

**FRENCHTOWN CHARTER TOWNSHIP
SEWAGE DISPOSAL SYSTEMS ORDINANCE
Ord. No. 195; Date of Adoption: April 2001**

An Ordinance providing for the operation and maintenance of all Frenchtown Charter Township Sewage Disposal Systems which are part of the Monroe Metropolitan Water Pollution Control System; Providing for connections to the systems and for charges, fees and rates; Providing penalties for violation; And providing for other related matters.

THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:

Section 1. Purpose.

It is hereby determined to be desirable and necessary, for the public health, safety and welfare of the Charter Township of Frenchtown, that all present and future Frenchtown Charter Township Sewage Disposal Systems, which are part of the Monroe Metropolitan Water Pollution Control System, be operated by the Monroe Metropolitan Water Pollution Control Board as "Control Board" pursuant to all present and future agreements authorized and executed by Frenchtown Charter Township together with the City of Monroe and the Township of Monroe, under the provisions of the Agreements of the parties, as amended.

Section 2. Terms Defined.

Whenever the words "the System" or "the Sewer System" are referred to in this Ordinance, they shall be understood to mean all present and future Frenchtown Charter Township Sewage Disposal Systems, which are part of the complete Monroe Metropolitan Water Pollution Control System including all sewers, pumps, lift stations, treatment facilities, and all other facilities used or useful in the transportation, collection, treatment and/or disposal of sanitary sewage or domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired. Whenever the words "the Township" are referred to in this Ordinance, they shall be understood to mean the Charter Township of Frenchtown.

Whenever the word "person" is referred to in this Ordinance, it shall be understood to mean an individual, partnership, cooperative, association, private corporation, personal representative, receiver, trustee, assignee, governmental entity or any other legal entity.

Section 3. Supervision and Control of System.

The operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the Monroe Metropolitan Water Pollution Control Board "Control Board", as amended, subject to the terms of all present and future agreements, the Charter Township of Monroe, the City of Monroe, and the Charter Township of Frenchtown. Said "Control Board" may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System and may

make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System; provided, however, that the Township shall fix and collect charges for connection and use of the System.

Section 4. Intent and Purpose of Sewer Connection Charges.

Frenchtown Charter Township has entered into agreements to provide for the acquisition and construction of the System and is responsible for the maintenance, operation and improvement of the System, as it exists within the Township boundaries. Frenchtown Charter Township commissioned a Sanitary Sewer Study of its System, which was completed in October of 2002 (“Sewer Study”). Based on the Township’s responsibility and obligations as to the maintenance, operation and improvement of the sewer System and the recommendations in the Sewer Study, the Township has determined to make certain improvements to the Sewer System that are deemed necessary for the continued operation of the System including but not limited to, the installation of trunk sewer lines, pumping or lift stations and improvement of the treatment facilities. In order to provide for the continued operation, maintenance and continued improvements to the System and the actual cost of providing the continued services, and as is necessary to meet its obligations as set forth in agreements with the City of Monroe, certain voluntary charges, user fees and rates have been established by the Township for connection to and use of the System. The sewer connection charge is determined to be a reasonable fee based on the fair share of the cost to “buy in” to the System based on the recommendations and opinions of the Township’s engineer and financial consultants. Any user fees or connection charges shall be utilized for the purposes set forth herein and shall be maintained in a sewer account.

Amended August 26, 2003, by Sewage Disposal Systems Ordinance Amendment No. 195-1.

Section 4a. Sewer Use Charges.

Sewer use charges shall be rates charged by the City of Monroe and approved by The Monroe Metropolitan Water Pollution Control Board.

Section 4b. Sewer Connection Charges.

