

The Marquette County Board of Commissioners held their Regular Meeting on Tuesday, December 21, 2004, at 7:00 P.M., in Room 231 of the Henry A. Skewis Annex, 234 West Baraga Avenue, Marquette, Michigan.

Chairperson Corkin called the meeting to order. Present: Comm. Arsenault, Comm. Bergdahl, Comm. Coyne, Comm. Cihak, Comm. Joseph, and Comm. Nordeen, Comm. Tuominen, Comm. Wallace and Comm. Corkin. Absent and excused: none.

A Salute to the Flag was given followed by the Pledge of Allegiance.

It was moved by Comm. Tuominen, seconded by Comm. Arsenault, and unanimously carried by voice vote that the minutes of the County Board of Commissioners Regular Meeting held on December 7, 2004 be approved.

PROCLAMATIONS, PRESENTATIONS, AND AWARDS

Chairperson Corkin read the following Resolution honoring Harold R. "Hal" Pawley on his retirement:

**MARQUETTE COUNTY BOARD OF COMMISSIONERS
RESOLUTION
HONORING HAROLD R. "HAL" PAWLEY ON HIS RETIREMENT**

WHEREAS, Harold R. Pawley has served Marquette County since April 15, 1992, when he was hired as Airport Manager at the Marquette County Airport. On May 2, 2001, he became Airport Manager at the Sawyer International Airport, and was promoted to Director of Sawyer International Airport and Business Center on April 30, 2002, and

WHEREAS, under Hal's leadership, the number of commercial aviation flights has increased, general aviation facilities have improved, and the Airport has a more stable financial foundation; and

WHEREAS, Hal led the move to a commercial airport, a rare and difficult challenge, with minimal disruption to airport customers; and

WHEREAS, Hal willingly and energetically assumed additional challenges and responsibilities with K.I. Sawyer; and

WHEREAS, Hal's humor, advice, stories, and professionalism will be missed at Marquette County; and

WHEREAS, Hal will retire on December 31, 2004 after dedicating over 12 years 8 months of service to Marquette County,

THEREFORE, BE IT RESOLVED, the Marquette County Board of Commissioners, on behalf of all County Citizens, wishes Hal and his wife Betty a long, and enjoyable retirement.

***Proclaimed this 21st day of December, 2004
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners***

Hal Pawley, Airport Manager, thanked the County Board for this honor. He also stressed the fact that no one person makes a successful operation. He commended the County Board, the County Administrator, Civil Counsel, and a host of excellent Staff at Sawyer. He further explained that some really great things have happened at Sawyer. His only regret about leaving is the fact that there are a number of issues he had hoped to get done but didn't. He is confident that the remaining Staff will continue to make Sawyer successful.

Chairperson Corkin opened the meeting for public comment. None was forthcoming.

It was moved by Comm. Wallace, seconded by Comm. Joseph, and unanimously carried by voice vote that Claims and Accounts for the period December 10, 2004 through December 16, 2004 in the amount of \$98,523.19 be approved.

It was moved by Comm. Joseph, seconded by Comm. Tuominen, and carried by voice vote 8 Ayes to 1 Abstention (Comm. Cihak) that check number 57602 in the amount of \$360.00 made payable to Cihak Investigative Services which was disclosed on December 14, 2004 be approved.

10e) The County Board considered a Committee of the Whole Recommendation to adopt the Sawyer Water and Sewer Ordinances prepared by Scott Erbsch, Sawyer Operations Manager, and Cheryl Hill, Civil Counsel.

Comm. Nordeen announced that a request was received from Karen Anderson, Executive Director, Sawyer Operations Authority, requesting the County Board delay adoption of the Chapter 1000 Sewer Ordinance and Chapter 2000 Water Ordinance. She explained that the Townships have just received copies of the proposed ordinances and the Supervisors need time to review the documents to determine impact to their residents. Comm. Nordeen and Comm. Bergdahl recommend approval of the sewer and water ordinances be delayed until January 4, 2005.

Cheryl Hill, Civil Counsel, stated that it would be easier to run the system if the ordinances are in place in case of a legal conflict. She further explained that there is no requirement under the law that the townships be provided with the ability to review and comment. She stated the ordinances can be amended later if needed.

Steve Powers, County Administrator, reminded Commissioners that both townships were given an opportunity to assume responsibility for the system and they declined.

It was moved by Comm. Wallace, seconded by Comm. Arsenault, and carried by voice vote 7 Ayes (Comm. Arsenault, Comm. Cihak, Comm. Coyne, Comm. Joseph, Comm. Tuominen, Comm. Wallace, and Comm. Corkin) to 2 Nays (Comm. Bergdahl and Comm. Nordeen) that the County Board adopt the Sawyer Water and Sewer Ordinances prepared by Scott Erbsch, Sawyer Operations Manager, and Cheryl Hill, Civil Counsel, as follows:

**WATER & SANITARY SEWER
 FEE SCHEDULE
 (IMPLEMENTED 12/21/04)**

	<u>FEE</u>	<u>As of 1/1/05</u>
Water & Sanitary Sewer Deposit		
Residential		
Base deposit (New utility account)	\$75.00	\$75.00
Base deposit w/history of unpaid or delinquent bills	\$125.00	\$125.00
Multi-meter landlord interim deposit (10+ units)	\$500.00	\$500.00
Commercial/Industrial		
Base deposit (New utility account)	\$150.00	\$150.00
Base deposit w/history of unpaid or delinquent bills (Which ever is greater.).	\$300.00	or two months average at the premises
Water Rates		
Minimum monthly (Includes 1 st 1,000 gallons)	\$5.73	\$6.39
Over 1,000 gallons (per 1,000 gallons)	\$5.73	\$6.39
Turn-on (AKA Reconnection fee)	\$50.00	\$50.00
Disconnection visit	\$50.00	\$50.00
Meter Installation		
3/4" or less*	\$160.00	\$160.00
*This fee does not apply to Developers needing multiple meters installed. They will be responsible for the installation or will reimburse the County if a contractor is needed. Developers will be required to purchase meters specified by the Department.		
1" or Greater	Actual Cost	
Hydrant Meter Rental		
0 – 7,500 gallons	\$60.00	\$60.00

Per 1,000 gallons after the 1 st 7,500	\$6.00	\$6.50
	FEE	As of 1/1/05
Tap-In Charges (price does not reflect the cost of restoration)		
1" or less tap-in to water main (When contractor excavates/taps.)	\$500.00	\$500.00
Larger than 1" (When contractor excavates/taps)	\$1000.00	\$1000.00
1" or less tap-in to water main (When excavation by County)	\$2,000.00	\$2,000.00
Larger than 1" (when excavation by County)	\$1,000.00	Plus actual Cost
Application/Permit (includes staff inspection)	\$50.00	\$50.00
Service Line Thawing		
Between Corporation and Curb Stop		
First time	No Charge	
Additional time(s)	50% of actual cost	
Curb Stop to Meter	Customer Responsibility	
Wastewater Rates & Charges		
Minimum Monthly (Includes 1 st 1,000 gallons)	\$5.88	\$6.55
Over 1,000 (Per 1,000 gallons)	\$5.88	\$6.55
Tap-In Charges		
6" or Less	\$500.00	\$500.00
Greater than 6"	\$1,000.00	\$1,000.00
Application/Permit (Includes staff inspection)	\$50.00	\$50.00
Restoration (Water taps)		
Asphalt replacement	Actual cost	
Curb crossing	\$300.00	\$300.00
Sidewalk crossing	\$300.00	\$300.00
Lawn Repair	\$200.00	\$200.00
Water and sanitary sewer late fee	10% of amount due	
Non-sufficient funds check (NFS) fee	\$20.00	\$20.00

CHAPTER 2000
WATER ORDINANCE

PREAMBLE

It is hereby determined to be desirable and necessary for the public health, safety and welfare of Marquette County that its water system be operated on a public utility rate basis in accordance with the provisions of the Revenue Bond Act of 1933 being Act 94 of the Public Acts of 1933 as amended.

