

STATE OF MICHIGAN
IN THE 10TH JUDICIAL CIRCUIT
COUNTY OF SAGINAW

MICHIGAN DEPARTMENT OF
ENVIRONMENTAL QUALITY, and
STEVEN E. CHESTER, Director
of the Michigan Department of
Environmental Quality,

Docket No. 07-066755-CE

Plaintiffs

Honorable Darnell Jackson

v

VILLAGE OF OAKLEY, a Michigan
General Law Village

 A TRUE COPY
Susan Kattenbach Clerk

Defendant.

CONSENT JUDGMENT

At a session of said Court held in the city of Saginaw,
Michigan, on the 7 day of July, 2009

Present: Honorable _____

Darnell Jackson

P34737
Honorable Darnell Jackson
Circuit Court Judge

IT IS ADJUDGED AND ORDERED:

THE PARTIES

1. Plaintiffs are Michigan Department of Environmental Quality (DEQ), and Steven E. Chester, Director of the DEQ.
2. The Defendant is the Village of Oakley (Village), located in Saginaw County, Michigan.

STATEMENT OF PURPOSE

3. The provisions in this Consent Judgment are found to be necessary in order to:

(a) first verify termination of the historic and continuing discharges of raw

sanitary (human waste) sewage and *E.coli* pollutants into the waters of this state (*i.e.*, from Mickles Creek and into the Shiawassee River), being violations of Part 31, Water Resources Protection (Part 31), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 *et seq.*, and

(b) to then guard against future *E.coli* pollutant discharges from within the Village of Oakley, by confirming that all sources of wastewater discharges (unless properly exempted under the law) are connected to the Village of Oakley's new wastewater collection and treatment system.

FINDINGS AND ORDERS

4. On September 5, 2007, DEQ filed the Complaint in this matter, alleging that the Village was the source of historic and continuing discharges of raw sanitary (human waste) sewage and *E.coli* pollutants into the waters of this state (*i.e.*, from Mickles Creek and into the Shiawassee River). The Complaint includes a General Factual Allegations section that is supported by Complaint exhibits A, B, and C documenting water sampling results taken in 1977, 1999, and 2002.

5. On November 12, 2008, this Court entered an order granting Plaintiff's motion for entry of Default against the Village.

6. The DEQ and the Village hereby stipulate as established findings of fact and conclusions of law that since at least 1997 and continuing intermittently to date the Village has been violating and is liable under Part 31, Water Resources Protection, MCL 324.3101 *et seq.*

(Part 31), of the NREPA, for discharging raw sanitary (human waste) sewage and E.coli pollutants into the waters of the State, namely Mickles Creek and the Shiawassee River.

7. It is this Court's order that the Village shall, no later than 30 days after the date of entry of this Consent Judgment, deliver to DEQ a list identifying the legal street address for all properties and any other persons or entities located within the Village borders that have a sanitary wastewater discharge, and clearly identify on this list which of these properties, persons or entities have been physically connected (by what is called a "service lead" or by any other physical connection) to the Village's wastewater collection and treatment system in a manner that the Village has formally approved as being fully compliant with both a) Village Ordinance No. 2007-1 (Attachment A), including its Section 3.03, and b) the Village's *Requirements for Service Leads* dated July 17, 2008 (Attachment B). This list shall also identify by the listed address those properties, persons and entities on the list that have received an exemption or waiver of any kind from connecting to the Village's wastewater collection and treatment system. The Village shall update this list with its most recent information, identifying which listed properties, persons and entities are either connected to or in any way exempted for any time period from connecting to the Village's wastewater collection and treatment system, and deliver the updated list to the DEQ every 90 days after the date of entry of this Consent Judgment. The initial and all updated lists shall be delivered to the DEQ using the following address:

Mr. Barry Selden
Enforcement Unit Chief
DEQ - Water Bureau
P.O. Box 30273
Lansing, Michigan 48909-7773

8. It is this Court's order that the DEQ shall send all communications regarding this Consent Judgment to the Village using the following address:

Village of Oakley
P.O. Box 64
Oakley, Michigan 48649

9. The Village shall not be liable to pay any amount to the state of Michigan for the cost of investigations and enforcement activities arising from the discharge of wastewater into the waters of the state.