A sewer connection charge shall be charged to each premises to which a sewer system is available as follows:

1. Connection Charge. For each premises that will have a connection to the Sanitary Sewer System, the sewer connection charge shall be established based upon the water meter size installed at the premises in accordance with the Sewer Connection Fee Table and the terms of this Section. Frenchtown Charter Township hereby adopts the Sewer Connection Fee Table as follows:

SEWER CONNECTION FEE TABLE

Water Meter Size	Connection Fee
5/8 – Inch	\$ 2,500.00
1 – Inch	\$ 6,250.00
1½ - Inch	\$ 12,500.00
2 – Inch	\$ 20,000.00
3 – Inch	\$ 40,000.00
4 – Inch	\$ 62,500.00
6 – Inch	\$125,000.00
8 – Inch	\$200,000.00

2. Adjustment of Sewer Connection Charge. The Township will consider requests for consideration of an adjusted sewer connection charge for proposed connections to the Sanitary Sewer System that are water dependent commercial or industrial processes which provide for an alternative method of discharge of consumed or processed waters such as but not limited to treatment through a state approved water discharge program, evaporation or other generally accepted or authorized means of discharge which do not utilize the Sanitary Sewer System. Upon submission of a request and adequate documentation supporting an acceptable alternative means of water discharge and a recommendation from both the Township Building Official and the Township Engineer, the Township Board shall have the authority to make a reasonable adjustment to the required sewer connection fee set forth above.

3. Reconnections. Reconnections to the System shall be permitted for premises for which prior payment of the appropriate sewer connection charge has been made and sufficiently demonstrated to the Township without payment of an additional sewer connection charge. Payment of any reconnection fees which may be established by the Township or the City of Monroe shall be required. For purposes of this Section a connection shall be considered a “reconnection” only so long as the new service is for a use which is the same water meter size, the same use classification as existed previously and the connection is made directly to the previously existing tap at its previously existing location.

4. Prior Payment for Connection. An initial connection to the System shall be permitted for a premises for which prior payment of a sewer connection charge was previously made without payment of an additional connection charge only so long as the proposed service is for a use which is the same meter size as paid for previously and the prior payment of the connection charge is sufficiently demonstrated to the satisfaction of the Township.

Amended August 26, 2003, by Sewage Disposal Systems Ordinance Amendment No. 195-1.
Amended March 26, 2013 by Sewage Disposal Systems Ordinance Amendment No. 195-2.

Section 5. Availability of System.

The Sewer System shall be deemed to be available to any premises if it is located in a right-of-way, easement, highway, street, or public way which crosses, adjoins or abuts upon said premises and which right-of-way, easement, highway, street or public way passes not more than two hundred (200) feet at the nearest point from a structure on such premises in which sanitary sewage originates. "Structure in which sanitary sewage originates" means a building in which toilet, kitchen, laundry, bathing or other facilities which generate water carried sanitary sewage, are used or are available for use for household, commercial, industrial or other purposes.

Section 6. Penalty For Late Connection.

A penalty of \$500.00 shall be paid in cash forthwith, whenever the owner of premises to which the sewer system is available and upon which is situated a building or structure in which water is used or is available for use, or his agent, does not make application for a permit to connect to the sewers of the system and pay the Charter Township the sewer connection charge (or first installment thereof if applicable) within the time limit specified herein. The payment of such penalty shall not relieve any person from fully complying with the requirements of this Ordinance or from any other penalties prescribed herein.

Section 7. Connection to System Required; Notice of Availability.

Except as otherwise permitted by law, for reasons of public health, all premises in the Township upon which there exists, presently or at any time hereafter, a structure in which sanitary sewage originates shall be connected to the Sewer System if and whenever such system is available to such premises. The owner of such premises shall be responsible for such connection to the Sewer System and for compliance with the terms of this Ordinance and any and all laws and regulations applicable hereto.

Frenchtown Charter Township shall publish a notice of the availability of the public sanitary sewer system in a newspaper of general circulation in the Township. Frenchtown shall also give written notice of availability to owners of property where there exists a structure on the date of availability of sewers, either by first class mail to said owner or by posting in a conspicuous place on the premises. Said notice of availability shall require connection to the Sewer System and, if mailed, shall be sent to the owner of such premises according to the latest tax assessment roll of the Township. Connection to the sewer system shall be made not later than 90 days after said mailing or posting of notice, or 180 days after publication of notice of availability, whichever shall occur later.

