No person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Township Utilities System. Any damages which may be sustained to such structure, appurtenance or equipment shall be paid by the owner of the property on which such damage occurs to the Township on presentation of a bill therefore, and in cases where the bill is not paid, the water may be shut off and shall not be turned on until all charges have been paid to the Township.

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Intentional damage may result in perpetrator being charged criminally in a court of competent jurisdiction.

Section 169-37. Temporary water use restrictions.

- (a) *Definition.* The term “Supervisor” as used in this section shall mean the Supervisor of the Township or a person designated by the Supervisor to act under this section.
- (b) *Temporary emergency sprinkling restrictions:*
 - (1) Whenever the Supervisor of the Township or Utility Department Director or designee receives notification from YCUA in conjunction with the water and radiological protection division of the state department of environmental quality that the supply or pressure demand for water cannot be accommodated and general welfare is likely to be endangered, or when conditions within the water system of the Township are likely to endanger the general welfare of the Township, the Supervisor or designee shall determine that a state of emergency exists and prescribe the following emergency regulations which shall apply in the Township for all properties connected to the Township water system: Sprinkling of lawns and landscaping and all outdoor water use shall only be allowed for properties with even-numbered addresses on even-numbered dates within a month and for properties with odd-numbered addresses on odd-numbered dates within a month.
 - (2) Whenever the Supervisor or designee receives notification from the YCUA in conjunction with the drinking water and radiological protection division of the state department of environmental quality that provisions in subsection (b)(1) of this section are not sufficient, or when conditions within the water system of the Township are likely to endanger the general welfare of the Township, the following emergency regulations shall apply in the township for all properties connected to the Township water system: Sprinkling of lawns and landscaping and all outdoor water use shall not be allowed.
 - (3) The Township Utility Department and YCUA shall, within 24 hours of notification, cause these regulations to be posted at the Township office and publicly announced by means of broadcasts or telecasts by the stations with a normal operating range covering the Township, and may cause such announcement to be further declared in newspapers of general circulation or other recognized providers when feasible. The regulations shall become effective immediately after notice of enforcement of this section is posted at the Township offices. Upon notification from the YCUA in conjunction with the drinking water and radiological protection division of the state department of environmental

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quality that the emergency regulations are no longer necessary, or when conditions within the water system of the Township are deemed satisfactory by the Supervisor or designee, the Township shall cause a public announcement lifting the water restrictions.

- (4) It shall be the responsibility of the Township to enforce the provisions of the section.
- (c) *Penalty.* Any person who violates any provision of this section or any emergency regulation prescribed pursuant to this section shall be deemed responsible for a municipal civil infraction and will be responsible to pay a civil fine on file at the Township Municipal Civil Infractions Ordinance Violations Bureau. Repeat offenders under this article shall be subject to increased fines on file at the Township Municipal Civil Infractions Ordinance Violations Bureau. Each day of violation shall be deemed a separate violation.

Sections 169-38 - 169-55 Reserved

DIVISION 2. CROSS CONNECTIONS

Section 169-56. Penalty for violation of division.

Any persons or customer found guilty of violating any of the provisions of this division, or any written order of the Township Utility Department, in pursuance of this division, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$50.00 nor more than \$500.00 for each violation. Each day upon which a violation of the provisions of this division shall occur shall be deemed a separate and additional violation for the purpose of this division.

Section 169-57. Adoption of state public health rules.

The Township adopts by reference the Water Supply Cross Connection Rules of the state department of public health, being R 325.11401 to R 325.11407 of the Michigan Administrative Code.

Section 169-58. Inspections.

It shall be the duty of the Township Utility Department to cause inspections to be made of all properties served by the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be

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performed every two years as approved by the state department of public health. The inspection must be done by a state certified inspector. The Township's representative may be present during the inspections, at a rate authorized by resolution of the Township Board, to be paid to the Township by the owner of the building being inspected.

Section 169-59. Right of entry of Utility Department agent for inspection.

The representative of the Township Utility Department shall 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 for cross connections. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

Section 169-60. Discontinuance of service; restoration.

The Township Utility Department is hereby authorized to discontinue water service after notice to any property wherein any connection in violation of this division exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service may be eliminated in compliance with the provisions of this division. Water service to such property shall not be restored until the cross connections have been eliminated in compliance with the provisions of this division.

Section 169-61. Water not supplied by potable system.

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 division and by the state and Township 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 conspicuously as follows: "Water unsafe for drinking."

Section 169-62. Article not to supercede plumbing code.

This article does not supercede the Township plumbing code adopted in section 18-31 but is supplementary to such code.

A. ARTICLE III. SEWER SERVICE

DIVISION I. GENERALLY

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Section 169-81. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act, the Act, the Federal Water Pollution Control Act and the Clean Water Act means names of the act which are used interchangeable in this article and refer to Public Law 92-500, as adopted in 1972 and amended by Public Law 95-217 in 1977, and any succeeding amendments.

Alternative discharge limit means limits set by YCUA in lieu of the promulgated national categorical pretreatment standard for integrated facilities in accordance with the combined wastestream formula as set by the EPA.

Authorized representative of industrial user means:

- (1) A responsible corporate officer, if the industrial user is a corporation, who shall be a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation or the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having a gross annual sales or expenditures exceeding \$25,000,000.00 (in second quarter 1980) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees Celsius expressed in terms of weight and concentration (milligrams per liter).

Building drain means that part of the lowest horizontal piping of a drainage system which receives the drainage from soil, waste and other drainage pipes

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inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

Building sewers means that extension from the building drain to the public sewer or other places of disposal.

Bypass means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

Chemical oxygen demand (COD) means a measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. COD is also known as OC and DOC: Oxygen consumed and dichromate oxygen consumed, respectively.

Chlorine demand means the difference between the amount of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contact period. The demand for any given water varies with the amount of chlorine applied, time of contact and temperature.

Combined sewer means a sewer receiving both surface runoff and sewage.

Combined wastestream means the wastestream at industrial facilities where regulated process effluent is mixed with other wastewaters, either regulated or unregulated, prior to treatment.

Compatible pollutant means a substance amenable to treatment in the wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works was designed to treat such pollutants and, in fact, does remove such pollutants to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, fats, oils and greases of animal or vegetable origin.

Composite sample means a series of samples taken over a specific period or time and eventually combined into one sample whose volume is proportional to the flow in the wastestream.

Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

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Debt service charges means the charges levied to customers of the wastewater system which are used to pay principal, interest and administrative costs of retiring the debt incurred for construction of the sewage works.

Environmental Protection Agency (EPA) means the U.S. Environmental Protection Agency, administrator or other duly authorized official.

Footing drain means a pipe or conduit which is placed around the perimeter of a building foundation and which intentionally admits groundwater.

Garbage means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Grab sample means a sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and without consideration of time.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

Incompatible pollutants means any pollutant which is not a compatible pollutant.

Industrial user means a source of nondomestic waste; any nondomestic source discharging pollutants to YCUA, through Township Utility Department lines.

Industrial wastes means the wastewater discharges from industrial, manufacturing, trade or business processes, or wastewater discharge from any structure with these characteristics, as distinct from their employee's domestic wastes or wastes from sanitary conveniences.

Infiltration means that portion of groundwater which is unintentionally admitted to a sewer.

Integrated facilities means industrial facilities with a combined wastestream.

Interference means the inhibition or disruption of the sewage treatment plant processes or operations which contribute to a violation of the YCUA NPDES permit or reduce the efficiency of the sewage works. The term also includes prevention of sewage sludge use or disposal by the sewage works.

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Laboratory determination means the measurements, tests and analysis of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurements, tests, or analysis of “Standard Methods for Examination of Water and Waste Water,” a joint publication of the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation, the methods contained in 40 CFR 136, or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to this article.

National categorical pretreatment standard means any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of Industrial users.

National Pollutant Discharge Elimination System or NPDES permit means a permit issued pursuant to section 402 of the Act (33 USC 1342).

National prohibitive discharge standard or prohibitive discharge standard means any regulation developed under the authority of 307 (b) of the Act and 40 CFR 403.5.

Natural outlet means any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

New source means any source, where the construction is at a site where no other point source is located; the process or production equipment causing discharge is totally replaced due to construction; or production or wastewater generating processes of the facility are substantially independent of an existing source at the same site. Construction is considered to have commenced when installation or assembly of facilities or equipment has begun; significant site preparation has begun for installation or assembly; or the owner or operator has entered into a binding contractual obligation.

Operation and maintenance (O & M) means all work, materials, equipment, utilities, administration and other effort required to operate and maintain the sewage works consistent with ensuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other applicable state and federal regulations, and includes the cost of replacement.

Operator means the person responsible for the overall operation of a facility.

Owner means the person who owns a facility or part of a facility.

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Pass-through means a discharge which exits the YCUA plant into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge from other sources, is a cause of a violation of any requirement of YCUA's NPDES permit, including an increase in the magnitude or duration of a violation.

Nondomestic user means any person who discharges, causes or permits the discharge of wastewater from any facility other than a residential unit.

Normal domestic sewage means sewage with a concentration of 300 mg/l biochemical oxygen demand, 350 mg/l of suspended solids and 13 mg/l of phosphates.

PH means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Pollutant means any of various chemicals, substances, and refuse materials such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, and industrial, municipal and agriculture wastes which impair the purity of the water and soil.

Pollution means the manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alternation of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sewage works. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR 403.6(d).

Pretreatment requirements means any substantive or procedural requirement for treating of a waste prior to inclusion in the sewage works.

Pretreatment standards means national categorical pretreatment standards, alternative discharge limits, or other federal, state, or local standards, whichever are applicable.

Properly shredded garbage means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than on-half inch in any dimension.

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Public sewer means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Replacement means the replacement, in whole or part, of any equipment in the wastewater transportation or treatment systems to ensure continuous treatment of wastewater in accordance with the NPDES permit and other state and federal regulations.

Sanitary sewer means a sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial or permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Sewage or wastewater means the liquid- and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the sewage works.

Sewage treatment or wastewater treatment plant means any arrangement of devices and structures used for treating sewage.

Sewage works means all municipal facilities for collecting, pumping, treating and disposing of sewage.

Sewer means a pipe or conduit for carrying sewage.