10. The Village shall pay to the state of Michigan a civil fine of **\$10,000** for all past unpermitted discharges of wastewater into the waters of the state as set forth in this Consent Judgment. Payment of this civil fine shall be made within 30 days after the date of entry of this Consent Judgment. The Village shall make this payment by check made payable to the "State of Michigan" and delivered to the DEQ, Revenue Control Unit, P.O. Box 30657, 525 West Allegan Street, 5th Floor, South Tower, Lansing, Michigan 48909-8157. To ensure proper credit, this payment **must include the Payment Identification Number WTR3033**.

11. Each party is responsible for their own respective costs and attorney fees.

GENERAL PROVISIONS

12. With respect to any violations not specifically addressed and resolved by this Consent Judgment, the DEQ reserves the right to pursue any other remedies to which it is entitled for any failure to comply with the requirements of any state or federal law, including the NREPA and its rules.

13. The provisions in this Consent Judgment do not affect the Village's responsibility to comply with any other applicable state, federal, or local laws or regulations; or with any order of this or any Court, including, without limitation, any corrective action or similar requirements under Part 31 and/or Part 41 (MCL 324.4101 *et seq.*) of the NREPA, or any applicable rules or any amendments thereto.

14. The provisions in this Consent Judgment shall bind the parties to this action, as well as their officers, agents, successors and assigns, and those persons in active concert or participation with them who receive actual notice of this Consent Judgment.

15. The provisions in this Consent Judgment do not limit the rights of the state of Michigan against any third parties.

RETENTION OF JURISDICTION

16. This Consent Judgment shall terminate only upon entry of a formal Satisfaction of Judgment by this Court.

17. Prior to terminating this Consent Judgment under Paragraph 16 of this Consent Judgment, this Court shall retain jurisdiction over this action to enforce the terms of this Consent Judgment, to resolve any disputes arising under its terms, or to take any action necessary or appropriate for the interpretation or implementation of this Consent Judgment.

SEVERABILITY

18. Should any provision of this Consent Judgment be declared by a court of competent jurisdiction to be inconsistent with state or federal law or otherwise unenforceable, the remaining provisions will remain in full force and effect.

FINAL JUDGMENT

19. Entry of this Consent Judgment resolves the last pending claim and closes this case, pursuant to MCR 2.602(3).

IT IS SO ADJUDGED AND ORDERED:

HONORABLE

Darnell Jackson
P34737

Darnell Jackson
Circuit Court Judge

SIGNATORIES AND CONSENT

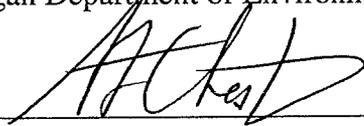
The signatories purport to have authority to sign this Consent Judgment on behalf of the respective parties and sign below to indicate their respective stipulation to the matters of fact and law stated herein, and consent to entry of this Consent Judgment:

FOR DEFENDANTS:
The Village of Oakley

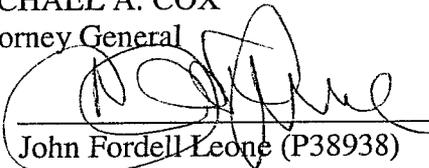
By: 
Doug Shindorf
Village President
Dated: 6/16/09, 2009

By: 
Richard A. Hamilton (P14574)
Attorney for Village of Oakley
702 Church Street
Flint, MI 48502
Dated: 6/16/09, 2009

FOR PLAINTIFFS:
Michigan Department of Environmental Quality

By: 
Steven E. Chester, Director
Dated: 6-29-, 2009

MICHAEL A. COX
Attorney General

By: 
John Fordell Leone (P38938)
Assistant Attorney General
Environment, Natural Resources
And Agriculture Division
Dated: June 23, 2009

A

Wastewater Ordinance

At a special meeting of the Oakley Village Council, County of the Saginaw, State of Michigan held at 7 p.m., Michigan time, on May 30, 2007.

PRESENT: Koski, VanHorn, Doty, Early, Frelitz, Shuster & Shindorf

ABSENT: 0

The Village Clerk presented to the Village Council an ordinance pertaining to the Village of Oakley Sewer Disposal System and Sewer Rate and Use Ordinance.

Ordinance No: 2007-1 entitled:

AN ORDINANCE TO PROVIDE FOR THE CONNECTION NOW OR HEREAFTER OF PREMISES TO THE VILLAGE OF OAKLEY SANITARY SEWAGE DISPOSAL SYSTEM IN THE VILLAGE OF OAKLEY, TOWNSHIP OF BRADY, COUNTY OF SAGINAW, STATE MICHIGAN. TO PROVIDE FOR THE IMPOSITION, COLLECTION AND ENFORCEMENT OF FEES AND CHARGES FOR CONNECTION THERETO; TO REQUIRE SEWERS FOR PREMISES HEREAFTER OCCUPIED OR PLATTED; AND THE PROVIDE FOR OTHER MATTERS RELATIVE TO SAID SYSTEM AND TO THE USE THEREOF FOR THE PRESERVATION OF THE PUBLIC HEALTH, SAFETY AND WELFARE.

