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SUMMARY OF TOWNSHIP OF NORVELL SEWER CONNECTION, USE AND RATE ORDINANCE ADOPTED BY THE TOWNSHIP OF NORVELL

This is a summary of the Township of Norvell Sewer Connection, Use and Rate Ordinance (the "Ordinance") adopted by the Township of Norvell as Ordinance No. 47 at a special meeting on November 3, 2004.

ARTICLE I

SHORT TITLE; FINDINGS; PURPOSE. The Ordinance is known and referred to as the "Sewer Connection, Use and Rate Ordinance" and applies to all properties served by the available public sewer disposal facilities within the Township, which together are referred to as the Sewer System.

The Ordinance is adopted in accordance with the Township's obligations as set forth in prior contracts and agreements to own, operate and maintain a public sewage disposal system and establishes uniform requirements for users of the Sewer System in compliance with federal and state laws. Other objectives of the Ordinance include preventing pollution, recycling wastewaters and sewage, distributing costs of the System in a proportional manner and protecting the integrity of the System.

Article I of the Ordinance provides detailed objectives and findings with respect to the Ordinance and the Sewer System.

ARTICLE II

DEFINITIONS. Article II of the Ordinance contains seventy-seven (77) definitions of terms which are used throughout the Ordinance.

ARTICLE III

CONNECTION TO AND EXTENSION OF THE PUBLIC SEWER SYSTEM. The Ordinance regulates sewage disposal in the Service District. All owners of Structures in which Sanitary Sewage Originates now situated or hereafter constructed and located within a Special Assessment District in the Service District are required to connect to the Sewer System. Owners of presently undeveloped parcels in the Service District outside of the Special Assessment District are required to connect to the Sewer System if a parcel is improved after the effective date of the Ordinance by a Structure in which Sanitary Sewage Originates and a septic permit is not obtained prior to the effective date of the Ordinance. Owners of current Structures in which Sanitary Sewage Originates which are located in the Service District, but outside the Special Assessment District, and which are currently served by private sewage disposal facilities, are not required to connect to the Sewer System until: (a) existing private sewage disposal facilities fail; or (b) connection of improved properties within the area in which the premises is located is declared to be a necessity by the Township for the public health and welfare.

All connections to the Sewer System must be completed no later than twelve (12) months after the date of notice by the Township or the modification of a structure to become a Structure in which Sanitary Sewage Originates. The Ordinance details enforcement procedures and provides a civil penalty for persons who fail to connect in a timely manner.

Premises located outside the Service District shall be permitted to connect to the Sewer System only with the consent of the Township Board, based on the continued availability of capacity in the Sewer System and other considerations deemed appropriate by the Township Board. The Ordinance details requirements and conditions applicable to the extension of the Sewer System to serve developments and additional lands.

ARTICLE IV

PRIVATE SEWAGE DISPOSAL. If the Sewer System is not available to a parcel of land within the Service District, buildings must be connected to Private Sewage Disposal Facilities which comply with the requirements of the Jackson County Health Department and Michigan

Table of Unit Factors attached as Appendix V to the Ordinance, and such Connection shall be subject to periodic redetermination. Single family residential buildings which include two or fewer Dwelling Units shall be entitled to pay the Connection Fee in annual increments, subject to certain terms and conditions. Owners of single family residences may submit a hardship application to the Township seeking deferment of the Connection Fee, upon a showing of financial hardship, subject to certain terms and conditions.

The Ordinance establishes various rates and charges including: a. User Charge, I Service Charge, User Surcharge, Miscellaneous User Fee, and an Inspection Administrative Fee. The User Charge and Debt Service Charge are established on a per basis by resolution of the Township Board and the obligation to pay User Charges and I Service Charges arises on the date of connection to the Sewer System. The User Charge Debt Service Charge may be set in different amounts for Users of the System, based upon Contract and the differences in cost attributable to each portion of the Public Sewer System. A User Surcharge may be imposed on users who discharge sewage containing character in excess of normal strength domestic sewage.