Sewer service charge means the sum of any applicable user charges, surcharges and debt service charges.

Significant industrial user (SIU) means:

- (1) All dischargers subject to categorical pretreatment standards under 40 CFR chapter I, subchapter N; and
- (2) All noncategorical dischargers that, in the opinion of YCUA or of the Township, have a reasonable potential to adversely affect the POTW's operation, or that contribute a process wastestream which makes up five

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percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or that discharge an average of 25,000 gallons per day or more of process wastewater to the POTW. However, the Township need not designate as significant any noncategorical industrial user that, in the opinion of the Township and with the agreement of the approval authority has no potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement. Any noncategorical industrial user designated as a significant may petition the Township to be deleted from the list of significant industrial users on the grounds that it has no potential for adversely affecting the POTW's operation or violating any pretreatment standard or requirement.

Slug means any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation.

Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972 edition.

Storm sewer or storm drain means a sewer which carries stormwater and surface water and drainage, but excludes sewage and polluted industrial wastes.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Surcharge means an extra charge to cover the cost of treating, sampling and testing extra strength sewage.

Suspended solids means total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

Toxic pollutant means any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment including those listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of CWA 304(a) or other acts.

User means any person who contributes, causes or permits the contribution of wastewater into the sewage works.

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User charge means a charge levied on users of a treatment works for the cost of operation and maintenance of sewage works pursuant to section 204(b) of PL 92-500 and includes the cost of replacement.

User class means the kind of user connected to sanitary sewers including, but not limited to, residential, industrial, commercial, institutional and governmental.

- (1) *Residential user* means a user of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semidetached and row houses, mobile homes, apartments, or permanent multifamily dwellings (transient lodging is not included, it is considered commercial).
- (2) *Industrial user* means any user who discharges an industrial waste.
- (3) *Commercial user* means an establishment listed in the Executive Office of the President, Office of Management and Budget's Standard Industrial Classification Manual, 1972 edition, involved in a commercial enterprise, business or service which, based on a determination by the Township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential user or an industrial user.
- (4) *Institutional user* means any establishment listed in the Standard Industrial Classification Manual, 1972 edition involved in a social, charitable, religious, or educational function which, based on a determination by the Township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
- (5) *Governmental user* means any federal, state or local government user of the wastewater treatment works.
- (6) *Waters of the state* means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Section 169-82. Abbreviations.

The following abbreviations shall have the designated meanings:

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ASTM—American Society for Testing and Materials
BOD—biochemical oxygen demand
CFR—Code of Federal Regulations
COD—chemical oxygen demand
CWA—Clean Water Act
EPA—Environmental Protection Agency
l—liter
MDNR—Michigan Department of Natural Resources
Mg—milligrams
Mg/l—milligrams per liter
NPDES—National Pollutant Discharge Elimination System
O&M—operation and maintenance
POTW—publicly owned treatment works
SIC—standard industrial classification
SS—suspended solids
USC—United States Code
WPCF—Water Pollution Control Federation
YCUA—Ypsilanti Community Utilities Authority

Section 169-83. Penalties for violation of article.

- (a) Any persons violating any of the provisions of this article, or any provision of the permit issued under this article, shall be liable to the Township for any expense, loss, or damage occasioned the Township or YCUA by reason of such violation, and shall be deemed responsible for a municipal civil infraction and will be responsible to pay a civil fine on file at the Township Municipal Civil Infractions Ordinance Violations Bureau. Repeat offenders under this article shall be subject to increased fines on file at the Township Municipal Civil Infractions Ordinance Violations Bureau. .
- (b) Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, in addition to any other penalty required by law, shall be responsible for a Municipal Civil Infraction and be subject to fines on file at the Township Municipal Civil Infraction Violations Bureau.

Section 169-84. Article not to interfere with additional state or county requirements.

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No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the state or county health department or the state department or natural resources.

Section 169-85. Deposit of excrement or other objectionable wastes.

- (a) It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the Township, or in any area under its jurisdiction, any human or animal excrement, garbage or other objectionable waste.
- (b) It shall be unlawful to discharge to any natural outlet any sanitary sewage, industrial wastes, or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

Section 169-86. Connection to public sewer required.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the Township and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Township, is hereby required at his expense to install suitable sewage facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after the date of official notice to do so, provided that the public sewer is within 200 feet of the property line.

Section 169-87. Disposal at sewage treatment plant.

Waste from industrial sewage disposal systems shall be disposed of at the sewage treatment plant or at any other refuse or disposal site approved by the Utility Department. No waters or wastes described in Section 193 shall be disposed of at the sewage treatment plant.

Section 169-88. Destruction or tampering with sewage works equipment.

It shall be unlawful for an unauthorized person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works.

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Section 169-89. Powers and authority of inspectors.

- (a) The duly authorized employees of the Utility Department bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspections, observation, measurement, sampling, and testing in accordance with the provisions of this article.
- (b) The Utility Department shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- (c) While performing the necessary work on private properties preferred to in subsection (a) of this section, the duly authorized employees of the Utility Department shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Utility Department employees, and the Township shall indemnify the company against loss or damage to its property by Utility Department employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 227.

Section 169-90. Recordkeeping; annual audit; review of industrial users; insurance.

- (a) The Township will maintain and keep proper books of records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the system. The Township will cause an annual audit of such books of record and accounts for the preceding operating year to be made by a recognized independent certified public accountant, and will supply such audit report to authorize public officials on request. In conjunction with the audit there shall be an annual review of the water and sewer charge system for adequacies meeting expected expenditures for the following year.
- (b) Classification of old and new industrial users should also be reviewed annually.

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- (c) The Township will maintain and carry insurance on all physical properties of the system, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All monies received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

DIVISION 2. ENFORCEMENT

Section 169-110. Authority.

- (a) All orders, directives, legal and/or equitable actions which are necessary and appropriate to enforce any article or section of this article shall be carried out by YCUA and/or the Township.
- (b) Nothing contained in subsection (a) of this section shall preclude the Township from instituting, maintaining or joining any legal and/or equitable actions to enforce this article.

Section 169-111. Enforcement procedure.

- (a) The YCUA Director or Superior Township Utility Department Director may suspend wastewater treatment service when such suspension is necessary, in the opinion of the YCUA Director or Utility Department Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, causes interference to the sewage works or causes the Township to violate any condition of the NPDES permit.
- (b) Any person notified of a suspension of the wastewater treatment service shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Township shall take such steps as deemed necessary including immediate severance of the sewer connection to prevent or minimize damage to the sewage works system or endangerment to any individuals. The Township shall reinstate the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the YCUA Director or Utility Department Director within 15 days of the date of occurrence.

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Section 169-112. Notice.

Whenever the YCUA Director or Superior Township Utility Department Director or designee finds that any user has violated or is violating this article, or any prohibition, limitation or requirements contained in this article, or the provisions of any permit issued under this article, the YCUA Director or Utility Department Director may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction of such violation shall be submitted to the YCUA Director or Utility Department Director by the user.

Section 169-113. Hearing procedure.

- (a) Any user subject to enforcement action under the provisions of this article may request a hearing before the Township Supervisor within ten days of receipt of notification of the proposed enforcement action. A hearing is to be held by the Township Supervisor concerning the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Township Supervisor why the proposed enforcement action should not be taken.
- (b) The Township Supervisor may conduct the hearing and take the evidence, or may designate any officer or employee to:
 - (1) Issue in the name of the Township notices of hearing requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings; or
 - (2) Take the evidence.
- (c) At any hearing held pursuant to this article, testimony taken must be under oath and recorded. The audio tape, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- (d) After the Township Supervisor has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specific time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that such devices or other related appurtenances are properly operated. Further orders and directives, as necessary and appropriate, may be issued.

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- (e) The Township Board shall also establish appropriate surcharges or fees to reimburse the Township for the additional cost of operation and maintenance of the wastewater treatment works due to the violations of this article.

Section 169-114. Appeal procedure.

Upon receipt of the Township Supervisor's order pursuant to Section 113(d), an aggrieved party may appeal the Supervisor's order to the Township Board for review and reconsideration under the following terms and conditions:

- (1) Within ten days from the date the order is received from the Supervisor, the aggrieved party shall formally notify the Township Board of their intent to appeal the Supervisor's order issued pursuant to Section 113(d) on a form to be provided by the Township.
- (2) Within 30 days from the date the order is received, the aggrieved party shall submit to the Township Board the grounds on which the appeal is based, together with all documents, evidence, transcripts, and information in support of such party's position. In addition, the aggrieved party shall file five copies of their grounds for appeal with the Township Board and serve an additional copy on the Township Supervisor.
- (3) The Township Supervisor shall have 30 days to respond to the aggrieved party's grounds for appeal and to submit all evidence, documents and information in support of any order issued pursuant to Section 113(d). The Township Supervisor shall file with the Township board five copies of his responsive pleadings and shall serve an additional copy on the aggrieved party or his designated agent.
- (4) Within 30 days of receiving the Township Supervisor's response to the aggrieved party's appeal, the Township Board shall meet and review all responsive pleadings pertaining to the appeal and shall issue an order affirming the Township Supervisor's order, affirming the order in part and reversing in part, or reversing the Township Supervisor's order in full. The Township shall immediately forward a copy of its order to all interested parties of record.

Section 169-115. Actions for relief by Township.

If any person discharges sewage, industrial wastes or other wastes into the YCUA, Ann Arbor or Township wastewater disposal system contrary to the provisions of this article, or any provision of a permit issued under this article or

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any provisions of federal or state pretreatment requirements, or any order of the Township, the Township may commence an action for appropriate legal and/or equitable relief in the applicable court of law.

Sections 169-116 – 169-135. Reserved

DIVISION 3. PRIVATE SEWAGE DISPOSAL

Section 169-136. Prohibited generally.

The Township board has previously found, and currently reaffirms, that the use of septic tanks, privies, privy vaults, cesspools, or similar private sewage disposal facilities in the urban service area sewer district as delineated in the Growth Management Plan of Superior Charter Township, is deleterious to the health, safety and welfare of the businesses, industries, governmental and charitable agencies, and residents of the Township. No person shall construct or maintain any septic tank, privy, vault, cesspool or other facility intended or used for the ultimate disposal of sewage except as provided in Section 137 of this Ordinance.