It was moved by VanHorn and seconded by Shuster

That said Ordinance No.2007-1 Be adopted. Upon roll call, the vote upon the motion adopting said ordinance was as follows:

YEAS: 7

NAYS: 0

The President declared the Ordinance adopted. The following is Ordinance No 2007-1 is adopted.

Wastewater Ordinance

ORDINANCE NO .2007-1

**AN ORDINANCE TO PROVIDE FOR THE CONNECTION NOW OR
HEREAFTER OF PREMISES TO THE VILLAGE OF OAKLEY SANITARY
DISPOSAL SEWAGE SYSTEM IN THE TOWNSHIP OF BRADY, COUNTY
SAGINAW, STATE MICHIGAN; TO PROVIDE FOR THE IMPOSITION,
COLLECTION AND ENFORCEMENT OF FEES AND CHARGES FOR
CONNECTION THERETO; TO REQUIRE SEWERS FOR PREMISES
HEREAFTER OCCUPIED OR PLATTED; AND THE PROVIDE FOR OTHER
MATTERS RELATIVE TO SAID SYSTEM AND TO THE USE THEREOF FOR
THE PRESERVATION OF THE PUBLIC HEALTH, SAFETY AND WELFARE.**

THE VILLAGE OF OAKLEY ORDAINS:

Section 1.01: Whenever used in the ordinance, except when otherwise indicated by the context:

- a) The term "Village" shall mean the Village of Oakley in the County of Saginaw State of Michigan.
- b) The term "Village Council" shall mean the Oakley Village Council of the Village legislative and governing body thereof.
- c) The term "County" shall mean the County of Saginaw State of Michigan.
- d) The term "Sewage Disposal System" or "System" shall mean the Village of Oakley Sanitary Sewage Disposal System located, established and constructed pursuant to act No. 342, Michigan Public Acts of 1939, as amended, and includes all sanitary sewers, pumps, lift stations, grinder stations, treatment facilities, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.
- e) The term "available public sanitary sewer" shall mean a public sanitary sewer located in a right of way, easement, highway, street or public way in the Village, which crosses, adjoins, or abuts upon the property and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.
- f) The term "structure in which sanitary sewage originates" or "structure" shall mean a building in which toilet, kitchen, laundry, bathing or other facilities which generate water-carried sanitary sewage, are used or are available for use for household, commercial, industrial or other purposes.
- g) The term "sewage disposal services" shall mean the collection, transportation, treatment and disposal of sanitary sewage originating in a structure, and shall, where appropriate, include the maintenance of all facilities of the System.
- h) The term "unit" or "units" shall be related to the quantity of sanitary sewage ordinarily arising from the occupancy of a structure by a single family of ordinary size and the benefit derived there from, and shall be defined or determined from time to time by the Village Council after consultation with the consulting engineers for the Village. Said determination of units shall be based upon the

Wastewater Ordinance

studies made relative to the quantity of sewage generated by and the benefit derived from different types of use and occupancy of premises and shall be kept up to date and revised as needed as new studies are made through experience gained by the Village in actual operation.

- i) The term "charges for sewage disposal services" or "service charges" shall mean the amount charged to each premises in the service area for sewage disposal services and represents the proportionate cost allocable to the user for Operation and Maintenance and may include a Debt Service Charge. The amount shall be the sum total of charges for Operation and Maintenance and a Debt Service Charge, if any and any administrative or billing charge as determined in accordance with Section 2.03 of this Ordinance
- j) The term "inspection and approval fee" shall mean the amount charged to each applicant by the Village to connect said premises to the System to cover the cost of inspecting and approving the physical connection to the System and the issuance of a connection permit.
- k) The term "connection permit" shall mean the permit required to be obtained by the property owner prior to connecting said premises to the System.
- l) The term "premises" shall mean the lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the Village as a single taxable item in the name of the taxpayer or taxpayers at one address, but in the case of platted lots shall be limited to a single platted lot unless an existing structure is so located on more than one lot as to make the same a single description for purposes of assessment or conveyance, now or hereafter
- m) The term "Operator" shall mean the agent of the Village designated as being responsible for the operation of the facilities of the System.
- n) The term "Owner" shall mean the owner or occupant of premises, which connect the facilities of the System or are to be connected.
- o) The term "Debt Service Charge" shall be construed to mean that part of the charge for sewage disposal services which is used to cover capital indebtedness.
- p) The term "Operation and Maintenance" or "O & M" shall mean activities necessary to ensure adequate wastewater collection and treatment on a continuing basis, to conform with all related federal, state, and local requirements, and to assure optimal long term facility management. The use of this term shall be understood to include replacement of facilities that are necessary during the service life of the System to maintain the capacity and performance for which the System was designed.
- q) The term "building sewer" shall mean the buried piping from outside a structure to the sewer main and shall be considered part of the System even though located on private property.
- r) The term "Contract" shall mean the Village of Oakley Sanitary Sewer Disposal System Contract, dated February 1, 2004, between the Village pertaining to the acquisition, construction and financing of the System.

