

MICHIGAMME TOWNSHIP  
SEWER USE ORDINANCE

REVISED  
APRIL 9, 1990

 **COPY**

AMENDED MICHIGAMME TOWNSHIP  
SEWER USE AND RATE ORDINANCE  
ADOPTED: 4/12/90  
EFFECTIVE: 5/11/90

TOWNSHIP OF MICHIGAMME  
MARQUETTE COUNTY, MICHIGAN  
ORDINANCE NO: 4

The Board of Michigamme Township of Marquette County,  
Michigan,

ORDAINS:

That the Michigamme Township Sewer Use and Rate Ordinance is  
hereby amended in the following manner:

SECTION I

Paragraphs 5 and 6 of Section 18 entitled "Rates and Charges  
for Township Services" are hereby amended to read as follows:

5. Billing

Billing for wastewater service shall be the Township's  
responsibility. All bills shall be rendered monthly and  
a \$3.00 service fee shall be added as hereinafter  
provided in the event payment is not received or  
satisfactory arrangements made within ten (10) days  
of the due date on the bill.

6. Assessment of Service Fee and Collection of fee

If payment is not received or satisfactory arrangements  
have not been made within ten (10) days of the due date  
on the bill, a \$3.00 service fee shall be added to the  
bill and an additional \$3.00 service fee or such  
other amounts as might be permitted by law subsequently  
added at the end of each additional thirty (30) day  
period during which the bill remains unpaid, a notice  
will be sent by first class mail to inform the user that

failure to respond will result, if the outstanding balance is not received in thirty (30) days or satisfactory arrangements have not been made in ten (10) days, in the Township undertaking such collection activities as might be permitted by law including, not limited to, turning the account over to a Collection Agency.

#### SECTION II

Except as amended in Section I hereinabove, Michigamme Township Ordinance No. 4 entitled "Michigamme Sewer Use and Rate Ordinance" shall remain full force and effect.

#### SECTION III

This Ordinance shall take effect on the 1st day of October, 1993. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

THIS ORDINANCE WAS ADOPTED by the Michigamme Township Board of Marquette County, Michigan, by a vote of Three Ayes to Two Nays at a meeting held on the 24th day of August, 1993, and was ordered published in the Marquette Mining Journal, a newspaper having general circulation within said Township.

#### MICHIGAMME TOWNSHIP BOARD

By: John Olson  
John Olson  
Its: Supervisor

Attest: Jean Howe  
Jean Howe  
Its: Clerk

**MICHIGAMME TOWNSHIP**  
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*Alvar Maki, Supervisor*  
*Roxane Gardner, Clerk*  
*Carla Skytta, Treasurer*

*Dawn Perry, Trustee*  
*Michael Tembreull, Trustee*

**MICHIGAMME TOWNSHIP**  
**SEWER RESOLUTION SR-01-2015**

A RESOLUTION TO AMEND SEWER RATE AND USE ORDINANCE NO. 4 REVISED APRIL 9, 1990 AND THE AMENDED SEWER RATE AND USE ORDINANCE ADOPTED APRIL 12, 1990 FOR THE TOWNSHIP OF MICHIGAMME, MARQUETTE COUNTY, MICHIGAN

WHEREAS, The Michigamme Township Board did pass and approve to raise the monthly sewer rate to \$41 per month to be levied upon those to whom sewer service is available and to keep the Readiness-to-Serve charge at \$20.50 per month.

WHEREAS, Michigamme Township will charge a \$3 late fee for each month payment is not received within ten (10) days of the due date on the payment coupon.

WHEREAS, Billing for wastewater service shall be the responsibility of Michigamme Township. A payment coupon booklet will be sent annually. If a sewer user is delinquent for 3 month(s), a notice will be sent by first class mail to inform the delinquent user that failure to respond will result in the Township taking collective action, if the outstanding balance is not received in thirty(30) days or satisfactory arrangements have not been made within ten (10) days, the Township undertaking such collection activities as might be permitted by law including, not limited to, turning the account over to the County of Marquette to be added to the tax roll.

WHEREAS, the Township Board will evaluate an inflation based increase to the sewer rates on an annual basis.

THEREFORE, be it resolved, a late fee of \$3.00 per month sewer payment is not received, as well as beginning April 1, 2015, and annually on April 1 thereafter, the rates set forth will be adjusted by any increase in inflation based upon the North Central Region Consumer Price Index unless the Board determines a rate increase is not required.

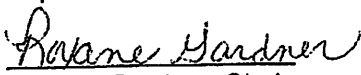
Motion made by Trustee Tembreull seconded by Supervisor Maki to adopt the Sewer Use and Rate Resolution as stated above. Effective April 1, 2015.

Upon roll call vote, the following voted:

YES: Treasurer Skytta, Supervisor Maki, Trustee Tembreull, Clerk Gardner

NO: Trustee Perry

Supervisor Maki declared the motion passed on the 9<sup>th</sup> of March, 2015

  
Roxane Gardner, Clerk

ORDINANCE 4

ORDINANCE FOR SEWERS AND SEWAGE DISPOSAL

THE TOWNSHIP OF MICHIGAMME ORDAINS:

MICHIGAMME TOWNSHIP SEWER RATE ORDINANCE, IS HEREBY AMENDED  
TO READ AS FOLLOWS. MICHIGAMME TOWNSHIP SEWER USE AND RATE ORDINANCE.

Sec. 1. Purpose and Policy

An ordinance regulating private and public sewers, sewer connections, industrial waste pretreatment facilities and discharge of industrial waste into the Township of Michigamme publicly operated treatment works and providing for pollutant limitations, data collection, monitoring and sampling, and providing for penalties for the violation thereof.

The objectives of this Ordinance are:

- a) to prevent the introduction of pollutants into the wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;
- b) to prevent the introduction of pollutants into the wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- c) to improve the opportunity to recycle and reclaim wastewater and sludge from the system.

Sec. 2. Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

1. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
2. Applicable County Health Department shall mean the Marquette County Health Department.
3. Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (a) a principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (b) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or (c) 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.
4. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the bio

chemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter).

5. Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives discharge from drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
6. Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal.
7. Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
8. Chemical Oxygen Demand (COD). 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 specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively.
9. Combined Sewer shall mean a sewer receiving both surface runoff and sewage.
10. Commercial Waste shall mean a liquid or water-carried waste material from a commercial business engaged in buying, selling, exchanging goods or engaging in said goods or services.
11. Compatible Pollutant. 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 pollutant 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.
12. Composite Sample. A series of samples taken over a specific time period whose volume is proportional to the flow in the waste stream, which are combined into one sample.
13. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
14. Debt Service Charge means 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 wastewater system.
15. Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State.
16. Director shall mean the director of public works, or his authorized representative.
17. Environmental Protection Agency, or EPA. The U.S. Environmental Protection

Agency, Administrator or other duly authorized official.

18. Garbage shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
19. Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
20. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
21. Incompatible Pollutants. Any pollutant which is not a compatible pollutant.
22. Indirect Discharge. The discharge or the introduction of nondomestic pollutants into the POTW (including holding tank waste discharged into the system).
23. Industrial Wastes. 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.
24. Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the Township's NPDES Permit or reduces the efficiency of the POTW. The term also includes prevention of sewage sludge use or disposal by the POTW.
25. Laboratory Determination. The measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurement, test, 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 or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to this division.
26. National Categorical Pretreatment Standard or Pretreatment Standard. Any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of Industrial Users.
27. National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).
28. National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
29. Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
30. New Source. Any source, the construction of which is commenced after the adoption of this ordinance.
31. Normal Domestic Sewage (NDS). Wastewater which, when analyzed, shows a daily average concentration of not more than 250 mg/l of BOD; nor than 250 mg/l of

suspended solids; nor more than 6 mg/1 of phosphorus; nor more than 40 mg/1 of total Kjeldahl nitrogen.

32. Operation and Maintenance means all work, materials, equipment, utilities and other effort required to operate and maintain the wastewater transportation and treatment system consistent with insuring 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.
33. Owner or owners of record of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a building.
34. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
35. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
36. Pollutant. 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 agricultural wastes which impair the purity of the water and soil.
37. Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
38. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
39. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration 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 a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6(d).
40. Pretreatment Requirements. Any substantive or procedural requirement for treating of a waste prior to inclusion in the POTW.
41. Properly Shredded Garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
42. Publicly Owned Treatment Works (POTW). A treatment works as defined by section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the Township. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Township who are, by contract or agreement with the Township, users of the Township's POTW.



43. Public Sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
44. Replacement means the replacement in whole or in part of any equipment, appurtenances and accessories in the wastewater transportation or treatment systems to insure continuous treatment of wastewater in accordance with the NPDES Permit and other applicable state and federal regulations.
45. Sanitary Sewage shall mean a liquid or water-carried waste discharged from the sanitary conveniences of dwellings including but not limited to residential homes, apartment houses and hotels, office buildings, commercial businesses or industrial plants.
46. Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.
47. Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters as may be present.
48. Sewage Treatment Plant or Wastewater Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.
- (a) Sewage Works shall mean all facilities for collecting, pumping, treating and disposing of sewage.
49. Sewer shall mean a pipe or conduit for carrying sewage.
50. Sewer Service Charge means the sum of the applicable user charge, surcharges and debt service charges.
51. Shall is mandatory; May is permissive.
52. Significant Industrial User. Any Industrial User of the Township's wastewater disposal system who (a) has a discharge flow of 25,000 gallons or more per average work day; or (b) has a flow greater than 5% of the flow in the Township's wastewater treatment system; or (c) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act State Statutes and rules; or (d) is found by the Township, Michigan Department of Natural Resources, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
53. Slug Load. Any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.
54. Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
55. State. State of Michigan.
56. Storm Sewer or Storm Drain shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

57. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
58. Superintendent. The person designated by the Township to supervise the operation of the publicly owned treatment works, who is charged with certain duties and responsibilities by this article, or his duly authorized representative.
59. Surcharge. As part of the service charge, any customer discharging wastewater having strength in excess of limits set forth by the Township may be required to pay an additional charge to cover the cost of treatment of such excess strength wastewater.
60. Suspended Solids. The 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.
61. Township. Michigamme Township, Michigan
62. Toxic Pollutant. 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 307(a) or other Acts.
63. Uncontaminated Industrial Waste shall mean wastewater which has not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.
64. User. Any person who contributes, causes or permits the contribution of wastewater into the POTW, or as connected to the POTW.
65. User Charge means a charge levied on users of a treatment works for the cost of operation and maintenance of sewerage works pursuant to section 204(b) of PL 92-500 and includes the cost of replacement.
66. User Class means the kind of user connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental.
- 66.1 Residential User shall mean 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, semi-detached and row houses, mobile homes, apartments, or permanent multi-family dwellings (transit lodging is not included, it is considered commercial).
- 66.2 Industrial User means a user of the treatment works which discharges wastewater from industrial, manufacturing, trade or business processes or from any structure with these characteristics, or distinct from their employee's domestic wastes or wastes from sanitary conveniences.
- 66.3 Commercial User shall mean an establishment listed in the Office of the Management and Budget's "Standard Industrial Classification Manual" (SICM), 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.