Wherefore, the Marquette County Board of Commissioners hereby enact the following water ordinance to govern the water system owned and operated by Marquette County in and about the area commonly known as the "Sawyer" geographic area.

The ordinance becomes effective upon adoption.

- 2000.01 Definitions
- 2000.02 Water Connections
- 2000.03 Permits

2000.04	Fees
2000.05	Sub-Connections
2000.06	Opening Curb Valve
2000.07	Service Pipe
2000.08	Disconnection
2000.09	Stoppages
2000.10	Multiple Customers
2000.11	Private Fire Hydrants
2000.12	Access to Premises
2000.13	Rates and Charges
2000.14	Installation and Use of Meters
2000.15	Charge for Thawing Freeze-ups and Fixing Leaks
2000.16	Tampering with Meters
2000.17	Right of Entry
2000.18	Liens
2000.19	Cross Connections
2000.20	State Plumbing Code
2000.21	Violations
2000.22	Water Service Lines
2000.23	Requirements for Connection of Private Water Main

2000.01. DEFINITIONS.

As used in this chapter, unless the content specifically indicates otherwise:

- (a) Common Service. A common service is a pipe or conduit lying on private property, not within a public right of way or easement, which supplies water to more than one customer, and which is considered to be the common property, and responsibility, of the customers who are being served.
- (b) Department as used in this chapter shall mean the Sawyer Water and Sewer Department of the County.
- (c) Private Service. A water pipe or line built or installed by a water customer on property not under the control or ownership of the County of Marquette, and for which ownership and responsibility for maintenance of the pipe rests with the customer.
- (d) Service Line. A pipe or conduit, connected to a water main or sub main, which is intended to deliver water from the public water supply system onto the customer's property for his own consumption or use. Normally, the service line shall be provided with a shut off valve, or curb stop, located at the customer's property line. The portion of the service line lying within the public right of way or easement and between the water main shall be considered to be the property of the County of Marquette. The portion of the service line lying between the public right of way (ROW) or easement and the customer's water meter shall be considered the property of, and responsibility of, the customer.
- (e) Sub Main. A pipe or conduit smaller than 4" in diameter, located in a public right of way or easement, and which is intended to provide public water supply to a block or group of customers, but which is not meant to provide water for public fire protection.
- (f) Tapping Permit. Written permission, as provided for in this Chapter, prepared and issued by a representative of the County, allowing an individual or firm to connect a water service line to the County water distribution system for the purpose of supplying water to a single residence or property.
- (g) Water Distribution System. A term to describe the entire system of water mains, sub mains, valves, pumps, fire hydrants, and other appurtenances owned by the County of Marquette which are intended to supply and deliver water to all the customers of the system.
- (h) Water Main. A pipe or conduit 4" or larger in diameter intended for the conveyance of water from a source of supply to the various parts of the Sawyer property. Water mains are parts of the County's water distribution system located in public rights of way or easements and are intended to furnish water to the customers of the system and to provide for fire protection.
- (i) Water Tap. A device, such as a corporation stop or tapping valve, which is installed on a water main or sub main by a contractor approved by the Sawyer Water and Sewer Department pursuant to a tapping permit and providing a point of connection for a customer's water service line.

2000.02. WATER CONNECTIONS.

No person, company or corporation, shall tap any water main or distribution pipe of the water works system, or insert therein any corporation cock, stop cock, or any other fixture or appliance, or alter or disturb any service pipe, corporation stop, curb stop, gate valve, hydrant, water meter or any other attachment belonging to the waterworks system and attached thereto. No person shall install any water service pipe or connect or disconnect any such service pipe with or from the mains or distribution pipes of said waterworks system, nor with or from any other service pipe now or hereafter connected with said system, nor make any repairs, additions to, or alterations of any such service pipe, tap, stop cock, or any other fixture of attachments connected with any such service pipe, without proper permit for same.

2000.03. PERMITS.

Before any service connection shall be made to any part of the waterworks system, or any work performed upon old or new connections, permission shall be obtained from the Sawyer Water and Sewer Department. Such permission shall be issued upon written application on forms prepared for that purpose obtainable from the Department. Applicants for water service shall furnish and lay and install all that portion of the service at his *or her* own expense subject however, to the supervision and inspection of the Department. A County water tap shall not be issued unless the applicant has secured the appropriate County or State Plumbing Permit and related inspection has either occurred or been scheduled.

2000.04. FEES.

Upon filing for permission to connect with any water main or distribution pipe of the waterworks system, there shall be paid to the Sawyer Water and Sewer Department such tapping fee as listed in the fee schedule. Such fees to include all the costs of tapping the main, installing the corporation cock, furnishing and laying the service pipe to a point within the street and ten feet from the stop cock and shutoff box; all such materials to be and remain the property of the County.

2000.05. SUBCONNECTIONS.

The owner or occupant of any building or premises entitled to the use of water from said system, shall not supply water to other persons, companies or corporations, except upon written permission of the Department, nor shall he permit unnecessary waste of water.

2000.06. OPENING CURB VALUE.

No person, other than an authorized employee of the County, shall turn the water on or off from any main or distribution pipe into any service pipe.

2000.07. SERVICE PIPE.

All service pipes connection with the distribution mains of the waterworks system, from the County main to the stop and waste valve inside building, shall be laid under the supervision of the Department and in accordance with the provisions of this ordinance.

2000.08. DISCONNECTION.

Any premises may be disconnected from the distribution pipes of the County waterworks system and the supply of water withheld from such premises upon violation by the owner or occupant of said premises, of any provision of this chapter, or of any rule or regulation adopted pursuant thereto. Whenever the water is turned off from any premises because of any such violations, the same shall not be turned on again until the owner or occupant has paid to the Department the fee(s) established by the Marquette County Board of Commissioners in the fee schedule.

2000.09. STOPPAGES.

The County shall not be liable under any circumstances for any failure of deficiency in the supply of water to consumers whether occasioned by shutting off the water to make necessary repairs of connections or any other cause.

2000.10. MULTIPLE CUSTOMERS.

In all cases where a water service is intended to supply more than one tenement, shop, store or building or dwelling unit it shall be the duty of the person making such service connection, or causing the same to be made, to install a branch with a stop cock for each branch outside the line of premises so to be supplied, to be suitable protected and marked as to be easily located. In no case shall one service supply more than one lot unless occupied by a single building covering more than one lot used for a single industry or enterprise.