Section 169-137. Exceptions.

Where a public sanitary sewer is not available under the provisions of Section 86, the building sewer shall be connected to an individual private on-site septic tank and drainfield complying with the provisions of this division and the Washtenaw County Environmental Health Department, or a private community on-site sewer system as allowed by Ordinance 166 (Private Community Waste Water Systems) and complying with the Washtenaw County Environmental Health Department.

Section 169-138. Permit required for construction; inspection; specifications.

- (a) Before commencement of construction of a private on-site septic tank and drainfield, the owner shall first obtain a written permit by the Plumbing Inspector. The application for such a permit shall be made on a form furnished by the township and shall include Code specifications or other information as may be deemed necessary by the Code Enforcement Department. A permit and inspection fee shall be paid to the Township Treasurer at the time the application is filed.
- (b) A permit for a private septic tank and drainfield shall not become effective until the installation is completed to the satisfaction of the Plumbing Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Plumbing Inspector when the work is ready for final inspection, and

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before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Plumbing Inspector.

- (c) The type, capacities, location, and layout of a private septic tank and drainfield shall comply with all recommendations of the county health department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

Section 169-139. Operation and maintenance of facilities.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Township, YCUA, or Ann Arbor.

Section 169-140. Public sewer availability.

- (a) At such time as a public sewer becomes available to a property served by a private septic tank and drainfield, as provided in Section 86, a direct connection may be made to the public sewer in compliance with this article and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- (b) When a public sewer becomes available, the building sewer may be required to connect to such sewer within 90 days, and the private septic tank shall be cleaned of sludge and filled with clean bank run gravel or dirt.

Sections 169-141 – 169-155. Reserved

DIVISION 4. BUILDING SEWERS

Section 169-156. Permit required for construction; classes; application.

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Utility Department.
- (b) There shall be two classes of building sewer permits:

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- (1) For residential and commercial service; and
 - (2) For service to establishments producing industrial wastes
- (c) In either case, the owner or his agent shall make application on a special form furnished by the Township Code Enforcement Department. The permit application shall be supplemented by an plans, specifications, or other information considered pertinent, in the judgment of the Plumbing Inspector. A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the Township Treasurer at the time the application is filed.

Section 169-157. Installation and Connection Costs.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Township , YCUA and Ann Arbor from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 169-158. Separate sewer for each building.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot, and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Section 169-159. Use of old sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the Plumbing Inspector and a civil engineer registered in the state, to meet all requirements of this article.

Section 169-160. Size, slope, alignment and materials.

The size, slope, alignment, and materials of construction of a building sewer; and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Code Enforcement Department. In the absence of the code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

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Section 169-161. Lifting of sewage.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 169-162. Connection of runoff or groundwater.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

Section 169-163. Connection requirements and rules.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Utilities Authority and the Township or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Utilities Authority before installation.

Section 169-164. Notice by contractor of readiness for inspection.

The contractor installing the building sewer shall notify the Township when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the inspection of the Township.

Section 169-165. Guarding of excavations.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township.

Section 169-166. Capacity to treat wastewater a prerequisite to connection.

The Township shall not allow any connection to the sanitary sewer unless there is sufficient capacity in the sewage works to convey and adequately treat the additional wastewater from the proposed connection.

DIVISION 5. USE OF PUBLIC SEWER

Section 169-191. Discharge of unpolluted water.

- (a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, water from footing drains, roof water, or other unpolluted water to any sanitary sewer or sewer connection except as otherwise provided in this article. Any premises connected to a storm sewer shall comply with county, state and federal requirements as well as those by the Township and the YCUA.
- (b) Stormwater, groundwater, water from footing drains and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewers, or to a natural outlet, except as otherwise provided in this article. Industrial cooling water or unpolluted process waters may be discharged upon application and approval of the YCUA and the appropriate state agency to a storm sewer or natural outlet.

Section 169-192. Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Utility Department Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for single-family or multiple-family dwelling units. All interceptors shall be of a type and capacity approved by the Utility Department Director and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted into place shall be gastight and watertight. When installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Section 169-193. Prohibited discharges.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of the sewage works. A user may not contribute the following substances to the sewage works:

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- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the sewage works or to the operation of the sewage works.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities.
- (3) Any wastewater having a pH less than 5.0 or greater than 11.0; or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works.
- (4) Any wastewater containing toxic pollutants or of high chlorine demand in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the sewage works, or exceed the limitation set forth in the EPA Categorical Pretreatment Standard, or any other federal, state or county standards.
- (5) Any noxious or malodorous liquids, gases, or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (6) Any substance which may cause the sewage works (such as residues, sludges, or scums) to be unsuitable for land application or reclamation and reuse or to interfere with the reclamation process.
- (7) Any substance which will cause the sewage works to violate its NPDES permit or the receiving water quality standards.
- (8) Any wastewater with color of sufficient light absorbency to interfere with treatment plant process, prevent analytical determinations, or create any aesthetic effect on the treatment plant effluent such as, but not limited to, dye wastes and vegetable tanning solutions.
- (9) Any wastewater having a temperature which will inhibit biological activity in the sewage works resulting in interference, but in no case wastewater with a temperature at the introduction into the sewage works

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which exceeds 60 degrees Celsius (140 degrees Fahrenheit) or is lower than 0 degrees Celsius (32 degrees Fahrenheit).

- (10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the sewage works.
- (11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable state or federal regulations.
- (12) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (13) Freon extractable substances such as fats, wax, grease, or oils or petroleum origin, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit (0 degrees Celsius) and 140 degrees Fahrenheit (60 degree Celsius).
- (14) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases; or other pollutants which cause the wastewater to have a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius), or which cause an exceedance of ten percent of the lower explosive limit (LEL) at any point within the POTW or containing gasoline, benzene, xylene or toluene which causes the wastewater to exceed the state surface water quality standard.
- (15) Any garbage that has not been ground by household type or other suitable garbage grinders.
- (16) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solids or viscous substances capable of causing obstructions or other interferences with proper operation of the sewer system.
- (17) Toxic or poisonous substances in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute hazards to humans or animals, or to create any hazard in waters which receive toxic wastes and shall include, but are not limited to, wastes containing cyanide, chromium, cadmium, mercury, copper and nickel ions.

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- (18) Solids of such character and quantity that special and unusual attention is required for their handling.
- (19) Any substance which would cause the treatment plant to be in noncompliance with sludge use, recycling or disposal criteria pursuant to guidelines or regulations developed under section 405 of the Federal Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or other regulations or criteria for sludge management and disposal as required by the state.
- (20) Color which is not removed in the treatment processes.
- (21) Any medical or infectious wastes prohibited from being discharged under federal or state law and regulations.
- (22) Any pollutant, including BOD pollutants, released at a flow rate and/or pollutant concentration which could cause interference with the treatment plant.
- (23) Material considered a hazardous waste under the Resource Conservation and Recovery Act (RCRA).
- (24) Any commercial or industrial waste that may cause pass-through of pollutants or interference with the wastewater treatment plant operations or that violates federal, state, or local restrictions shall not be discharged to wastewater treatment plant.
- (25) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
- (26) Trucked and hauled waste, except at a discharge points designated by the POTW.
- (27) Pollutants causing toxic gases, vapors and fumes.
- (28) Any untreated landfill leachate from any site classified as a contaminated 307 site by the state department of natural resources.
- (29) Any leachate from a hazardous waste landfill.

Section 169-194. Limitations on wastewater discharge.

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- (a) Upon the promulgation of the national categorical pretreatment standard, alternative discharge limits, or other federal or state limitations for a particular industrial subcategory, the pretreatment standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article and shall be considered part of this article. The Township shall notify all affected users of the applicable reporting requirements.
- (b) No person shall discharge wastewater such that the concentration of pollutants contained in a representative 24-hour composite sample is at or above the following surcharge threshold, except as otherwise permitted in writing by the director and on payment of a surcharge, and no person shall discharge wastewater such that the concentration of pollutants contained in a representative 24-hour composite sample exceeds the following upper limits, with respect to the following compatible pollutants:

COMPATIBLES

<u>Surcharge Threshold</u>	<u>Upper Limits</u>	
300 mg/l	756 mg/l	5-day BOD (Biochemical Oxygen Demand)
350 mg/l	2366 mg/l	Total SS (Suspended Solids)
600 mg/l	1530 mg/l	COD (Chemical Oxygen Demand)
13 mg/l	63 mg/l	Total Phosphorus
25 mg/l	452 mg/l	Ammonia-Nitrogen

INORGANICS

No person shall discharge wastewater such that the concentration of pollutants contained in a representative 24-hour composite sample shall exceed the following limits with respect to the following inorganic or organic pollutants or phenolic compounds:

1.0 mg/l	Arsenic
0.0017 mg/l	Beryllium
0.100 mg/l	Cadmium
4.0 mg/l	Chromium (Total)
3.0 mg/l	Copper
1.0 mg/l	Cyanides
0.3 mg/l	Lead
Nondetectable	Mercury
3.0 mg/l	Nickel
0.12 mg/l	Silver
3.0 mg/l	Zinc

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ORGANICS

1.1 mg/l	Bis (2-Ethylhexyl) phthalate
0.55 mg/l	Total Phenols
Nondetectable	Polychlorinated biphenyls (Nondetectable per U.S. EPA method 608. Any detectable sample exceeds this limit.)

- (c) The Director of the YCUA or the Ann Arbor Treatment Plant shall annually review the quantities of industrial pollutants listed in subsection (b) of this section which are discharged or proposed to be discharged to the sewage works. The director of the YCUA or the Ann Arbor Treatment Plant shall recommend any revisions to these limits necessary to ensure that the NPDES permit, federal pretreatment standards and water resources limits are met and to ensure that the industrial discharge will not interfere with the treatment process of sludge disposal. At such time as the previously cited limits are changed by the Township, YCUA or the Ann Arbor Treatment Plant, the unit authorizing such change shall notify the remaining units of such change.

Section 169-195. Measurements, tests and analyses.

All measurements, tests and analyses of the characteristics of waters and wastes to which references are made shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater or Guidelines Establishing Test Procedures for the Analysis of Pollutants, 40 CFR 136, published in the Federal Register on October 16, 1973, and succeeding amendments, and shall be determined at the monitoring facilities provided for in Section 227 or upon suitable samples which shall be taken at the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Section 169-196. Surcharges for discharges exceeding prescribed limits.