66.4 Institutional User shall mean any establishment listed in the SICM 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.

66.5 Governmental User shall mean any federal, state or local government user of the wastewater treatment works.

67. Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

68. Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

69. Waters of the State. 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.

### Sec. 3. Abbreviations

The following abbreviations shall have the designated meanings:

1. BOD - Biochemical Oxygen Demand
2. CFR - Code of Federal Regulations
3. COD - Chemical Oxygen Demand
4. EPA - Environmental Protection Agency
5. l - liter
6. mg - milligrams
7. mg/l - milligrams per liter
8. NDS- Normal Domestic Sewage
9. NPDES - National Pollutant Discharge Elimination System
10. P-Phosphorus
11. POTW - Publicly Owned Treatment Works
12. SIC - Standard Industrial Classification
13. SICM - Standard Industrial Classification Manual
14. SS - Suspended Solids
15. SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
16. O&M - Operation and Maintenance
17. CWA - Clean Water Act

**Sec. 4. Unsanitary Deposits, Discharge to Natural Outlets Prohibited**

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Township, or in any area under the jurisdiction of said Township, any human or animal excrement, garbage or other objectionable waste.
2. It shall be unlawful, when sewage and/or treatment facilities are available, to discharge to any natural outlet within the Township, or in any area under the jurisdiction of said Township, any sanitary sewage, industrial wastes, or other polluted waters, unless specifically permitted by the applicable county health department.
3. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, unless specifically permitted by the applicable county health department or as hereinafter provided.
4. 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 or combined 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 ninety (90) days after date of official notice to do so.

**Sec. 5. Process Wastewater**

1. **Wastewater Contribution Information**  
Any industry or structure discharging process flow to the sanitary sewer, storm sewer or receiving stream shall file the material listed below with the Director. Any industry which does not normally discharge to the sanitary sewer, storm sewer or receiving stream, but has the potential to do so from accidental spills or similar circumstances, shall also file the material listed below.

The director may require each person who applies for or receives sewer service, or through the nature of the enterprise creates a potential environmental problem, to file the material listed below on a disclosure form prescribed by the Township:

- a. Name, address and location (if different from the address)
- b. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- c. Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with the procedures and methods detailed in:
  - "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, current edition.
  - "Manual of Methods for Chemical Analysis of Water and Wastes," United States Environmental Protection Agency, current edition.
  - "Annual Book of Standards; Part 131; Water, Atmospheric Analysis," American Society of Testing Materials, current edition.

- d. Time and duration of contribution
- e. Average daily wastewater flow rates, including daily, monthly and seasonal variations, if any
- f. Industries identified as significant industries or subject to the National Categorical Pretreatment Standards or those required by the Township 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.
- g. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged
- h. Where known, the nature and concentration of any pollutants in the discharge which are limited by any Township, 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 and/or additional pretreatment is required by the industrial User to meet applicable Pretreatment Standards
- i. 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:
  - (1) 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 operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards.
  - (2) No increment referred to in paragraph (1) shall exceed 9 months.
  - (3) 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 Director 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 9 months elapse between such progress reports to the Director.
- j. Each product produced by type, amount, process or processes and rate of production
- k. Type and amount of raw materials processed, average and maximum per day
- l. Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system
- m. Any other information as may be deemed by the Township to be necessary to evaluate the impact of the discharge on the POTW.
- n. The disclosure form shall be signed by a principal executive officer of the User and a qualified engineer.



4. **Compliance Date Report**  
Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Director 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 will be signed by an authorized representative of the Industrial User, and certified to by a qualified representative.
5. **Periodic Compliance Reports**
  - a. Any User or New Source discharging into the POTW, shall submit to the Director during the months of June and December, unless required more frequently in Pretreatment Standard or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards or this Ordinance. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph 3.c. of this section. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.
  - b. The Director may also impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases in which the imposition of mass limitations is appropriate. In such cases, the report required by subparagraph a. of this paragraph shall also indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User.
6. **Monitoring Facilities**  
The Township may 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 monitoring facility should normally be situated on the User's premises, but the Township may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, 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 all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Township.
7. **Inspection and Sampling**  
The Township shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance 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, Michigan Department of Natural Resources 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, Michigan Department of Natural Resources and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

8. Pretreatment

Industrial Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations and as required by the Township. 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 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 Ordinance. 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.

The Township shall annually publish in the major local newspaper a list of the Users which were not in compliance with any Pretreatment Requirements or Standards at least once during the twelve previous months. The notification shall also summarize any enforcement actions taken against the User(s) during the same twelve months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Michigan Department of Natural Resources upon request.

9. Confidential Information

Information and data 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 that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

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 Ordinance, 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.



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.

**Sec. 6. Private Sewage Disposal**

1. Where a public sewer is not available under the provisions of Section 4.4, the building sewer shall be connected to an approved private sewage disposal system.
2. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 4.4, a direct connection shall 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 for sanitary use and filled with a suitable material.
3. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Township.
4. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by any other agency having legal jurisdiction.

**Section 7. Building Sewer and Connections**

1. No 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 director. No building sewer shall be covered until after it has been inspected and approved by the Director.
2. All cost and expense incident to the installation, connection and maintenance of the building sewer to the public sewer connection shall be borne by the owner.
3. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior (lot) and no private sewer is available or can be constructed to the rear building through an adjoining alley, yard or driveway, the building sewer from the front building may be extended to the rear building.
4. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the director, to meet all requirements of this article.
5. The building sewer shall be constructed of vitrified clay sewer pipe or equal as approved by the Director. The Township reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in concrete cradle if foundation and construction are such as to warrant such protection in the opinion of the Director.
6. The size and slope of the building sewer shall be subject to approval by the Director, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall be not less than one-quarter (1/4) inch per foot, unless otherwise permitted. The slope of pipe; the diameter of which is six (6) inches or more, shall be not less than one-eighth (1/8) inch per foot unless otherwise permitted.

7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction greater than forty-five (45) degrees shall be provided with cleanouts accessible for cleaning.
8. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by artificial means approved by the Director, and discharges to the building sewer.
9. All joints and connections shall be made gastight and watertight. All joints shall be approved by the Director.
10. No sewer connection will be permitted unless there is capacity available in all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for treatment of BOD and suspended solids.
11. All sewers shall be constructed in accordance with the latest edition of the "Ten State Standards."

**Sec. 8. Use of the Public Sewers.**

**1. General Discharge Prohibitions**

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to the National Categorical Pretreatment Standards or any other national, state or local Pretreatment Standards or requirements. The Township may refuse to accept any wastes which will cause the POTW to violate its NPDES discharge limits. A User may not contribute the following substances to any POTW:

- a. Any liquids, solids or gases which by reason of their nature and 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 POTW or to the operation of the POTW. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- b. 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 such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- c. Any wastewater having a pH less than 6.0 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.

- d. Any wastewater containing toxic pollutants 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 POTW, or exceed the limitation set forth in a Categorical Pretreatment Standard. This prohibition of toxic pollutants will conform to Section 307(a) of the Act.
- e. 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.
- f. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- g. Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.
- h. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- i. Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in Interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F).
- j. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause Interference to the POTW.
- k. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable state or federal regulations.
- l. Any wastewater which causes a hazard to human life or creates a public nuisance.
- m. Any unpolluted water including, but not limited to storm water, groundwater, roof water, or noncontact cooling water.
- n. Any waters or wastes containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- o. Any waste from individual sewage disposal systems except at the POTW Treatment Plant as provided in Section 9 except that waste from any individual sewage disposal system may be disposed of directly into a sanitary sewer upon entering into an agreement with the Township, which agreement shall specify the site of disposal, sewage disposal charge and such other conditions as may be required to satisfy the sanitation and health requirements of the Township. For the purpose of this subsection, "individual sewage disposal system" is defined to include every means of disposing of industrial, commercial, household, domestic or other water-carried sanitary waste or sewage other than a public sanitary sewer.

- p. Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.

2. Specific Pollutant Limitations

No person shall discharge wastewater containing in excess of:

- a.   \* mg/l arsenic
- b.   \* mg/l cadmium
- c.   \* mg/l copper
- d.   \* mg/l cyanide
- e.   \* mg/l lead
- f.   \* mg/l mercury
- g.   \* mg/l nickel
- h.   \* mg/l silver
- i.   \* mg/l total chromium
- j.   \* mg/l zinc
- k.   40 mg/l total Kjeldahl nitrogen
- l.   \* mg/l phenolic compounds which cannot be removed by the POTW wastewater treatment process
- m.   \* mg/l COD
- n.   \* mg/l by weight of fat, oil or grease
- o.   250 mg/l BOD
- p.   250 mg/l suspended solids
- q.   6 mg/l phosphorus
- r.   \* mg/l iron
- s.   \* mg/l chlorine demand at 30 minutes

\* Specific limits shall be established through consultation with MDNR based on treatment system performance shall be furnished by the Director on request.

Should the above concentrations, either individually or in combination with one another, interfere with the sewage treatment process, or cause difficulties or damage to the receiving waters, the maximum concentrations of these substances will be reduced by order of the Director.

