

ORDINANCE # 06-02
SEWER SERVICE ORDINANCE

An ordinance to regulate and control the construction, installation, extension, service connection and operation of public sewer service within the Township of Pinconning; to prescribe procedures for securing such public sewer service and the rates and charges for the same, to provide penalties for violation of such ordinance regulations and benefit the general health, safety and welfare of Pinconning Township residents.

The Township of Pinconning, County of Bay, State of Michigan ordains:

Section 1: Definitions

For the purpose of this Ordinance, unless the context specifically indicates otherwise, the following terms and definition shall apply:

“Case By Case” shall mean each project constructed through contract with the Township Board.

“May” is permissive.

“Premises” is any lot or parcel of land.

“Shall and Will” are mandatory.

“Township Board” shall mean the Pinconning Township Board of Trustees.

Section 2: Title

This ordinance shall be known and hereafter cited as the Pinconning Township Public Sewer Service Ordinance.

Section 3: Procedure

A. Application. Any person, firm or corporation desiring public sewer service shall file a request with the Township Clerk, containing the name and address of the applicant; a description of the premises to be serviced; the type of waste anticipated to be discharged; the size of the service connection desired; the distance that the property is located from any existing public sewer main; the anticipated number of connections from the property contemplated in the foreseeable future and whether the applicant wishes to pay cash for the necessary sewer main extension or wishes to be included in a special assessment district for the payment of such cost over a limited period of years together with interest and administrative costs. The application may take the form of a petition if several different persons are jointly interested in a particular project.

B. Special Assessment District. In the event an applicant desires to proceed by installment payments and sufficient similar interest is disclosed on the petition by those property owners abutting the proposed sewer main, special assessment proceedings shall be instituted under the Public Improvements Act, Public Act 188 of 1954 as amended, (MCL 41.721, *et seq.*) to accomplish the requested project and if successful, the necessary system will be installed by the Township following the completion of such proceedings and the obtaining of the necessary funds.

C. Cash Deposit.

1. In the event the applicant desires to deposit with the Township the total cost of the necessary project to furnish the requested sewer service, as determined by the Township Board, the applicant may do so under a contract with the Township, whereby the Township will supervise and/or construct the installation, in accordance with the Township's design standards.
2. Any such contract may provide for reimbursement to the applicant of a portion of the project cost from connection charges collected by the Township from those connecting to the sewer main, who did not contribute to the initial cost thereof and are not the successors in title to any such contributor. Any such reimbursement shall be limited to a specific number of years as determined by the Township Board on a "case by case" basis and shall be specified in the contract. Any connections made thereafter shall not require any refund to the applicant. The amount of the connection charge shall be at the discretion of the Township Board but shall approximate the amount a connector would have paid on a benefit assessment basis had the property been included in the special assessment district created for the purpose of financing the project. The term "connection charge" as used in the ordinance pertains to a charge for the privilege of connecting premises to a sewer main and does not pertain to the construction cost of such connection.
3. The amount of the refund, if any, to the applicant per connection charge collected by the Township as specified in the contract with the applicant shall never be greater than the total cost of the project charged to the applicant.
4. No service connection nor main extension shall be allowed until the full charge has been paid to the Township in such an amount as is determined for each project by the Township Board. Such charges shall include inspection fees. Such charges may be changed from time to time by the Township Board to reflect changes in connection costs and to maintain a fairly uniform charge between different projects.
5. Any contract with an applicant shall contain, in addition to the foregoing, the following:
 - (a) A description of the district within which extensions or connections may be made to the system, entitling the applicant to a refund of a portion of the initial project cost.
 - (b) A map disclosing the design of the system and the location of the mains, valves, fittings and all other accessories thereto which are to be installed.

- (c) A description of the area, if any, within which no connection charges are to be made by the Township and no refunds are to be made to the applicant.
- (d) The amount and condition of any performance bond that shall be required in the event the installation is to be made by any one other than the Township, which shall be 150% of the total cost of the installation and shall be conditioned upon the completion of the installation in a proper and workman-like manner in accordance with the plans and specification of the Township and the furnishing of satisfactory evidence of the fact the project is free to present and future liens of contractors, subcontractors and material suppliers.
- (e) The amount and condition of any public liability and property damage insurance that shall be required to insure the Township in the event the installation is to be made by any one other than the Township, which shall be not less than \$300,000 and \$500,000 respectively.
- (f) The amount, if any, to be paid to the Township for administration, legal and engineering cost or for the value of the availability of the sewer service to which the property of the applicant is to be connected.

