

## ORDINANCE 1988-2

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL. THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE **MERRY LAKE SEWAGE DISPOSAL SYSTEM**; AND PROVIDING FOR CHARGES FOR THE CONNECTION AND USE OF SAID SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, IN AMBOY TOWNSHIP, COUNTY OF HILLSDALE, STATE OF MICHIGAN.

BE IT ORDAINED and enacted by the Township Board of Amboy Township, Hillsdale County, State of Michigan, as follows:

### ARTICLE I: Definitions:

Section 1. "Inspector" shall mean any person or persons authorized by the Township to inspect and approve the installation of building sewers and their connection to the public sewer system.

Section 2. "Operator" shall mean the agent of the Township designated as being responsible for the operation of the sewage treatment works or public sewers.

Section 3. "Owners" shall mean a property owner desiring or required to connect to a public sewer.

Section 4. "Premises" shall mean any land or improvement to land registered as a separate parcel or lot on the tax or real estate records or having a separate street number, postal box number or apartment or unit number.

Section 5. "Public Sewer" shall mean the Merry Lake Sewage Disposal System and shall consist of facilities located in publically owned areas or easements.

Section 6. "Building Sewer" shall mean the buried piping between the building and the public sewer main in the street.

### ARTICLE II: Use of Public Sewers Required:

Section 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Township of Amboy any human excrement, garbage, or other objectionable waste.

Section 2. It shall be unlawful to discharge to any natural outlet within the Township any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 3. The owner of all premises used for human occupancy, employment, recreations, or other purposes from which sewage is likely to be discharged, situated within the Township, and abutting on any street, alley, or right-of-way which is within the service area of the Merry Lake Sewage Disposal System is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 90 days after date of official notice to do so, provided that any part of said public sewer is within two hundred (200) feet of the structure within which such facilities are located.

### ARTICLE III. Building Sewers, STEP System and Connections:

Section 1. No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Township.

Section 2. The owner or his agent shall secure a building sewer installation permit from the Township. A permit and inspection fee, as set by the resolution of the Township Board, shall be paid at the time the permit is secured.

Section 3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4. Existing building sewers may be used only when they are found, on examination and test by the inspector, or his representative, to meet all requirements of this ordinance.

Section 5. The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe,, and jointing, testing and backfilling, shall conform to the requirements of the building and plumbing codes of the Township, or other applicable rules and regulations of the county. In the absence of code provisions or in amplification thereof, the American Society for Testing Materials (A.S.T.M.) and the Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9 shall all apply.

Section 6. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer.

Section 7. The connection of the building sewer into the rest of the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Township or the procedures set forth in appropriate specifications, which shall require that the connections shall be made gas-tight and water-tight.

Any deviation from the prescribed procedures and materials must be approved by the inspector, or his representative, before installation.

Section 8. The applicant for the connection permit shall notify the Township when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the inspector, or his representative.

Section 9. All Excavating for building sewer and STEP system 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 Township and the county road commission

Section 10. No connections will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, force mains and treatment plant, including capacity for B.O.D. and suspended solids in the treatment plant.

#### ARTICLE 1V. Use of the Public Sewers

Section 1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff or subsurface drainage to any public sewer.

Section 2. No person shall discharge waters or wastes containing substances which 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 ½ inch in size); insoluble solid or viscous substances such as sand, straw, metal shavings, glass, tar, feathers, plastics, wood, hair, fleshings, grease, oil, wax or clothing.

ARTICLE V. Protection from Damage

Section 1. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the public sewer.

ARTICLE VI. Powers and Authority of Inspectors

Section 1. The inspector, operator and other duly authorized employees or agents of the Township, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of operating and maintaining the sewer system and for inspection, observations, measurement, sampling and testing in accordance with the provisions of this Ordinance.

ARTICLE VII. Conditions of Service

Section 1. At the time of original construction, the Township shall install the collecting sewers and designate a point of access to the public sewer system for each premises served by the public sewer.

Section 2. The Township shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service caused by the breaking of machinery, stoppages or necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

Section 3. The premises receiving sanitary sewer services shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the Township.

ARTICLE VIII. Charges and Rates

Section 1. Owners of premises within the service area of the Merry Lake Sewage Disposal System shall pay charges for the construction, use and benefit of the sewage disposal system which shall be computed at the following rates and shall be charged as follows:

- (a) Trunkage fee: A trunkage fee of \$450 per unit.
- (b) Availability fee: A availability fee of \$400 per connection to the original collection system

The charges shall escalate at a rate of \$25 per year for the trunkage fee and \$25 per year for the availability fee commencing on January 1, 1989, provided the maximum charges shall not exceed the amount listed below:

Trunkage charge	\$1,000
Availability charge	\$1,000

The charges specified above shall be considered paid to the extent that any sewer special assessment originally levied on the property have been paid.

Section 2. Any premises which is served by the Merry Lake Sewage Disposal System shall pay the trunkage fee and, if applicable, the availability fee specified in Section 1 in cash at the time a connection permit is issued.