Should any other substances either individually or in combination with other substances interfere with the sewage treatment process or cause damage to the receiving waters

or affect the sanitary or storm sewer system, the allowable concentration of these substances will be reduced by order of the Director. Should the Director determine that the above limits can be raised without damage to the sewer system or the sewage plant exceeding the state or federal limits, then the Director may raise the limits, and shall determine the individual concentrations depending on quantity of flow, equipment, capabilities, reliability of testing, etc.

3. **National Categorical Pretreatment Standards**

Upon the promulgation of the National Categorical Pretreatment Standards for a particular subcategory, the Pretreatment Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance. The Director shall notify all affected Users of the applicable reporting requirements.

4. **State Requirements**

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.

5. **Township's Right of Revision**

The Township reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 1 of this Ordinance.

6. **No user shall discharge or cause to be discharged any storm water, surface water, groundwater, water from footing drains, or roof water to any sanitary sewer or sewer connection. Any premise connected to a storm sewer shall comply with county, state and federal requirements as well as those of the Township.**

Downspouts and roof leaders shall be disconnected from sanitary sewers within six (6) months of the date of this Ordinance. If this is not done, the Township shall perform this work and bill the user.

Storm water, groundwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as combined sewers or storm sewers. Discharge of cooling water or unpolluted process water to a natural outlet shall be approved only by the Michigan Water Resources Commission.

7. **Grease, oil and sand interceptors shall be provided when in the opinion of the Director they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious material 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 in place shall be gastight and watertight.**

8. **Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.**

9. The admission into the public sewers or any waters or wastes containing:
- a. Five (5) day BOD greater than two-hundred and fifty (250) parts per million by weight, or
  - b. Containing more than two-hundred and fifty (250) parts per million by weight of suspended solids, or
  - c. Containing more than six (6) parts per million by weight of phosphorus, or
  - d. Containing more than forty (40) parts per million by weight of total Kjeldahl nitrogen, or
  - e. Containing any quantity of substances having the characteristics described in Section 8.1, or
  - f. Having an average daily flow greater than two percent (2%) of the average daily sewage flow of the Township, or having a rate of flow (gallons per day) greater than ten percent (10%) of the average daily Township flow for a period of one hour or more, shall be subject to review and approval of the Director.

Where necessary in the opinion of the Township, the owner shall provide at his expense, such preliminary treatment as may be necessary to reduce the five (5) day BOD, suspended solids, phosphorus and total Kjeldahl nitrogen to the concentrations given in a., b., c. and d. above; or to reduce objectionable characteristics of constituents to within the maximum limits provided for in Section 8.1, or control the quantities and rates of discharge of such waters or wastes.

10. Where the strength of sewage from an industrial, commercial or institutional establishment exceeds (1) two hundred-fifty (250) parts per million of biochemical oxygen demand or (2) two hundred-fifty (250) parts per million by weight of suspended solids or (3) six (6) parts per million by weight of phosphorus or (4) forty (40) parts per million by weight of total Kjeldahl nitrogen and where such wastes are permitted to be discharged to the sewer system by the director, an added charge, as noted below, will be made against such establishment according to the strength of such wastes. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to insure a representative sample. The cost of taking and making the first of these samples shall be borne by the Township. The cost of any subsequent sampling and testing shall be borne by the industry or establishment, whether owner or lessee. Tests shall be made by an independent laboratory or at the Township wastewater treatment plant.

Added charges shall be determined by the Township. These charges shall be based on the cost of operation, maintenance, and equipment replacement for the sewage works.

11. All measurements, tests and analyses of the characteristics of water to which reference is made in subsections 1 and 8 of Section 8, shall be determined in accordance with the latest edition at the time of "Standard Methods for Examination of Water and Sewage," and shall be determined at the control manhole provided for in subsection 6, Section 5, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

12. To determine the sewage flow from any establishment, the Director may use one of the following methods:
- a. The amount of water supplied to the premises by the Township or a private water company as shown upon the water meter if the premises are metered, or
  - b. If such premises are supplied with river water or water from private wells, the amount of water supplied from such sources as estimated by the Director from the water, gas or electric supply, or
  - c. 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 Director from the water, gas or electric supply, or
  - d. The number of gallons 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 Director pursuant to Section 7, or
  - e. A figure determined by the Director by any combination of the foregoing or by any other equitable method.

13. Excessive Discharges

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, or in any other pollutant-specific limitation developed by the Township or State. Dilution may be an acceptable means of complying with some of the prohibitions set forth in Section 8.1, upon prior written approval of the Director.

14. Accidental Discharge

Where required a User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to 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 Township for review, and shall be approved by the Township before construction of the facility. All required Users shall complete such a plan within 180 days after the adoption of this Ordinance. If required by the Township a User who commences contribution to the POTW after the effective date of this ordinance shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Township. 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 Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- a. Written Notice. Within five (5) days following an accidental discharge, the User shall submit to the Director 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 POTW, 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 article or other applicable law.

- b. Notice to Employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees of whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
15. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Township and any person, firm or corporation whereby waste of unusual strength or character may be accepted by the Township, subject to payment therefor by the person, firm or corporation, provided such waste will not damage the sanitary sewer or storm sewer or sewage treatment plant or the receiving waters.

#### Sec. 9 Disposal at POTW Treatment Plant

Waste from individual sewage systems may be accepted with permission of the Superintendent at the POTW Treatment Plant. No waters or wastes described in Section 8.1.0 of this ordinance, shall be disposed of at the POTW Treatment Plant.

Rates for disposal at the POTW Treatment Plant shall be determined by the Superintendent at the time of acceptance.

#### Sec. 10. Fees

##### 1. Purpose

It is the purpose of this chapter to provide for the recovery of costs from Users of the POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth the Township's Schedule of Charges and Fees.

##### 2. Charges and Fees

- a. for reimbursement of costs of setting up and operating the Pretreatment Program,
- b. for monitoring, inspections and surveillance procedures,
- c. for reviewing accidental discharge procedures and construction,
- d. for filing appeals,
- e. for consistent removal by the Township of pollutants otherwise subject to Federal Pretreatment Standards,
- f. and others as the Township may deem necessary to carry out the requirements contained herein.



- g. Additional surcharges shall be made by the Township to compensate the Township for the cost of treatment of pollutant loadings not normally treated at or in excess of those treated by the POTW.
- h. There shall be additional charges for laboratory testing of wastewater. The laboratory charge shall be for the cost thereof and will be determined for each Industrial User.

The charges and fees for the services provided by the system shall be levied upon any user which may have any sewer connections with the POTW or which discharges industrial waste to the POTW or any part thereof. Such charges shall be based upon the quantity and quality of industrial wastewater used thereon or therein.

#### Sec. 11. Protection from Damage

No unauthorized person shall enter or 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.

#### Sec. 12. Power and Authority of Inspectors

The Director and other duly authorized employees of the Township acting as his duly authorized agent, bearing proper credentials and identification, shall be permitted to enter upon such properties as may be necessary for the purposes of inspection, observation, measurement, sampling and testing in accordance with provisions of this article.

#### Sec. 13. Enforcement

##### 1. Wastewater Discharges

It shall be unlawful to discharge to the waters of the State within the Township of Michigamme or in any area under the jurisdiction of said Township, and/or to the POTW any wastewater except as authorized by the Director in accordance with the provisions of this Ordinance except as provided by an NPDES Permit.

##### 2. Harmful Contributions

The Township may suspend the wastewater treatment service when such suspension is necessary, in the opinion of the Township, 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 POTW or causes the Township to violate any condition of its NPDES Permit.

The Township may seek to terminate the wastewater treatment services to any User which (a) fails to factually report the wastewater constituents and characteristics of its discharge; (b) fails to report significant changes in wastewater constituents or characteristics; (c) refuses reasonable access to the User's premises by representatives of the Township for the purpose of inspection or monitoring; or (d) violates the conditions of this Ordinance, or any final judicial order entered with respect thereto.

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 POTW 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 Township within 15 days of the date of occurrence.

**3. Notification of Violation**

Whenever the Township finds that any User has violated or is violating this Ordinance, or any prohibition, limitation of requirements contained herein, the Township 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 thereof shall be submitted to the Township by the User.

**4. Show Cause Hearing**

a. Any user subject to enforcement action under the provisions of this Ordinance may request a hearing before the Director within ten (10) days of receipt of notification of proposed enforcement action. A hearing is to be held by the Director 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 Director why the proposed enforcement action should not be taken.

b. The Director may conduct the hearing and take the evidence, or may designate any officer or employee to:

1) Issue in the name of the Director notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

2) Take the evidence;

3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Director for action thereon.

c. At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, 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 Director has reviewed the evidence, he may issue an order to the User responsible for the discharge directing that, following a specified 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 said devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

e. The Director 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 Ordinance.

**Sec. 16. Variances.**

Any person, upon written application to the Township Supervisor's Office within ninety (90) days after the effective date of the ordinance, as amended, who shows, in the case of the activity being conducted or operated, that compliance with Section 8 of this ordinance would either be impossible or constitute an undue hardship because of time limitations, may be granted a variance by the Township Supervisor for a reasonable time, not to extend beyond two (2) years from the effective date of this Ordinance, as amended, at which date all variances shall terminate and after which date no new variances will be granted. Any variance granted by the Township Supervisor within six (6) months from the date of the granting of the variance shall make reports to the Township Supervisor periodically as to the progress being made toward compliance with Section 8 of this Ordinance. A variance shall not be granted under the provisions of this Section where a person applying therefor is causing a public nuisance or other injury to the general public, or is subject to a National Categorical Standard, and any such variances shown to have been granted under these circumstances shall be immediately terminated. Any variance granted under the provisions of this Section shall not be construed to relieve the person who shall receive it from any liability or penalties imposed by other law for the commission or maintenance of a nuisance.

**Sec. 17. Validity, Severability, Conflict**

1. The provisions of this article are severable, and if any of the provisions, words, phrases, clauses or terms, or the application thereof to any person, firm or corporation, or to any circumstances, shall be held invalid, illegal, or unconstitutional by any court of competent jurisdiction, such decision or findings shall not in any way affect the validity, legality or constitutionality of any other provision, word, phrase, clause or term, and they shall continue in full force and effect.
2. All laws and parts of laws, all ordinances, codes and regulations which are inconsistent with or in conflict with or repugnant to any provisions of this article, shall be deemed not to apply; provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code or regulation which is more restrictive or establishes a higher standard than those provided in this article.