- (a) If the character of the wastewater from any manufacturing or industrial plant or any other building or premises exceeds the strength of normal domestic sewage or shall be such as to impose any unreasonable burden upon the sewer of the system or upon the sewage treatment plant in excess of a maximum limit prescribed in this article, then an additional charge shall be made over and above the regular rates, or the Utility Department shall require that such sewage be treated by the person responsible

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therefor being emptied into the sewer or the right to empty such sewage shall be denied, if necessary, to protect the system or any part thereof.

- (b) Surcharges required shall be computed as the prorated share of the annual costs of operation and maintenance, including replacement, attributable to treating a substance, multiplied by the ratio of weight of surchargeable excess of the discharged substance to the total weight of such substance that is treated in that year. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to ensure a representative sample. The cost of sampling and testing shall be borne by the industry of establishment, whether the owner or lessee. Tests shall be made by the user, an independent laboratory, or at the YCUA or Ann Arbor Wastewater Treatment Plant.
- (c) Any wastewater discharged into the sewer system having a compatible pollutant in excess of those prescribed in Section 194(b) may be permitted, provided payment by the industrial concern for the full cost of treating such excess constituents in the wastewater is made and acceptance of the waste does not cause violation of EPA guidelines or NPDES requirements.

Section 169-197. Special agreements.

With respect to compatible pollutants only, no statement contained in this division shall be construed as preventing any agreement between the Utility Department and any industrial concern whereby an industrial waste of unusual strength or character may be accepted, subject to payment therefor by the industrial concern, provided such agreement shall not violate EPA guidelines or NPDES requirements and provided user charges and surcharges as provided in the article are agreed to in the agreement.

Section 169-198. Dilution as substitute for treatment.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, alternative discharge limits, or in any other pollutant-specific limitation developed by the YCUA, the Ann Arbor Treatment Plant or the state.

Section 169-199. Protection from accidental discharge.

Where required, a user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to

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prevent accidental discharge or prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Utility Department for review and shall be approved by the Utility Department before construction of the facility. All required users shall complete such a program within 90 days of notification by the Utility Department. If required by the Utility Department, a user who commences contribution to the sewage works after the effective date of the ordinance from which this article is derived shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Utility Director. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article.

Section 169-200. Reporting violations.

- (a) In the case of any discharge, whether accidental or not, that could cause problems to the YCUA or the Ann Arbor system or their wastewater treatment plants, including any slug loadings by the user, it is the responsibility of the user to immediately telephone and notify the sewage works of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- (b) Within five days following any discharge, whether accidental or not, that could cause problems to the YCUA or the Ann Arbor system or their wastewater treatment plants, including any slug loadings by the user, the user shall submit to the Utility Department a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the sewage works, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this division or other applicable law. Failure to file a report shall be a separate violation of this article.

Section 169-201. Determination of user sewage flow; methods.

To determine the sewage flow from any establishment, the YCUA, Ann Arbor Treatment Plant and/or Township Utility Department may use one of the following methods:

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- (1) The amount of water supplied to the premises by the public water system as shown upon the water meter, if the premises are metered;
- (2) If the premises are supplied with river water or water from private wells, the amount of water supplied from such sources may be metered at the source or metered at its point of discharge prior to entry into the public sewer;
- (3) If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the YCUA or Ann Arbor Treatment Plant from the water, gas or electric supply, or metered at its point of discharge prior to entry into the public sewer;
- (4) The volume of sewage discharged into the sewer system as determined by measurements and samples taken at a manhole installed by the owner of the property served by the sewer system at his own expense in accordance with the terms and conditions of the permit issued by the YCUA or Ann Arbor Treatment Plant pursuant to this section; or
- (5) A figure determined by the YCUA or Ann Arbor Treatment Plant by a combination of the foregoing or by any other equitable method.

Section 169-202. Bypass; notice; report.

- (a) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. If an industrial user knows in advance of the need for bypass, it shall submit prior notice to the Utility Department, if possible at least ten days before the date of the bypass.
- (b) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the Utility Department within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

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The Utility Department may waive the written report on a case by case basis if the oral report has been received within 24 hours.

- (c) Bypass is prohibited, and the Utility Department may take enforcement action against an industrial user for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or prevention maintenance.
 - (3) The industrial user submitted notice as required under this section. The Utility Department may approve an anticipated bypass, after considering its adverse effects, if the Utility Department determines that it will meet the three conditions listed in subsections (c)(1), (c)(2) and (c)(3) of this section.

Section 169-203. Sampling by user; discovery of violation; report.

If the results of any sampling performed by a user indicate that any violation has occurred, the user shall notify the Township within 24 hours of becoming aware of the violation and shall repeat the sampling and pollutant analysis and shall submit, in writing, the results of the repeat analysis within 30 days after becoming aware of the violation. A written follow-up report shall be filed by the user with the Township within five days of a user becoming aware of the violation. The report shall specify the following:

- (1) A description of the violation, the cause thereof, and the violation's impact on the user's compliance status;
- (2) Duration of the violation, including exact dates and times of the violation, and if not corrected, the anticipated time the violation is expected to continue;
- (3) All steps taken are intended to be taken to reduce, eliminate and prevent reoccurrence of such violation; and

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- (4) The report must also demonstrate that any treatment facility of the user was being operated in a prudent and workmanlike manner.

Section 169-204. Report of discharge of hazardous waste.

All industrial users shall notify the Township, the EPA Regional Waste Management Division Director and the State Department of Natural Resources in writing of any discharge to the Township of a substance which would be a regulated hazardous waste under any federal statute if disposed of otherwise. Such notice shall be given in accordance with 40 CFR 403.12(p).

Sections 169-205 – 169-220. Reserved

DIVISION 6. INDUSTRIAL PRETREATMENT

Subdivision I. Generally

Section 169-221. Application of division.

This division shall apply to all nondomestic users of the Township of the Township Community Utilities publicly owned treatment works (the POTW) which discharge directly or indirectly into the POTW's sanitary sewer system. In addition, it shall be unlawful for any nondomestic user located outside the Township limits to continue discharges to the POTW except as provided in Section 222.

Section 169-222. Discharge of wastewater prohibited generally; exception.

It shall be unlawful to discharge to the waters of the state within the Township, or in any area under the jurisdiction of the Township and/or to the sewage works, any wastewater except as provided by an NPDES permit and/or as authorized by the Township and the YCUA or Ann Arbor Treatment Plant in accordance with the provisions of this article.

Section 169-223. Submission of required information to sewage works by user to determine need.

All industrial users proposing to connect to or to contribute to the sewage works shall submit information on the use, processes and wastewater to the Township Utility Department before connecting to or contributing to the sewage works. Also, existing industrial users connected to or contributing to the sewage works shall submit this information within 30 days after the effective date of the ordinance from which this article is derived. The information submitted must be

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sufficient for the Township to determine the impact of the user's discharge on the sewage works and the need for pretreatment. The user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address and location, if different from the address.
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- (3) Wastewater constituents and characteristics including but not limited to those mentioned in division 5 of this article as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with the procedures and methods detailed in:
 - (a) Standard Methods for the Examination of Water and Wastewater, American Public Health Associates.
 - (b) Manual of Methods for Chemical Analysis of Water and Wastes, United States Environmental Protection Agency.
 - (c) Annual Book of Standards, Part 131, Water, Atmospheric Analysis, 1975, American Society of Testing and Materials.
- (4) Time and duration of contribution.
- (5) Average daily wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (6) Industries identified as significant industries or subject to the national categorical pretreatment standards or those required by the YCUA and Ann Arbor Treatment Plant must submit site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.
- (7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Township, YCUA and Ann Arbor Treatment Plant, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required by the industrial user to meet applicable pretreatment standards.

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- (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
- (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operating of additional pretreatment required for the user to meet the applicable pretreatment standards.
 - (b) No increment referred to in subsection (9)a of this section shall exceed nine months.
 - (c) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Utility Department including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Utility Department.
- (10) Each product produced by type, amount, process or processes and rate of production.
- (11) Type and amount of raw material processed, average and maximum per day.
- (12) Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- (13) Any other information as may be deemed by the Utility Department to be necessary to evaluate the impact of the discharge on the sewage works.

Section 169-224. Semiannual review.

Within six months of the promulgation or revision of a pretreatment standard, all affected users must submit to the Utility Department the information required by Section 223(8) and (9).

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Section 169-225. Additional regulatory procedures.

Wastewater discharges shall be expressly subject to all provisions of this article and all other applicable regulations established by the YCUA, Ann Arbor Treatment Plant, and Township Utilities Department. The Township may:

- (1) Limit the average and maximum wastewater constituents and characteristics
- (2) Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization;
- (3) Require the installation and maintenance of inspection and sampling facilities;
- (4) Establish specifications for monitoring programs which may include sampling location, frequency of sampling, number, types and standards for tests and reporting schedule;
- (5) Establish compliance schedules;
- (6) Require submission of technical reports or discharge reports;
- (7) Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge as specified by the Township and affording the Township access thereto, and copying thereof;
- (8) Require notification of slug discharges and accidental spills; and
- (9) Require other conditions as deemed appropriate by the Township to ensure compliance with this article.

The YCUA and Ann Arbor Treatment Plant shall require notification of the township for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

Section 169-226. Compliance reports by users.

- (a) Within 90 days following the date for final compliance with applicable pretreatment standards, or in the case of a new source, at least 90 days prior to commencement of discharge of wastewater into the sewer works, any user subject to pretreatment standards and requirements shall submit

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to the Utility Department a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified representative.

- (b) Any user discharging an industrial waste, or any new industrial source discharging into the sewage works, shall submit to the Township and the YCUA or Ann Arbor Treatment Plant, as applicable, during the months of June and December, unless required more frequently in the pretreatment standard or by the Township and the YCUA or Ann Arbor treatment Plant, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standard or this article. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 225(3). At the discretion of the YCUA or Ann Arbor Treatment Plant and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the YCUA or Ann Arbor Treatment Plant may agree to alter the months during which the above reports are to be submitted.
- (c) The Township may also impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in cases in which the imposition of mass limitations is appropriate. In such cases, the report required by subsection (b) of this section shall also indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

Section 169-227. User monitoring facilities.