2000.11. PRIVATE FIRE HYDRANTS.

The properties of manufacturing institutions, lumber yards, warehouses, elevators, stores, hotels, schools and other public building, wishing to install large pipes with hydrant and hose coupling, to be used only in case of fire, will be permitted to connect with the street main at their own expense upon application to the Sawyer

Water and Sewer Department Superintendent and under its direction and supervision, but shall be responsible for all the costs, including, but not limited to engineering design and inspection, materials, and installation.

2000.12. ACCESS TO PREMISES.

The Department Director or any of his agents shall have the power and authority at all reasonable hours to enter upon any premises where water is furnished from the County waterworks system, for the purpose of reading meters or the inspection of all pipes and fixtures to be repaired, removed or replaced where the same are not in compliance with the provisions of this ordinance pertaining to the Waterworks System, and any person refusing or neglecting to make such repairs when so ordered, shall be deemed guilty of a violation of the ordinance.

2000.13 RATES AND CHARGES.

(a) All fees/rates and charges shall be set by the Marquette County Board of Commissioners by a majority of those present at a meeting when the resolution is proposed. The fee/rates and charges will be put forth in a fee schedule kept by the Department. Fees/rates and charges shall be fixed and revised from time to time upon the recommendation of the Department staff.

(b) Billing.

Bills will be rendered during the first week of the month, payable without penalty if paid by the 3rd of the month following the mailing of the bill unless specified differently on the invoice. Payment received after such period shall be considered delinquent and bears a penalty as identified on the fee schedule.

(c) Enforcement.

(1) Charges for water service shall constitute a lien on the property or premises served, and liens for delinquent charges may be recorded against the property with the County Register of Deeds office. If payment is not made within six months of the beginning of the delinquency, the same shall be certified to the Marquette County Board of Commissioners at a September meeting of the County Board of Commissioners and the accounts so certified and approved by County Board of Commissioners shall be spread upon the December tax roll for collection. This procedure shall not apply if a lease has been legally executed, containing a provision that the lessor shall not be liable for payment of water or sewage bills accruing subsequent to the filing of the written notice and a copy of the signed lease provided by this section. A written notice with respect to the execution of a lease containing this provision shall be filed with the Department, and twenty days notice shall be given by the lessor of any cancellation, change in or termination of the lease. The written notice shall contain a notation of the expiration date of the lease.

(2) The County shall have the right to shut off water service to any premises for which charges for water or sewer service are delinquent. Once the account is delinquent, the County shall mail a notice of delinquency and disconnection, to the consumer, as indicated on the account application. The notice shall indicate that the account is delinquent and that services shall be terminated, unless the account is paid in full as specified on the notice of delinquency. Before the service is again turned on after such discontinuance, a re-connection fee established from time to time by resolution of Marquette County Board of Commissioners shall be paid, and provision shall be made to pay the delinquent account. Such charges and penalties may be recovered by the County by court action along with any other remedies available under law or equity, including but not limited to tax liens.

(c) Account Applications and Deposits. No connection or provision of water shall be made until an applicant therefore shall complete and sign an application form, which shall include an agreement that all charges for services shall be promptly paid when billed. The application shall contain the name and address of both the consumer of the service and the owner of the premises to be connected, and such other information as the County shall require. In addition to completing an application, the consumer shall make an account deposit as established in the fee schedule. The County may require an increase in the initial deposit if the account holder develops a record of delinquent payments after the account has been opened. A new utility account shall not be opened, nor shall any utility services be provided to a person or other legal entity all prior unpaid utility charges, interest, penalties, and collection fees owed to the County by that person or legal entity have been paid in full. The account application shall also state that the applicant consents to allow access to County meters at reasonable times by County employees for inspection, maintenance, reading and calibration.

2000.14. INSTALLATION AND USE OF METERS.

- (a) All meters shall be furnished by the County and shall be and remain the property of the County, but the person requesting said meter shall be charged the cost thereof.
- (b) In the event that a water meter recording device is defective for any reason and fails to record the water passing through the meter for any given period of time, the County shall estimate the amount of water consumed during the inoperable period of time. The estimate shall be reasonable and based on the past record of consumption as shown on the County records. The County shall charge a meter testing fee as established in the fee schedule by the Commission, to be paid in advance by the customer. If the meter is found to be defective, it shall be repaired and the meter testing fee returned to the customer. The County Board of Commissioners may adjust the meter testing fee from time to time.
- (c) If a customer is permitted to allow his or her water to run in order to prevent the water line from freezing, the procedure to be followed shall be detailed in its Let Run Policy. Said Policy may be amended from time to time by County Commission. Water shall not be permitted to run to prevent freezing without first contacting the County for written permission.
- (d) Water meters shall be installed upon any premises supplied with water by the Department or by an entity approved by the Department for installation. Water meters shall remain the property of the County. The cost of repair or replacement of any water meter that is damaged, except for damage resulting from normal wear and tear, shall be assessed to the occupant or owner of the premises.

2000.15 CHARGE FOR THAWING FREEZE-UPS AND FIXING LEAKS.

- (a) All frozen water pipes from the shut-off to *customers*, and on or under private property, shall not be remedied by the County, but shall be remedied privately by the property owner.
- (b) All leaks and damage to mains and laterals (service line) under the street and up to the property line/shut-off shall be repaired at the County's expense. But leaks and repairs necessary from the shut-off to customers, and on or under private property, shall not be repaired or remedied by the County, but shall be remedied privately by the property owner.

2000.16. TAMPERING WITH METERS.

- (a) No person shall remove, circumvent, bypass, tamper with or interfere with the installation, use, operation or maintenance of a water meter, nor shall any premises have a water outlet on the service line between the curb stop and the water meter.
- (b) Service to any premises shall be immediately disconnected if any meter is found bypassed, tampered with, or illegally connected, and shall not be reconnected until a correct meter and connection is installed and all past due charges, penalties and reconnection fees and deposits are paid in full.

Any water meter found to have been tampered with, bypassed, having the capability of being circumvented, or with an illegal cross connection present, shall be presumed conclusively to have been in such condition for six months prior to its discovery by the County. The owner of the premise serviced by a meter, which has been bypassed, circumvented or having the capability of being circumvented shall be assessed and charged an amount double the water usage of any comparable premise in six months. This charge shall be billed subsequent to discovery of the bypass or circumvention and shall also be recorded as lien against the premises and certified and spread on the tax rolls. For the purposes of this section, a comparable premise in the case of a dwelling house shall be one with equal number of adults and children if said information is available, otherwise the average usage for a similar size dwelling should be used. For other types of premises, a comparable premises shall be a similar establishment, i.e., a church, office, store, etc. Any residence or structure found in violation of this section shall be subject to immediate utility disconnect and shall not be reconnected to the utility supply until all bills, penalties, reconnection charges and deposits have been paid.

2000.17. RIGHT OF ENTRY.

A representative of the Department shall have the right to enter, at reasonable times, any premises served by County sewer or water for the purpose of inspecting, maintaining, reading, replacing or calibrating the meter and piping systems. If the premises occupant or owner refuses entry, the occupant or owner shall then be given written notice by either mailing the notice to the customer and/or posting notice on the premises (notice to one constitutes notice to both) that water services shall be shut off and discontinued if entry is not permitted within twenty-four hours of personal service of the notice on the owner or occupant, and shall remain shut off during the period of such refusal, and shall not be re-established until entry is permitted and all charges, penalties and reconnection fees are paid in full.