**Sec. 18. Rates and Charges for Township Services**

1. Established, to Whom Applicable, Basis for Computations.

Rates and charges for the use of the wastewater system of the Township are hereby established. The rates for total sewer service charges are to be established by resolution of the Township Board, which may be enacted apart from the published ordinances as necessary to ensure sufficiency of revenues in meeting operation, maintenance and replacement costs, as well as debt service. Such charges and rates shall be made against each lot, parcel of land or premises which may have any sewer connections with the sewer system of the Township (or which may otherwise discharge sewage or industrial waste, either directly or indirectly, into such system or any part thereof.)

2. Amounts, Billings, Sewer Service Charges

The rates and charges for service furnished by such system shall be levied upon each lot or parcel of land, building or premises, having any sewer connection with such

system, on the basis of the quantity of water used thereon or therein as the same is measured therein used, or in the absence thereof, by such equitable method as shall be determined by the Township, except in cases where the character of the sewage from a manufacturing or industrial plant, building or premises is such that unreasonable additional burden is placed upon the system, greater than that imposed by the normal domestic sewage delivered to the system plant, the additional cost of treatment created thereby shall be an additional charge over the regular rates hereinafter set forth; or the Township may, if it deems it advisable, compel such manufacturing or industrial plant, building or premises, to treat such sewage in such manner as shall be specified by the Township before discharging such sewage into the sewage disposal system.

The rate to be billed for use of the System shall be as follows for all single family permanent residential users within the sanitary sewer service area of the Township except as otherwise provided herein:

Treatment Charge: \$8.00 per month  
 (to recover all operation, maintenance and equipment replacement costs)

Readiness-to-Serve Charge: \$20.50 per month  
 (to recover all debt service costs related to wastewater treatment)

Treatment charge rates for other system users shall be multiples of the above rates as given in the Equivalent Unit Factors table below:

**Equivalent Unit Factors**

<u>Occupation</u>	<u>Units</u>	<u>Unit Factor</u>
Single family permanent residence	1.0	per residence
Auto dealers	1.0	per premise plus 0.5 per 1000 sq.ft.
Auto wash (coin operated do-it-yourself, 10 gal. or less per car)	1.0	per stall
Auto Wash (mechanical) over 10 gal. per car	10.0	per stall
Auto wash (conventional)	10.0	per 20-ft. of production line including approach and drying area
Barber shop	1.0	per shop plus 0.1 per chair
Bar	4.0	per 1000 sq. ft.
Beauty shops	1.0	per shop plus 0.1 per booth
Bowling alleys (no bar)	1.0	per premise plus 0.2 per alley
Churches	0.25	per 1000 sq.ft.
Cleaners (pressing facilities)	1.0	per premise plus 0.5 per press
Clinics	1.0	per premise plus 0.5 per exam room
Convalescent homes	1.0	per premise plus 0.25 per bedroom
Convents	1.0	per premise plus 0.25 per bedroom
Country clubs	1.5	per 1000 sq.ft.
Drug stores (with fountain)	1.0	per premise plus 0.1 per seat
Factories (office and production)	0.75	per 1000 sq.ft.
Grocery Stores & Super Markets	1.0	per premise plus 0.8 per 1000 sq.ft.

Hospitals	1.1	per bed
Hotels and Motels	0.35	per bedroom, plus restaurant and bar
Laundry (self-serve)	1.0	per premise plus 0.5 per washer
Two-family residential	1.0	per unit
Mobile homes (free-standing)	1.0	per unit
Mobile homes (in mobile home subdiv)	0.75	per mobile home
Multiplex family residence		
Duplex or row houses	1.0	per dwelling unit
Apartments	0.50	per dwelling unit
Fraternity or Sorority Houses	0.50	per dwelling unit
Public institutions	0.75	per 1000 sq.ft.
Restaurants (dinners only)	2.5	per 1000 sq.ft.
Restaurants (dinner and/or drinks)	4.0	per 1000 sq.ft.
Restaurants auxiliary dining rms. when used less than 20 hrs. per week	2.0	per 1000 sq.ft.
Schools (without showers)	0.6	per classroom
Schools (with showers)	1.5	per classroom
Service Stations	2.5	per pump
Snack Bars, Drive-ins, etc.	4.0	per 1000 sq.ft.
Store (other than listed)	1.0	per premise plus 0.3 per 1000 sq.ft.
Swimming Pool	3.0	
Theatres (drive-in)	0.04	per car space
Post Office	1.0	per 1000 sq.ft.
Warehouse and storage	0.2	per 1000 sq.ft.

The above charges, other than the debt service charge, are user charges to pay the operation, maintenance and replacement of the sewage works and they are the same for customers located inside or outside the Township and the equality of rates shall exist in any future modifications.

Surcharge for BOD in wastewater in excess of 250 mg/l shall be \$0.06 per pound of BOD.

Surcharge for SS in wastewater in excess of 250 mg/l shall be \$0.06 per pound of Suspended Solids.

Surcharge for Phosphorus in wastewater in excess of 6 mg/l shall be \$2.19 per pound of Phosphorus.

Surcharge for TKN in wastewater in excess of 40 mg/l shall be \$0.33 per pound of TKN.

### 3. Annual Audit

The rates hereby fixed are estimated to be sufficient to provide for the expenses of operation, maintenance and replacement of the system as are necessary to preserve the same in good repair and working order. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts. An annual audit shall be prepared. Based on said audit, rates for sewage services shall be reviewed annually and revised as necessary to meet system expenses and to insure that all user classes pay their proportionate share of operation, maintenance and equipment replacement cost.

4. No Free Service

No free service shall be allowed for any user of the Township's wastewater system.

5. Billing

Billing for wastewater service shall be the Township's responsibility. All bills shall be rendered monthly.

6. Termination of Service for Nonpayment

If payment is not received or satisfactory arrangements have not been made within thirty (30) days of the due date on the bill, a shutoff notice will be sent by first class mail to inform the user that failure to respond will result in termination of sewer service. If payment is not received or satisfactory arrangements have not been made within seven (7) days after the shutoff notice is sent to the user, the sewer service shall be shut off. No sewer service that has been discontinued due to nonpayment shall be restored until all past-due bills are paid or satisfactory arrangements for such payment are made.

7. Collection of Delinquent Accounts

Charges for sewage disposal service furnished to any premise within the Township shall be a lien against the premise. Enforcement of this lien shall be made pursuant to Township Code and/or statute. This lien remedy does not preclude any other remedy provided by law. Those premises outside the Township that are served by the Township's wastewater system that have delinquent bills will be certified to their governmental unit for collection as provided in the contract between the Township and the governmental unit.

8. Annual Notification

All customers of the Township's wastewater system will receive an annual notification, either printed on the bill or enclosed in a separate letter, which will show the breakdown of the sewer bill into its components for operation, maintenance and replacement and for debt retirement.

Sec. 19. Effective Date

This Ordinance shall be effective ten (10) days after publication of said Ordinance as provided by law.

INTRODUCED the 9th day of April, 1990.

FIRST READING: April 9, 1990.

SECOND READING: April 12, 1990.

PASSED this 12th day of April, 1990.

AYES: 5

NAYES: 0

ABSENT: 0

NOT VOTING: 0

APPROVED by me this 12th day of April, 1990.

John A. Olson  
(Michigamme Township Supervisor)  
John Olson

ATTEST: Jean Howe  
(Seal) (Township Clerk)  
Jean Howe

Published the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

"Depository Bank" shall mean Miners' First National Bank & Trust Company in Ishpeming, Michigan, a member of the Federal Deposit Insurance Corporation.

"Engineer" shall mean McNamee, Porter & Seeley, Inc., consulting engineers of Escanaba, Michigan.

"First Series Bond" shall mean the \$487,000 principal amount Township of Michigamme Wastewater System Revenue Bond, Series 1990 authorized to be issued under Section 4 of this Ordinance.

"Fiscal Year" shall mean the fiscal year of the Issuer and the operating year of the System, commencing March 1 and ending February 28, as such year may be changed from time to time.

"FmHA" shall mean the Farmers Home Administration, an agency of the United States Department of Agriculture. Provisions herein referencing the FmHA shall be inapplicable in the event the First Series Bond is not sold to the FmHA and in the event the Government shall no longer be a holder of any of the Bonds.

"Government" shall mean the government of the United States of America.

"Issuer" or "Township" or "Township of Michigamme" shall mean the Township of Michigamme, County of Marquette, Michigan.

"Net Revenues" shall have the meaning with respect to the System as is set forth in Section 3 of Act 94.



"Ordinance" shall mean this ordinance and any ordinance or resolution of the Issuer amendatory or supplemental to this ordinance, including ordinances or resolutions authorizing issuance of Additional Bonds.

"Project" shall mean the acquisition and construction of a wastewater system for the Township together with the necessary appurtenances and attachments thereto.

The words "public improvements," as used in this Ordinance, shall be understood to mean the public improvements, as defined in Section 3 of Act 94, which are authorized to be acquired and constructed under the provisions of this Ordinance.

"Revenues" shall have the meaning with respect to the System as is set forth in Section 3 of Act 94, and shall include the earnings on the investment of funds of the System (including the Project).

"System" means the Issuer's Wastewater System, including such facilities thereof as are acquired and constructed as the Project, and all enlargements, extensions, repairs and improvements thereto hereafter made.

"Transfer Agent" shall mean the transfer agent and bond registrar for each series of Bonds as appointed from time to time by the Issuer as provided in Section 6 of this Ordinance and who or which shall carry out the duties and responsibilities as set forth in Sections 6 and 7 of this Ordinance.

Section 2. Necessity; Description of Project. It is hereby determined to be necessary for the public health and welfare of the Issuer to proceed to acquire and construct the Project in accordance with detailed maps, plans and specifications therefor prepared by the Engineer.

