

**CHARTER TOWNSHIP OF AUSABLE**

**IOSCO COUNTY, MICHIGAN**

**ORDINANCE # 131**

**AN ORDINANCE TO AMEND CHARTER TOWNSHIP OF AUSABLE ORDINANCE NO. 42 (THE SEWER RULES AND REGULATIONS ORDINANCE) IN ORDER TO REVISE SUBSECTION (d) OF SECTION II REGARDING THE TIME PERIOD FOR CONNECTING A STRUCTURE TO THE TOWNSHIP'S AVAILABLE PUBLIC SANITARY SEWER SYSTEM; TO PROVIDE A SEVERABILITY PROVISION FOR ANY ORDINANCE PROVISIONS THAT MAY BE FOUND TO BE INVALID BY A COURT; AND TO ADDRESS THE EFFECTIVE DATE, PUBLICATION REQUIREMENTS, AND RECORDING REQUIREMENTS FOR THE ORDINANCE.**

**THE CHARTER TOWNSHIP OF AUSABLE ORDAINS:**

**Section 1. Purpose of Ordinance.**

The purpose of this ordinance is to further amend Charter Township of AuSable Ordinance No. 42 (the Sewer Rules and Regulations Ordinance), which was adopted by the Charter Township of AuSable Board of Trustees on August 10, 1987. The Charter Township of AuSable Board of Trustees amended Ordinance No. 42 by adopting Charter Township of AuSable Ordinance No. 120 on January 4, 2021. Ordinance No. 120 amended various provisions of Ordinance No. 42, including Subsection (d) of Section II ("USE OF PUBLIC SEWERS REQUIRED") of Ordinance No. 42, regarding the time period for connecting a structure to the Township's available public sanitary sewer system. The Charter Township of AuSable Board of Trustees is now further amending Subsection (d) of Section II of Ordinance No. 42 in order to increase the time period for connecting a structure to the Township's available public sanitary sewer system, because it has come to the attention of the Board of Trustees that property owners have experienced difficulties related to retaining qualified contractors and related to the availability of materials for timely making the required connection to the sewer system.

**Section 2. Amendment of Section II(d) of the Sewer Rules and Regulations Ordinance.**

Subsection (d) of Section II ("USE OF PUBLIC SEWERS REQUIRED") of Charter Township of AuSable Ordinance No. 42 (the Sewer Rules and Regulations Ordinance), as amended by Charter Township of AuSable Ordinance No. 120, is hereby further amended so that Subsection (d) of Section II of Ordinance No. 42 shall now read in its entirety as follows:

(d) In order to fully protect and promote the health, safety, and welfare of the people of the Township, connection of all structures in which sanitary sewage originates to the Township's available public sanitary sewer system is required as follows:

i. Except as provided in Subsections ii and iii below, the connection shall be completed not later than 540 days after the date of occurrence of the last of the following events:

- Publication of a notice by the Township of the availability of the public sanitary sewer system in a newspaper of general circulation in the Township;

- Modification of a structure so as to become a structure in which sanitary sewage originates.

ii. The 540 day period for completing the connection may be extended by the Township Board of Trustees upon its finding that this deadline should be extended because of inclement weather.

iii. Parcels of real property that include structures from which sanitary sewage currently originates, and which are currently being served by an approved and fully functional septic system (including a septic tank, a drain field, and all necessary accessories) that was installed and approved by the District Health Department after January 1, 2017, will not be required to connect the structures in which sanitary sewage originates to the Township's available public sanitary sewer system, if all the following requirements are satisfied:

- The owner of the structure must, following the publication of the notice described in Section II(d)i above, promptly provide the Township with proof satisfactory to the Township proving the installation and approval dates of the septic system, and establishing that the septic system meets all applicable local, state, federal, and District Health Department ordinances, statutes, rules, regulations, and requirements; and, every 3 years thereafter, the owner must submit to the Township certification from the District Health Department approving the continued use of the septic system. It is the owner's responsibility to timely schedule and pay the applicable fee for the District Health Department inspections.

- The septic system must remain unchanged; it may not be upgraded, improved, or repaired; it must continue to be eligible for District Health Department approval in its "as built" condition; and, once the septic system is unable to properly serve the structure in its as built condition, the owner of the structure will be required to promptly connect the structure to the Township's available public sanitary sewer system.

- The owner of the structure shall pay to the Township such fees as established by the Township Board of Trustees.

### **Section 3. Severability.**

The various parts, sections, and clauses of this ordinance are hereby declared to be severable. If any part, section, or clause is adjudged to be invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected by such ruling.

### **Section 4. Effective Date; Publication; Recording.**

This ordinance shall take effect immediately upon its publication. This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of the Township, and qualified under state law to publish legal notices, within 30 days after its adoption. The Township Clerk shall immediately record this ordinance in the Township Ordinance Book, and the Township Supervisor and the Township Clerk shall authenticate the record by their official signatures on the record.

**CERTIFICATION**

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the Charter Township of AuSable Board of Trustees at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

I further certify that the following Board members were present at the meeting: \_\_\_\_\_, and that the following Board members were absent: \_\_\_\_\_.

I further certify that the Board member \_\_\_\_\_ moved for adoption of the ordinance, and the motion was supported by the Board member \_\_\_\_\_.

I further certify that the following Board members voted upon roll call vote for the adoption of the ordinance: \_\_\_\_\_, and the following Board members voted against the adoption of the ordinance: \_\_\_\_\_.

Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Charter Township of AuSable Board of Trustees.

The Township Supervisor declared this ordinance adopted.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Kevin Beliveau  
Charter Township of AuSable Supervisor

Dated: \_\_\_\_\_

\_\_\_\_\_  
Kelly Graham  
Charter Township of AuSable Clerk