2000.18. LIENS.

The County shall have, as security for the collection of any water rates or any assessments, charges or rentals due or to become due for the use of consumption of water supplied hereunder to any house or other building or any premises, lot or lots, or parcels of land, a lien upon such house or other building and upon the premises or lot or lots, or parcel or parcels upon which such house or other building shall be situated or to which such water was supplied. Such lien shall become effective immediately upon the distribution of the water to the premises or property supplied as aforesaid. Such lien may be enforced by the County in the manner prescribed by the general laws of this state providing for the enforcement of tax liens, provided that the provisions of this section shall not be construed as preventing the County from suing such owner by action in the name of the County for the amount so due to it, or as preventing the County from cutting off such water services from the premises at any time such water charges are in default.

2000.19. CROSS-CONNECTIONS.

The County of Marquette hereby adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality being R 325.1140 to R 325.11407 of the Michigan Administrative Code.

(a) It shall be the duty of the Department to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Water Utility and as approved by the Michigan Department of Environmental Quality.

(b) The representative of the Department shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the County of Marquette for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

(c) The Department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) or other violation has been eliminated in compliance with the provisions of this ordinance and all reconnection fees have been paid.

2000.20. STATE PLUMBING CODE.

This ordinance does not supersede the State Plumbing Code but is supplementary to it.

2000.21. VIOLATION.

Any person found to be violating any provision of this ordinance, or any written order of the water utility shall have their water service turned off immediately. Water service will be reinstated once the violation has been corrected and all related re-connection fees and charges have been paid.

2000.22. WATER SERVICE LINES.

- (a) Ownership. All service lines or portions thereof, located within public right of way are, and shall be, the exclusive property of the County of Marquette. All service lines, or portions thereof, located on private property, easements granted to parties other than the County of Marquette or other land not under the ownership or control of the County of Marquette, are and shall be the property of the person or party exercising control over said property.
- (b) Operation and Maintenance. The County of Marquette and its Department shall be solely responsible for Operations and Maintenance of all service lines and appurtenances, which are the property of the County of Marquette. No other party shall operate valves, adjust boxes, or change, modify or operate any other item appurtenances to or connected to said service lines.
- (c) Location of Curb Valve. Each new water service line shall be provided with a curb valve (curb stop, shut-off). Said curb valve shall be located at the nearest property line of the customer being served with water, and in a location accessible to the Water Department. In addition, said curb valve shall be and remain the property of the County of Marquette, to be used by the County of Marquette in controlling the flow of water into the customer's property.
- (d) Replacement of Service Lines by the County of Marquette. The County of Marquette and its Department shall be liable for all costs associated with the eventual replacement of service lines, or portions thereof, within rights of way or easements under the control of the County of Marquette, up to

and including the curb valve. Such replacements shall be undertaken due to any of the following circumstances:

- (1) Deterioration of the pipe due to age or material failures.
 - (2) Damage caused to the pipe by any external agent or force, whether of natural origin or under the control of the County of Marquette.
 - (3) Replacement or relocation service lines for the convenience of the utility, as when water mains are replaced or relocated, or similar activities require the relocation of the service line.
- (e) Replacement of Service Lines by the Customer. The water customer shall be liable for all costs associated with eventual replacement of those portions of the service line located on his property under his control, i.e., from the property line/curb valve to the meter. Such replacements shall remain the responsibility of the customer regardless of whether they are occasioned by deterioration of the pipe, damage, or for the convenience of the customer.
- (f) Obsolete Services. When a customer requires that his water service be replaced in order to meet additional water demands beyond what the original service was intended to provide, or to relocate service lines for his own convenience, the original existing service shall be considered to be obsolete. The customer shall then be obligated to pay for new water tap and service line from the County water main to the meter location on his property, as well as for abandonment of the obsolete service. Installation of and payment for the new service shall be as provided in the fee schedule.
- (g) Replacement of Common Services. The County of Marquette will not undertake replacement of a common service with another common service. All parties to a common service, at such time as replacement is required, shall connect an individual service by the shortest, most direct route available, to a water main located within a street right of way or easement abutting their property. In the event that no water main exists within a right of way or easement abutting said property, the customer shall request the County study the advisability of installing a water main or sub-main, the cost of installation of which shall be assessed against the property (properties) involved.
- (h) Liability for Costs of Common Service Replacements. The County of Marquette and its water utility shall be liable for the cost of those portions of replacement service lines located between the water main or sub-main and the property line/curb valve. The customer shall be liable for all costs of replacement of those portions of service lines as described in Section 2000.22 (e), as well as all assessments for new water mains or sub-mains necessitated by the replacement of the common service.

2000.23. REQUIREMENTS FOR CONNECTION OF PRIVATE WATER MAIN.

Before any water system constructed by private, as distinguished from public funding, hereinafter referred to as the "private water system" shall be permitted to connect to the system, the owner of said system, hereinafter referred to as the developer, shall do and provide the Department with the following:

- A. Provide the County with the developer's plans and specifications for construction, an estimate of the cost of construction, and a performance bond and deposit with the County the estimated cost of review of construction plans covering the cost of hiring a registered professional engineer to review plans and specifications, which monies shall be placed by the Department in an escrow account in the name of said developer.
- B. Obtain approval of the Department of the plans and specifications.
- C. Secure all necessary permits for construction.
- D. Upon commencement of construction of the private water main, deposit with the County in the escrow account referred to in division (A) of this section a sum of not less than 10% of the cost of construction of the water system improvements to cover the anticipated cost of inspection of construction and payment of connection charges.
- E. Upon completion of connection of the private water main to the system, the performance bond, upon recommendation of the Director of the water and wastewater department, shall be released and any monies remaining in the developer's escrow account shall be returned to the developer. Any additional expenses incurred by the County in assuring the County that the private water main is properly operating shall be deducted there from or charged directly to the developer, at

the option of the County. An accounting of expenditures shall be made to the developer by the County.

- F. Any accepted privately constructed water main within a publicly dedicated right-of-way, shall become a public water main.

CHAPTER 1000
SEWER ORDINANCE

PREAMBLE

It is hereby determined to be desirable and necessary for the public health, safety and welfare of Marquette County that its sewer system be operated on a public utility rate basis in accordance with the provisions of the Revenue Bond Act of 1933 being Act 94 of the Public Acts of 1933 as amended.

Wherefore, the Marquette County Board of Commissioners hereby enact the following sewer ordinance to govern the sewer system owned and operated by Marquette County in and about the area commonly known as the "Sawyer" geographic area.

The ordinance becomes effective upon adoption.

1000.01	Definitions
1000.02	Use of Public Sewers Required
1000.03	Private Sewage Disposal
1000.04	Building Sewers and Connections
1000.05	Use of Public Sewers
1000.06	Damaging Sewage Works
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1000.15	Requirement for Connecting of Private Sanitary Sewer
1000.16	Violations; Notice to Correct
1000.17	Penalty

CROSS REFERENCES

Sewers and sewer systems generally - see Mich. Const. Art. 7, §24; M.C.L.A. §§46.171 et seq.

