

**CHARTER TOWNSHIP OF AUSABLE**

**IOSCO COUNTY, MICHIGAN**

**ORDINANCE # 120**

**AN ORDINANCE TO AMEND CHARTER TOWNSHIP OF AUSABLE ORDINANCE NO. 42 (THE SEWER RULES AND REGULATIONS ORDINANCE) TO REVISE PROVISIONS REGARDING CONNECTING STRUCTURES TO THE TOWNSHIP'S AVAILABLE PUBLIC SANITARY SEWER SYSTEM AND MAKING THE SYSTEM AVAILABLE TO LOTS; TO REVISE AND UPDATE OTHER ORDINANCE PROVISIONS ADDRESSING TOWNSHIP SEWER REQUIREMENTS AND ISSUES; TO PROVIDE THAT A VIOLATION OF THE ORDINANCE CONSTITUTES A MUNICIPAL CIVIL INFRACTION; 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 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.

**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) is amended to replace the existing Subsection (d) with the following Subsection (d):

(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 270 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 270 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, 2010, 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:

- A municipal sewer lead will be installed, and the owner will be required to pay the debt reduction fee (DRF) from the date the sewer system is available for service.
- 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.
- In no case shall a private septic system remain in service beyond 15 years of its original installation date where the public sewer system is available
- The owner of the structure shall pay to the Township such fees as established by the Township Board of Trustees.

**Section 3. Amendment of Section II of the Sewer Rules and Regulations Ordinance to add Subsection (e).**

The following Subsection (e) is added to Section II ("USE OF PUBLIC SEWERS REQUIRED") of Charter Township of AuSable Ordinance No. 42 (the Sewer Rules and Regulations Ordinance):

(e) Vacant Lots and Lots Containing Only Accessory Structures Located Within 200 Feet of an Available Public Sanitary Sewer System.

For vacant lots, and lots that contain only accessory structures, located within 200 feet of an available public sanitary sewer system, as defined in this Ordinance, an owner who requests the installation of a service lead will be required to pay the monthly debt reduction fee and will be required to promptly connect to the system when a structure from which sewage originates is erected.

**Section 4. Amendment of Section II of the Sewer Rules and Regulations Ordinance to add Subsection (f).**

The following Subsection (f) is added to Section II (“USE OF PUBLIC SEWERS REQUIRED”) of Charter Township of AuSable Ordinance No. 42 (the Sewer Rules and Regulations Ordinance):

(f) Vacant Lots and Structures Located Beyond 200 Feet of an Available Public Sanitary Sewer System.

i. For vacant lots and structures not located within 200 feet of an available public sanitary sewer system, as defined in this Ordinance, an owner desiring to connect to the system must, within 30 days of the owner’s receipt of a letter from the Township notifying the owner of the availability of the sanitary sewer system, notify the Township in writing of his or her desire and commitment to connect to the Township’s available public sanitary sewer system within the time required by the Township.

ii. For vacant lots and structures not located within 200 feet of an available public sanitary sewer system, as defined in this Ordinance, if an owner opts not to connect to the system in accordance with the requirements of the preceding subsection of this ordinance, the owner will be responsible for paying to the Township the following costs, in advance, if he or she subsequently chooses to connect to the system:

- The entire cost of the service lateral installation from the sewer main to the right of way line. The Township will contract with a local contractor to make this installation.
  
- The owner is responsible for all activities necessary to install and connect the service lateral from the right of way line to the structure in which sewage originates.
  
- The cost to the Township for site observation of the installation.
  
- The sum of the monthly debt reduction fee from the date that the system was initially made available to the date of actual connection to the system, plus 1.5% interest for that time period.

**Section 5. Amendment of Section III(c) of the Sewer Rules and Regulations Ordinance.**

Subsection (c) of Section III (“PUBLIC SEWAGE DISPOSAL”) of Charter Township of AuSable Ordinance No. 42 (the Sewer Rules and Regulations Ordinance) is amended to replace the existing Subsection (c) with the following Subsection (c):

(c) At such times as an available public sanitary sewer system becomes available to a property served by a sewage disposal system as provided by Section II(d) of this Ordinance, a direct connection shall be made to the sewage disposal system in compliance with this Ordinance; any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material, in accordance with all applicable local, state, federal, and District Health Department ordinances, statutes, rules, regulations, and requirements; and the property owner shall furnish a letter to the Township from the District Health Department approving the abandonment.

