

## CHAPTER 6

### SEWER CONNECTION AND RATES

**6.1 Definitions.** Whenever used in this chapter, except when otherwise indicated by the context:

- (1) The term "Township" shall be construed to mean the Township of Oakfield and the term "County" shall be construed to mean the County of Kent, both of the State of Michigan.
- (2) The term "Board" shall be construed to mean the Township Board of said Township of Oakfield, the legislative and governing body thereof.
- (3) The terms "sewage disposal system" and "system" shall be construed to mean the Oakfield Township Sewage Disposal System established and constructed by the Kent County Department of Public Works under a contract and proceedings between the County and the Township pursuant to Public Act 185 of the Public Acts of Michigan of 1957 as amended, and shall consist of the sewers and facilities to be acquired and constructed by the County pursuant to and in accordance with such contract and proceedings, herein called "new construction" or "facilities construction" to serve the Oakfield Township Sewage Disposal District, the service area defined in said contract and proceedings.
- (4) The term "sewage disposal services" shall be deemed to refer to the collection, transportation, treatment and disposal of sanitary sewage originating from premises now or hereafter within the service area as defined, reference to which is made in Section 6.1(3) above.
- (5) The terms "unit" or "units" shall be related to the quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a single family of ordinary size, and shall be defined or determined from time to time by the Township after consultation with the County through its Board of Public Works. Said determination of units shall be based upon the experience of the Kent County Department of Public Works and of comparable county sewer systems and shall be kept up to date and revised as needed as new studies are made and through experience gained by the County of Kent in actual operation.
- (6) The term "rates for sewage disposal services" shall be deemed to mean the amount charged to each premises in the Township for sewage disposal services which may include a debt service factor and is in addition to the trunkage fee, availability fee, service stub charge and connection fee all of foregoing being sometimes called "charges."
- (7) The term "trunkage fee" shall be deemed to mean the amount charged at the time, and in the amount hereinafter provided, to each premises in the Township for connecting or being connected to the facilities of the system and represents the

individual user's share of the cost of the trunk facilities through which sewage disposal services are provided to the premises.

- (8) The term "availability fee" shall be deemed to mean the amount charged at the time and in the amount hereinafter provided to each premises in the area served by the laterals for the immediate availability of the sewage disposal system and services to such premises.
- (9) The term "service stub charge" shall be deemed to mean the amount charged at the time and in the amount hereinafter provided to each premises in the Township for the construction of one or more service stubs from the sewer line to the property line of the premises or to the edge of the permanent easement in the event the easement crosses such premises at the time such service stub is constructed.
- (10) The term "connection fee" is the contribution of each unit connected to the system to provide funding for increasing the capacity of the title field as needed during the life of the system as designed.
- (11) The term "inspection and approval fee" shall be deemed to mean the amount charged to each applicant by the Township to connect 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.
- (12) "Available public sanitary sewer" and "within the area in the Township served by the system" refers to a public sanitary sewer and STEP system to which connection may be made located in a right-of-way, easement, highway, street or public way which crosses, adjoins, or abuts upon the premises and passes not more than 200 feet at the nearest point from a structure in which sanitary sewage originate within the area in the Township served by the system.
- (13) "Structure in which sanitary sewage originates" or "structure" means a building in which toilet, kitchen, laundry, bathing, or other facilities which generate water-carried sanitary sewage, are used or available for use for household, commercial, industrial or other purposes.
- (14) The term "premises" shall be deemed to mean the lands of record which are owned on or before the effective date of this chapter or at any pertinent time thereafter by the same person or persons, partnership or corporation having no legal rights in adjacent property and which appear as a single item on the tax rolls of the Township.
- (15) "Building sewer" shall mean the buried piping between the structure to be served and the STEP System.
- (16) "Step system" shall mean a septic tank and effluent pumping system into which a building sewer directly discharges and shall be considered a part of the public sewer.
- (17) "Inspector" shall mean the County's representative responsible for inspecting and approving the installation and connection of the building sewer into the County sewer system.

**6.2 Use of Sewers Required.** Structures within the area in the Township served by the system from which sanitary sewage originates and for which there is an available public sanitary sewer shall not be used or occupied, after the effective date hereof, unless such structures are connected to the sewage disposal system within ten years after published notice by the Township that service is available: Provided that premises within the areas in the Township served by the sewer for which there is an available public sanitary sewer from which sanitary sewage is originating on the effective date hereof and which are under pollution control court order shall be connected to said system within six months after service is available.

