

VILLAGE OF FAIRGROVE
TUSCOLA COUNTY, MICHIGAN

ORDINANCE NO. 27

SANITARY SEWER CONNECTION

An ordinance to provide for the connection now or hereafter of premises to the Akron-Fairgrove Sewage Disposal System in the Village of Fairgrove, Tuscola County, Michigan: To provide for the imposition, collection and enforcement of charges for sewage disposal services therefrom: to require sewers and sewerage for premises hereafter occupied or platted: and to provide for other matters relative to said system and to the use thereof for the preservation of public health, safety and convenience.

THE VILLAGE OF FAIRGROVE ORDAINS:

Sec. 1. Whenever used in this ordinance, except when otherwise indicated by the context:

- a. The term "Village" shall be construed to mean the Village of Fairgrove and the term "County" shall be construed to mean the County of Tuscola, both in the State of Michigan.
- b. The term "Council" shall be construed to mean the Village Council of said Village of Fairgrove, the legislative and governing body thereof.
- c. The term "sewage disposal district" or "District" shall be construed to mean the Akron-Fairgrove Sewage Disposal District, as described in the resolution of the Tuscola County Board of Commissioners, adopted July 13, 1971, or any amendments thereto.
- d. The term "sewage disposal system" shall be construed to mean the Akron-Fairgrove Sewage Disposal System established and to be constructed by the County under Contract with the Village dated September 15, 1971, as amended, and leased to the Village and all extensions, enlargements and improvements thereto.
- e. The term "system" shall be deemed to refer to the said sewage disposal system as now or thereafter established and constructed by the County and leased to the Village to serve the residents of the village.
- f. The term "sewage disposal services" shall be deemed to refer to the collection, transportation, treatment and disposal of sanitary sewage emanating from premises now or hereafter connected, directly or indirectly, to the sewage disposal system.
- g. The term "unit" or "units" shall be related to the quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a single family of ordinary size, as shall from time to time be defined by the Village and assigned to premises in the district.
- h. The term "charges" for sewage disposal services" or "charges" shall be deemed to mean the amount charged to each premise in the Village connected to the system for sewage disposal services, including a debt service factor.
- i. The term "premises" shall mean the lands included within the boundaries of a single description as set forth from time to time on the general tax rolls of the Village as a single taxable item in the name of a taxpayer or taxpayers at one address, but in the case of platted lots shall be limited to a single platted lot unless an existing building or structure is so located on more than one lot as to make the same a single description for purposes of assessment or conveyance now or hereafter.

Sec. 2. The said system shall be used for the collection and transportation of sanitary sewage only. Downspouts, footing drains, weep tile, or any conduit that carries storm water or ground water, alone or in combination with sanitary sewage, shall not be connected to the system, directly or indirectly. Industrial and commercial waste shall be discharged into the system only in compliance with the standards and regulations of the County.

Sec. 3 Premises within the Village on which are now or hereafter located any buildings or structures for which direct connection to the system is available shall not be used or occupied by persons, firms or corporations for any purpose, after the effective date hereof, unless said premises are connected to the sewage disposal system: Provided, that premises within the Village so improved and used or occupied on the effective date hereof shall be connected to said system within six (6) months after completion of the system.

Sec. 4. Charges for sewage disposal services to each premises within the Village connected with the sewage disposal system shall be determined by the Council, as provided in the agreement with the County and shall be fixed by resolution adopted and amended from time to time by the Council and subject to any obligations and limitations set forth in such agreement pertaining to the system between the Village and the County, No free service shall be furnished by the system to the Village or to any person, firm or corporation, public or private, or to any public agency or instrumentality. Charges for services furnished by the system shall be billed and collected quarterly, the first such charges for each premises to be due and payable on the first day of the calendar quarter following by at least one month and the date such premises are connected to the system and successive charges to be due and payable on the first day of each quarter annual period thereafter. Charges shall be billed at least one month before their due date.

Sec. 5. If any charges for sewage disposal services are not paid on or before the due date, then interest of ten percent (10%) shall be added thereto and continued until the unpaid balance has been paid in entirety or after the appropriate amount of time the unpaid sewer billing has been added to the property tax roll. In the event that the charges for any such services furnished by any premises or the said installments shall not be paid within one hundred twenty (120) days after the due date thereof, then all services furnished by the sewage disposal system may be discontinued. Service to discontinue shall not be restored until all sums then due and owing, including penalties and interest, shall be paid, plus a shut-off charge of \$250.00 and a turn-on charge of \$250.00.

Sec. 5A If a property owner wants to disconnect from the village sewer system, he/she must remove all plumbing fixtures from the property. After inspection by the approved village representative, the property owner may request that council discontinue sewer user billings at the end of that billing quarter. Individual approval must be given for each request for discontinuance. The property owner must sign an affidavit stating that he/she will notify the village clerk in writing if they decide to re-connect to the system at a later date.

An inspection and reinstatement charge of \$250 will be billed to the property owner by the village. The charge must be paid before the sewer is re-connected.

Sec. 6 Charges for sewage disposal services furnished by the system to any premises shall be a lien thereon as of the due date thereof, and on May 15th of each year the Village Clerk shall certify any such charges which have been delinquent ninety (90) days or more, plus penalties and interest accrued thereon, to the Council who shall cause the same to be entered upon the next Village tax roll against the premises to which such services shall have been rendered and against which such connection fee, availability fee or service stub charge has been placed, said unpaid charges and fees, with penalties and interest accrued thereon, shall be collected and said lien shall be enforced in the same manner as provided to taxes assessed upon such roll.

Sec. 7. The provisions of this ordinance shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction. Any violation of this ordinance is deemed to be a nuisance per se.

Sec. 8. Any person, firm or corporation convicted of disposing of sewage in a manner contrary to the provisions of this ordinance, or failing to connect with an available public sewer as provided herein, or in any other way violating the provisions of this ordinance, shall be guilty of a misdemeanor, and subject to a fine of not to exceed \$100 or imprisonment in the county jail for a period not exceeding ninety (90) days or both such fine and imprisonment, in the discretion of the court, together with costs of said prosecution.

Sec. 9. If any section, paragraph, sentence, clause or phrase of this ordinance shall be held invalid, the same shall not affect any other part of this ordinance.

Sec. 10. All ordinances and resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed.

ADOPTED June 6, 2016.

THOMAS WASSA, PRESIDENT

HEIDI STARK, CLERK

I, the undersigned, Village Clerk of the Village of Fairgrove, Tuscola County, Michigan, do hereby certify that Ordinance No. 27, adopted by the Village Council of said village on JUNE 6, 2016, was recorded in full in the minutes of the meeting of said Village Council on said date and published in the Tuscola County Advertiser on June 15th, 2016.

HEIDI STARK, CLERK