Section 1.02: Public sanitary sewage disposal systems are essential to the health, safety and welfare of the people of the State and the Village. Septic tank disposal systems are subject to failure due to soil conditions or other reason. Failure or potential failure of septic tank disposal systems poses a threat to the public health,

Wastewater Ordinance

safety and welfare; presents a potential for ill health, transmission of disease, mortality, and potential economic blight and constitutes a threat to the quality of surface and subsurface waters of the State and the Village. Connection to available public sanitary sewage disposal systems at the earliest, reasonable date in a proper manner for the protection of the public health, safety, and welfare is necessary and is in the public interest which is declared as a matter of legislative determination.

Section 1.03: In accordance with and to implement and make effective in the Village the terms and provisions of Act No. 368 of Michigan Public Acts of 1978, as amended, it is hereby determined and ordained that all premises in the Village on which is located a structure or structures in which sanitary sewage originates and to which there is an available public sanitary sewer system, all as defined and provided in said Act No. 368, shall be connected to said public sanitary system. The facilities of the Village of Oakley Sewage Disposal System are each and all hereby found determined and ordained to be components, elements and essential parts of a public sanitary sewer system, as defined and provided in said Act No. 368 and in this Ordinance, and to which connection of premises in this Village is hereby mandated and required to the full extent of Act No. 368 and of this Ordinance.

Section 1.04: The System shall be used for the collection and transportation of sanitary sewage only. Down spouts, footing drains, weep tile, or any conduit that carries storm water or groundwater, alone or in combination with sanitary sewage shall not be connected to the System, directly or indirectly. Industrial and commercial waste shall be discharged into the System only in compliance with the standards and regulations of the Village or County.

Section 2.01: Structures in which sanitary sewage originates located in the Village in the area served by the system, for which there is an available public sanitary sewer of the System, shall not be used or occupied, after the effective date hereof, unless said structures are connected to the System; Provided, that structures within the Village in which sanitary sewage is originating on the effective date hereon or in which sanitary sewage originates before availability of the System or any part thereof to serve said structures shall be connected to the System within two (2) months after publication of a notice by the Village in the Tri-County Citizen, a newspaper of general circulation in the Village, of the availability on the date to be determined later.

- Plats for premises in the area served by the System subdivided into three or more lots or parcels, after the effective date hereof, shall not be approved on behalf of the Village and none of said lots or parcels shall be improved by the erection of the structure thereon unless lateral sewers to serve all of said lots or parcels and to connect same to the System are available as part of the System or shall be installed at private cost (or the estimated cost thereof deposited with the Village) in the manner, size, and location approved by the Village

Wastewater Ordinance

Section 2.02: The number of units to be assigned to any particular premises shall be as set forth in Appendix A, as the same may be revised from time to time by the Village Council following consultations with the consulting engineer. The Village Council if the circumstances justify, may assign more than one unit to a single-family dwelling. No less than one unit shall be assigned to each premise, but, for purposes of computing the connection fee, units in excess of one may be computed and assigned to the nearest tenth. Once any premises has been connected to the System and has been assigned one or more units, subsequent changes in the character of the use or type of occupancy of said premises (including destruction, removal, or abandonment of any or all improvements thereon) shall not abate the obligation to continue the payment of the Debt Service Charges, if any with respect to said premises in the amount and for the period therein provided, for the number of units assigned to said premises at the time of connection. If subsequent changes at any time increase the amount of sanitary sewage emanating from the premises, the Village Council shall increase the number of units assigned to said premises.