The preceding paragraph notwithstanding if the Township by ordinance or a County or District Board of Health by rule requires completion of a connection within a shorter period of time for reasons of public health, such premises shall be so connected.

**6.3 Enforcement.** Where any structure is which sanitary sewage originates is not connected to an available public sanitary sewer system within the time referred to in Section 6.2, the provisions of this chapter shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise in any court having jurisdiction.

**6.4 Fees for Connection at Time of Original Construction.** All of the owners of premises from which sanitary sewage originated prior to January 1, 1985, located within the area in the Township served by the system, shall be listed on a schedule of charges and shall be obligated to pay and there is hereby imposed against said premises fees and charges according to the following rates:

- (1) **Trunkage Fee.** A trunkage fee of \$1,400 per unit shall be charged.
- (2) **Availability Fee.** An availability fee of \$500 per unit shall be charged.
- (3) **Service Stub Charge.** For a service stub installed under and at the time of performance of the original construction contract, \$100 will be charged for each stub installed. If an owner of a premises from which sanitary sewage does not originate requests, prior to construction of the sewer facilities available to serve the premises, that a service stub be constructed in connection with the construction of the sewage disposal system, the property owner shall be charged a fee of \$100, and listed on the schedule of charges, and no service stub charge shall be owed at the time of connection.
- (4) **Connection Fee.** A connection fee of \$300 per unit shall be charged (see 6.4(5)).
- (5) **STEP Fee.** Owners of premises served by the system who have requested in writing by February 1, 1984, that their STEP system be installed as part of the original construction of the sewer system shall pay a STEP fee of \$2,000. The connection fee provided in this section shall be considered to be included in the \$2,000 STEP fee. The STEP fee is payable in cash or an installment basis in the same manner and with the same interest charges as remaining installments to be collected on the Scram Lake Sewer Special Assessment Roll.

**6.5 Fees for Subsequent Connection of Unimproved Premises.** Owners of premises within the service area which are unimproved and from which no sanitary sewage originated prior to January 1, 1985 shall thereafter pay charges for the construction, use and benefit of the sewage disposal system as follows:

- (1) **Trunkage Fee.** A trunkage fee per unit shall be paid in cash at the time a building permit is issued and before connection to the sewage disposal system is authorized, in an amount established by resolution of the Township Board.
- (2) **Availability Fee.** An availability fee per unit shall be paid in cash at the time a building permit is issued and before connection to the sewage disposal system is authorized, in an amount established by resolution of the Township Board.
- (3) **Service Stub Charge.** The owner of any unimproved premises for which no service stub was installed in connection with the construction of the sewage disposal system shall pay the actual cost of installation of the service stub when the premises is required to connect to the sewage disposal system. The charge shall be paid at the time a building permit is issued and before connection to the sewage disposal system is authorized.
- (4) **Connection Fee.** For building permits issued subsequent to January 1, 1985, a connection fee per unit shall be charged in an amount established by resolution of the Township Board. This fee shall be paid at the time the connection permit is issued. (Section 6.5(5)).
- (5) **STEP Fee.** For any STEP system installed on a premise, not as part of the original construction of sewer system, a STEP fee for a property served by a STEP system shall be in an amount determined by resolution of the Township Board. The connection fee provided in this section shall be considered to be included in the STEP fee.

**6.6 Payment in Installments.** Property owners initially listed on the schedule of charges for collection as described in Section 6.4 may pay the whole or part thereof in cash to the Township Treasurer without interest on or before January 1, 1983. Amounts unpaid shall be billed in 20 equal annual installments with interest beginning July 1, 1983. Subsequent installments, together with interest, shall fall due on the first day of July of each successive year until the entire balance of the charges is paid. Interest shall be computed at such rate as shall be determined by the Township Board to defray the interest charge payable on any bonds which shall be sold to finance the construction of the sewage disposal system.

**6.7 Unbuildable Premises.** Notwithstanding anything herein to the contrary, no charges shall be imposed under this chapter against any premises which the Township and the County shall determine to be unbuildable. Premises shall be determined to be unbuildable if, in the judgment of the Township Board, zoning restrictions, physical layout, or adverse soil or other conditions preclude the construction of an improvement thereon from which sanitary sewage originates. In the event any such premises determined to be unbuildable are subsequently improved or through changed circumstances are determined to be buildable, then the charges imposed by Section 6.5 shall be paid, together with increases hereafter accruing, in the manner provided in said section.

