

Draft: September 8, 2021
Approved: September 13, 2021
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In effect: October 21, 2021

TOWNSHIP OF GRATTAN
COUNTY OF KENT, MICHIGAN

At a regular meeting of the Township Board of the Township of Grattan, held at the Grattan Township Hall, 12050 Old Belding Road, within the Township, on the 13th day of September 2021, at 7:00 p.m.

PRESENT: Members: Frank Force, Michelle Alberts, Sabrina Freeman, Dennis Heffron, Paul Knoerl.

ABSENT: Members: NA

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

Ordinance No. 21-005

AN ORDINANCE TO AMEND ORDINANCE NO. 07-006, AS AMENDED, THE “GRATTAN SEWER CONNECTION, USE AND RATE ORDINANCE, TO AMEND CERTAIN PROVISIONS RELATING TO THE ADDITION OF THE GRATTAN/OAKFIELD SEWER SYSTEM AND OTHER MATTERS RELATING THERETO”

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Amendment of Section 102. Section 102 of Ordinance No. 07-006, as amended, entitled the Grattan Sewer Connection, Use and Rate Ordinance (the “Sewer Ordinance”), is hereby amended to read as follows:

Section 102. Objectives Re: Public Sewer System. The Grattan Sewer System, the Grattan/Vergennes Sewer System, and the Grattan/Oakfield Sewer System, which are together referred to as the “Public Sewer System,” were established to promote the health and welfare of the residents of the Township. This Ordinance is adopted to enable the Township to operate, maintain and administer the Public

Sewer System and to pay all costs related to the Public Sewer System. Accordingly, it is necessary for the Township to establish rates and charges for services to persons using the Public Sewer System in amounts necessary to operate, maintain and administer the Public Sewer System and to pay debt service on obligations issued by the Township for the Public Sewer System.

Section 2. Amendment of Section 201. Section 201 of the Sewer Ordinance is hereby amended by the addition of the following terms and definitions (to be added in the appropriate alphabetical location and re-numbering existing definitions as necessary):

Grattan/Oakfield Sewer System. The sanitary sewer collection, transmission and treatment system which services properties in the Township adjacent to Cowan Lake and properties in the Township of Oakfield adjacent to Cowan Lake.

Service and Franchise Agreement. The Sanitary Sewer System Service and Franchise Agreement dated June 11, 2019 by and between the Township and Oakfield.

Oakfield. The Township of Oakfield, located in Kent County, Michigan.

Section 3. Amendment to Section 201(1)(c)(2). Section 201(1)(c)(2) of the Sewer Ordinance is hereby amended to read as follows:

(2). With respect to lakefront Premises, either (i) any distance from a Structure in which Sanitary Sewage Originates for Premises that are located on Cowan Lake, or (ii) for Premises not located on Cowan Lake, not more than 500 feet at the nearest point from the Structure in which Sanitary Sewage Originates; or

Section 4. Amendment to Section 201(30). Section 201(30) of the Sewer Ordinance is hereby amended to read as follows:

(30) **MDEQ.** Michigan Department of Environmental Quality or its successor agency including, but not limited to, the Department of Environment, Great Lakes and Energy.

Section 5. Amendment of Section 201(44). Section 201(44) of the Sewer Ordinance is hereby amended to read as follows:

(44) **Public Sewer System or System.** Together, the Grattan Sewer System, the Grattan/Vergennes Sewer System, and the Grattan/Oakfield Sewer System, including the respective sanitary sewer collection and transmission systems, including all publicly-owned Service Connections, mains, lift stations, odor control

facilities and all appurtenances thereto, located in the Service District, and in addition the Wastewater Treatment Plant.

Section 6. Amendment of Section 201(49). Section 201(49) of the Sewer Ordinance is hereby amended to read as follows:

(49) **Service District.** The areas served by the Public Sewer System and known as the Grattan Township Sewer District located in the Township, as outlined in the maps in the attached Appendices II, III, IV, V, and VI, together with the Additional Service District Map Legend Description set forth in the attached Appendix VII and extensions of the Service District approved by the Township Board after the effective date of this Ordinance in accordance with Section 307 of this Ordinance.

Section 7. Amendment of Section 504. Section 504 of the Sewer Ordinance is hereby amended to read as follows:

Section 504. Ownership of Grinder Pump Systems.

- (a) All Grinder Pump Systems identified in the Service District Maps attached as Appendices II, III, IV, V and VI are publicly owned and are subject to repair, operation, maintenance and replacement by the Township in accordance with Section 511.
- (b) All Grinder Pump Systems which serve Premises in the Service District but which are not identified in the Service District maps attached as Appendices II, III, IV, V and VI are privately owned and are subject to repair, operation, maintenance and replacement by the property owner in accordance with Section 512.
- (c) The Township shall not accept ownership of any privately-owned Grinder Pump Systems which currently exist or are hereafter installed in the Service District.