Section 2.03: Charges for sewage disposal services to each premises within the Village connected to the System shall be as follows: Amount per Quarter per Unit
May be paid yearly will be billed quarterly.

	Amount per year per REU	Amount per quarter per REU
Operatetion & Maintenance	\$180.00	\$45.00
Debt Service Charge	\$168.00	\$42.00

- Such charges may be amended from time to time by resolution of the Village Council to reflect charges in the actual cost of operating, maintaining and administering the System, or to permit the Village to comply with any obligations, limitations, or conditions contained in any agreement between the Village and any other entity pertaining to the operation, maintenance, and administration of the System; provided, that the per unit rate of the service charge shall be changed or amended so as not to conflict with or impair any obligation of or limitation upon the Village under the Contract or any agreement pertaining to the operation, maintenance, and administration of the System. Debt Service Charges shall only be imposed in connection with the original construction of the system and only with respect to premises for which the Owner shall not have prepaid the connection charge described in Section 2.04 hereof on or before date to be determined later.
- Quarterly service charges are payable in arrears and shall be billed and collected quarterly by the Collecting Unit; the first such quarterly charge for each premises shall be due and payable on the fifteenth day of the calendar billing quarter following the date when such premises are connected to the System (pro-rated from the date of connection), and successive charges shall be due and payable on the fifteenth day of each succeeding quarter. Bills will be rendered quarterly on the 1st day of January, April, July, and October and shall be payable within 30 days

Wastewater Ordinance

Section 2.04: In addition to the connection permit fee provided for in Section 3.01, there shall be paid by each owner of premises which are being connected to the System in accordance with this Ordinance and connection charge of \$50.00 at the time of connection, which shall escalate at the rate of \$200.00 per year commencing date to be determined later. Notwithstanding the foregoing, owners of premises being connected to the System in connection with the original construction of the System and who have not prepaid the connection charge on or before date to be determined later shall not be required to pay the connection charge in full at the time of connection, but shall instead pay the connection charge as Debt Service Charges for a period of Forty (40) years as provided for in Section 2.03 hereof.

Section 2.05: An annual audit of the System shall be conducted to ensure the fiscal integrity of the System, as well as the proportionality and sufficiency among the user classes. Notification to each user of the System of the charge for sewage disposal services shall be made upon completion of the annual audit in conjunction with the mailing of a regular quarterly billing.

Section 2.06: The Village shall furnish no free service to any person, firm or corporation, public or private, or to any public agency or instrumentality.

Section 3.01: No person shall uncover, make any connections with or opening into, use, alter, or disturb any building sewer, stub or public sewer or appurtenance thereof without first obtaining a written permit from the Village. The cost of this connection permit is \$25.00 and shall be payable in cash at the time the permit is issued. The cost of the connection permit may be amended from time to time by resolution of the Village Council.

Section 3.02: All costs and expense incident to the installation and connection of the building sewer and stub to the public sewer for premises connecting to the System after the original construction of the System shall be borne by the Owner. The Owner shall indemnify the Village for or against any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer or stub.

Section 3.03: The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village or the procedures set forth in appropriate specifications, which shall require that the connections shall be made gas tight and watertight.

- Only a qualified contractor approved by the Village and licensed through said agency will be allowed to make connection to the System.
- The Village Council or the System Operator must approve any deviation from the prescribed procedures and materials.

Section 3.04: The applicant for the connection permit shall notify the System Operator when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the System Operator.

Wastewater Ordinance

- No connection shall be made that discharges or causes to be discharged any storm water, surface water, groundwater, roof runoff, or subsurface drainage to any public sewer.
- Grease, oil, and sand interceptors shall be provided by the Owner when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes, sand or other harmful ingredients. All such interceptors shall be of type and capacity approved by the Village and shall be located to be readily and easily accessible for cleaning and inspection by the owner or occupant of the premises served thereby.
- No connection shall be made that discharges waters or wastes containing substances that clog or damage the collection system or the sewage treatment facility. Such substances include, but are not limited to, the following: explosive or flammable liquids; solids or gases; improperly shredded garbage (greater than 1/2 inch in size); insoluble solid or viscous substances such as sand, straw, metal shavings, glass, tar, feathers, plastics, wood, hair, fleshing, grease, oil, wax, or clothing.
- No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of the public sewer.

Section 3.05: All excavating for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

Section 4.01: The Village and its duly authorized employees or contractors, bearing proper credentials and identification, shall be permitted to enter upon all premises for the purpose of constructing, operating, and maintaining the System and for inspection, measurement, sampling, and testing in accordance with the provision of this Ordinance.