1000.01 DEFINITIONS.

As used in this chapter, unless the context specifically indicates otherwise:

- (1) "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Celsius.
- (2) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- (3) "Building sewer" means the extension from the building drain to the public sewer or other places of disposal.
- (4) "Clean Water Act" means the Federal Water Pollution Control Act of 1972 (Public Law 92-500), as amended.
- (5) "Combined sewer" means a sewer receiving both surface runoff and sewage.

- (6) "Compatible pollutant" means a substance amenable to treatment in the wastewater treatment plant, such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.
- Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, fats, oils and greases of animal or vegetable origin.
- (7) County means local agency or its designated official or department.
- (8) Department as used in this chapter shall mean the Sawyer Water and Sewer Department of the County.
- (9) "Federal grant" means a grant in aid in construction of wastewater treatment works provided under PL 92-500.
- (10) "Garbage" means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce and food.
- (11) "Incompatible pollutants" means any pollutant which is not a compatible pollutant.
- (12) "Industrial waste" means wastewater discharges from industrial, manufacturing, trade or business processes, as distinct from their employees' domestic wastes or wastes from sanitary conveniences.
- (13) "May" is permissive. (revised original (12))
- (14) "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface ground water.
- (15) "Normal domestic wastes" means wastewaters from segregated domestic and/or sanitary conveniences, as distinct from wastes from industrial processes, which domestic wastes do not exceed a BOD strength of 250 milligrams per liter or a suspended solids strength of 300 milligrams per liter.
- (16) "NPDES permit" means a permit issued pursuant to the National Pollutant Discharge Elimination System prescribed in PL 92-500.
- (17) "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.
- (18) "Person" means any individual, firm, company, association, society, group or corporation.
- (19) "PL 92-500" means the Federal Water Pollution Control Act of 1972, being Public Law 92-500 of the ninety-second Congress and adopted on October 18, 1972, as amended (33 USC sec. 1251 et. seq.)
- (20) "Properly shredded garbage" means wastes from the preparation, cooking or dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (21) "Public sewer" means a pipe or conduit which carries sewage and/or industrial wastes and to which storm, surface and ground waters are not intentionally admitted. Unless otherwise qualified, "sewer" when used in this ordinance, means "sanitary sewer." A County sewer or public sewer is any sewer located within an easement or public right of way and which is maintained by the County.

- (22) "Sanitary sewer" means a pipe or conduit which carries sewage and/or industrial wastes and to which storm, surface and ground waters are not intentionally admitted. Unless otherwise qualified, "sewer" when used in this ordinance, means "sanitary sewer." A County sewer or public sewer is any sewer located within an easement or public right of way and which is maintained by the County.
- (23) "Sewer" means a pipe or conduit which carries sewage and/or industrial wastes and to which storm, surface and ground waters are not intentionally admitted. Unless otherwise qualified, "sewer" when used in this ordinance, means "sanitary sewer." A County sewer or public sewer is any sewer located within an easement or public right of way and which is maintained by the County.
- (24) "Sewer main" means a pipe or conduit which carries sewage and/or industrial wastes and to which storm, surface and ground waters are not intentionally admitted. Unless otherwise qualified, "sewer" when used in this ordinance, means "sanitary sewer." A County sewer or public sewer is any sewer located within an easement or public right of way and which is maintained by the County.
- (25) "Sewer service charge" means the sum applicable of the user charge, surcharges, and debt service charges.
- (26) "Shall" is mandatory.
- (27) "Storm drain" and "storm sewer" mean a sewer which carries storm and surface waters and drainage, but which excludes sewage and polluted industrial wastes.
- (28) "Suspended solids" means solids that either floats on the surface of, or are in suspension in, water, sewage or other liquids, and that are removable by laboratory filtering.
- (29) "System" means the complete County sanitary sewage system, including all mains, pumps, lift stations and collection and disposal facilities, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired.
- (30) "User charge" means a charge levied on users of a treatment works for the cost of operation and maintenance of sewage works, pursuant to Section 204b of PL 92-500, as amended, and includes the cost of replacement.
- (31) "User class" means the kind of user connected to sanitary sewers, including, but not limited to, residential, industrial, commercial.
- A. Residential User. Individual homes or dwelling units (including mobile homes, apartments, condominiums, or multi-family dwellings), or other structures, that discharge only segregated domestic wastes or wastes from sanitary conveniences.
- B. Industrial/Commercial User. Any user that is not considered a residential user defined above.
- C. Significant Industrial User. Any industrial user that:
- 1) Is subject to federal categorical pretreatment standards.
 - 2) Has an average daily discharge of more than 25,000 gallons.
 - 3) Provides more than 5% of the public-owned treatment of water (POTW) organic or hydraulic dry weather loading.
 - 4) May have an adverse effect on the POTW.
- (32) "Wastewater" means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground waters as may be present.
- (33) "Wastewater plant" means any arrangement of devices and structures used for treating wastewater.
- (34) "Wastewater works" means all facilities for collecting, pumping, treating and disposing of wastewater.

- (35) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

1000.02 USE OF PUBLIC SEWERS REQUIRED.

- (a) No person shall discharge to any natural outlet any sanitary sewage, industrial wastes or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- (b) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- (c) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the County and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his or her expense to install suitable sewer facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety days after the date of official notice to do so.

1000.03 PRIVATE SEWAGE DISPOSAL.

- (a) Where a public sanitary sewer is not available under the provisions of Section 1000.02, the building sewer shall be connected to a private sewage disposal system that complies with County Health Department regulations.
- (b) At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 1000.02, direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned for sanitary use, filled with suitable material and sealed.
- (c) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the local agency.

1000.04 BUILDING SEWERS AND CONNECTIONS.

- (a) No unauthorized person shall uncover, make any connections with or openings into, alter or disturb any public sewer or appurtenance thereof without first obtaining written permission from the County. No building sewer shall be covered until after it has been inspected and approved by the wastewater superintendent or his or her designee. The cost of the application and permit shall be listed in the fee schedule.
- (b) All costs and expense incident to the installation and connection of the building sewer to the public sewer connection shall be borne by the owner.
- (c) A separate and independent building sewer shall be provided for every building.
- (d) Old building sewers may be used in connection with the new buildings only when they are found on examination to meet all requirements of this chapter.
- (e) A newly constructed building sewer shall be Schedule 40 PVC, cast iron, vitrified clay sewer pipe or asbestos cement pipe. Joints shall be tight and waterproof. Materials and joints shall be as approved by the local agency. Any part of the building sewer that is located within ten feet of a water service pipe shall be constructed of cast iron. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle. Transitions or connections will be constructed only with fabricated connection fittings approved by the County.
- (f) The size and slope of the building sewer shall be subject to the approval of the local agency, but in no event shall the diameter be less than six inches. The slope of such six-inch pipe shall not be less than one-eighth inch per foot, unless otherwise permitted.
- (g) 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 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 and in a straight line.

- (h) 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 a pumping system approved by the local agency and discharged to the building sewer.
- (i) 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.