The Township shall, when determined necessary by the Utility Department, require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The facility's sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the Township and the

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YCUA or Ann Arbor Treatment Plant, and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Township.

Section 169-228. Inspection; right of entry.

The Township shall inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Township or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, records copying or in the performance of any of their duties. The Township, YCUA, MDNR, Ann Arbor Treatment Plant and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Township, YCUA, MDNR, Ann Arbor Treatment Plant and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Section 169-229. User to provide required treatment/ requirements for new sources; submission of plans.

Industrial users shall provide necessary wastewater treatment as required to comply with this article and shall achieve compliance with all pretreatment standards within the time limitations as specified by the federal pretreatment regulations and as required by the Township. Any industrial user that qualifies as a new source is required to have pretreatment equipment installed and operational before discharging and shall be in full compliance within 90 days of initial discharge. Any facilities required to pretreat wastewater to a level acceptable to the Township shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Township for review, and shall be approved by the Township, and/or the YCUA or Ann Arbor Treatment Plant before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Township under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Township prior to the user's initiation of the changes.

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Section 169-230. Publication of list of noncomplying users; criteria of noncompliance.

As required by section 403.8(f)(22)(vii) of the Federal Register, the Township shall publish at least annually in the largest daily newspaper published or distributed in the Township, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with any applicable pretreatment requirements or other pretreatment requirements. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or MDNR upon request. For the purposes of this section, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken during a six-month period exceed by any magnitude the daily maximum limit or the average limit for the same pollutant parameter.
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit, multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the YCUA or the Ann Arbor Treatment Plant determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of Township personnel or the general public.
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the YCUA's or the Ann Arbor Treatment Plant's exercise of their emergency authority to halt or prevent such a discharge.
- (5) Failure to meet within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

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- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- (7) Failure to accurately report noncompliance.
- (8) Any other violation or group of violations which the Township determines will adversely affect the operation or implementation of the local pretreatment program.

Section 169-231. Divulgence of information; protection of trade secrets.

- (a) Information and dates on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Township Board that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- (b) When requested by the person furnishing a report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this article, the National Pollutant discharge Elimination System (NPDES) permit, or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- (c) Information accepted by the Township as confidential shall not be transmitted to any governmental agency or to the general public by the Township until and unless a ten-day notification is given to the user. Any such release of information shall be in accordance with section 403.14 of the Federal Register.

Sections 169-232 – 169-250. Reserved

Subdivision II. Permits

Section 169-251. Notification of Utility Department of nature and characteristics of wastewater by user.

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All non domestic users must notify the Utility Department of the nature and characteristics of their wastewater prior to commencing their discharge. The Utility Department is authorized to prepare a form for this purpose.

Section 169-252. Required.

It shall be unlawful for significant industrial users to discharge wastewater, either directly or indirectly, into the Township's sanitary sewer system without first obtaining an industrial user pretreatment permit from the Utility Department. Any violation of the terms and conditions of an industrial user pretreatment permit shall be deemed a violation of this article. Obtaining an industrial user pretreatment permit does not relieve a permittee of its obligation to obtain other permits required by federal, state or local law.

Section 169-253. Other users may also require.

The Utility Department may require that other industrial users, including liquid waste haulers, obtain industrial user pretreatment permits as necessary to carry out the purposes of this article.

Section 169-254. Existing connections.

Any significant industrial user which discharges nondomestic waste into the sanitary sewer system prior to the effective date of the ordinance from which this article is derived and who wishes to continue such discharges in the future, shall, within 90 days after such date, apply to the YCUA or Ann Arbor Treatment Plant for an industrial user pretreatment permit and shall not cause or allow discharges to the POTW to continue after 180 days from and after the effective date of the ordinance from which this article is derived except in accordance with a permit issued by the Utility Department.

Section 169-255. New connections.

Any significant industrial user proposing to begin or recommence discharging nondomestic wastes into the sanitary sewer system must obtain a pretreatment permit prior to beginning or recommencing such discharge. An application for this permit must be filed at least 60 days prior to the anticipated start-up date.

Section 169-256. Application.

- (a) *Information required.* In order to be considered for a pretreatment permit, all industrial users required to have a permit

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must submit the following information on an application form approved by the Utility Department:

- (1) Name, address, and location, if different from the address.
- (2) Standard industrial classification (SIC) code of both the industry as a whole and any processes for which federal categorical standards have been promulgated.
- (3) Wastewater constituents and characteristics including any pollutants in the discharge which are limited by any federal, state, or local standards. Sampling and analysis will be undertaken in accordance with 40 CFR 136.
- (4) Time and duration of the discharge.
- (5) Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (6) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged to the POTW.
- (7) The site plans, floor plans and mechanical and plumbing plans and details to show all sewers, floor drains, and appurtenances by size, location and elevation.
- (8) Each product produced by type, amount, process or processes and rate of production.
- (9) Type and amount of raw materials processed, average and maximum per day.
- (10) Number and type of employees, and hours of operations, and proposed or actual hours of operation of the pretreatment system.
- (11) Whether additional operational and maintenance (O&M) and/or additional pretreatment is required for the user to meet all applicable federal, state and local standards. If additional pretreatment and/or O&M will be required to meet the standards, then the industrial user shall indicate the shortest time schedule necessary to accomplish installation or adoption of such additional installation; or adoption of such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
 - a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. Such events include

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hiring an engineer, completing construction, beginning operation, and conduction routine operation. No increment referred to in subsection (a)(1) of this section shall exceed nine months, nor shall the total compliance period exceed 18 months.

- b. No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Utility Department including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the Utility Department.

- (12) Any other information as may be deemed by the Utility Department to be necessary to evaluate the permit application

- (b) *Certification of plans.* All plans required in subsection (a) of this section must be certified for accuracy by a state registered professional engineer.

Section 169-257. Application certification statement; enumeration of acceptable responsible officers.

All applications must contain the following certification statement and be signed in accordance with subsections (1), (2), (3) or (4) of this section:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- (1) By a responsible corporate officer, if the industrial user submitting the reports is a corporation. For the purpose of this subsection, a responsible corporate officer means:
 - a. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other

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- person who performs similar policy- or decision- making functions for the corporation; or
- b. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales exceeding \$25,000,000.00 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) By a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship, respectively.
 - (3) The principal executive officer or director having responsibility for the overall operation of the discharging facility if the industrial user submitting the reports is a federal, state or local governmental entity, or their agents.
 - (4) By a duly authorized representative of the individual designated in subsections (1), (2) or (3) of this section if:
 - a. The authorization is made in writing by the individual described in subsections (1), (2) or (3);
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to the Township.
 - (5) If an authorization under subsection (4) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection (4) of this section must be submitted to the Township prior to, or together with, any reports to be signed by an authorized representative.

Section 169-258. Fee.

At the time an application for a permit is made, the user shall pay to the Utility Department a permit fee in the amount of \$500.00. If the permit is denied, half of the fee shall be refunded to the user.

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Section 169-259. Evaluation of data; issuance.

The Utility Department will evaluate the data furnished by the industrial user and may require additional information. After evaluation of the data furnished, the Utility Department may issue an industrial user pretreatment permit, subject to terms and conditions provided in this division.

Section 169-260. Conditions.

Pretreatment permits shall include such conditions as are reasonably deemed necessary by the Utility Department to prevent pass-through or interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate POTW sludge management and disposal, protect ambient air quality, and protect against damage to the POTW collection system or plant. Permits may contain, but need not be limited to, the following:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
- (2) Limits on the average and/or maximum concentration, mass, or other measure of identified wastewater constituents or properties.
- (3) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
- (4) Development and implementation of spill control plans or other special conditions, including additional management practices necessary to adequately prevent accidental, unanticipated, or routing discharges.
- (5) The unit charge or schedule of user discharges and fees for the management of the wastewater discharged to the POTW.
- (6) Requirements for installation and maintenance of inspection and sampling facilities.
- (7) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
- (8) Compliance schedules.
- (9) Requirements for submission of technical reports or discharge reports.
- (10) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Utility Department and affording the Utility Department, or its designated representatives, access thereto.
- (11) Requirements for notification of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater being introduced in the POTW.

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- (12) Requirements for the notification of any change in manufacturing and/or pretreatment process used by the permittee.
- (13) Requirements for notification of excessive, accidental or slug discharges.
- (14) Other conditions as deemed appropriate by the Utility Department to ensure compliance with this article, and state and federal laws, rules, and regulations.
- (15) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal pretreatment standards, including those which become effective during the term of the permit.

Section 169-261. Duration.

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than five years, at the discretion of the Township board of Trustees.

Section 169-262. Notice of final decision; appeal.

- (a) The Township Utility Department will provide all interested persons with notice of final permit decision. Upon notice by the Township Utility Department, any person, including the industrial user, may petition to appeal the terms of the permit within 30 days of the notice.
- (b) Failure to submit a timely petition for review shall be deemed to be a waiver of the appeal.
- (c) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative conditions, if any, it seeks to be placed in the permit.
- (d) The effectiveness of the permit shall not be stayed pending a reconsideration by the Township Board. If, after considering the petition and any arguments put forth by the Utility Department, the Township Board determines that reconsideration is proper, it shall remand the permit back to the Utility Department for reissuance. Those permit provisions being reconsidered by the Township Board shall be stayed pending reissuance.
- (e) A Township board's decision not to reconsider a final permit shall be considered final administrative action for the purposes of a judicial review.

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Section 169-263. Good cause modification or termination; enumeration of causes.

- (a) The Utility Department may modify or terminate the permit for good cause including, but not limited to, the following:
- (1) To incorporate any new or revised federal, state or local pretreatment standards or requirements.
 - (2) Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit.
 - (3) A change in any condition in either the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - (4) Information indicating that the permitted discharge poses a threat to the control authority's collection and treatment systems, POTW personnel or the receiving waters.
 - (5) Violation of any terms or conditions of the permits.
 - (6) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting.
 - (7) Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13.
 - (8) To correct typographical or other errors in the permit.
 - (9) To reflect transfer of the facility ownership and/or operation to a new owner/operator.
 - (10) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.
 - (11) Falsifying self-monitoring reports.
 - (12) Tampering with monitoring equipment.
 - (13) Refusing to allow timely access to the facility premises and records.
 - (14) Failure to meet effluent limitations.
 - (15) Failure to pay fines.
 - (16) Failure to pay sewer charges.
 - (17) Failure to meet compliance schedules.
- (b) The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

Section 169-264. Reassignment or transfer.