Section 4.02: All premises served by the System from which sanitary sewage hereafter originates shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the Village.

Section 5.01: There shall be added to any service charges for sewage disposal service not paid on or before the due date, as herein above provided, interest at the rate of one percent (1%) per month on the unpaid balance until paid.

Section 5.02: Charges imposed on any premises for the use of the System and for sewage disposal services furnished by the System, including service charges imposed upon such premises under the provisions of this Ordinance, shall be a lien thereon as of September 15 of each year after the date such fee or charges become due and payable. And on the 15th of September of each year the unit collecting shall certify

Wastewater Ordinance

any unpaid charges which have been delinquent sixty (60) days or more, together with penalties and interest accrued thereon (plus an additional amount of six percent (6%) of the aggregate amount), to the Village which shall cause such delinquent amount to be entered upon the next July 1 tax roll against the premises in respect of which such unpaid charges shall have been imposed, and such delinquent amount shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

Section 5.03: In addition to the remedies elsewhere provided for herein, the Village may discontinue sewer service to the premises and the provisions of this Ordinance shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction. Any violation of this Ordinance shall be deemed to be nuisance per se.

Section 5.04: Any person, firm, or corporation violating any of the provisions of the Ordinance, that result in fines or penalties being levied against the Village, shall become liable for said fine or penalty, plus any expenses, loss or damage occasioned by such violation. Further, any person, firm, or corporation violating this Ordinance shall be guilty of any misdemeanor, (and upon conviction therefore shall be subjected to a fine not to exceed \$500.00 or imprisonment in the County Jail for a period not exceeding 90 days, or both such fine and imprisonment, in the discretion of the court, together with costs of such prosecution.)

Section 5.05: All bills and notices relating to the conduct of the business of the System will be mailed to the customer at the address listed on the property tax rolls unless a request for change in billing address has been filed in writing at the office of the Village Treasurer.

Section 5.06: Each user that proposes to discharge to the System wastewater which exceeds the limits of "normal strength sewage" may be required to pay a surcharge. The surcharge shall be added to the monthly sewage disposal charge. The surcharge shall be determined at the time of the proposed discharge. The surcharge shall be based on the current cost of treating a unit of normal strength sewage as determined by an evaluation of the most current cost data on file with the Village. The surcharge shall be based on direct relationship of the strength of the proposed discharge to normal strength sewage. The Village shall have the right to adjust the surcharge based on the determination of the effect of the "extra strength sewage" on the operation of the wastewater treatment facility.

Section 5.07: Applications for connection permits may be canceled and/or sewer service disconnected by the Village for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

- a) Misrepresentation in the permit application as to the property or residential equivalents to the serviced by the System.
- b) Nonpayment of bills.

Wastewater Ordinance

- c) Improper or imperfect service pipes and fixtures or failure to keep the same in a suitable state of repair.

~~Section 5.08: Where the sewer service supplied to a customer has been discontinued for nonpayment of delinquent bills the Village reserves the right to request a reasonable sum (not less than the estimated sewage disposal charges for such premises for the next six months following resumption of service) be placed on deposit with the Village for the purpose of establishing or maintaining any customer's credit. Service shall not be reestablished until all delinquent charges and penalties, and a turn on charge to be specified by resolution of the Village have been paid. Further, the Village in accord with Sections 5.02 and 5.03 herein may recover such charges and penalties.~~

Section 6.01: This Ordinance shall be known and may be cited as the "Village of Oakley Sanitary Sewage Disposal System and Sewer Rate and Use Ordinance"

Section 6.02: Each section of this Ordinance is declared to be severable, and, should any section or provision be declared unconstitutional or invalid by final judgment of court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity of the Ordinance as a whole or any other part thereof.

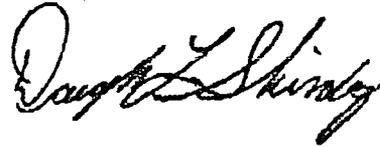
Section 6.03: All other ordinances and resolutions or parts hereof, insofar as the same may be in conflict herewith, are hereby repealed.

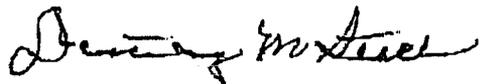
Section 6.04: The Village specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment or repeal to abandon, increase, decrease or otherwise modify any of the fee's charges or rates herein provided, it being understood, however, that the adoption of this Ordinance or its subsequent amendment or repeal shall in no way change, relieve or release any obligation of the Village under the Contract or under Act 342, Michigan Public Acts of 1939, as amended. This Ordinance shall otherwise not be deemed to be a part of any contractual obligation or bond contract pertaining to the System.