**Section 6. Amendment of Section IV(b) of the Sewer Rules and Regulations Ordinance.**

Subsection (b) of Section IV (“BUILDING SEWERS AND CONNECTIONS”) of Charter Township of AuSable Ordinance No. 42 (the Sewer Rules and Regulations Ordinance) is amended to replace the existing Subsection (b) with the following Subsection (b):

(b) There shall be two classes of building sewer permits: (1) for residential service; and (2) for service to establishments producing non-residential waste. In either case, the property owner or his or her agent shall submit an application to the Township on an application form provided by the Township. The application shall be supplemented by any plans, specifications, and other pertinent information as required by the Township’s inspector. The applicant shall pay such fees as established by the Township Board of Trustees at the time of submission of the application.

**Section 7. Amendment of Section IV(c) of the Sewer Rules and Regulations Ordinance.**

Subsection (c) of Section IV (“BUILDING SEWERS AND CONNECTIONS”) of Charter Township of AuSable Ordinance No. 42 (the Sewer Rules and Regulations Ordinance) is amended to replace the existing Subsection (c) with the following Subsection (c):

(c) All costs and expenses incidental to the installation and connection of the sewer shall be borne by the property owner. The installation of a lead from the sewer main to the lot line shall be installed by the Township’s contractor and paid for by the property owner, and the property owner shall pay the Township for the Township’s time and expense that it will incur to coordinate and inspect the lead from the lot line to the structure. The property owner and the person or entity installing the sewer for the property owner shall indemnify the Township and hold the Township harmless from any loss, damage, claims, expenses, costs, and attorney fees related to the installation and connection.

**Section 8. Amendment of Section IV of the Sewer Rules and Regulations Ordinance.**

Section IV (“BUILDING SEWERS AND CONNECTIONS”) of Charter Township of AuSable Ordinance No. 42 (the Sewer Rules and Regulations Ordinance) is amended to delete Subsections (f) through (k) and to insert the following new Subsection (f):

(f) Connection to the Township’s sanitary sewer system shall be done in compliance with all applicable Township rules, regulations, standards, construction specifications, and requirements.

**Section 9. Amendment of Section VI of the Sewer Rules and Regulations Ordinance.**

Section VI (“PROTECTION FROM DAMAGE”) of Charter Township of AuSable Ordinance No. 42 (the Sewer Rules and Regulations Ordinance) is amended to replace the existing Section VI with the following Section VI:

## SECTION VI: PROTECTION FROM DAMAGE

Any unauthorized person who shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works shall be responsible for a municipal civil infraction and subject to the provisions of Section VIII of this ordinance, and shall be subject to all applicable local, state, and federal criminal penalties.

### **Section 10. Amendment of Section VIII(a) of the Sewer Rules and Regulations Ordinance.**

Subsection (a) of Section VIII ("PENALTIES") of Charter Township of AuSable Ordinance No. 42 (the Sewer Rules and Regulations Ordinance) is amended to replace the existing Subsection (a) with the following Subsection (a):

(a) Any person or entity who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction, as defined by Section 113 of the Revised Judicature Act of 1961, being Michigan Public Act 236 of 1961, as amended ("Public Act 236"). A defendant found responsible by the judge or magistrate for a violation of this ordinance shall pay a fine not to exceed \$500.00, plus costs not to exceed \$500.00, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Township. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order (including but not limited to injunctive relief) necessary to enforce this ordinance, in accordance with Section 8302 of Public Act 236, and the Township shall be entitled to all other remedies provided by Public Act 236. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this ordinance. The Charter Township of AuSable Superintendent and the Charter Township of AuSable Code Enforcement Officer are authorized to administer and enforce this ordinance and issue municipal civil infraction citations.

### **Section 11. 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 12. 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