1000.05 USE OF PUBLIC SEWERS.

- (a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, water from footing drains, or roof water, to any sanitary sewer or sewer connection except as otherwise provided in this chapter.
- (b) Storm water, ground water, water from footing drains and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewers, or to a natural outlet, except as otherwise provided in this chapter. Industrial cooling water or unpolluted process waters may be discharged, upon application and approval of the local agency and the appropriate State agency, to a storm sewer or natural outlet.
- (c) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 - (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (sixty-six degrees Celsius) or lower than thirty-two degrees Fahrenheit (zero degrees Celsius).
 - (2) Any water or waste which may contain more than 100 parts per million by weight of fat, oil or grease.
 - (3) Any gasoline, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (4) Any garbage that has not been properly shredded.
 - (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, woods, paunch manure or other solid or viscous substance capable of causing obstruction to flow in sewers or other interference with the proper operation of the sewerage works.
 - (6) Any waters or wastes having corrosive properties capable of causing drainage hazard to structures, equipment and personnel of the sewerage works.
 - (7) Any waters with a pH lower than 6.5 or greater than 9.5.
 - (8) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the treatment plant.
 - (9) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
 - (10) Any noxious or malodorous gas or substance capable of creating a public nuisance.
 - (11) Any industrial waste that may cause a deviation from the NPDES permit requirements, pretreatment standards or any other State or Federal regulations.
- (d) Grease, oil and sand interceptors shall be provided when liquid wastes contain grease in excessive amounts, or other harmful ingredients, except that such interceptors shall not be required for single- family or multiple- family dwelling units. All interceptors shall be of a type and capacity approved by the County and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature.

They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted into place, shall be gastight and watertight.

- (e) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.
- (f) The admission into the public sewers of any waters or wastes containing more than 250 mg/l of BOD or 300 mg/l of suspended solids, or containing any quantity of substances having the characteristics described in subsection (c) hereof, having an average daily flow greater than two percent of the average daily flow of the local agency, shall be subject to review and approval of the local agency. Preliminary treatment shall be provided at no expense to the local agency as may be necessary to reduce the BOD to 250 mg/l and suspended solids to 300 mg/l, or to reduce objectionable characteristics for constituents to within the maximum limits provided for in subsection (c) hereof, or to control the quantity and rates of discharges of such waters or wastes. A person may be required by the Department and/or County to remove, exclude or require pretreatment of any industrial waste in whole or in part for any reasons deemed to be in the interest of the County. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained in satisfactory and effective operation by the owner at his or her expense. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted to the Superintendent for approval, and no construction of any facility shall be commenced until said approvals are obtained in writing. The **County** may elect to treat industrial wastes, discharged in excess of normal domestic concentrations, on a basis prescribed by written agreement and for an established surcharge to cover the added cost.
- (g) The owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the local agency. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.
- (h) All measurements, tests and analyses of the characteristics of waters and wastes to which references are made shall be determined in accordance with Standard Methods for Examination of Water and Wastewater and Guidelines Establishing Test Procedure for the Analysis of Pollutants, Federal Regulation 40 CFR Part 136, published in the Federal Register on October 16, 1973, as amended, and shall be determined at the control manhole provided for in subsection (g) hereof, 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.
- (i) No statement contained in this section shall be construed as preventing any special agreement between the local agency and any industrial concern whereby an industrial waste of unusual strength or character may be accepted, subject to payment therefor by the industrial concern, provided that such agreement shall not violate NPDES requirements and provided that user charges, surcharges and debt service charges as provided in this chapter are agreed to in the agreement.

1000.06 DAMAGING SEWER WORKS.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any sewer works.

1000.07 AUTHORITY OF INSPECTORS.

Duly authorized employees or representatives of the Sawyer Water and Wastewater Department, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

1000.08 DISCHARGE TO SANITARY SEWERS.

- (a) Any industry or structure discharging process flow to the sanitary sewer, shall comply with the provisions of subsection (b) hereof.

- (b) The local agency may require each person who applies for or receives sewer service, or who, through the nature of the enterprise, creates a potential environmental problem, to do the following:
- (1) File a written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged and the present or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of the wastes.
 - (2) Provide a plan map of the building, works or complex, with each outfall to surface waters, a sanitary sewer, a storm sewer, a natural watercourse or ground waters noted and described and the waste stream identified.
 - (3) Make sample tests and file reports with the local agency and appropriate State agencies on appropriate characteristics of wastes on a schedule, at locations, and according to methods, approved by the local agency.
 - (4) Place waste treatment facilities, process facilities, waste streams or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate State agency as properly qualified to supervise such facilities.
 - (5) Provide a report on raw materials entering the process or support systems, intermediate materials, final products and waste by-products, as those factors may affect waste control.
 - (6) Maintain records and file reports in the Superintendent's Office on the final disposal of specific liquid, solid, sludge, oil, radioactive material, solvent, or other wastes.
 - (7) Give written notification to the local agency if any industrial process is to be altered to include a process waste or potential waste, which shall then be subject to the approval of the County.

1000.09 ANNUAL CHARGE AND INSURANCE.

- (a) There shall be an annual review of the sewer charge system to determine whether or not it is sufficient to meet expected expenditures for the following year.
- (b) The County will maintain and carry insurance on all physical properties of the system, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All monies received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

1000.10 AUTHORITY TO OPERATE A WASTEWATER UTILITY.

It is hereby determined to be desirable and necessary for the public health, safety and welfare of the County that its sanitary sewerage system be operated on a public utility rate basis in accordance with the provisions of the Revenue Bond Act of 1933 of Act 94 of the Public Acts of 1933, as amended.

1000.11 RATES AND CHARGES.

- (a) All fee/rates and charges shall be set by the Marquette County Board of Commissioners by a majority of those present at a meeting when the resolution is proposed. The fee/rates and charges will be put forth in a fee schedule kept by the Department. Fees/rates and charges shall be fixed and revised from time to time upon the recommendation of the Department staff.
- (b) Billing.
- Bills will be rendered during the first week of the month, payable without penalty if paid by the 3rd of the month following the mailing of the bill unless specified differently on the invoice. Payment received after such period shall be considered delinquent and bear a penalty as identified on the fee schedule.
- (c) Enforcement.