Section 3. Cost; Useful Life. The cost of the Project has been estimated by the Engineer to be One Million Nine Hundred Ninety Two Thousand Dollars (\$1,992,000), including the payment of incidental expenses as specified in Section 4 of this Ordinance, which estimate of cost is hereby approved and confirmed, and the period of usefulness of the Project is estimated to be not less than forty (40) years.

Section 4. Payment of Cost. To pay part of the cost of acquiring and constructing the Project, including the payment of legal, engineering and financial expenses, and other expenses incident thereto and incident to the issuance and sale of the First Series Bond, including capitalized interest thereon through July 1, 1992, it is hereby determined that the Issuer borrow the sum of Four Hundred Eighty Seven Thousand Dollars (\$487,000) and that revenue bonds be issued therefor pursuant to the provisions of Act 94. The balance of the cost of the Project will be paid from grants payable to the Issuer and other funds legally available therefor, including the proceeds of the Issuer's \$150,000 1990 Special Assessment Limited Tax Bonds.

Section 5. First Series Bond Data. The First Series Bond shall be designated WASTEWATER SYSTEM REVENUE BOND,

SERIES 1990, shall be dated as of the date of delivery of the first installment, shall consist of one (1) single fully-registered nonconvertible bond of the denomination of \$487,000 and shall be payable in principal installments serially on July 1 of each year, as follows:

\$ 2,000	1992 to 2002, inclusive;
6,000	2003, 2004 and 2005;
7,000	2006 and 2007;
8,000	2008 and 2009;
9,000	2010;
11,000	2011;
12,000	2012;
13,000	2013;
14,000	2014;
15,000	2015;
16,000	2016;
17,000	2017;
18,000	2018;
19,000	2019;
21,000	2020;
22,000	2021;
24,000	2022;
25,000	2023 and 2024;
26,000	2025 to 2030, inclusive.

The First Series Bond is expected to be delivered to the EmHA, as initial purchaser thereof, in installments (the "delivery installments") and each delivery installment shall be noted on the registration grid set forth on the First Series Bond. The delivery installments shall be deemed to correspond to the serial principal installments of the First Series Bond in direct chronological order of said serial principal installments.

The serial principal installments of the First Series Bond will each bear interest from the date of delivery of the corresponding delivery installment to the registered

holder thereof as shown on the registration grid set forth on the First Series Bond at the rate of seven and three-eighths percent (7-3/8%) per annum, or such other rate as shall be agreed upon by the Township, acting through the Supervisor, but which other rate shall not be greater than 7-3/8% per annum. Said interest shall be payable on January 1, 1991, and semiannually thereafter on July 1 and January 1 of each year until maturity or earlier prepayment of said installment. The First Series Bond shall be issued in fully-registered form and shall not be convertible or exchangeable into more than one fully-registered bond.

Section 6. Payment and Sale of First Series Bond. The First Series Bond or installments thereof will be subject to prepayment prior to maturity, in the manner and at the times as provided in the form of the First Series Bond set forth in Section 9 of this Ordinance.

Principal of and interest on the First Series Bond shall be payable in lawful money of the United States of America by check or draft mailed by the Transfer Agent to the registered owner at the address of the registered owner as shown on the registration books of the Issuer kept by the Transfer Agent. The Issuer's Treasurer is hereby appointed to act as Transfer Agent. If and at such time as the First Series Bond is transferred to or held by any registered owner other than the FmHA, the Issuer by resolution may appoint a bank or trust company qualified under Michigan law

to act as transfer agent and bond registrar, and the Issuer may thereafter appoint a successor Transfer Agent upon sixty (60) days notice to the registered owner of the First Series Bond. If the FmHA shall no longer be the registered owner of the First Series Bond, then the principal of and interest on the First Series Bond shall be payable to the registered owner of record as of the fifteenth day of the month preceding the payment date by check or draft mailed to the registered owner at the registered address. Such date of determination of the registered owner for purposes of payment of principal or interest may be changed by the Issuer to conform to future market practice. The Issuer's Treasurer is hereby authorized to execute an agreement with any successor Transfer Agent.

The Transfer Agent shall record on the registration books the payment by the Issuer of each installment of principal or interest or both when made and the cancelled checks or drafts representing such payments shall be returned to and retained by the Issuer's Treasurer, which cancelled checks or drafts shall be conclusive evidence of such payments and the obligation of the Issuer with respect to such payments shall be discharged to the extent of such payments.

Upon payment by the Issuer of all outstanding principal of and interest on the First Series Bond, the registered owner thereof shall deliver it to the Issuer for cancellation.

The Issuer's Supervisor or Clerk is authorized and directed to make application to the Department of Treasury for authority to issue and sell the First Series Bond, and after receipt of said approval, to negotiate privately the sale of the First Series Bond to the FmHA at an interest rate not to exceed seven and three-eighths percent (7-3/8%) per annum.

The sale of the First Series Bond to the FmHA at an interest rate of seven and three-eighths percent (7-3/8%) per annum and at the par value thereof is hereby approved. The Issuer's Treasurer is hereby authorized to deliver the First Series Bond in accordance with the delivery instructions of the FmHA, after approval of the issuance and sale thereof by the Department of Treasury, if such approval is at that time required, or receipt of an order of exception of the Department of Treasury or expiration of the notice period without receipt of an order of denial of the Department of Treasury.

Section 7. Bond Registration and Transfer. The Transfer Agent shall keep or cause to be kept, at its principal office, sufficient books for the registration and transfer of the Bonds, which shall at all times be open to inspection by the Issuer. The Transfer Agent shall transfer or cause to be transferred on said books Bonds presented for transfer, as hereinafter provided and subject to such reasonable regulations as it may prescribe.

Any Bond may be transferred upon the books required to be kept by the Transfer Agent pursuant to this Section, by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of such Bond for transfer, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the Transfer Agent shall record such transfer on the registration books and shall register such transfer on the registration grid attached to the Bond. At the time of such transfer the Transfer Agent shall note on the Bond the outstanding principal amount thereof at the time of such transfer. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Issuer shall not be required (i) to issue, register the transfer of, or exchange any Bond during a period beginning at the opening of business fifteen days before the day of the mailing of a notice of prepayment of Bonds or installments thereof selected for redemption under Section 9 of this Ordinance and ending at the close of business on the day of that mailing, or (ii) to register the transfer of or exchange any Bond or portion thereof so selected for prepayment. In the event any Bond is called for prepayment in part, the Transfer Agent, upon surrender of the Bond, shall note on the Bond the principal amount prepaid and shall return the Bond to the registered

owner thereof together with the prepayment amount on the prepayment date.

Section 8. Execution and Delivery of the First Series Bond. The First Series Bond shall be signed by the Supervisor and countersigned by the Township Clerk and shall have the corporate seal of the Issuer impressed thereon. After execution, the First Series Bond shall be held by the Issuer's Treasurer for delivery to the FmHA. No First Series Bond or any installment thereof shall be valid until registered by the Issuer's Treasurer or by another person designated in writing by the Issuer's Treasurer to act as Bond Registrar, or upon transfer by the FmHA and thereafter, by an authorized representative of the Transfer Agent.

Section 9. Bond Form. The form and tenor of the Bonds shall be substantially as follows, subject to appropriate variation upon issuance of Additional Bonds:



REGISTERED

UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF MARQUETTE

TOWNSHIP OF MICHIGAMME

WASTEWATER SYSTEM REVENUE BOND, SERIES 1990

No. \_\_\_\_\_

\$487,000

KNOW ALL MEN BY THESE PRESENTS that the Township of MICHIGAMME, County of Marquette, State of Michigan (the "Issuer"), for value received, hereby promises to pay to the registered owner hereof, but only out of the hereinafter described Net Revenues of the Issuer's Wastewater System, including all appurtenances, additions, extensions and improvements thereto (the "System"), the sum of

FOUR HUNDRED EIGHTY SEVEN THOUSAND DOLLARS

on the dates and in the principal installment amounts set forth in Exhibit A attached hereto and made a part hereof with interest on said installments from the date each said installment is delivered to the registered owner hereof and as set forth on the registration grid hereon until paid at the rate of seven and three-eighths percent (7-3/8%) per annum, payable on January 1, 1991, and semiannually thereafter, provided that the principal repayments required herein to the registered holder shall not exceed the total of the principal installments set forth on the registration grid hereon from time to time hereafter to acknowledge receipt of payment of the purchase price of this bond up to a total of \$487,000. Both principal of and interest on this bond are payable in lawful money of the United States of America to the registered owner at the address shown on the Issuer's registration books by check or draft mailed to the registered holder at the address shown on the registration books of the Issuer, and for the prompt payment thereof, the gross revenues of the System, after provision has been made for reasonable and necessary expenses of operation, administration and maintenance thereof (the "Net Revenues"), are hereby irrevocably pledged and a statutory first lien thereon is hereby created.

This bond is a single, fully-registered, non-convertible bond in the principal sum of \$487,000, issued pursuant to an Ordinance duly adopted by the Issuer (the "Ordinance") under and in full compliance with the Constitution and statutes of the State of Michigan,

including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of defraying part of the cost of acquiring and constructing the System for the Issuer. For a complete statement of the revenues from which, and the conditions under which, this bond is payable, a statement of the conditions under which the additional bonds of equal standing may hereafter be issued, and the general covenants and provisions pursuant to which this bond is issued, reference is made to the Ordinance.

Principal installments of this bond are subject to prepayment prior to maturity, in inverse chronological order, at the Issuer's option, on any interest payment date on or after July 1, 1992, at par and accrued interest to the date fixed for prepayment.

Thirty days notice of the call of any principal installments for prepayment shall be given by mail to the registered owner at the registered address. The principal installments so called for prepayment shall not bear interest after the date fixed for prepayment, provided funds are on hand to prepay said installments.

This bond shall be registered as to principal and interest on the books of the Issuer kept by the Issuer's Treasurer as registrar and transfer agent (the "Transfer Agent") and noted hereon, after which it shall be transferable only upon presentation to the Transfer Agent with a written transfer by the registered owner or his attorney in fact. Such transfer shall be noted hereon and upon the books of the Issuer kept for that purpose by the Transfer Agent.