Section 6.05: This Ordinance is hereby declared to be an emergency ordinance, which is immediately necessary for the preservation of the public health, safety and welfare and shall become effective immediately upon publication in full in the Tri-County Citizen, a newspaper published or circulated in the Village.

Wastewater Ordinance

Made and passed by the Village of Oakley, Saginaw County, State of Michigan this 30 day of May 2007

President 

Village Clerk 

STATE OF MICHIGAN)

COUNTY OF SAGINAW)

I, the undersigned Village Clerk of Oakley, do hereby certify that the foregoing is a true and complete copy of proceedings of the Village Council of said Village regarding adoption of an ordinance (Village of Oakley Sanitary Sewage Disposal System Sewer Rate and Use Ordinance), at the special meeting held on mmdd2006. The original of which is on file in my office. I further certify notice of said meeting was given in accordance with provisions of the Open Meeting Act. I further certify that the adoption of said ordinance was recorded in full in the minutes of the meeting of said Village Council on said date and was signed by the President and Village Clerk.

Wastewater Ordinance

Appendix A

Preliminary REU Assignment

A revised inventory of residential homes, businesses and industries in the service area was performed on March 30, 2005 and fine tuned on April 22, 2005 by Village representatives to determine the users and their wastewater demands for this project. A district was established that is comprised of all parcels within the Village limits and a REU factor assigned for various user categories as summarized in the table below.

Existing Customers	Village of Oakley No. of Users	REU Factor Assigned	Total REU's
<i>Residential (includes six apartments)</i>	145	1	145
<i>Business / Commercial</i>			
Village Coin Laundry	1	5	5
Little Bar	1	2.6	2.6
Family Tavern	1	2.4	2.4
Cross Roads Cafe	1	2.4	2.4
Oakley Elevator Co. & Fritchey Bean	1	2	2
Agrilance	1	2.4	2.4
St. Michael's Catholic Church	1	2.75	2.75
Full Gospel Church	1	1	1
Oakley Community Church	1	1	1
Beauty/Tanning Salon	2	1	2
Village Hall, DPW, Police Office	3	1	3
Small General Business, Post Office	9	1	9
Total Existing Customers	168		180.6
<i>With 10% Future Growth</i>	<i>185</i>		<i>198.6</i>

The REU Factor was calculated using published tables of water usage data and the following estimates:

- 2000 Census population = 339 so with 145 residential users, 1 REU = 2.33 people
- 1 REU = 2.33 occupants/user @ 100 gallons/day = 233 gallons/day (this represents average day usage)
- See "Business & Commercial Roll" spreadsheet for specific REU assignment

The projected average day water demand, based on REU factor assignment, for the users (current + future) is estimated at 46,300 gpd based on 198.6 REU's at 233 gallons/REU. Lagoon design will be based on this with 200-day storage for seasonal discharge from Lagoon (2 x year).

At a regular meeting of the Oakley Village Council, County of the Saginaw, State of Michigan, held at 7 p.m., Michigan time, November 11, 2007.

PRESENT: Early, Doty, Shuster, VanHorn, Frelitz, Koski

ABSENT: None

The Village Clerk presented to the Village Council an amendment to the Wastewater Ordinance No. 2007-1 pertaining to the Village of Oakley Sewer Disposal System

It was moved by VanHorn and seconded by Shuster

That said amendment to Ordinance No. 2007-1 be adopted. Upon roll call, the vote upon the motion adopting said ordinance was as follows:

YAYS: Early, Doty, Shuster, VanHorn, Frelitz Koski

NAYS: None

The President declared the Ordinance adopted. The following is the amendment to Wastewater Ordinance No. 2007-1 which is adopted.

VILLAGE OF OAKLEY
1st Amendment to WASTEWATER
ORDINANCE No. 2007-1

An amendment to the Wastewater ordinance 2007-1 to require structures in which sanitary sewage originates, and to which there is no available public sanitary sewer system, to connect to the Village's public sanitary sewer system if conditions pose a threat to the public health, safety and welfare.

THE VILLAGE OF OAKLEY ORDINANS:

Section 1. Authority. This ordinance is adopted pursuant to the authority conferred by Public Act Number 3 of 1895, being MCL 61.1 et. seq.

