

**NEW BUFFALO TOWNSHIP
BERRIEN COUNTY, MICHIGAN**

SANITARY SEWAGE DISPOSAL REVENUE USAGE ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE RETENTION, USE AND DISTRIBUTION OF REVENUES FROM THE TOWNSHIP'S SANITARY SEWAGE DISPOSAL SYSTEM.

THE TOWNSHIP OF NEW BUFFALO ORDAINS:

Section 1. Definitions. Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

- (a) "System" shall mean the Township's sanitary sewage treatment and collection facilities as provided for in a Sanitary Sewage Disposal System Agreement, as amended, by and among the Township, the City of New Buffalo, the Township of Chikaming and the County of Berrien.
- (b) "Revenues" shall mean the revenues of the System derived from rates and charges, including the earnings derived from the investment of moneys in the various accounts established by this Ordinance.

Section 2. Funds and Accounts; Flow of Funds. Commencing on May 16, 1995, all funds belonging to the System shall be transferred as herein indicated and all Revenues of the System shall be set aside as collected and credited to a fund to be designated SEWAGE DISPOSAL SYSTEM RECEIVING FUND (the "Receiving Fund"). In addition, on July 1, 1995 all Revenues in any accounts of the System shall be transferred to the Receiving Fund and credited to the funds and accounts as provided in this section. The Revenues credited to the Receiving Fund periodically in the manner and at the times and in the order of priority hereinafter specified:

- A. Operation and Maintenance Fund:
Out of Revenues credited to the Receiving Fund there shall be first set aside in, or credited to, a fund designated OPERATION AND MAINTENANCE FUND (The "Operation and Maintenance Fund") monthly, a sum sufficient to provide for the payment of the next month's expenses of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.
- B. County Sewer Bonds Payment Fund:
Out of the remaining Revenues and moneys of the System in the Receiving Fund after provision has been made for deposit of moneys in the Operation and Maintenance Fund, there may be deposited in an account designated COUNTY SEWER BONDS PAYMENT FUND

(“Sewer Bonds Payment Fund”) such sums as the Township Board may deem advisable to be used to pay the Township’s portion of debt service on sewer bonds issued by the County of Berrien.

C. General Purpose Fund:

There shall next be established and maintained a separate depository account, designated GENERAL PURPOSE FUND (the “General Purpose Fund”), the money credited thereto to be used for the purpose of making repairs, replacements, additions, improvements, enlargements or extensions to the System, including the planning thereof. Out of the Revenues and moneys of the System remaining in the Receiving Fund each month after provision has been made for the deposit of moneys in the Operation and Maintenance Fund and the Sewer Bonds Payment Fund, there may be deposited in the General Purpose Fund such additional funds as the Township Board may deem advisable. If at any time it shall be necessary to use moneys in the General Purpose Fund was established, the moneys so used shall be replaced from any moneys in the Receiving Fund, which are not required by this Ordinance to be used for the Operation and Maintenance Fund or the Sewer Bonds Payment Fund.

D. Surplus Moneys:

Thereafter, any Revenues in the Receiving Fund after satisfying all the foregoing requirements of this Section may, at the discretion of the Township, be used for any other purpose permitted by law.

Section 3. Priority of Funds. In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund or the Sewer Bonds Payment Fund, any moneys or securities in other funds of the System shall be credited or transferred, first, to the Operation and Maintenance Fund, and second to the Sewer Bonds Payment Fund.

Section 4. Depository and Funds on Hand. Moneys in the several funds and the accounts established pursuant to this Ordinance may be kept in one or more bank accounts at a bank or banks designated by resolution of the Township, and if kept in one bank account the moneys shall be allocated on the books and records of the Township in the manner and at the times provided in this Ordinance.

Section 5. Repeal, Savings Clause. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, repealed.

Section 6. Severability; Paragraph Headings; and Conflict. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

Section 7. Publication and Recordation. This Ordinance shall be published in full in the Southcounty Gazette, a newspaper of general circulation in the Township of New Buffalo qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Township Supervisor and Township Clerk

Section 8. Effective Date. This Ordinance shall be effective upon its adoption.

Adopted and signed this 15th day of May, 1995