Section 8. Amendment of Section 701. Section 701 of the Sewer Ordinance is hereby amended to read as follows:

Section 701. Public Utility Basis; Fiscal Year. The Public Sewer System shall be operated and maintained by the Township on a public utility basis pursuant to state law under the supervision and control of the Township Board, and, with respect to that portion of the Grattan/Vergennes Sewer System located within Vergennes, subject to the terms and conditions of the Service Agreement, and, with respect to that portion of the Grattan/Oakfield Sewer System located within Oakfield, subject to the terms and conditions of the Service and Franchise Agreement. The Township Board may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System and may make such rules, orders and regulations as it deems advisable and necessary

to assure the efficient management and operations of the System. The System shall be operated on a April 1 to March 31 fiscal year. The Township shall annually, on or before March 1 of each year, prepare a report on the revenues and expenditures of the System, including a projected budget for the ensuing fiscal year.

Section 9. Amendment of Section 702(b). Section 702(b) of the Sewer Ordinance is hereby amended to read as follows:

Section 702(b) Service Capital Improvement Charge. The Service Capital Improvement Charge shall be a rate per Unit established by resolution of the Township Board from time to time. The Township Board reserves the right to impose a Service Capital Improvement Charge on existing Users of the Public Sewer System as of an effective date to be determined by the Township Board in an amount payable in either a single lump sum or in equal annual installments with interest on the unpaid balance at a rate which is not more than one percent per annum higher than the rate of interest paid by the Township on debt incurred to upgrade the System to improve the efficiency of, and prevent overburdening and failures in, the System, all as shall be established by resolution of the Township Board. The owners of record of vacant lands in the Service District may voluntarily elect to pay the Service Capital Improvement Charge by notifying the Township in writing within thirty (30) days after the effective date of the Service Capital Improvement Charge. A Service Capital Improvement Charge may be set in different amounts for the Grattan Sewer System, the Grattan/Vergennes Sewer System, and/or the Grattan/Oakfield Sewer System or, in the alternative, a Service Capital Improvement Charge may be charged only to the Grattan Sewer System, or the Grattan/Vergennes Sewer System, or the Grattan/Oakfield Sewer System, depending upon the nature and extent of the improvements to the Public Sewer System. Once imposed on a Premises, the Service Capital Improvement Charge, if payable in installments, shall continue to be payable even if the structure located on the Premises is destroyed or disconnected from the Public Sewer System, regardless of circumstances.

Section 10. Amendment of Section 1001(e). Section 1001(e) of the Sewer Ordinance is hereby amended to read as follows:

(e) If the Township is notified of a claim under subsection (a) and the Township believes that a different or additional governmental agency may be responsible for the claimed property damages or physical injuries, the Township shall notify each additional or different governmental agency of that fact, in writing, within 15 business days after the date the Township receives the Claimant's notice under subsection (a). The Township shall give notice of a claim with respect to the Grattan/Vergennes Sewer System to Vergennes. The Township shall give notice of a claim with respect to the Grattan/Oakfield Sewer System to Oakfield.

Section 11. Publication. A true copy or a summary of this Ordinance shall be published in the Greenville Daily News within thirty (30) days after the adoption of the Ordinance by the Township.

Section 12. Effective Date. This Ordinance shall be in full force and effect on thirty (30) days after its publication as provided by law.

AYES: Members: Frank Force, Michelle Alberts, Sabrina Freeman, Dennis Heffron, Paul Knoerl.

NAYS: Members: NA

ORDINANCE DECLARED ADOPTED.

Passed and adopted by the Township Board of the Township of Grattan, County of Kent, Michigan on September 13, 2021, and approved by me on September 13, 2021.

Franklin Force
Franklin Force, Supervisor
Township of Grattan

Attest:
Michelle Alberts
Michelle Alberts, Clerk
Township of Grattan

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Grattan, County of Kent, State of Michigan, at a regular meeting held on September 13, 2021, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

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

A handwritten signature in cursive script that reads "Michelle Alberts". The signature is written in black ink and is positioned above a horizontal line.

Michelle Alberts, Township Clerk

CERTIFICATE OF PUBLICATION

I, the undersigned, Township Clerk of the Township of Grattan County of Kent, Michigan, hereby certify pursuant to MCL 41.184 that the Amendment to the Grattan Sewer Connection, Use and Rate Ordinance (Township Ordinance No. 21-005) or a summary thereof was published in the *Greenville Daily News* on September 25, 2021.

Dated: Sept. 27, 2021

Michelle Alberts
Michelle Alberts, Township Clerk