- (1) Charges for sewer service shall constitute a lien on the property or premises served, and liens for delinquent charges may be recorded against the property with the County Register of Deeds office. If payment is not made within six months of the beginning of the delinquency, the same shall be certified to the Marquette County Board of Commissioners at a September meeting of the County Board of Commissioners and the accounts so certified and approved by County Board of Commissioners shall be spread upon the December tax roll for collection. This procedure shall not apply if a lease has been legally executed, containing a provision that the lessor shall not be liable for payment of water or sewage bills accruing subsequent to the filing with the Department of the written notice and a copy of the signed lease provided by this section. A written notice with respect to the execution of a lease containing this provision shall be filed with the board, commission or other official in charge of the water works system or the sewerage system, or both, and twenty days notice shall be given by the lessor of any cancellation, change in or termination of the lease. The written notice shall contain a notation of the expiration date of the lease.
- (2) The County shall have the right to shut off sewer service to any premises for which charges for sewer service are delinquent. Once the account is delinquent, the County shall mail a notice of delinquency and disconnection, to the consumer, as indicated on the account application. The notice shall indicate that the account is delinquent and that services shall be terminated unless the account is paid in full as specified on the notice of delinquency. Before the service is again turned on after such discontinuance, a re-connection fee established from time to time by the Marquette County Board of Commissioners shall be paid, and provision shall be made to pay the delinquent account. Such charges and penalties may be recovered by the County by court action.
- (c) Account Applications and Deposits. No connection or provision of sewer shall be made until an applicant for service therefor shall complete and sign an application form, which shall include an agreement that all charges for services shall be promptly paid when billed. The application shall contain the name and address of both the customer of the service and the owner of the premises to be connected, and such other information as the County shall require. In addition to completing an application, the consumer shall make an account deposit as determined established in the fee schedule. The County may require an increase in the initial deposit if the account holder develops a record of delinquent payments after the account has been opened. A new utility account shall not be opened, nor shall any utility services be provided to a person or other legal entity until all prior unpaid utility charges, interest, penalties, and collection fees owed to the County by that person or legal entity have been paid in full. The account application shall also state that the applicant consents to allow access to County meters on the premises at reasonable times by County employees for inspection, maintenance, reading and calibration.

1000.12 LEVELS OF RATES.

The rates referenced by this chapter are estimated to be sufficient to provide for the payment of the expenses of administration and operation of the system and such expenses of 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 said system as this chapter may require. Such rates shall be fixed and revised from time to time by resolution by the Marquette County Board of Commissioners as noted in 1000.11(a) as may be necessary to produce these amounts.

1000.13 OPERATING YEAR.

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

1000.14 CONNECTIONS TO THE SYSTEM.

- (a) All premises to which services of the system shall be available shall connect to the system within ninety days after the mailing of a notice to such premises by the County indicating that such services are available and requiring that such connection be made. All premises shall be charged a connection fee, as identified in the fee schedule. Said charge shall be payable before connection.
- (b) Where a sewer is constructed by a landowner, said landowner shall pay the cost of construction. Construction shall not be commenced until all required permits are obtained and all connection charges are paid to the County.

- (c) The County will be responsible for the operation and maintenance of all sewer mains. All lateral connections to the County sewer main or any subsequent problems arising in those laterals will be the responsibility of the property owner.

1000.15 REQUIREMENT FOR CONNECTING OF PRIVATE SANITARY SEWER.

Before any sanitary sewer system constructed by private, as distinguished from public funding, hereinafter referred to as the "private sewer", shall be permitted to connect to the system, the owner of said system, hereinafter referred to as the developer, shall do and provide the municipality with the following:

- (a) Provide the County with the developer's plans and specifications for construction, an estimate of the cost of construction, and a performance bond and deposit with the county the estimated cost of review of construction plans covering the cost of hiring a registered professional engineer to review plans and specifications, which monies shall be placed by the County in an escrow account in the name of said developer.
- (b) Obtain approval of the County of the plans and specifications.
- (c) Secure all necessary permits for construction.
- (d) Upon commencement of construction of the private sanitary sewer, deposit with the County in the escrow account referred to in division (a) of this section a sum of not less than 10% of the cost of construction of the wastewater system improvements to cover the anticipated cost of inspection of construction and payment of connection charges.
- (e) Upon completion of connection of the private sanitary sewer to the system, the performance bond, upon recommendation of the Water and Wastewater Superintendent, shall be released and any monies remaining in the developer's escrow account shall be returned to the developer. Any additional expenses incurred by the County in assuring the County that the private sanitary sewer is properly operating shall be deducted there from or charged directly to the developer, at the option of the County. An accounting of expenditures shall be made to the developer by the County.
- (f) Thereafter, any accepted privately constructed main collector sewer system within a publicly dedicated right-of-way, shall become a public sewer.

1000.16 VIOLATIONS; NOTICE TO CORRECT.

- (a) Any person found to be violating any provision of this chapter, except Section 1040.06, shall be served by the local agency with written notice stating the nature of the violation and providing a reasonable time limit (but not exceeding sixty days) for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) In addition to the penalty provided in Section 1000.17, any person violating any of the provisions of this chapter shall become liable to the local agency for any expense, loss or damage occasioned by reason of such violation.

1000.17 PENALTY.

In addition to any other remedy in state law, any water meter found to have been tampered with, bypassed, having the capability of being circumvented, or with an illegal cross connection present, shall be presumed conclusively to have been in such condition for six months prior to its discovery by the County. The owner of the premise serviced by a meter which has been bypassed, circumvented or having the capability of being circumvented shall be assessed and charged an amount double the sewer usage of any comparable premises in six months. This charge shall be billed subsequent to discovery of the bypass or circumvention and shall also be recorded as lien against the premises and certified and spread on the tax rolls. For the purposes of this section, a comparable premise in the case of a dwelling house shall be one with equal number of adults and children if said information is available, otherwise the average usage for a similar size dwelling should be used. For other types of premises, a comparable premises shall be a similar establishment, i.e., a church, office, store, etc. Any residence or structure found in violation of this section shall be subject to immediate utility disconnect and shall not be reconnected to the utility supply until all bills, penalties, reconnection charges and deposits have been paid.

10h) The County Board considered a Recommendation from the Building Code Ad Hoc Committee for a process to complete inspections within 72 hours of the request for inspections. Chairperson Corkin explained that the Ad Hoc Committee has made the following recommendations/solutions for inspections to be completed within 72 hours of the request for inspection. The implementation date is January 1, 2005. The Committee also recommended a monthly report from the Building Official to Commissioners on the status of achieving the 72 hour target and other improvements.

During Peak Demand Times

- Hire extra help seasonal inspectors.
- Use personnel from other counties.
- Use technology such as video phones/cameras to increase efficiency.
- Contract out some plan reviews and inspections.

Reduce Number of Reinspections and “Red Tags”

- Recommend having homeowner or contractor on-site during inspections to explain violations, if any, and correct at that time.
- Consistent application of the code between inspections in each discipline.
- Contractors informed and updated on code changes and common code violations to help reduce red tags. (ex. HBA newsletter, annual training sessions)
- Written policy on when an inspection should be stopped due to violations found.

Other Suggestions to Reach 72 Hours and Improve Service

- Ongoing communication by creating advisory committee with charge from Board of Commissioners.
- Improve attitude of everyone involve. Common sense, having mutual respect and accountability of all parties involved (contractors and inspectors).
- Fine tune inspection process and increase public relations.
- Provide more information with red/yellow tag such as field correction notices.
- Use technology such as video phones/cameras to increase efficiency.
- Procedures and protocols for scheduling inspections, including tracking 72 hours; and for canceling inspections.

It was moved by Comm. Bergdahl, seconded by Comm. Arsenault, and unanimously carried by voice vote that the County Board approve the recommendation from the Building Code Ad Hoc Committee for solutions for inspections to be completed within 72 hours of the request for inspection with the implementation date of January 1, 2005 and further a report from the Building Official to Commissioners on the status of achieving the 72 hour target and other improvements be provided monthly.