Section 8. Private Sewage Disposal; Unlawful.

After the expiration of the period provided in Section 7, it shall be unlawful for the owner or occupant of such premises to maintain or use a septic tank, cesspool, or any other private means of disposal of sanitary sewage. Every such owner or occupant shall disconnect from such existing septic tank or cesspool, and comply with all Monroe County Health Department requirements.

Section 9. Rates and Charges.

The rates and charges hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation, to provide for expansion and such expenses for maintenance of the said System as are necessary to preserve the same in good repair and working order, to provide for the payment of the contractual obligations of the Township pursuant to the aforesaid present and future agreements between said City of Monroe, Monroe Charter Township and Township of Frenchtown as the same become due, including construction costs, and to provide for such other expenditures and funds for said System as this Ordinance may require. Such rates and charges shall be fixed and revised from time to time as may be necessary to produce these amounts.

Section 10. Enforcement of Collection; Charges as Lien.

The foregoing Sewer Use and Connection Charges, including penalties shall be a lien upon such premises, and on September 1st of each year, the person or agency charged with the collection of such charges shall certify to the Township Assessor any charges which have been delinquent for six (6) months or more, and the Assessor shall enter the same upon the next tax roll against such premises. Said charges and penalties shall be collected and said lien enforced in the same manner as provided in respect to Township taxes assessed on such roll. Upon the written request of the owner of any premises, the Township will bill Sewer Connection Charges to a tenant; however, this shall not have the effect of releasing the lien thereof.

Section 11. Sewer Funds.

All fees and charges collected pursuant to this Ordinance shall be kept and maintained in one of the depositories of this Township in a separate fund known as Sewer and Treatment Plant Fund and the same shall be used for the purposes noted in Section 9 hereof. Monies in such fund may be invested by the Township. Income received from such investments shall be credited to the Sewer and Treatment Plant Fund. The securities representing such investments shall be kept on deposit in any of the Township's depositories.

Section 12. Permit Required for Connection.

No person, corporation, firm or entity of any nature whatever shall connect to any sewer line or any other part of the System until a permit for said connection has been issued by the Township and until there has been paid to the Township all fees and charges provided in this Ordinance to be paid with respect to said connection, and until all provisions of this Ordinance and any and all applicable Ordinances, laws or regulations have been complied with.

Section 13. Violation; Penalty.

Any person or persons, firm or corporation who shall violate any of the provisions of this Ordinance shall, upon conviction thereof before a court of competent jurisdiction, be guilty of a

misdeemeanor and subject to a fine of not more than Five Hundred Dollars (\$500.00) or to imprisonment in the County Jail for a period not to exceed ninety (90) days, or to both such fine and imprisonment plus restitution to the Township for the costs of prosecution and enforcement. Each day such violation continues shall be deemed a separate offense. The imposition of sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

Section 14. 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. Frenchtown Charter Township Board hereby declares that it would have passed this Ordinance, and each section, subsection, phrase, sentence and clause thereof, irrespective of the fact that any one or more sections, subsections, phrases, sentences or clauses be held invalid.

Section 15. Repeal.

Frenchtown Township Ordinance No. 133, and all amendments thereto, is, on effective date of this Ordinance, hereby repealed. Any and all other Ordinances inconsistent with the terms of this Ordinance, to the extent of any such inconsistency, and all amendments thereto, are, on the effective date of this Ordinance, hereby repealed. The repeal of the above Ordinances and their amendments does not affect or impair any act done, offense committed, or right accruing, or accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Section 16. Effective Date.

This Ordinance shall become effective after final passage and publication in the Monroe Evening News, a newspaper having general circulation in the Frenchtown Charter Township, Monroe County, Michigan.