

**TOWNSHIP OF PENTWATER
COUNTY OF OCEANA, MICHIGAN**

At a regular meeting of the Township Board of the Township of Pentwater, Oceana County, Michigan, held at the Pentwater Township Hall, 327 Hancock Street, within the Township, on the 10th day of November, 2010, at 7:00 p.m.

PRESENT: Members: Burke, Flynn, Ruggles, Siska, Smith

ABSENT: Members: None

It was moved by Smith and seconded by Siska that the following Ordinance be adopted under authority of the Revenue Bond Act of 1933, being Act 94 of the Public Acts of Michigan of 1933, as amended.

ORDINANCE NO. 11-10

AN ORDINANCE TO AMEND THE TOWNSHIP OF PENTWATER SEWER RATE AND CONNECTION ORDINANCE, ORDINANCE NO. 2

The Ordinance was then discussed.

Upon roll call vote, the vote upon the motion adopting said Ordinance was as follows:

YEAS: Members: Burke, Flynn, Ruggles, Siska, Smith

NAYS: Members: None

The Township Clerk declared the Ordinance adopted.

The following is Ordinance No. 11-10 as adopted:

THE TOWNSHIP OF PENTWATER ORDAINS:

ORDINANCE NO. 11-10

AN ORDINANCE TO AMEND THE TOWNSHIP OF PENTWATER SEWER RATE AND CONNECTION ORDINANCE, ORDINANCE NO. 2

Section 1. Amendment of Article I. Article I of the Township of Pentwater Sewer Rate and Connection Ordinance, Ordinance No. 2 (the “Sewer Ordinance”) is hereby amended to delete the definition of the term “Single Family Residential Equivalent” and replace it with the definition of the term “Dwelling Unit” to read in its entirety as follows:

Whenever the words “Dwelling Unit” are used in this ordinance, they shall mean a building containing, at a minimum: sleeping facilities, a toilet, bath or shower and a kitchen, intended for residential purposes.

Section 2. Amendment of Article III, Section 1. Article III, Section 1 of the Sewer Ordinance is hereby amended in its entirety to read as follows:

Section 1. All premises connected directly or indirectly to the sanitary sewers of the Township shall be charged and shall make payments to the Township in accordance with this Article.

a. *Single-Family Residential Buildings.* A single-family residential building which includes two or fewer dwelling units shall be charged and make payments to the Township for connection to and use of the system for each dwelling unit in accordance with this ordinance. Residential buildings consisting of more than two dwelling units shall be considered commercial users.

b. *Commercial or Industrial Users; Metered Usage.* Any commercial or industrial user shall be required to acquire and install a water meter on the user’s water supply. The cost for the acquisition and installation of said meter shall be at the user’s sole cost. The Township or its agent must approve the type of water meter to be installed prior to installation. Once installed, the meter shall be operated and maintained by the Township as part of the sewer system and the Township may include charges for the operation and maintenance of the meter in the sewer user charges. The meter shall be read by the Township, or its agent, for purposes of determining usage and for the billing and collection of applicable sewer user charges.

Section 3. Amendment of Article III, Section 2. Article III, Section 2 of the Sewer Ordinance is hereby amended in its entirety to read as follows:

Section 2. The sewer user charges shall consist of a “User Operation and Maintenance (O&M) Charge” and a “User Debt Retirement Charge” both as defined in the Sewer Use Ordinance. The User O&M Charge and the User Debt Retirement Charge, if any, shall be at a rate set in an amount, or in the case of commercial and industrial users with meters a rate per gallons used, payable either monthly or quarterly as established by resolution of the Township Board from time to time. Rates charged for operation and maintenance shall be equal throughout the Township.

Section 4. Amendment of Article III, Section 3. Article III, Section 3 of the Sewer

Ordinance is hereby amended in its entirety to read as follows:

Section 3. A new user connecting to the system shall pay a connection charge in an amount that is established by resolution of the Township Board from time to time.

a. Initial Charge; Payment in Installments. The connection charge shall be due and payable in cash upon application for connection to the system; provided, however, that any user may elect to pay the connection charge in ten (10) equal annual installments with each installment due and payable on the anniversary of the date of the initial installment payment, plus interest on the unpaid balance at the rate of ten percent (10%) per annum until the connection charge and interest are paid in full. Each premises connected to the system shall pay a connection charge in an amount established by resolution of the Township Board from time to time.

b. Change in Use; Additional Connection Charge. In the event a change in use of a premises is proposed which will increase the utilization by that premises of the sewer system, then the owner of the premises shall submit a new application for a connection to the Township. The Township shall assign additional units to the premises to reflect such increased utilization and an additional connection charge based on the additional assigned units. No refunds shall be given for a change in use which lessens the unit calculations and assignment.

Section 5. Deletion of Appendix A. Appendix A of the Sewer Ordinance is hereby deleted in its entirety.

Section 6. Publication. A true copy or a summary of this Ordinance shall be published in the *Oceana's Herald-Journal*, a newspaper of general circulation within the boundaries of the Township qualified under state law to publish legal notices within thirty (30) days after the adoption of the Ordinance by the Township. This Ordinance shall be recorded in the minutes of the Township Board of the meeting at which this Ordinance was adopted and, in addition, shall be recorded in the Ordinance Book of the Township.

Section 7. Effective Date. This Ordinance shall become effective upon publication of this ordinance or a summary of this ordinance in a newspaper of general circulation.

Passed and adopted by the Township Board of the Township of Pentwater, Oceana County, Michigan, on November 10, 2010, and approved by me on November __, 2010.



Charles F. Smith, Supervisor
Township of Pentwater

ATTEST:




Barbara Burke
Township Clerk

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Pentwater, County of Oceana, State of Michigan, at a regular meeting held on November 10, 2010, and that public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267 of Public Acts of Michigan of 1976, as amended including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.



Barbara Burke
Township Clerk