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Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the Utility Department and if the following conditions are met:

- (1) The permittee must give at least 30 days' advance notice to the Utility Department.
- (2) The notice must include a written certification by the new owner which:
 - (a) States that the new owner has no immediate intent to change the facility's operations and processes;
 - (b) Identifies the specific date on which the transfer is to occur; and
 - (c) Acknowledges full responsibility for complying with the existing permit.

Section 169-265. Reissuance.

- (a) The user shall apply for permit reissuance by submitting a complete permit application a minimum of 90 days prior to the expiration of the user's existing permit.
- (b) An expired permit will continue to be effective and enforceable until the permit is reissued if:
 - (1) The industrial user has submitted a complete permit application at least 90 days prior to the expiration date of the user's existing permit; and
 - (2) The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the industrial user.

Section 169-266. Special agreements.

Nothing in this article shall be construed as preventing any special agreement or arrangement between the POTW and any user whereby wastewater of unusual strength or character is accepted into the POTW and specially treated and subject to any payments or user charges, as may be applicable. However, not discharge which violates pretreatment standards will be allowed under the terms of such special agreements. If, in the opinion of the Utility Department, the wastewater may have the potential to cause or result in any of the following circumstances, no such special agreement will be made:

- (1) Pass-through or interference; or
- (2) Endangerment of municipal employees or the public.

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ARTICLE IV. RATES FEES, CHARGES AND BILLING PROCEDURE

Section 169-286. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Bonds means, at any time, bonds issued by or on behalf of the Township for the purpose of financing improvements to the System and outstanding, secured by or payable from the net revenues of the System.

Bond and Interest Redemption Account means the account within the System Fund established on the books and accounts of the Township on behalf of the system from which the Township shall pay principal and interest on all bonds of the Township secured by a lien on the net revenues of the System

Bond Reserve Account means the separate account in the Bond and Interest Redemption Account required to be established and maintained by the township on behalf of the System in accordance with the terms of any bonds issued by the Township and secured by the net revenues of the System.

Capital expenses include (1) normal annual replacement of existing System facilities, (2) normal annual extensions and improvements to the System, and (3) major capital replacements and improvements to the System.

Capital Reserves Account means the account within the System Fund established on the books and accounts of the Township on behalf of the System from which the Township shall pay the costs of making repairs, replacements, improvements or enlargements to the System.

Commodity charge means the consumption charge described in Section 54-295 of the Code of Ordinances.

Connection Fee means the access fee charged to premises seeking access to the System, as described in Section 295 of this Ordinance.

Coverage requirement means the promise to bondholders to maintain net revenues at annual amounts at a percentage of debt service greater than 100%.

Debt service means the principal and interest payments on any outstanding bonds of the System, including mandatory redemption requirements, mandatory deposits

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into the Bond Reserve Account, if any, plus the amount necessary to meet any coverage requirements then in effect.

Department means the Charter Township of Superior Utility Department.

Operation and Maintenance Account means the account within the System Fund established by the Township on behalf of the System for purposes of paying the expenses of administration and operation of the System and current expenses for the maintenance of the System.

Rates means the charges, fees, rentals and rates which may be fixed and imposed for the services, facilities and commodities furnished by the System.

Receiving Account means the account within the System Fund established on the books and accounts of the Township on behalf of the System into which all revenues of the System shall be deposited.

Replacement means the obtaining and installing of any equipment, accessories and appurtenances which are necessary during the service life of the System to maintain the capacity and performance to which such System was designed and constructed and to preserve its financial integrity.

Reserve amount means the amount required to be held in the Bond Reserve Account in accordance with any ordinances pertaining to outstanding bonds secured by or payable from the net revenues of the System.

System means the complete water supply and sewage disposal system of the Township, including all water mains and laterals, water treatment facilities, wells, pumps, and all plants, works, instrumentalities and properties used or useful in obtaining a water supply, treating and distributing the same for domestic, commercial, industrial, institutional and/or fire protection purposes, and all pumps, pumphouses, sewage treatment facilities, sewers, life stations, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial, industrial or institutional wastes, and all other appurtenances to the System, including all easements, rights and land for such easements and rights, and including all extensions and improvements thereto which may be acquired or constructed on behalf of current and future users of the System.

System Fund means the enterprise fund established on the books and accounts of the Township on behalf of the System, as described in Section 289 of this Ordinance.

Section 169-287. Combined system.

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It is hereby determined that the existing water supply and sewage disposal system of the Township, also known as the "Utilities System," shall continue to be operated as a combined system under the terms of Act No. 94 of the Public Acts of Michigan of 1933 (MCL 141.101 et seq., MSA 5.2731 et seq.) as amended.

Section 169-288. Management system.

The construction, alteration, repair and management of the system shall be under the supervision and control of the Township Board, which may employ such persons in 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 ensure the efficient management and operation of the system.

Section 169-289. Records and Accounts.

- (a) *Records and accounts.* The Township shall maintain a System Fund and all accounts and funds of the System as an enterprise fund upon the books and accounts of the Township. The System Fund shall be used to account for the operation and maintenance of the System, the construction and acquisition of additions and improvements to the System, and contributions towards the payment of principal of and interest on general obligation bonds issued by or on behalf of the Township to facilitate the financing of projects undertaken by the System. The Township shall cause an annual audit of such books and records and accounts of the preceding operating year to be made by a recognized independent certified public accountant and will make such audit available to the public upon proper request.
- (b) *Establishment and maintenance of separate funds and accounts within the System Fund.* The Township shall establish and shall maintain and use the following funds and accounts within the System Fund:
 - (1) *Receiving Account.* All revenues of the System shall be credited initially to the Receiving Account, and shall be transferred or debited from the Receiving Account periodically in the manner and at the times and in the order of priority described in this Section.
 - (2) *Operation and Maintenance Account.* Out of the revenues credited to the Receiving Account, at least monthly there shall first be set aside in, or credited to, the Operating and Maintenance Account,

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an amount sufficient to provide for the payment of the next month's expenses of operation and administration of the System and such current expenses for the maintenance of the System as may be necessary to preserve the System in good repair and working order.

- (3) *Bond and Interest Redemption Account; Bond Reserve Account.* Out of the revenues remaining in the Receiving Account, there shall be set aside each month an amount equal to the amounts specified in each bond ordinance applicable to outstanding bonds secured or payable from net revenues of the System. In addition, if required by any bond ordinance, there shall be set aside the amounts required to establish and maintain the Bond Reserve Account. Money in the Bond and Interest Redemption Account shall be used exclusively for payment of the the principal of, redemption premiums, if any, and interest on the bonds as they come due. Funds in the Bond Reserve Account shall be used solely for the payment of the principal of, redemption premiums, if any and interest on the bonds as to which there would otherwise be a default. If at any time it is necessary to use money credited to the Bond Reserve Account for such payment, then the amounts so used shall be replaced from the net revenues next received that are not needed for current principal and interest requirements, until the amount on deposit equals the reserve amount.

- (4) *Capital Reserves Account.* Recognizing the necessity to maintain a working System able to provide water and sewer services demanded by the user of the System, the Township has adopted the policy that it shall maintain the revenues of the System on a utility basis thereby enabling the Township to retain a reasonable percentage of the revenues of the System to meet necessary repairs and replacements. Therefore, out of the revenues and moneys of the System remaining in the Receiving Account at the end of each year, after provision has been made for credits or deposits to the Operation and Maintenance Account and the Bond and Interest Redemption Account (including the Bond Reserve Account), there shall be deposited such additional funds into the Replacement and Improvement Account in such amounts as the custodian of funds shall determine advisable, not to exceed the amounts budgeted for such purpose. The money in the Replacement and Improvement Account shall be used solely for the purpose of making repairs, replacements, and any improvements, or enlargements of the

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System necessary to provide water and sewer service to the users of the System, including any building or structures related to the System. If at any time it shall be necessary to use the money in the Replacement and Improvement Account for the purpose for which the Account was established, the amount so used shall be replaced from any funds in the Receiving Account which are not required to be used for the operation and Maintenance Account or the Bond and Interest Redemption Account, including the Bond Reserve Account.

- (c) *Surplus revenues.* All money remaining in the Receiving Account after satisfying all of the requirements of this Section may, at the option of the Township Board, be used for any purpose directly relating to the System, including credit or transfer to the Replacement and Improvement Account, or for the purchase of bonds on the open market at not more than the fair market value thereof, or for the redemption of bonds prior to maturity, or as a credit to the revenue needed for the next succeeding fiscal year.
- (d) *Priority of Funds.* If the money in the Receiving Account is insufficient to provide for the current requirements of the Operation and Maintenance Account or the Bond and Interest Redemption Account (including the Bond Reserve Account), any money or securities in other accounts of the System, except the proceeds of the sale of bonds, shall be credited or transferred, first, to the Operation and Maintenance Account, and second to the Bond and Interest redemption Account (including the Bond Reserve Account).
- (e) *Depository.* Money credited to the several funds and accounts of the System, except money in the Bond and Interest Redemption Account (including the Bond Reserve Account) may be kept in one or more bank accounts at a bank or banks designated by resolution of the Township Board, and if kept in one bank account, the money shall be allocated on the books and records of the Township in the manner and at the times provided in this Section.
- (f) *Deficiencies in Cash Accounts.* If the money in the Operation and Maintenance Account is insufficient to provide the current requirements of the operation and maintenance of the System, the Township may transfer any money or securities from any other fund or account of the System to the extent of the deficiency.
- (g) *Proceeds of Connection Fees.* The Township shall transfer the proceeds of all Trunk Connection Fees into the Capital Reserves Accounts.

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Section 169-290. Custodian of Funds.

The Custodian of the Funds shall be such person as shall be designated by the Township Board. The Custodian shall be required to give bond in such amount as shall be established by the Township Board, except that in case the Township Treasurer is designated as Custodian, then the Treasurer shall not be required to furnish any bond other than the bond as such Township Treasurer.