Section 4: Regulations

1. **Sewer Rates.** No free public sewer service shall be allowed and all those properties connected to a public sewer system shall be subject to the payments of sewer rates and charges as shall be determined by the Township Board.
2. **Termination of Service.** The Township shall have the right to terminate any sewer service to any premises within the Township when any delinquency exists with respect to any sewer payments due under this ordinance or otherwise, or where any premises does not comply with all plumbing codes of the Township and with any and all restrictions and limitation on the use of the particular sewer service imposed by the Township Board.
3. **Service Deposit.** The Township or its authorized agent shall have the right to require an initial deposit from any owner or tenant who applies for sewer service, as security for the payment of the rates and charges for such service, and to apply the same against such rates and charges if and when it deems it advisable. Such deposit, or portion thereof not applied shall be refunded to the depositor upon the voluntary termination of service by the depositor and his subsequent application for refund, provided no delinquency then exists.

4. **Lien Rights.** All delinquent rates and charges for sewer service shall constitute a lien upon the premises served which shall be subject to foreclosure in the same manner as mechanics' lien for non-payment, or after six months delinquency, may be certified to the Supervisor and assessing officer of the Township annually, and entered by him/her upon the next tax roll against the property served, for collection in the same manner as the collection of taxes.
5. **Meters.** All premises connected to a public water system shall be equipped with a water meter to compute charges for sewer service. Premises not connected to a public water system shall be equipped with a flow meter to measure volume used for sanitary sewer charges.
6. **Surplus Funds.** Any surplus funds collected from sewer service or from capital improvements or extensions thereto shall be deposited into a sewer improvement revolving fund of the Township for use in further extending, improving, repairing, relocating and/or financing public sewer systems within the Township.
7. **Unreasonable Burden of Sewage.** In the event any sewage discharged into the system imposes an unreasonable or additional burden upon the sewer system or the public primary or secondary treatment plants treating such sewage above that imposed by the average sewage entering such treatment plants, the Township shall have the option to impose an additional charge for such treatment against such customer to defray the additional cost of such treatment and any damage caused thereby; to require the customer to pretreat such sewage in a manner as the Township may order before the same enter the public system; and to terminate sewer service to any premises which fails to comply with the foregoing.
8. **Time Element.** Any premises within 200 feet of a public gravity sewer main, requiring sewage disposal service, shall be connected to the sewer system within one year following the installation of the said system or at such earlier time as the private sewage disposal system serving the premises requires replacement, a new tile field, new dry well or new septic tank. Waste water and sewage disposal facilities in all buildings hereafter constructed shall be immediately connected to a public gravity sewer system, if sewer mains are located within 200 feet of any boundary line of the premises at the time of construction. All buildings hereafter constructed adjacent to a forced main shall be immediately connected to the sanitary sewer system, as long as there is available capacity within the forced main. New plats, site condominium projects and/or subdivisions shall be developed with public water and sewer mains at the time of street construction if such services are available at or near the intended projects. The Township Board will determine whether the service is sufficiently near to require such public service main installation.

Section 5. Penalty

Any violation of the provisions of this ordinance shall constitute a misdemeanor, punishable by a fine of up to \$100 and/or imprisonment in the county jail for up to 90 days. Each day that a violation continues to exist shall constitute a separate offense. The foregoing fines and penalties shall be in addition to the right of termination of public sewer service to a violator and the right to obtain injunctive relief in a court of law.

Section 6. Saving Clause

If any section, paragraph, clause or provision of this ordinance shall be held invalid for any reason, the same shall not affect the validity of any of the other provisions of this ordinance, which shall remain in full force and effect.

Section 7. Effective Date

This ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict are hereby repealed.

Yeas: _____ Nays: _____

The Supervisor of Pinconning Township declared this ordinance adopted _____

Certification

I, Mary Kusterer, duly elected and acting Clerk of Pinconning Township do hereby certify that this is a true and complete ordinance as adopted by the Pinconning Township Board of Trustees at a special meeting on _____, 2006.

Mary Kusterer, Pinconning Township Clerk