**6.8 Permit Fee.** The owner of the premises already served by a service stub shall pay a permit fee per service stub in an amount determined by resolution of the Township Board at the time a permit to connect is issued as the inspection and approval fee. If, however, a service stub must be installed at the time of connection, or if other unusual circumstances demand, the Township may charge actual inspection costs on an hourly basis, in the minimum amount determined by resolution of the Township Board, as the inspection and approval fee.

**6.9 Sewer Equivalent Units.** The number of units to be assigned to any premises used for other than single residence purposes shall be determined by resolution of the Township Board. If the circumstances justify, the Township Board may assign more than one unit to a single family dwelling. No less than one unit shall be assigned to each premises, but for purposes of computing the trunkage fee and availability fee, fractions of 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 thereof) shall not abate the obligation to continue the payment of fees charged against said premises in the amount and for the period hereinabove 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 originating from the premises, the Township may increase the number of units assigned to said premises and thereupon a trunkage fee, availability fee, and connection fee shall be charged as provided in Section 6.5, in amounts established by resolution of the Township Board, and shall be payable in cash at the time a construction or other permit is issued by the Township for such changes in use or at the time such change in use occurs, if no permit is issued or required.

**6.10 Rates for Use.** Rates for sewage disposal services to each premises within the Township connected with the sewage disposal system shall be in a quarterly amount per unit, determined by resolution of the Township Board.

No free service shall be furnished by the system to the Township or to any person, firm or corporations, public or private, or to any public agency or instrumentality.

Rates for services furnished by the system are payable in advance and shall be billed and collected quarterly. The first payment shall be prorated from date of connection.

**6.11 Delinquent Rates.** If any rates for sewage disposal services are not paid by the due date, then a penalty of 10 percent shall be added thereto. In the event that the rates for any such services furnished to any premises shall not be paid within 120 days after the due date thereof, then all services furnished by the sewage disposal system may be discontinued. Service so discontinued shall not be restored until all sums then due and owing, including penalties and interest, shall be paid, plus all expenses incurred by the Township for shutting off and turning on the service.

**6.12 Delinquent Installments.** If any installment of a trunkage fee, availability fee or service stub charge or connection fee is not paid on or before the due date, the same shall draw penalty at the rate of one percent per month until paid. In the event that any such installment remains unpaid for 120 days or more after the due date, service may be discontinued as provided in Section 6.11 and shall not be restored until all amounts due plus the shut-off and turn-on charges as determined are paid.

**6.13 Lien for Payment.** Rates for sewage disposal services furnished by the system to any premises and the trunkage fee, availability fee, service stub charge and connection fee installments pertaining to any premises, shall be a lien thereon as of the due date thereof, and on September 1st of each year the Township Treasurer shall certify any such rates and installments which have been delinquent 90 days or more, plus interest and penalty accrued and an additional amount of 6 percent of the aggregate amount, to the Township Board who shall cause the same to be entered upon the next Township and County tax roll against the premises to which such services shall have been rendered and against which such trunkage fee, availability fee, service stub charge and connection fee has been placed, and said unpaid rates and unpaid fees and charges, with penalties and interest accrued thereon, shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

**6.14 Fiscal Year.** The system shall be operated upon a fiscal year which coincides with the Township fiscal year.

**6.15 Supervision of System.** The operation, maintenance and management of the system shall be under the immediate supervision and control of the Township and the general control of the Department of Public Works of the County.

**6.16 Remedies.** In addition to the remedies elsewhere provided for herein, the provisions of this chapter shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction. Any violation of this chapter is deemed to be a nuisance per se. Any fine or charge levied against the Township or County as a result of a violation of this Ordinance by any person, firm, corporation or entity shall become a liability of the violator. Penalties, expenses and related costs will be levied and collected in the same manner as sewer use charges levied against the premises.

**6.17 Amendment.** The Township specifically reserves the right to amend this chapter in whole or in part at one or more times hereafter, or to repeal the same. The Township further specifically reserves the right to amend the amounts of those fees to be established by resolution of the Township Board, by further resolution of the Township Board adopted from time to time. By such amendments to ordinance or resolution, the Township may abandon, increase, decrease or otherwise modify any of the fees, charges or rates herein provided.