

**SEWER RATE ORDINANCE  
ORDINANCE 120**

**As amended by Ordinance No. 126,  
Effective 12/7/94**

An Ordinance to provide for the imposition, collection and enforcement of charges and fees for connection to the Jamestown Township Sewer Collection System; to provide for the imposition, collection and enforcement of charges and fees for the utilization of the Jamestown Township Sewer Collection System; and to provide for the other matters relative to the Jamestown Township Sewer Collection System and the use thereof.

THE TOWNSHIP OF JAMESTOWN, COUNTY OF OTTAWA, AND STATE OF MICHIGAN, ORDAINS:

**SECTION 1. SHORT TITLE.** This Ordinance shall be known and may be cited as the "Jamestown Township Sewer Rate Ordinance."

**SECTION 2. DEFINITIONS.** For the purpose of their use in this Ordinance, the following terms are hereinafter defined:

- (a) **Debt Service Charges:** Charges levied to customers of the System, which charges are in addition to User Charges and are used to pay principal, interest and administrative costs of retiring the debt incurred for the construction of the System.
- (b) **System:** All sewer lines, lift stations, pumping facilities, septic tanks, sewer collection facilities and their appurtenances which the Township owns or which are owned on behalf of the Township by the County of Ottawa, or which the Township has possession of and/or operating responsibility for (whether owned by the Township or not), either now in existence in the Township or hereafter acquired or constructed in the Township, together with all works, plants, instrumentalities and properties used or useful in connection therewith in collecting sewage and transmitting and conveying such collected sewage to sewage treatment facilities, and all extensions, enlargements and improvements thereto in the Township.
- (c) **Township:** The Township of Jamestown. Ottawa County, Michigan.
- (d) **Township Board:** The Township of Jamestown Township Board.
- (e) **User Charges:** Charges levied on users of a treatment works, which charges are in addition to Debt Service Charges and are used to pay operation, maintenance and replacement costs pursuant to Section 204(b) of the Federal Water Pollution Control Act and the Clean Water Act, being Public Law 92-500 as adopted in 1972 and as subsequently amended.

**SECTION 3. CONNECTION TO THE SYSTEM.** Connection to the System, directly or indirectly, and the discharge of sewage into the System, shall only be in compliance with this Ordinance and the Jamestown Township Sewer Usage and Administration Ordinance, as amended.

**SECTION 4. CHARGES.** The following charges shall apply to all connections to the System:

- (a) **Stub Charge:** If a sewer stub charge has not been paid or assessed against the premises to be served, a stub charge, in an amount(s) to be established and adjusted from time to time by Township Board resolution, for the installation and use of a sewer stub line from the sewer line to the property line, shall be charged for connection to the System. However, the sewer stub charge shall not be payable if the sewer stub line was constructed by private parties without expense to the Township. This stub charge shall be due at the time application for a permit to connect to the System is made. Payment of the stub charge shall be made on such terms as shall be specified from time to time by Township Board resolution.
- (b) **Availability Charge:** An availability charge shall be paid for each connection made by a premises adjacent to a System sewer line which has not been included in a special assessment district which included as part of the assessment an availability charge. This availability charge shall be due at the time application for a permit to connect to the System is made on such terms as shall be specified from time to time by Township Board resolution, provided that no availability charge shall be due where the System sewer line adjacent to the connecting premises was constructed as part of a development or project in which private parties or the Township on behalf of and at the expense of private parties have constructed such Sewer line. Such availability charge shall be at a rate to be established and adjusted from time to time by Township Board resolution.

- (c) **Trunkage Charge:** A trunkage charge shall be paid for each premises which has not been included in a special assessment district which included as part of the assessment a trunkage charge. This trunkage charge shall be due at the time application for a permit to connect to the System is made on such terms as shall be specified from time to time by Township Board resolution.

Those premises which have previously paid a trunkage charge as part of a special assessment or on a cash or installment basis but which are later expanded, or where the use thereof is altered so as to increase the intensity of sewer use, shall pay an additional trunkage charge for such alterations or change of use. Such trunkage charge shall be due at the time a building permit is issued for such alteration, or if no building permit is required, at such time as the use is changed, on such terms as shall be specified from time to time by Township Board resolution.

Those premises which were assessed for trunkage as an unimproved parcel but which are later improved shall pay a trunkage charge for such improvements. Such trunkage charge shall be due at the time the building permit is issued for such improvements on such terms as shall be specified from time to time by Township Board resolution.

The trunkage charge shall be established and adjusted from time to time by the Township Board by resolution. The amount of the trunkage charge shall be determined by multiplying the trunkage charge times the number of units, determined on the basis of the schedule of unit factors referenced in Section 5 hereinafter, for the particular alteration, use or improvement.

- (d) **Connection Charge:** A connection charge shall be paid for each premises that applies to connect to the System on or after January 1, 1995. This connection charge shall be due at the time application for a permit to connect to the System is made.

The connection charge shall be established and adjusted from time to time by Township Board resolution. The amount of the connection charge shall be determined by multiplying the connection charge times the number of units, determined on the basis of the schedule of unit factors referenced in Section 5 hereinafter, for the particular use or improvement. The terms for payment of the connection charge shall also be established and adjusted from time to time by Township Board resolution.