Section 2. Amendment. Section 1.03 of the Wastewater Ordinance No. 2007-1 is hereby amended to read as follows:

Section 1.03. In accordance with and to implement and make effective in the Village the terms and provisions of Act No. 368 of Michigan Public Acts of 1978, as amended, it is hereby determined and ordained that all premises in the Village on which is located a structure or structures in which sanitary sewage originates and to which there is an available public sanitary sewer system, all as defined and provided in said Act No. 368, shall be connected to said public sanitary system. The facilities of the Village of Oakley Sewage Disposal System are each and all hereby found determined and ordained to be components, elements and essential parts of a public sanitary sewer system, as defined and provided in said Act No. 368 and in this Ordinance, and to which connection of premises in this Village is hereby mandated and required to the full extent of Act No. 368 and of this Ordinance.

In addition to that which is prescribed herein, the Village may require a structure in which sanitary sewage originates, and to which there is no available public sanitary sewer system, to connect to the Village's public sanitary sewer system if conditions pose a threat to the public health, safety and welfare. Conditions that pose a threat to the public health, safety and welfare include, but are not limited to: septic systems that are failing or have a reasonable potential to fail; discharge or threat of discharge of any raw sewage of human origin, directly or indirectly, into any of the waters of the state; or any other condition that presents a potential for ill health, transmission of disease, mortality, and economic blight, or which constitutes a threat to the quality of surface and subsurface water of the state.

The undersigned Clerk of the Village of Oakley hereby certifies that this ordinance was duly adopted by the Oakley Village Council at a meeting held on the 6th day of Nov., 2007, and was published in the CITIZEN on the 11th day of Nov.. A synopsis was published in the CITIZEN on the 11th day of Nov., 2007. This ordinance shall take effect upon the date of publication of the synopsis.

Janet M. Hall
 , Clerk

Village of Oakley

B

Village of Oakley

P.O. Box 64
Oakley, Michigan 48649

July 17, 2008

Subject: **REQUIREMENTS FOR SERVICE LEADS from Right of Way (ROW) to User's home:**

Homeowner:

1. **Permit Required:** Owners are required to obtain and pay for a connection permit before any work is started on connecting to the public sewer system. (If work is started before a permit is issued there will be an additional \$50.00 fee applied to the permit fee.)
2. The permit fee is \$25.00, (which includes one inspection trip. (Additional inspection trips if needed will be \$15.00 per trip).
3. A permit form is included with this packet additional forms are available from the Village Clerk.
4. Completed permit form must be returned to the Village Treasurer (Where you pay Village taxes) with check or certified money order made out to the Oakley Village Treasurer.
5. **MISS DIG** must be called before you dig; see separate sheet attached "how MISS DIG works".
6. **Connection Notice:** All homeowner will be notified when they can begin the work of connecting to the sewer system and given a "work permit". All sewer connection must be inspected. See section 4.01.
7. **Installation cost:** All cost and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. See section 3.02
8. **Connection:** All excavation require for the installation of the building sewer shall be open trench work. See section 3.05
9. **Fitting:** the house lead and the 6-inch diameter ROW pipe must be connected by Fernco rubber fitting with stainless steel band clamps.
10. **Pipe:** Polyvinyl Chloride Schedule, (PVC) 40 plastic pipe must be used with glued joints,
11. **Pipe size:** 4-inch minimum diameter for residential & commercial.
12. **Slope of lead:** A minimum of 1/8-inch slope per 1 foot of lead.
13. **Clean out:** A clean out is required to be installed at the right of way and outside in the service lead near the house connection side and at any bends or any run over 50 feet run.
14. **Backfill:** No backfill shall be placed until the work has been inspected and approved. (If backfilled before inspected an additional \$50.00 fee and an additional inspection trip of \$15.00 will be applied) May be with native soil if in greenbelt but be sure it is free of all rocks and debris. If in driveway or near other utilities, (gas, etc), sand backfill must be used.
15. **Septic Tank:** Homeowner's current septic tanks must be abandoned. Tank must be pumped and filled with sand, tank exit to drain field must be sealed. Top may be broken up and put in the tank.
16. **At No Cost** if the permit application is applied & paid for within 12-months, (from July 15, 2008) and the service lead work is completed & inspected within 15-months; then 1-fermco rubber fitting (6" to 4") & 1-clean out fitting at the right of way will be supplied to the property owner by the Village.

Enclosures

- 1-How MISS DIG works
- 2-Section form Village Ordinance
- 3-Permit form

Oakley an Equal Opportunity Provider