This bond is primarily a self-liquidating bond and is first payable as to principal and interest from the net revenues of the System. The principal and interest on this bond are secured by the statutory lien hereinbefore described. As additional security for the payment of the principal of and interest on this bond and the series of which it is one, the Issuer has pledged its limited tax full faith and credit for such payment, and if necessary, the Issuer will levy taxes on all taxable property in the Township for such purpose, subject to applicable constitutional and statutory limitations.

The Issuer hereby covenants and agrees to fix and maintain at all times while any installments of this bond shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the interest upon and the principal of all such installments of this bond payable from the Net Revenues of the System as and when the same become due and payable, and to create a bond and interest redemption fund (including a bond reserve account) therefor, to provide for the payment of expenses of

administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by the Ordinance.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond have been done and performed in regular and due time and form as required by law.

IN WITNESS WHEREOF, the Township of Michigamme, County of Marquette, State of Michigan, by its Township Board, has caused this bond to be signed in its name by its Supervisor and to be countersigned by its Township Clerk, and its corporate seal to be hereunto affixed, all as of \_\_\_\_\_, 1990.

TOWNSHIP OF MICHIGAMME  
COUNTY OF MARQUETTE  
STATE OF MICHIGAN

By \_\_\_\_\_  
Supervisor

(SEAL)

Countersigned:

\_\_\_\_\_  
Township Clerk

REGISTRATION  
 NOTHING TO BE WRITTEN HEREON EXCEPT  
 BY THE TRANSFER AGENT

Date of Registration of Delivery :	Name of Registered Owner	Principal Installment Delivered :	Signature of Registrar
:	United States of	:	:
:	America, Farmers	:	:
:	Home Administration	:	:
:	United States of	:	:
:	America, Farmers	:	:
:	Home Administration	:	:
:	United States of	:	:
:	America, Farmers	:	:
:	Home Administration	:	:
:	United States of	:	:
:	America, Farmers	:	:
:	Home Administration	:	:
:	United State of	:	:
:	America, Farmers	:	:
:	Home Administration	:	:

EXHIBIT A

\$ 2,000	1992 to 2002, inclusive;
6,000	2003, 2004 and 2005;
7,000	2006 and 2007;
8,000	2008 and 2009;
9,000	2010;
11,000	2011;
12,000	2012;
13,000	2013;
14,000	2014;
15,000	2015;
16,000	2016;
17,000	2017;
18,000	2018;
19,000	2019;
21,000	2020;
22,000	2021;
24,000	2022;
25,000	2023 and 2024;
26,000	2025 to 2030, inclusive.

Section 10. Security for Bonds. The Bonds and the interest thereon shall be payable primarily from the Net Revenues. To pay such principal and interest as and when the same shall become due, there is hereby created a statutory first lien upon the whole of the Net Revenues of the System to continue until the payment in full of the principal and interest on the Bonds and said Net Revenues shall be set aside for the purpose and identified as the Bond and Interest Redemption Fund, as hereinafter specified.

In addition, since more than 25% of the cost of the Project is being defrayed from the proceeds of grant funds, the Issuer hereby pledges its limited tax full faith and credit for the payment of the principal of and interest on the Bonds. Should the Net Revenues of the System be at any time insufficient to pay the principal of and interest on the Bonds when due, the Issuer shall advance from any funds available therefor, or if necessary, levy taxes on all taxable property in the Township, subject to applicable constitutional and statutory limitations. Said funds shall be deposited directly into the Bond and Interest Redemption Fund hereinafter described in Section 12(B)(2) hereof, and the Issuer shall be reimbursed for any such advances from the Net Revenues of the System subsequently received which are not otherwise pledged or encumbered by this Ordinance.

Section 11. Budget. Immediately upon the effective date of this Ordinance for the remainder of the current Fiscal Year, and thereafter prior to the beginning of each

Fiscal Year, the Issuer shall prepare an annual budget for the System for the ensuing Fiscal Year itemized on the basis of monthly requirements. A copy of such budget shall be mailed to the FmHA without request from the FmHA for review prior to adoption (as long as the Government is the registered owner of any of the Bonds), and upon written request to any other registered owners of the Bonds.

Section 12. Custodian of Funds; Funds. The Issuer's Treasurer shall be custodian of all funds belonging to or associated with the System and such funds shall be deposited in the Depository Bank. The Issuer's Treasurer shall execute a fidelity bond in an amount at least equal to the maximum amount of money the Issuer will have on hand at any one time with a surety company approved by the FmHA, and the FmHA and the Issuer shall be named as co-obligees in such bond and the amount thereof shall not be reduced without the prior written consent of the FmHA. The Issuer's Treasurer is hereby directed to create and maintain the following funds and accounts into which the proceeds of the Bonds and the Revenues from the System shall be deposited in the manner and at the times provided in this Ordinance, which funds and accounts shall be established and maintained, except as otherwise provided, so long as any of the Bonds hereby authorized remain unpaid.

(A) CONSTRUCTION ACCOUNT. The proceeds of the First Series Bond hereby authorized, and no other funds, shall be deposited in the TOWNSHIP OF MICHIGAMME WASTEWATER SYSTEM

CONSTRUCTION FUND ACCOUNT (the "Construction Account"), in the Depository Bank less moneys from time which may be drawn from the Construction Account to pay interest on the First Series Bond through July 1, 1992. In the event that the Government is a holder of the First Series Bond, then, if required by the FmHA, the Construction Account shall be established as a supervised bank account and such proceeds shall be withdrawn on the orders of the Issuer only on checks signed by its Treasurer and the District Director of the FmHA. Moneys in the Construction Account shall be used solely for the purposes for which the First Series Bond is issued and capitalized interest on the First Series Bond through July 1, 1992.

Any unexpended balance of the proceeds of sale of the First Series Bond remaining after completion of the Project herein authorized may in the discretion of the Issuer be used for further improvements, enlargements and extensions to the System, provided that at the time of such expenditure such use be approved by the Department of Treasury (if such approval is then required by law). Any remaining balance after such expenditure shall be paid into the Bond and Interest Redemption Fund and used as soon as is practical for the prepayment of installments of the First Series Bond or for the purchase of installments to the First Series Bond at not more than the fair market value thereof. Following completion of the Project, any unexpended balance of the



First Series Bond shall be invested at a yield not to exceed the yield on the First Series Bond.

After completion of the Project and disposition of remaining proceeds, if any, of the First Series Bond pursuant to the provisions of this Section, the Construction Account shall be closed.

(B) WASTEWATER SYSTEM RECEIVING FUND. Upon and after the effective date of this Ordinance, the Revenues of the System shall be set aside into a separate fund to be designated the TOWNSHIP OF MICHIGAMME WASTEWATER SYSTEM RECEIVING FUND (the "Receiving Fund"), and moneys so deposited therein shall be transferred, expended and used only in the manner and order as follows:

(1) Operation and Maintenance Fund. There is hereby established a separate fund to be designated the OPERATION AND MAINTENANCE FUND (the "Operation and Maintenance Fund"). Revenues shall be transferred each quarter of the Fiscal Year, commencing with the beginning of operation of the System, from the Receiving Fund to the Operation and Maintenance Fund to pay the reasonable and necessary current expenses of administration and operating and maintaining the System for the ensuing quarter.

(2) Wastewater System Revenue Bond - Bond and Interest Redemption Fund. There is hereby established a separate fund to be designated as the TOWNSHIP OF MICHIGAMME WASTEWATER SYSTEM REVENUE BOND - BOND AND INTEREST REDEMPTION FUND (the "Bond and Interest Redemption Fund").

After the transfer required in (1) above, Revenues shall be transferred each quarter of the Fiscal Year, commencing with the beginning of operation thereof, from the Receiving Fund, before any other expenditures or transfer therefrom, and deposited in the Bond and Interest Redemption Fund for payment of principal of and interest on the First Series Bond and to fund the Bond Reserve Account. Upon any delivery of an installment of the First Series Bond there shall be set aside at the time of such delivery and on the first day of each quarter of the Fiscal Year thereafter to the next interest payment date an amount equal to that fraction of the amount of interest due on the next interest payment date on said installment so delivered, the numerator of which is 1 and the denominator of which is the number of full and partial Fiscal Year quarters from the date of said delivery to the next interest payment date. There shall also be set aside each Fiscal Year quarter on or after July 1, 1992 an amount not less than  $1/2$  of the amount of interest due on the next interest payment date on all outstanding installments of the First Series Bond not delivered during the then current interest payment period. Upon any delivery of an installment of the First Series Bond there shall also be set aside at the time of such delivery and on the first day of each Fiscal Year quarter thereafter to the next principal payment date an amount equal to that fraction of principal of the First Series Bond due on the next principal payment date on said installment so

delivered, the numerator of which is 1 and the denominator of which is the number of full and partial Fiscal Year quarters from the date of said delivery to the next principal payment date. There shall also be set aside each Fiscal Year quarter on or after July 1, 1991 an amount not less than 1/4 of the amount of principal due on the next principal payment date on all outstanding installments of the First Series Bond not delivered during the then current principal payment period. Except as hereinafter provided, no further deposits shall be made into the Bond and Interest Redemption Fund (excluding the Bond Reserve Account) once the aforesaid sums have been deposited therein. Any amount on deposit in the Bond and Interest Redemption Fund (excluding the Bond Reserve Account) in excess of (a.) the amount needed for payment of principal installments of the First Series Bond for the then current principal payment period, plus (b.) interest on the First Series Bond for the then current interest payment period, shall be used by the Issuer for redemption of principal installments of the First Series Bond in the manner set forth in Section 9 hereof, if such use is impracticable, shall be deposited in or credited to the Receiving Fund.

If for any reason there is a failure to make such quarterly deposit in the amounts required, then the entire amount of the deficiency shall be set aside and deposited in the Bond Redemption Fund out of the Revenues first received thereafter which are not required by this Ordinance to be

deposited in the Operation and Maintenance Fund or in the Bond and Interest Redemption Fund, which amount shall be in addition to the regular quarterly deposit required during such succeeding quarter or quarters.