10i) The County Board considered appointments to various County Boards and Commissions. It was moved by Comm. Tuominen, seconded by Comm. Nordeen, and unanimously carried by voice vote that the following applicants be appointed:

PLANNING COMMISSION

Two Vacancies (3-Year Terms)

- *Lynn Coehoorn, Chocolay Township**
- *Kenneth W. Salo, Republic Township**

CENTRAL DISPATCH

Six Vacancies (3-Year Terms)

- 1 Fire Department Representative**
Andrew Lusardi, Ishpeming Township
- 1 Negaunee City Representative**
***Paul Gravedoni, Negaunee City**
- 1 Law Enforcement Representative**
***David P. Lemire, Marquette**
- 1 Township Association Representative**
***Barbara J. Mackey, Humboldt Township**

1 EMS Representative

***Dan Wolf, Marquette City**

COMMISSION ON AGING

Senior Category (One Partial 2-Year Term)

Rosemarie Strom, Ishpeming City

Senior Category (Three 3-Year Terms)

***Lois Hamel, Michigamme Township**

***Lorraine D. Palmer, Humboldt Township**

***Edith E. Prosen, Marquette City**

BUILDING CODE BOARD OF APPEALS

Three Vacancies (2-Year Terms)

***James Nankervis, Ishpeming Township**

***Paul M. Nelson, Ishpeming Township**

***Tony Retaskie, Marquette City**

ECONOMIC DEVELOPMENT CORPORATION

Four Vacancies (6-Year Terms)

***Marilyn Mutch, Negaunee City**

***Todd W. Nagel, Negaunee Township**

Tim Ryan, Marquette City

AIRPORT ZONING BOARD OF APPEALS

Two Vacancies (3-Year Terms)

***Fran Roberts, Forsyth Township, Forsyth Township**

***Rickey Wilson, Sands Township, Sands Township**

REMONUMENTATION PEER GROUP

Two Vacancies (3-Year Terms)

1 P.S. Private Category

***Robert Cambensy, Marquette City**

1 Public - Non-Surveyor Category

***James Thams, Negaunee Township**

On a roll call ballot, the following applicants were appointed to various Boards and Commissions.

ROAD COMMISSION

One Vacancy (6-Year Term)

***Darryll L. Sundberg, Negaunee Township**

BOARD OF HEALTH

Two Vacancies (3-Year Terms)

***Karol Lautner Peterson, Marquette Township**

David V. Poirier, Ishpeming

CENTRAL DISPATCH

One Vacancy (3-Year Term)

1 Citizen-at-Large

Mary A. Wallace, Marquette City

COMMISSION ON AGING

Four Vacancies (3-Year Terms)

Expert/Interested Category

- ***Craig Chartier, Marquette City**
- ***Judith A. Krause, Ely Township**
- Miriam Mattson, Marquette City**
- ***Susan Goodkind Wideman, Neg. Twp.**

MAROTRAN

Three Vacancies (3-Year Terms)

- ***John Olson, Michigamme Township**
- Susan Tollefson, Marquette City**
- Edith Wills, Negaunee City**

LATE ADDITIONS

11a) The County Board discussed a communication from Telkite Technology Park. Pursuant to the Agreement for Sale, Purchase, Lease, and Development of Real Estate between Telkite, Inc., and the County of Marquette, Telkite is required to make a payment of \$1,000,000 prior to December 30, 2004. Once the payment is received, the County and Telkite shall enter into a Lease Agreement by which the County ALP Buildings shall be leased to Telkite.

County staff and Telkite have been negotiating the terms of the ALP Buildings Lease. The County has requested Telkite to consider entering into a marketing agreement instead of a lease. Telkite agreed to consider this change, and both parties have been negotiating the terms of such an agreement diligently and in good faith. The time constraints, process, and magnitude of these negotiations have made it impossible to finalize the terms of a marketing agreement or lease prior to December 30, 2004.

Vicki Kulju, Executive Director, Telkite Technology Park, was present and explained that Telkite's intentions by December 30, 2004 is to either give the County a check directly should these provisions be approved tonight or to put the money into an escrow account which will be released upon the County's compliance with these issues.

Commissioners and staff engaged in a lengthy discussion regarding the Telkite request. They discussed the possibility of delaying action on this request until the first meeting in January and requested staff to provided them with more detailed information.

Comm. Joseph questioned whether Telkite would be in default of the agreement if the County Board does not take any action tonight.

Harley Andrews, Chief Civil Counsel, explained that this issue needs discussion. The County Board needs time to receive the information and digest it before discussion. He explained that the mere fact of delaying action on this will not put either party in default.

It was moved by Comm. Cihak, seconded by Comm. Nordeen, and carried by voice vote 8 Ayes to 1 Naye (Comm. Tuominen) that the County Board delay the discussion of the Telkite request until the January 4, 2005 meeting.

Chairperson Corkin opened the meeting for public comment. None was forthcoming.

It was moved by Comm. Arsenault, seconded by Comm. Cihak, and unanimously carried on a roll call vote 9 Ayes (Comm. Arsenault, Comm. Bergdahl, Comm. Cihak, Comm. Coyne, Comm. Joseph, Comm. Nordeen, Comm. Tuominen, Comm. Wallace, and Comm. Corkin) to 0 Naves that the County Board go into Closed Session to discuss collective bargaining with the Deputies Union and Senior Officers Association.

*****CLOSED
SESSION*****

The County Board came back into Open Session.

It was moved by Comm. Bergdahl, seconded by Comm. Coyne, and unanimously carried by voice vote that the County Board approve the Collective Bargaining Agreement with the Senior Officers Association.

It was moved by Comm. Wallace, seconded by Comm. Joseph, and unanimously carried by voice vote that the County Board approved the Collective Bargaining Agreement with the Deputies Union.

Steve Powers, County Administrator, explained that the last group for compensation approval is the Managers/Professionals (Treasurer, Sheriff, Clerk, Register of Deeds, Mine Inspector, Drain Commissioner). He recommends awarding a 2 percent wage increase and that Community Blue 2 Health Insurance remain in place effective January 1, 2005.

It was moved by Comm. Nordeen, seconded by Comm. Arsenault, and unanimously carried by voice vote that the County Board approve the recommendation of Administrator Powers for Managers/ Professionals (Treasurer, Sheriff, Clerk, Register of Deeds, Mine Inspector, Drain Commissioner).

Steve Powers, County Administrator, and John Greenberg, Risk Manager, discussed the County self fund our own health insurance "Gap" Plan in 2005. Commissioners requested a summary and written information explaining the Plan for the January 4, 2005 meeting.

COMMISSIONER COMMENTS, STAFF COMMENTS, AND ANNOUNCEMENTS

Chairperson Corkin presented Certificates of Appreciation to departing Commissioners Coyne, Nordeen and Tuominen. He also thanked them for their service to Marquette County.

Comm. Coyne thanked the County Board for the opportunity to serve and the help of fellow Commissioners and staff. She enjoyed the past several months as County Commissioner.

Comm Nordeen stated he enjoyed his two terms on the County Board. He has learned a lot about County government. The County is in good hands. He will pursue an old dream of going to law school.

Chairperson Corkin on behalf of the County Board wished all citizens of Marquette County a Merry Christmas and Happy New Year.

There being no further business to come before the County Board, the meeting adjourned at 8:20 P.M.

Respectfully Submitted,

Connie M. Branam
Marquette County Clerk