Section 3. The term "unit" shall represent the quantity of sanitary sewage ordinarily arising from the occupancy of a residential building by a single family of ordinary size. The number of units to be assigned to any premises in the Township shall be determined by the Township Board based on available studies and actual operating experience. The Township may, if the circumstances justify, assign more than one unit to a dwelling occupied by a single family. No less than one unit shall be assigned to each premises, and for purposes of computing the trunkage fee, fractions of units in excess of one may be computed and assigned to the nearest hundredth. 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 charges to said premises for the number of units assigned to said premises, as hereinabove provided. If subsequent changes in the character of the use or type of occupancy of such premises at any time increase the amount of sanitary sewage originating from the premises the Township Board shall increase the number of units assigned to said premises and thereupon the appropriate fees chargeable to such premises shall be increased at the unit rates specified in Article VIII (subject to the escalation clauses as therein provided) which increased fee shall be payable in cash as of the date any construction or other permit is issued by the Township for an improvement which will result in such change in the character of use or type of occupancy, or if no permit is issued or required, as of the date such change in the character of use of type or occupancy occurs.

Section 4. Each premises served by the system shall pay a service charge which shall be comprised of two components consisting of a "readiness to serve fee" and a "usage fee". The readiness to serve fee shall initially be \$30.00 per year per lot. In addition, each premises actually connected to the system shall pay a usage fee in advance of \$120.00 per year per unit. The service charge shall be billed on the Township's December Tax Roll and shall be collected in the same manner as property taxes. Property owners connecting to the system during the course of the year shall pay their pro-rated share of the Usage Fee for the month they are connecting through the following December 1 at the time of issuance of the connection fee. The rate of the service charge, including the amount thereof allocable to debt service, may be amended from time to time by resolution of the Township Board to reflect changes in the actual cost of operating, maintaining and administering the system, or to permit the Township to comply with any obligation, limitations or conditions contained in any agreement between the Township and any other entity pertaining to the operation, maintenance and administration of the public sewer system.

#### ARTICLE IX. Penalties

Section 1. Any person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than \$500 or by imprisonment.

A violation of this ordinance is also declared to be a public nuisance and the Township may enforce same by injunction or other remedy, including the right to correct the violation and bill the owner or person in charge of the premises therefore. The bill may be collected in the same manner as service charges levied against the premises.

Section 2. Any individual violating any of the provisions of this ordinance which results in fines or penalties being levied against the Township shall become liable for said fine or penalty, plus any expenses, loss or damage occasioned by such violation. This fine or penalty, plus expenses, would be levied in addition to the fine identified in Section 1 of this article and may be collected in the same manner as service charges levied against the premises.

#### ARTICLE X. Validity

Section 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part of parts.

ARTICLE XI. Ordinance in Force

Section 1. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Made and passed by the Township Board of the Township of Amboy, County of Hillsdale, Michigan this 9<sup>th</sup> day of November, 1988.

Claire Leininger  
Supervisor

Bernadine Schaedler  
Clerk

Recorded in the books or Township ordinances and numbered 1988-2 on Nov.9th, 1988.

Bernadine Schaedler  
Clerk

Published in a newspaper circulating in the Township of Amboy, Nov . 25,1988

Bernadine Schaedler  
Clerk

Passed Date November 9, 1988  
Publication Date November 25, 1988  
Effective Date December 26, 1988

ORDINANCE NO. 2-1988  
Amboy Township, Hillsdale County, Michigan

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE **MERRY LAKE SEWAGE DISPOSAL SYSTEM**; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, IN AMBOY TOWNSHIP, COUNTY OF HILLSDALE, STATE OF MICHIGAN.

Date of Passage of Said Ordinance November 09, 1988

The Following Board Members Were Present and Voted For Adoption Of Said Ordinance.

Stanley Crow	YEA	
Gregory Clevenger	YEA	
Claire Leininger	YEA	
Bernadine Schaedler	YEA	
Joe St John		<u>Nay</u>
	<u>4 – YEAS</u>	1 - Nays

Board Members Absent – None

This Ordinance shall become effective December 26, 1988

Claire Leininger  
Amboy Township supervisor

Bernadine Schaedler  
Amboy Township Clerk

ORDINANCE NO. 1997-3

Amboy Township, Hillsdale County, Michigan

BE IT ORDAINED that Ordinance No. 1988-2 entitled:

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS AND THE DISCHARGE OF WATERS AND WASTES INTO THE MERRY LAKE SEWAGE DISPOSAL SYSTEM; AND PROVIDING FOR CHARGES FOR THE CONNECTION AND USE OF SAID EXTENSION, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, IN AMBOY TOWNSHIP, COUNTY OF HILLSDALE, STATE OF MICHIGAN.

An amendment to an ordinance pertaining to sewage disposal and sewers and sewerage in the township.

AN ORDINANCE TO AMEND ORDINANCE NO. 1988-2 ADOPTED ON NOVEMBER 9, 1988, KNOWN AS THE MERRY LAKE SANITARY SEWER ORDINANCE.

Be amended by adding a new Section to Article VIII as follows:

ARTICLE VIII. Charges and Rates.

Section 5. Connection Charge. Any premises hereinafter connecting to the system shall pay in cash a connection charge in an amount as established from time to time by Township Board Resolution. The connection charge shall be paid at the time a connection permit is issued.

Section 6. The charges and rates provided in this article may be adjusted from time to time by Township Board Resolution.

It was moved by Joe St. John and seconded by Gregory Clevenger that the above Ordinance No. 1997-3 be adopted.

Yeas: Gregory Clevenger, Joe St. John, Claire Leininger, Bernadine Schaedler

Nays: None

Board Member absent: Roger Pitts

The supervisor declared the ordinance adopted.

This ordinance amendment shall become effective upon publication.

EFFECTIVE DATE:

Claire Leininger  
Amboy Township Supervisor

Bernadine Schaedler  
Amboy Township Clerk

Adopted: May 14, 1997