There is hereby established in the Bond and Interest Redemption Fund a separate account to be designated the BOND RESERVE ACCOUNT (the "Bond Reserve Account"). Commencing April 1, 1993, there shall be withdrawn from the Receiving Fund at the beginning of each Fiscal Year quarter and set aside in and transferred to the Bond Reserve Account, after provision has been made for the Operation and Maintenance Fund and the current requirements of the Bond and Interest Redemption Fund, the sum of at least \$950 per quarter until there is accumulated in such fund the sum of \$38,000. Except as hereinafter provided, no further deposits shall be made into the Bond and Interest Redemption Fund for the purposes of the Bond Reserve Account once the sum of \$38,000 has been deposited therein. Except as hereinafter provided, no further deposits shall be made into the Bond and Interest Redemption Fund for the purposes of the Bond Reserve Account once the aforesaid sums have been deposited therein. The moneys in the Bond Reserve Account shall be used solely for the payment of the principal installments of and interest on the First Series Bond as to which there would otherwise be default.

If at any time it shall be necessary to use moneys in the Bond Reserve Account for such payment, then the moneys

so used shall be replaced from the Net Revenues first received thereafter which are not required by this Ordinance to be used for operation and maintenance or for current principal and interest requirements for the First Series Bond.

No further payments need be made into the Bond and Interest Redemption Fund after enough of the principal installments of the First Series Bond have been retired so that the amount then held in the Bond and Interest Redemption Fund (including the Bond Reserve Account), is equal to the entire amount of principal and interest which will be payable at the time of maturity of all the principal installments of the First Series Bond then remaining outstanding.

The moneys in the Bond and Interest Redemption Fund and the Bond Reserve Account shall be invested in accordance with Section 13 of this Ordinance, and profit realized or income earned on such investment shall be used or transferred as provided in Section 13 of this Ordinance.

(3) General Purpose Account. There is hereby established a separate fund to be designated the GENERAL PURPOSE ACCOUNT. After the transfers required in (1) and (2) above, Revenues shall be transferred each quarter of the Fiscal Year, commencing April 1, 1992, from the Receiving Fund, and deposited in the General Purpose Account the sum of not less than \$75 per quarter. Moneys in the General Purpose Account shall be used and disbursed only for the

purpose of paying the cost of repairing or replacing any damage to the System, of repairing or replacing obsolete, deteriorating, deteriorated or worn out portions of the System, or making improvements to the System, and when necessary, for the purpose of making payments of principal of and interest on the Bonds. If the amount in the Bond and Interest Redemption Fund and the Bond Reserve Account is not sufficient to pay the principal of and interest on the Bonds when due, then the moneys in the General Purpose Account shall be transferred to the Bond and Interest Redemption Fund and used for that purpose. The moneys in the General Purpose Account may be invested in accordance with Section 13 of this Ordinance.

(4) Reverse Flow of Funds; Surplus Moneys. In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, the Bond and Interest Redemption Fund (including the Bond Reserve Account), or the General Purpose Account, any moneys and/or securities in the funds of the System established by this Ordinance shall be transferred, first, to the Operation and Maintenance Fund, and second, to the Bond and Interest Redemption Fund, and third, to the General Purpose Account.

All moneys remaining in the Receiving Fund at the end of any Fiscal Year after satisfying the above requirements shall be transferred to the Bond and Interest Redemption Fund and used to call Bonds or portions thereof for

redemption, or at the option of the Issuer, transferred to the General Purpose Account and used for the purpose for which it was established; provided, however, that if there should be a deficit in the Operation and Maintenance Fund, the Bond and Interest Redemption Fund, the Bond Reserve Account, or the General Purpose Account, on account of defaults in setting aside therein the amounts hereinbefore required, then transfers shall be made from such moneys remaining in the Receiving Fund to such funds in the priority and order named in this Section, to the extent of such deficits.

Section 13. Investments. Moneys in the funds and accounts established herein and moneys derived from the proceeds of sale of the Bonds, may be invested by the legislative body of the Issuer on behalf of the Issuer in Government obligations or obligations the principal of and interest on which is fully guaranteed by the United States of America, or certificates of deposit of a bank insured by the Federal Deposit Insurance Corporation. Investment of moneys in the Bond and Interest Redemption Fund being accumulated for payment on the next maturing principal or interest payment on the Bonds shall be limited to obligations bearing maturity dates prior to the date of the next maturing principal or interest payment on the Bonds. Investment of moneys in the Bond Reserve Account shall be limited to Government obligations bearing maturity dates or subject to redemption, at the option of the holder thereof,

not later than 5 years from the date of the investment. In the event investments are made, any securities representing the same shall be kept on deposit with the Depository Bank. Interest income earned on investment of funds in the Receiving Fund, the Operation and Maintenance Fund, the Bond and Interest Redemption Fund and, the Bond Reserve Account, and the General Purpose Account, shall be deposited in or credited to the Receiving Fund.

Section 14. Rates and Charges. Rates and charges for the services of the System have been fixed pursuant to Ordinance No. 4 in an amount sufficient to pay the costs of operating, maintaining and administering the System, to pay the principal of and interest on the Bonds and to meet the requirements for repair, replacement, reconstruction and improvement and all other requirements provided herein, and otherwise comply with the covenants herein provided. The Issuer hereby covenants and agrees to fix and maintain at all times while any of the Bonds shall be outstanding such rates for service furnished by the System as shall be sufficient to provide for the foregoing expenses, requirements and covenants, and to create a bond and interest redemption fund (including a bond reserve account) for all such Bonds. The rates and charges for all services and facilities rendered by the System shall be reasonable and just, taking into consideration the cost and value of the System and the cost of maintaining, repairing, and operating the same and the amounts necessary for the



retirement of all Bonds and accruing interest on all Bonds, and there shall be charged such rates and charges as shall be adequate to meet the requirements of this Section and Section 12 of this Ordinance.

Section 15. No Free Service. No free service shall be furnished by the System to any individual, firm or corporation, public or private or to any public agency or instrumentality.

Section 16. Covenants. The Issuer covenants and agrees, so long as any of the Bonds hereby authorized remain unpaid, as follows:

(a) It will comply with applicable State laws and regulations and continually operate and maintain the System in good condition.

(b)(i) It will maintain complete books and records relating to the operation and financial affairs of the System. If the Government is the holder of any of the Bonds, the FmHA shall have the right to inspect the System and the records, accounts, and data relating thereto at all reasonable times.

(ii) It will file with the Department of Treasury and the FmHA each year, as soon as is possible, not later than ninety (90) days after the close of the Fiscal Year, a report, on forms prepared by the Department of Treasury, made in accordance with the accounting method of the

Issuer, completely setting forth the financial operation of such Fiscal Year.

(iii) It will cause an annual audit of such books of record and account for the preceding Fiscal Year to be made each year by a recognized independent certified public accountant, and will cause such accountant to mail a copy of such audit to the FmHA, without request of the FmHA, or to the manager of the syndicate or account purchasing any series of the Bonds. Such audit shall be completed and so made available not later than ninety (90) days after the close of each Fiscal Year, and said audit may, at the option of the Issuer, be used in lieu of the statement on forms prepared by the Department of Treasury and all purposes for which said forms are required to be used by this Ordinance.

(c) It will maintain and carry, for the benefit of the holders of the Bonds, insurance on all physical properties of the System, of the kinds and in the amounts normally carried by municipalities engaged in the operation of similar systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purpose of calling Bonds. Said insurance will be in an amount not less

than such amount as may be specified by LETTER OF INTENT TO MEET CONDITIONS, Form FmHA 442.46, and said insurance shall be approved by the FmHA.

(d) It will not borrow any money from any source or enter into any contract or agreement to incur any other liabilities that may in any way be a lien upon the Revenues or otherwise encumber the System so as to impair Revenues therefrom, without obtaining the prior written consent of the FmHA, nor shall it transfer or use any portion of the Revenues derived in the operation of the System for any purpose not herein specifically authorized.

(e) It will not voluntarily dispose of or transfer its title to the System or any part thereof, including lands and interest in land, sale, mortgage, lease or other encumbrances, without obtaining the prior written consent of the FmHA.

(f) Any extensions to or improvements of the System shall be made according to sound engineering principles and specifications shall be submitted to the FmHA for prior review.

(g) To the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the First Series Bond from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended, including but not limited to, actions

relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of proceeds of the First Series Bond and moneys deemed to be proceeds of the First Series Bond.

Section 17. Additional Bonds. The Issuer may issue Additional Bonds of equal standing with the Bonds for the following purposes and on the following conditions:

(a) To complete construction of the Project according to the plans referred to in Section 1, Additional Bonds may be issued in the amount necessary therefor.

(b) For the purpose of making reasonable repair, replacement or extension of the System or refunding any outstanding Bonds, Additional Bonds of equal standing may be issued if:

(i) The augmented net revenues of the System for the Fiscal Year preceding the year in which such Additional Bonds are to be issued were 120 percent of the average annual debt service requirements on all Bonds then outstanding and those proposed to be issued net of any Bonds to be refunded by the new issue; or

(ii) The holders of at least 75 percent of the then outstanding Bonds consent to such issue in writing.

For purposes of this Section the term "augmented net revenues" shall mean the Net Revenues of the System for a

year, adjusted to reflect the effect of any rate increase placed in effect during that year (but not in effect for the whole year), placed in effect subsequent to the year or scheduled, at the time the new Bonds are authorized, to be placed in effect before principal of and interest on the new Bonds become payable from Revenues of the System, and augmented by any increase in Revenues or decrease in expenses estimated to accrue from the improvements to be acquired from the new Bonds. The adjustments and augmentations provided for in the preceding sentence shall be established by certificate of an independent consulting engineer filed with the Clerk of the Issuer. If new Bonds are issued within 4 months of the end of a Fiscal Year, the determination made in subsection (b)(i) of this Section may be based upon the results of a Fiscal Year ending within 16 months of the date of issuance of the new Bonds.

The funds herein established shall be applied to all Additional Bonds issued pursuant to this Section as if said Bonds were part of the original bond issue and all Revenue from any such extension or replacement constructed by the proceeds of an additional bond issue shall be paid to the Receiving Fund mentioned in this Ordinance.

Except as otherwise specifically provided so long as any of such Bonds herein authorized are outstanding, no Additional Bonds or other obligations pledging any portion of the Revenues of the System shall be incurred or issued by

the Issuer unless the same shall be junior and subordinate in all respects to the Bonds herein authorized.