Section 169-291. Fiscal year.

The system shall be operated on the basis of an operating year commencing on January 1 and ending on December 31 next following.

Section 169-292. Free service.

No free service shall be furnished by the system to any person, firm or corporation, public or private, or to any public agency or instrumentality.

Section 169-293. Fixing rates.

The Township Board has determined that the purpose of water and sewer rates is to produce sufficient revenues each year to pay the costs of service. The costs of service to be paid from revenues shall include all of the following: (1) operation and maintenance expenses, (2) debt service expenses, and (3) capital expenses not funded from bonded indebtedness.

- (a) The rates to be charged for water and sewer service furnished by the System shall be charged to all buildings or premises having any connection with the System.
- (b) The Department shall periodically review rates, fees, rules and regulations of the System. Said review shall be completed not less than one (1) time per fiscal year. The review will define actual expenses associated with the operation, maintenance, and administration of the System as well as debt service requirements, and repair and replacement costs. Results of said review shall be reported to the Township Board with recommendations for any adjustments.

Section 169-294. Allocation of Cost of Service.

The Township Board has determined that not all classes of users of the System cause the same costs of service. Based on the recommendations of independent

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engineering consultants to the Township, the Township Board has determined the following:

- (a) The commodity costs of water and sewer service for users of the System vary depending on whether service is provided by the YCUA system or the Ann Arbor Charter Township system.
- (b) While all users benefit equally from capital improvements to the System, users taking possession of previously undeveloped properties, and users changing the nature and amount of use of the System at renovated or expanded properties, would not bear equally the cost of those capital improvements unless required to pay a Connection Fee.
- (c) For the purpose of calculating the Connection Fee, the use of a table of Unit Use Factors is the most fair and accurate means, given available technology, of determining the relative demand on capacity of the System among different classes of users.

Section 169-295. Specific Rates and Charges

- (a) *Commodity charge.* Every user shall pay a commodity charge for all water, sewer and wastewater treatment services furnished by the System. Except as otherwise provided in this Chapter 54 of the Code of Ordinances, commodity charges for all water, sewer and wastewater treatment services shall be calculated on the basis of metered water consumption at rates determined by the Township Board and which fairly apportion the variable costs of providing water, sewer and wastewater treatment services for users of the System. Separate rates may be established for users served by the YCUA system and the Ann Arbor Charter Township system.
- (b) *Connection Fees .* The Township Board may by resolution establish Connection Fees to recover certain capital expenses incurred to provide public water and sanitary sewer service to those users that have not previously paid their share of those expenses.
 - (1) *Trunk and Transmission Fee.* Every person seeking to connect previously unconnected property to the System, or to reconnect previously connected property to the System for a use estimated to demand the reservation of greater capacity of the System, may be required to pay a Trunk and Transmission Fee.

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- (a) *Calculation of Estimated Demand on Capacity.* The estimated demand on capacity of a new connection to the System shall be based on the Unit Use Factor assigned to the Type of use described in the table of Unit Use Factors approved by the Township Board from time to time, based on historic average use for each type of use.
 - (b) *Credits.* If a Trunk and Transmission Fee relates to an increase in demand on capacity, the Township shall credit against the specific amount of the Trunk and Transmission Fee the amount of any Trunk and Transmission Fee or similar charges previously paid for connection of that property to the System.
- (2) *Availability Fee.* The Township Board may by resolution establish a onetime availability fee to recover a property's fair share of the cost of additions to the System across the frontage of the property to be serviced necessary to bear its fair share of the amortized cost of the existing improvements.
- (3) *Tap Fees.* Each user connecting or reconnecting to the System shall pay tap fees as follows:
 - (a) *Water.* An amount determined by resolution of the Township Board to defray the labor, material and overhead costs incurred by the Township in making the connection with the water main to a point between the curblineline and the property line, including the curb box and curbstop, also known as a water lateral.
 - (b) *Sewer.* An amount determined by resolution of the Township Board to defray the labor, material and overhead costs incurred by the Township in making the connection with the sewer to the property line, also known as the sewer lateral.
- (4) *Inspection fee.* Each user connecting to the water an/or sewer facilities of the System shall pay an inspection fee, equal to the actual costs of labor as determined by the Township Board.
- (5) *Special connection fees.*
 - (a) All properties within the township which receive water and sewer service pursuant to the Township's contract with Ann Arbor Charter Township shall pay special fees in addition to the Township's regular inspection fees at rates determined by resolution of the Township Board.

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- (b) Any property which has paid all connection fees and charges for a regular domestic water may obtain a separate meter for water only (i.e., no associated sewer usage) upon payment of an additional connection fee in addition to the current Township meter charge.
- (c) *Miscellaneous fees.* The Township Board may by resolution establish certain additional fees for miscellaneous services furnished by the System including, but not limited to, fees for a transfer of records in connection with a change of ownership, reinstatement of service after a nonpayment shut-off, testing the accuracy of meters of various sizes and replacement of damaged meters.

Section 169-296. Billing.

- (a) All residential customers will be billed quarterly. All bills must be paid within 24 days from the date of the bill, and ten percent will be added to the amount of the bill if not paid within 24 days.
- (b) All other customers (commercial, industrial, etc.) will be billed monthly. All bills must be paid within 24 days from the date of the bill, and ten percent will be added to the amount of the bill if not paid within 24 days.

Section 169-297. Enforcement.

- (a) The charges for water and/or sewer service which are, under the provisions of Act 94, Public Acts of Michigan, 1933, as amended (MCL 141.101 et seq., MSA 5.2731 et seq.), made a lien on the premises served thereby, are hereby recognized to constitute such a lien. If any such charges against any piece of property shall be delinquent for six months, the Township officials in charge of the collection of such shall certify, on July 1 of each year, to the Treasurer of the Township, the amount of such delinquency, whereupon such charges shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien enforced in the same manner as general Township taxes against such premises.
- (b) *Turnoff policy; Right to Hearing; Disconnection of Service.* In addition to any other lawful enforcement methods, the payment of charges for water and sewer service to any premises may be enforced by discontinuing either the water service or the sewer service to the premises, or both. Bills for sewer and water are due on the 24th day following the date of billing, and

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may be paid until that date without late fees. Fourteen days after the due date of a bill for water and sewer service, as provided in Section 54-296 of the code of Ordinances, the Department may mail a two-week disconnect notice with the date specified for service shut-off. The written notice shall apprise the user that, upon request, the Township Supervisor or his or her designee will afford an administrative hearing within 15 calendar days to consider any complaint of erroneous or incorrect billing and to review any disputed bill and to rectify any error. If such customer either fails to seek such an administrative hearing within 15 calendar days after receiving notice or fails to pay any sum determined to be properly due as a result of such administrative procedures within ten days after the hearing, a red tag giving 48 hours notice may be attached to the premises. After the lapse of 48 hours following the tagging of such premises, service may be disconnected until such time as the bill is paid in full, plus a turn-on fee in an amount determined by the Township Board.

- (c) Hearing; failure to seek; disconnection. The written notice provided to the customer shall apprise such customer that, upon request, the Township Supervisor or his designee will afford an administrative hearing within 15 calendar days to consider any complaint of erroneous or incorrect billing and to review any disputed bill and to rectify any error. If such customer either fails to seek such an administrative hearing within 15 calendar days after receiving notice or fails to pay any sum determined to be properly due as a result of such administrative procedures within ten days after the hearing, a red tag giving 48 hours' notice may be attached to the house property. After that 48 hours, the water service may be disconnected until such time that the bill is paid in full, plus a turn-on fee.

- (d) When a tenant is responsible for the payment of the charges and the Township is so notified in writing, the notice is to include a true copy of the lease of the affected premises, if there is one, then the charges shall not become a lien against the premises after the date of the notice. In the event of filing of the notice, the Township shall render no further service to the premises until a cash deposit in the sum specified by the resolution of the Township Board is made as security for the payment of the charges. The security deposit shall be subject to a 15% administrative fee to cover the additional costs of maintaining records of the security deposit and for turning the water off and on at the premises. The Turn-off Policy as described in above Section 169-297 (b) does not apply when a security deposit has been paid. If a security deposit has been paid, the tenant and landlord shall be notified when the security deposit is depleted and be

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subject to a 48 hour turn-off notice, unless the security deposit is reinstated to the full amount initially charged.

Section 169-298. Conflicts; 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 169-299. Repeal of Existing Utilities Ordinance No. 13 as amended

The existing Utilities Ordinance of Superior Charter Township, being Ordinance 13, effective May 4, 1959, as amended, is hereby repealed. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution of any right established, occurring prior to the effective date hereof.

Section 169-300. Publication.

This Ordinance shall be published pursuant to Section 8 of the Charter Township Act, being MCL 42.8 by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website – www.superior-twp.org – with notice of such in *The Ypsilanti Courier*, a newspaper of general circulation in the Township, qualified under state law to publish legal notices, and the same shall be recorded in the Ordinance Book of the Township, and such recording authenticated by the signatures of the Supervisor and Clerk.

Section 169-301. Effective Date.

This Ordinance shall be in full force and effect from and after the date of publication, August 30, 2007.

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Caviston, Green, Lewis, Phillips

Nays: None

The motion carried.

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E. GENERATOR FOR UTILITIES DEPARTMENT

At the February 2, 2007, Board meeting the Utility Department was granted approval to request bids for an natural gas powered, permanently mounted, stand-by emergency generator for the Administration Building which houses S.C.A.D.A. (Supervisory Control and Data Acquisition System), which monitors remote sites. The system auto-dials the on-call Utility technician in case of emergency and needs power at all times. Four proposals that either met or exceeded the minimum specifications were received. A.F. Smith Electric, Inc. was the lowest price.

Rick Church was present to answer questions.

It was moved by McKinney, supported by Lewis, that the Superior Charter Township Board authorize the Utility Department to accept the bid from A.F. Smith, Inc. and purchase a 60 KW permanently mounted generator and transfer switch powered by a Cummins engine for \$47,400.00.

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Caviston, Green, Lewis, Phillips

Nays: None

The motion carried.