Any premises applying to connect to the System before January 1, 1995, which is not actually connected to the System by September 30, 1995, shall be required to pay a connection charge on the same basis as though an application to connect had been made on or after January 1, 1995.

- (e) **Payment Terms:** In specifying the terms for the payment of the stub, availability, trunkage and connection charges as provided above in subsections (a) through (d), inclusive, the Township Board resolution shall provide whether the charge shall be payable in cash in full when the obligation therefor is incurred or in installments. If the charge is payable in any circumstance in installments, the resolution shall specify the number of installments, the amount of each installment, the date on which each installment is due and payable, the interest rate, if any, on the unpaid balance of the charge, when interest begins and the date on which interest on the unpaid balance is due and payable. If paid in installments, the unpaid balance of the charge and all interest thereon shall constitute a lien on the premises served.

**SECTION 5. UNIT DETERMINATION.** The schedule of unit factors referenced in Section 4 hereinbefore shall be established and adjusted from time to time by Township Board resolution.

**SECTION 6. INSPECTION CHARGE.** The Township Board may, by resolution, establish and adjust from time to time an inspection charge or charges for all premises connecting to the System.

**SECTION 7. SEWER SERVICE CHARGES.** Sewer charges for each premises connected to the System shall be established and adjusted from time to time by Township Board resolution. No free service shall be furnished by the System to the Township or to any person, firm or corporation, public or private, or to any public agency or instrumentality. The Township shall pay for sewer service supplied to it or any of its departments or agencies at the charges established pursuant to this Section from time to time. The sewer charges so established and adjusted from time to time by Township Board resolution shall include Debt Service Charges and User Charges.

**SECTION 8. BILLING AND ENFORCEMENT.** Charges for sewer service shall be billed quarterly. Bills shall be mailed by the 15th day of the month following the quarter for which the bills are rendered and shall be payable on or before the 15th day of the next month. Customers whose bills are not paid on or before the due date shall have a penalty charge, in an amount to be established and adjusted from time to time by Township Board resolution, added thereto and shall then be mailed a reminder bill which shall include the penalty amount. If the reminder bill is not paid within ten (10) days after the date of mailing, a seventy-two (72) hour shut-off notice shall be sent by certified mail or personal delivery. If the bill is not paid within 72 hours after the date of the shut-off notice, then the customer's public sewer service shall be turned off immediately and without further notice.

Sewer service shall not be restored until the entire amount of the sewer bill has been paid together with the penalty charge referred to above and a restoration charge, which shall be established and adjusted from time to time by Township Board resolution. Charges for sewer service shall constitute a lien on the property served. On or before September 1 of each year the Township Treasurer shall deliver to the Township Supervisor a certified statement of all sewer charges and penalty charges thereon then six (6) months or more past due and unpaid. The Township Supervisor shall then place such charges on the tax roll and the same shall be collected and such lien shall be enforced in the same manner as is provided for general Township taxes.

**SECTION 9. PAYMENT OF CHARGES.** If an assessment charge installment is not paid, with all interest, on or before its due date, then such delinquent installment shall be treated and have the same status as a delinquent installment of a special assessment pursuant to Michigan Act 188 of 1954, as amended, or any similar successor statute, and such delinquent installment shall be collected by the Township in the same manner as is provided in Act 188 or similar successor statute for delinquent installment payments of special assessments.

**SECTION 10. FISCAL YEAR.** The System shall be operated on the basis of a fiscal year which is the same as the Township fiscal year.

**SECTION 11. CONNECTION LINE MAINTENANCE.** The owner(s) of each premises served by a System sewer line shall maintain the connection line leading from the building, structure or other improvement served with sewer service to the System septic tank in good condition with no breaks, leaks or other malfunctions.

**SECTION 12. DAMAGE TO SYSTEM FACILITIES.** No person, except an employee of the Township or other person duly authorized by the Township, shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the System.

**SECTION 13. DISRUPTION OF SERVICE.** The Township shall not be liable for any failure or deficiency in the operation of the System, whether occasioned by maintenance or repair of the System or any other cause.

**SECTION 14. ADMINISTRATIVE LIABILITY.** No officer, agent or employee of the Township shall render himself or herself personally liable for any damages that may accrue to any person as a result of any act required or permitted in the discharge of his or her duties under and in the enforcement of this Ordinance.

**SECTION 15. PENALTIES AND ENFORCEMENT.** Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding Five Hundred (\$500.00) Dollars and costs for prosecution or by imprisonment in the Ottawa County Jail for a period not exceeding ninety (90) days, or both such fine and imprisonment in the sole discretion of the court. Each day during which a violation of a provision of this Ordinance continues shall be deemed a separate and distinct violation for purposes of this Section. In addition to the penalties set forth in this Section, the Township may maintain any equity or legal action available to it for the abatement of any violation of this Ordinance.

**SECTION 16. SEVERABILITY.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

**SECTION 17. REPEAL.** All ordinances in conflict with this Ordinance in whole or in part are hereby revoked to the extent of such conflict.

**SECTION 18. EFFECTIVE DATE.** This Ordinance is ordered to take effect on January 5, 1990 said date being thirty (30) days or more after publication of this Ordinance in the Grand Valley Advance, a newspaper having general circulation in the Township of Jamestown, pursuant to the provisions of Act 191 of the Public Acts of 1939, as amended.

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Township Supervisor

Township

Clerk