Section 18. Ordinance Shall Constitute Contract. The provisions of this Ordinance shall constitute a contract between the Issuer and the bondholders and after the issuance of the First Series Bond this Ordinance shall not be repealed or amended in any respect which will adversely affect the rights and interests of the holders nor shall the Issuer adopt any law, ordinance of resolution in any way adversely affecting the rights or the holders so long as the Bonds or interest thereon remains unpaid.

Section 19. Refunding of Bonds. If at any time it shall appear to the FmHA that the Issuer is able to refund, upon call for redemption or with consent of the FmHA the then outstanding Bonds by obtaining a loan for such purposes from responsible cooperative or private credit sources, at reasonable rates and terms for loans for similar purposes and periods of time, the Issuer will, upon request of the Government, apply for and accept such loan in sufficient amount to repay the Government, and will take all such actions as may be required in connection with such loans.

Section 20. Default of Issuer. If there shall be default in the Bond and Interest Redemption Fund, provisions of this Ordinance or in the payment of principal of or interest on any of the Bonds, upon the filing of a suit by 20 percent of the holders of the Bonds, any court having jurisdiction of the action may appoint a receiver to

administer the System on behalf of the Issuer with power to charge and collect rates sufficient to provide for the payment of the Bonds and for the payment of operation, maintenance and administrative expenses and to apply Revenues in accordance with this Ordinance and the laws of Michigan.

The Issuer hereby agrees to transfer to any bona fide receiver or other subsequent operator of the System, pursuant to any valid court order in a proceeding brought to enforce collection or payment of the Issuer's obligations, all contracts and other rights of the Issuer, conditionally, for such time only as such receiver or operation shall operate by authority of the court.

The holders of 20 percent of the Bonds in the event of default may require by mandatory injunction the raising of rates in a reasonable amount.

Section 21. Ordinance Subject to Michigan Law and EmHA Regulations. The provisions of this Ordinance are subject to the laws of the State of Michigan and to the present and future regulations of the EmHA not inconsistent with the express provisions hereof and Michigan law.

Section 22. Fiscal Year of System. The Fiscal Year for operating the System shall be consistent with that of the Issuer.

Section 23. Issuer Subject to Loan Agreement. So long as the Government is holder of any of the Bonds, the Issuer

shall be subject to the loan agreement (form FmHA 442-47) with the FmHA and shall comply with all provisions thereof.

Section 24. Conflict and Severability. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed, and each section of this Ordinance and each subdivision of any section hereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

Section 25. Paragraph Headings. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

Section 26. Publication and Recordation. This Ordinance shall be published in full in the Mining Journal, a newspaper of general circulation in the Issuer, qualified under State law to publish legal notices, promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the Supervisor and Township Clerk.

Section 27. Effective Date. This Ordinance is hereby determined by the Township Board to be immediately necessary for the preservation of the peace, health and safety of the Issuer and shall be in full force and effect from and after its passage and publication as required by law.



Passed and adopted by the Township of Michigamme,  
County of Marquette, Michigan, on March 26,  
1990, and approved by me on March 26, 1990.

John Olson  
Supervisor

(SEAL)  
Attest:

Jean Howe  
Township Clerk

YEAS Olson, Howe, Cittadino, Saari  
and Seppanen

NAYS None

ABSENT None

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Michigamme, County of Marquette, Michigan, at a special meeting held on March 26, 1990, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

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

  
\_\_\_\_\_  
Township Clerk

60471/0001/dwp26768

AMENDED RESOLUTION NO. 5  
(SAD NO. 1)

Township of Michigamme  
County of Marquette, State of Michigan

Minutes of a regular meeting of the Township Board of the Township of Michigamme, County of Marquette, State of Michigan, held in the Township Hall in said Township on the 10th day of April, 1989, at 7 p.m., Eastern Daylight Time.

PRESENT: Members Supervisor John Olson, Clerk Jean Howe,  
Deputy Treasurer Carol Luke, Trustee C. Stewart Saari,  
and Trustee Dorothy Seppanen  
ABSENT: Members Treasurer Alice Cittadino

The following preamble and resolution were offered by Member Jean Howe and supported by Member Dorothy Seppanen :

WHEREAS, the Township Board of the Township of Michigamme, County of Marquette, State of Michigan, after due and legal notice, has reviewed a special assessment roll prepared for the purpose of defraying a part of the cost of certain improvements as described in Exhibit A attached hereto and made a part hereof; and

WHEREAS, the Township Board deems said special assessment roll to be fair and equitable as reported to it by the Supervisor;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll shall be designated "Special Assessment No. 1," and the district against which it is spread shall be designated "Special Assessment District No. 1."

2. Said Special Assessment Roll No. 1, in the amount of \$150,000, as prepared and reported to the Township Board by Supervisor, be and the same hereby is confirmed.

3. Said special assessment roll shall be divided into thirty (30) equal annual installments, the first installment to be due on December 1, 1989, and the following installments to be due on December 1 of each and every year thereafter. Said installments of the special assessment roll shall bear interest from and after February 1, 1989 at the rate of eight percent (8%) per annum, said interest to be payable annually on each installment due date; provided, however, that if bonds are to be issued by the Township in anticipation of the collection of the special assessments, then said installments of special assessments shall bear interest at a rate equal to one percent (1%) above the rate of interest borne by said bonds to be issued by the Township.

4. The assessments made in said special assessment roll are hereby ordered and directed to be collected, and the Township Clerk shall deliver said special assessment roll to the Township Treasurer, with the Township Clerk's warrant attached, commanding the Treasurer to collect the assessments therein in accordance with the directions of the Township Board with respect thereto, and the Treasurer is directed to collect the amounts assessed as the same become due.

AYES: Members Olson, Howe, Luke, Saari, and Seppanen

NAYS: Members None

RESOLUTION DECLARED ADOPTED. Monday, April 10, 1989

Jean Howe  
Jean Howe, Township Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Township of Michigamme, County of Marquette, State of Michigan, at a regular meeting held on April 10, 1989, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

  
\_\_\_\_\_  
Jean Howe, Township Clerk

EXHIBIT A

PROJECT DESCRIPTION

SPECIAL ASSESSMENT DISTRICT NO. 1

The Project consists of a wastewater (sewage) treatment project to serve the above-described parcels consisting of the following items and approximate quantities along with related appurtenances and restoration work:

DIVISION A - COLLECTION SYSTEM

3,000 cubic yards of rock and boulder excavation

17,000 lineal feet of six & eight inch sanitary sewer

3,000 lineal feet of four inch sanitary service lateral

10,000 lineal feet of 1½" to 4" sewage force main

12 grinder pumping stations

DIVISION B - TREATMENT SYSTEM

1-38,000 gallon septic tank with dosing chambers

11,000 lineal feet of 6" drainfield pipe

EXHIBIT B

DESCRIPTION OF SPECIAL

ASSESSMENT DISTRICT NO. 1

NOTE: All parcels are located in Sections 19 and 30, T48N, R30W, Michigamme Township, Marquette County, Michigan.

A. Original Plat of the Village of Michigamme consisting of Lots 1 through 132 inclusive.

Excluding: Lots 73, 103, and 111-132.

B. East Addition to the original Plat of the Village of Michigamme consisting of Lots 133 thru 193 inclusive.

Excluding: Lots 143 thru 149 and 174.

C. West Addition to the original Plat of the Village of Michigamme consisting of Lots 194 thru 328 inclusive.

Excluding: Lot 200, and Lots 219 thru 221, 223 thru 248, 250 thru 255, 272 thru 283, and 299 thru 328.

D. Parcel described as follows (South Brook Street Area):

Beginning at the intersection of the east R.O.W. line of Barnum Street and the south R.O.W. line of Fifth Street, original Plat of the Village of Michigamme; thence S 26 degrees W, 80' along the southerly R.O.W. line of County Road IP; thence S 60 degrees W, 135' along the southerly R.O.W. line of County Road IP; thence S 30 degrees E 159' to the shore of Lake Michigamme; thence easterly and northerly along said shore 1,300' more or less to the easterly R.O.W. line extended of Brook Street, original Plat of the Village of Michigamme; thence north along said east R.O.W. line of Brook Street, 150', more or less to the south R.O.W. line of Fourth Street, original Plat of the Village of Michigamme; thence west along said south R.O.W. line of Fourth Street, 320'; thence south, 130'; thence west, 75' to the easterly R.O.W. line of Barnum Street, thence south along said east R.O.W. line of Barnum Street, 775' to the point of beginning.

E. Parcel described as follows (pump station #3 area):

Beginning at the intersection of the east R.O.W. line of Brook Street and the south R.O.W. line of Third Street, original Plat of the Village of Michigamme; thence south, 79'; thence S 75 degrees E, 175'; thence east, 250' to the shore of Lake Michigamme; thence northerly along said shore 140' more or less to the south R.O.W. line of Third Street extended; thence west along said south R.O.W. line extended of Third

F. Parcel described as follows (east Main Street area):

Beginning at a point on the section line between Sections 19 and 30, T48N, R30W, located 400' west of the southeast corner of said section 19; thence west 820' more or less to the shore of Lake Michigamme; thence northwest along said shore 120' more or less to the easterly R.O.W. line of Mill Street, east addition to the original Plat of the Village of Michigamme; thence north along said east R.O.W. line of Mill Street 360' more or less; thence east 350'; thence south 210' to the southerly R.O.W. line of First Street, original Plat of the Village of Michigamme; thence east along said south R.O.W. line of Main Street 550'; thence south 210' to the point of beginning.

G. Parcel described as follows (Township park area);

Beginning at a point 800' west and 400' north of the southeast corner of Section 19, T48N, R30W; thence 100' north; thence 100' east; thence 100' south; thence 100' west to the point of beginning.

H. Parcel described as follows (Mt. Shasta):

Beginning at a point located on the northerly R.O.W. line of Highway US-41 and M-28, 435' more or less west of the easterly line of Section 19, T48N, R30W; thence S 86 degrees W along said north R.O.W. line 530'; thence north 325'; thence east 250' more or less, thence east and south following natural terrain features 550' to the point of beginning.