F. DEPUTY TREASURER – ESTABLISH SALARY AND RESOLUTION TO SIGN CHECKS

Deputy Treasurer Katena Duling-Monk has resigned to take a position as Financial Aid Advisor with Jackson Community College. Treasurer McKinney has appointed Aalea Skrycki, who has been Administrative Assistant in the Treasurer's office, as Deputy Treasurer and requests that the Board authorize her salary at \$16.50 per hour.

It was moved by Caviston, supported by Lewis, that the Superior Charter Township Board concur with the recommendation of the Treasurer and set the salary of Aalea Skrycki, Deputy Treasurer, at \$16.50 per hour; further that the following resolution authorizing Aalea Skrycki to sign checks be adopted:

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**A RESOLUTION TO AUTHORIZE THE DEPUTY TREASURER TO SIGN
CHECKS**

WHEREAS the Aalea Skrycki has been appointed Deputy Treasurer; and

WHEREAS the Deputy Treasurer should be authorized to sign checks in the absence of the Treasurer;

NOW, THEREFORE, BE IT RESOLVED that Aalea Skrycki shall be designated to serve as an Authorized Signer as one of the authorized officers in the following accounts:

JP MORGAN	Building Fund	885-84
CHASE:	General Fund	5503
	Grounds Maintenance	2460
	Law Fund	5552
	Park Fund	5537
	Street Light	5578
	Tax Checking	5560
	Trust & Agency	5545
	Government Operating	2742
	Fire Fund Trust	1919
	Utility Debt Service	1923
	Eyde 440 Utility Study	2025
	O & M Checking	5529
	Fire Bond 2003 Savings	0617
	Fire Bond 2003 Checking	2435
	Utility Section 36	8192
	Utility Cap Reserves Savings	0831
	Utility Cap Reserve Checking	8234
	Legal Defense Fund	6858
CITIZENS BANK	Fire Fund	6709
	Payroll	7804
	Fire Accrued Absences	3620
	Fire Fund Reserve Checking	3935
COMERICA	General Pool Fund	4196
	Building Reserve Pool Fund	3275
	Fire Reserve Money Market	2779

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General Reserve Accrued Ab. 4187

FIFTH THIRD Parks – Building Fund 1936
 Treasury Note

BE IT FURTHER RESOLVED that the above does not negate Resolutions adopted on October 5, 1999, October 2, 2000, February 5, 2001, and July 16, 2001, authorizing the signatures of William McFarlane, Kay Williams, and Brenda McKinney.

BE IT FURTHER RESOLVED that checks shall be signed by Brenda McKinney or Aalea Skrycki and by William McFarlane or Kay Williams.

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Caviston, Green, Lewis, Phillips

Nays: None

THE RESOLUTION WAS DECLARED ADOPTED.

G. TREASURER ADMINISTRATIVE ASSISTANT

As Aalea Skrycki has become Deputy Treasurer, the Treasurer requested that Cheryl Bird be hired as part-time Administrative Assistant.

It was moved by Williams, supported by Caviston, that Cheryl Bird be hired as Administrative Assistant in the Treasurer's Office for 30 hours per week at the hourly rate of \$14.90 per hour.

The motion carried.

H. RESOLUTION ON GLOBAL WARMING

It was moved by McKinney, supported by Lewis, that the Superior Charter Township Board adopt the following resolution:

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**A RESOLUTION URGING THE STATE AND FEDERAL GOVERNMENT TO
ENACT POLICIES AND PROGRAMS TO MEET OR BEAT THE TARGET OF**

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**REDUCING GLOBAL WARMING POLLUTION LEVELS TO 7% BELOW 1990
LEVELS BY 2012**

WHEREAS recent, well-documented evidence has determined that climate disruptions are a reality and that human activities are largely responsible for increasing concentrations of global warming pollution; and

WHEREAS the United States of America with less than five percent of the world's population is responsible for producing approximately 25 percent of the world's global warming pollutants, and

WHEREAS Superior Charter Township is doing its part in reducing greenhouse gases by encouraging recycling of waste through our waste haulage contracts which allow unlimited recycling of household waste, providing compost facilities to our residents, building more than seven miles of non-motorized trails in the Township, enforcing land use policies that reduce urban sprawl, designing the new Fire Station and Utility Maintenance Facility to be state-of-the-art energy efficient, enforcing a tree ordinance that requires two trees to be replaced for every tree destroyed by development, and educate our residents on ways to recycle, reduce waste, conserve water, and protect the environment through the Township newsletter;

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board will continue its efforts to protect the environment and reduce the effects of global warming; and

BE IT FURTHER RESOLVED, that Superior Charter Township urges the Michigan State Government and the United States of America Government to enact policies and programs to meet or beat the target of reducing global warming pollution levels to 7% below the 1990 levels by 2012.

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Caviston, Green, Lewis, Phillips

Nays: None

The motion carried.

I. MTA DISTRICT MEETING

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board authorize the members of the Township Board to

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attend the MTA District Meeting on September 27 at a cost of \$75.00 per person.

The motion carried.

All Board members stated that they would attend the district meeting.

J. BUDGET AMENDMENTS

It was moved by McKinney, supported by Caviston, that the Superior Charter Township Board approve the following amendments to the 2007 Budgets:

General Fund

Increase the following line items:

101-000-671-000	Misc. Income	\$13,000.00
101-000-403-000	Delinquent Pers. Prop. Taxes	1,823.00
101-000-451-000	Election Reimbursements	3,870.00
101-000-607-033	Engineer Review Revenue	2,000.00
101-000-607-076	Engineer Charges Above Base	2,730.00
101-000-664-000	Interest	14,000.00
101-101-716-000	Board Health/Life Insurance	650.00
101-101-716-050	Secretary Health/Life Insurance	3,000.00
101-101-900-000	Printing & Publishing	1,000.00
101-215-715-050	Deputy Clerk FICA	200.00
101-258-740-000	Operating Supplies Computer	5,000.00
101-258-801-000	Professional Service Computer	3,500.00
101-265-703-000	Contract Services – B&G	1,300.00
101-265-740-000	Operating Supplies – B&G	2,200.00
101-265-976-000	Bldg Improvements/Parking Lot	7,200.00
101-266-947-000	Special Projects – Misc.	5,000.00
101-410-740-000	Operating Supplies – Planning	1,200.00
101-410-801-012	Stage 2 Engineering	10,000.00
101-410-801-016	Non-project Plan/Zoning Ord.	26,000.00
101-000-699-000	Appropriation/ Fund Balance	82,827.00

Decrease the following line items:

101-266-947-003	Sidewalk Replacement Project	10,000.00
101-265-930-000	Repave Parking Lot	9,000.00
101-000-607-075	Charges above Base Reimbur.	20,000.00

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101-000-609-000	Building Fund Contribution	7,000.00
101-000-607-074	Charges above Base Admin Fee	8,000.00

Fire Fund

Increase the following line items:

206-000-664-000	Interest	\$25,000.00
206-000-671-100	Insurance Reimbursements	2,837.00
206-000-671-100	Disposition/Assets – tanker	12,000.00
206-336-702-000	Salaries	50,000.00
206-336-707-000	Part-time wages	6,000.00
206-336-715-000	FICA	3,825.00
206-336-715-075	FICA – Part-time	459.00
206-336-851-000	Insurance and bonds	4,000.00
206-336-717-033	Benefit time cashouts	5,000.00
206-890-895-000	Bad Debt Delinquent Pers Prop	1,922.00

Decrease the following line items:

206-336-740-000	Operating Supplies	7,000.00
206-336-775-000	Repair/Maintenance Supplies	6,000.00
206-336-920-000	Utilities	8,000.00
206-890-890-000	Contingencies	10,369.00

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Caviston, Green, Lewis, Phillips

Nays: None

The motion carried.

K. SET MANDATORY DEDUCTION FOR HEALTH CARE SAVINGS PLAN FOR AALEA SKRYCKI

It was moved by Williams, supported by Phillips, that the Superior Charter Township Board adopt the following resolution:

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A RESOLUTION TO AMEND THE MERS HEALTH CARE SAVINGS PLAN

WHEREAS employees of Superior Charter Township may request that their deduction amounts be set by the Superior Charter Township Board for their Health Care Savings Plan:

NOW, THEREFORE, BE IT RESOLVED that the mandatory deductions for the MERS Health Care Savings Plan for Aalea Skrycki be Option 1 with a 2% deduction from Regular Pay only.

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Caviston, Green, Lewis, Phillips

Nays: None

The Resolution is adopted.

L. TOWNSHIP INTERNET SERVICE FROM COMCAST

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board adopt the following resolution:

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**A RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN THE
CONTRACT FOR IP INTERNET CABLE SERVICE FROM COMCAST**

WHEREAS Comcast will no longer provide free IP internet cable services to the municipal offices; and

WHEREAS Comcast will provide free IP internet cable service to the Superior Branch of the Ypsilanti Library which is also the Fire Substation; and

WHEREAS the Township of Superior needs to continue to receive IP internet cable services to serve the community:

NOW, THEREFORE, BE IT RESOLVED that the Superior Charter Township Board hereby authorizes the Supervisor to sign the contracts with Comcast to provide IP internet

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cable services at the following locations at \$63.95 per month for three years for each of the following locations:

Superior Charter Township Hall	3040 N. Prospect
Fire Station #1	7999 Ford
Utility Administration Building	575 E. Clark
Utility Maintenance Facility	9699 MacArthur

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Caviston, Green, Lewis, Phillips

Nays: None

The motion carried.

M. BENCHES AT BUS STOPS ALONG MACARTHUR

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board approve the purchase of three park benches installed on a concrete pad from Margolis Nursery for \$3,375 each, to be placed along MacArthur Boulevard at the bus stops; the funds to come from the Side Street Maintenance Fund.

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Caviston, Green, Lewis, Phillips

Nays: None

The motion carried.

11. PAYMENT OF BILLS

It was moved by McKinney, supported by Caviston, that the bills be paid as presented in the following amounts – General Fund – 4,985.00, Utilities Fund - \$1,000.00 for a total of \$5,985.00.

The motion carried.

12. PLEAS AND PETITIONS

There were none.

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13. ADJOURNMENT

It was moved by Williams, supported by McKinney, that the meeting adjourn.

The motion carried and the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Kay Williams, Clerk