Furthermore, the Township may, with respect to a particular user, charge nonrecurrent fees, in the amounts established by Township Board resolution, to users for miscellaneous services, repairs and administrative costs incurred; for example, as a result of damage to Sewer System caused by the intentional or negligent acts of a user. An Inspection Administration Fee shall be charged by the Township to cover the cost of inspecting Connections and related administrative costs. The amount of this fee shall be determined by resolution of the Township Board.

Sewer Rates and Charges shall be billed on quarterly basis. The Township will mail on or before the first day of the first month of the quarter. Payment of the quarterly bill is and payable on or before the 15th day of the first month of the quarter. If Sewer Rates and Charges are not paid on or before the due date then a penalty in the amount of 10% shall be added to the balance due.

Sewer service may be discontinued as a result of non-payment of rates or charges or violation of the Ordinance. Before discontinuing service, the Township shall give thirty days' written notice to the user.

All Sewer Rates and Charges are a lien against the property served. The Township may enter delinquent sewer rates and charges on the tax roll, and such charges may be collected in the same manner as general property taxes. A lien shall not attach for Sewer Rates and Charges to a property leased to a tenant who is responsible by the terms of a written lease for payment of sewer charges if the landlord executes an Affidavit and provides a security deposit.

If sewer service is discontinued as a result of non-payment of rates or charges or violation of the Ordinance, the property owner must pay disconnection and reconnection fee as a security deposit to insure future payment.

ARTICLE VIII

REVENUES. User Charges established to provide for the cost of operation of the Sewer System of the Township shall be fixed and revised by resolution of the Township Board from time to time. Revenues of the System derived from the Vineyard Lake Sewer System shall be deposited to a Common Fund in accordance with the Ordinance. All other revenues deposited to a Common Fund shall be set aside, as collected, and deposited into a separate depository account System shall be set aside, as collected, and deposited into a separate depository account

BUILDING SEWERS AND CONNECTIONS. Connection to the Sewer System may only be made pursuant to a permit issued by the Township. The Ordinance provides procedures for filing a sewer connection permit application. The Ordinance provides construction standards applicable to sewer connection and building plumbing. The property owner is responsible for the cost of the connection to the Sewer System. Connection shall be subject to inspection by the Township inspector. The Ordinance specifies the responsibility for the repair, operation, maintenance and replacement of the Sewer System and Sewer System connections.

The Ordinance provides for a Grinder Pump Service Connection to be located on private property. A sketch of a typical Grinder Pump connection is attached as Appendix II. With the exception of certain Service Connections, which will be installed as part of the initial construction of the Sewer System, the property owner is responsible for the installation of the Service Connection. Applicants for a Service Connection which includes a Grinder Pump System will be requested to execute an easement granting permission to the Township to construct, operate, maintain and repair the Service Connection.

A property owner who declines to grant an on-site easement to the Township shall be responsible for installing, constructing, operating, maintaining, repairing and replacing the Grinder Pump Station located on his or her lot. In the event the Service Connection has not been properly maintained or has deteriorated beyond reasonable wear and tear, the Township may condition its acceptance of the easement and assumption of the financial responsibility for operation, maintenance, repair and replacement of the Service Connection upon appropriate repairs and/or replacements at the expense of the property owner and upon other conditions as the Township deems appropriate.

If an applicant initially refuses to grant an on-lot easement to the Township, that applicant, or a successor, may later do so and the Township will accept responsibility for maintenance if the Service Connection is in good operating condition.

Installation and maintenance of the Building Sewer, which connects a building's plumbing system to the Service Connection, is the responsibility of the property owner.

Any person desiring to construct a Service Connection or uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof, must secure an annual license from the Township.

ARTICLE VI

USE OF THE PUBLIC SEWER SYSTEM. The Ordinance prohibits the discharge of storm water, ground water, and other unpolluted waters into the Sewer System. The Ordinance also prohibits and regulates the discharge of sewage with characteristics which would damage the Sewer System or which cannot be properly treated at the treatment plant. The Township is empowered to take actions to protect the Sewer System, including requiring pretreatment or grease traps, disconnecting a user, controlling the rate and quantity of discharge, and requiring monitoring facilities.

ARTICLE VII

SEWER RATES AND CHARGES. Responsibility for the operation and maintenance of the Sewer System lies with the Township. The Sewer System operates on the same fiscal year as the Township on a public utility basis. The Township will review and revise rates, charges and expenditures for the operation and maintenance of the Sewer System.

The Ordinance provides that a Connection Fee in an amount to be established for direct and indirect connections, including the interceptor connection fee, from time to time by resolution of the Township Board must be paid to connect to the Sewer System. The Connection Fee is payable in cash at the time of filing a connection application. In addition to the payment of the fees, the property owner must pay the cost of acquiring and installing the Service Connection. Those parcels located in the Special Assessment District and subject to a full special assessment shall be deemed to have paid the Connection Fee if payments on the special assessment are current.

Single family residential buildings which include more than two Dwelling Units shall be charged a Connection Fee based upon the number of Units assigned to such premises by the

ARTICLE IX

ADMINISTRATIVE APPEALS; BOARD OF APPEALS. The Ordinance provides for a Supervisor to conduct informal hearings to consider disagreements over the interpretation and application of the Ordinance and permit deviations from strict enforcement in cases of hardship. Appeals from the decision of the Supervisor may be made to the Township Board, acting as a Board of Appeals. Rules for appeals are set forth in the Ordinance. Appeals from determination of the Board of Appeals may be made to the Circuit Court for the County of Jackson within twenty (20) days.

ARTICLE X

SEWER BACKUP OR OVERFLOW REPORTING PROCEDURES. In accordance with state law the Ordinance provides a procedure for providing notice of sewer overflows or backups and resolving claims for damage caused by such overflows and backups. Written notice of backup and any claim for damages must be provided to the Township within 45 days after damage or physical injury was discovered or reasonably should have been discovered by Claimant. After submission of the written claim, and additional documentation and investigations required as set forth in the Ordinance, the Township may make a determination as to liability with respect to the claim.

ARTICLE XI

ENFORCEMENT. Authorized representatives of the Township, the Jackson County Health Department, the Jackson County Drain Commissioner and the MDEQ are permitted to enter at any time during usual business hours all properties in the Service District for the purpose of inspection, observation, measurement, sampling, testing and emergency repairs in accordance with provisions of the Ordinance.

The Township may issue a cease and desist order for violation of the Ordinance. Violation of the Ordinance shall be a municipal civil infraction punishable by fines of \$100 to \$500 for the first offense and \$200 to \$2,500 for subsequent offenses, in addition to costs, damages and expenses provided by law. In addition, violations of the Ordinance constitute nuisances, and the Township may take action to correct the nuisance and charge cost thereof against the User. Persons who violate the Ordinance shall be liable for expenses incurred by the Township as a result of such violation.

ARTICLE XII

MISCELLANEOUS. The Ordinance provides guidance in case part of the Ordinance is held invalid and repeals certain prior Township ordinances.

ARTICLE XIII

PUBLICATION AND EFFECTIVE DATE. The Ordinance shall become effective thirty (30) days after publication.

ARTICLE XIV

AMENDMENT. The Township reserves the right to amend the Ordinance in whole or in part at any time.

APPENDICES. The Ordinance includes five Appendices: Appendix I is a map of Sanitary Sewer Special Assessment District No. 1. Appendix II is a diagram of a grinder pump system. Appendix III is a map of the Brooklyn Interceptor. Appendix IV is a map of the Clark Lake Interceptor. Appendix V is a Table of Unit Factors which assigns Unit Factors to more than 65 different property uses.

A true and complete copy of Township Ordinance No. 47 can be inspected or obtained during normal business hours as follows:

- Township of Norvell
- Ordinance No. 47
- 106 E. Commercial Street
- Norvell, MI 49263
- (517) 536-4370

Township of Norvell - Anne M. Hagadorn, Clerk