

ORDINANCE NO. 10791
Sewer Ordinance

Township of Hudson, Lenawee County
Adopted: October 7, 1991
Amended: November 1, 1993
Amended: February 14, 2022

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE POSEY LAKE SANITARY DRAIN; AND PROVIDING FOR CHARGES FOR THE CONNECTION AND USE OF SAID SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, IN HUDSON TOWNSHIP, COUNTY OF LENAWEЕ, STATE OF MICHIGAN.

BE IT ORDAINED and enacted by the Township Board of Hudson Township, Lenawee County, State of Michigan, as follows:

Article I. Definitions

Section 1. "Inspector" shall mean any person or persons authorized by the Township to inspect and approve the installation of building sewers and their connection to the Public Sewer system.

Section 2. "STEP System" shall mean a septic tank, with or without an effluent pump and controls, into which a building sewer directly discharges and shall be considered a part of the Public Sewer even though located on private property.

Section 3. "Operator" shall mean the agent of the Township designated as being responsible for the operation of the sewage treatment works or Public Sewers.

Section 4. "Owner" shall mean a property owner desiring or required to connect to a Public Sewer.

Section 5. "Premises" shall mean any land or improvement to land registered as a separate parcel or lot on the tax or real estate records or having a separate street number, postal box number or apartment or unit number.

Section 6. "Public Sewer" shall mean the Posey Lake Sanitary Drain and shall consist of facilities located in publicly owned areas or easements and the STEP system.

Section 7. "Building Sewer" shall mean the buried piping between the building and the STEP system.

Section 8. "Township" shall mean the Township of Hudson, Lenawee County, Michigan.

Section 9. "County" shall mean the County of Lenawee, Michigan.

Article II. Use of Public Sewers Required

Section 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Township of Hudson any human excrement, garbage, or other objectionable waste.

Section 2. It shall be unlawful to discharge to any natural outlet within the Township any sewage or other polluted wafers, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 3. The owner of all premises used for human occupancy, employment, recreations, or other purposes from which sewage is likely to be discharged, situated within the Township, and abutting on any street, alley, or right-of-way, which is within the service area of the Public Sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the Public Sewer in accordance with the provisions of this ordinance, within 1 year after date of official notice to do so, provided that any part of said Public Sewer is within two hundred (200) feet of the structure within which such facilities are located.

Article III. Building Sewers, STEP system and Connections

Section 1. No person shall uncover, make any connections with or opening into, use, alter, or disturb any part of the Public Sewer or appurtenance thereof without first obtaining a written permit from the Township.

Section 2. The owner or his agent shall secure an installation permit for the STEP system from the Township. A permit and inspection fee, as set by the resolution of the Township Board, shall be paid at the time the permit is secured.

Section 3. All costs and expense incident to the installation and connection of the building sewer and the STEP system, service lateral, and stub to the Public Sewer after original construction shall be borne by the owner. The owner shall indemnify the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer, STEP system, service lateral, or stub.

Section 4. Existing building sewers and septic tanks may be used only when they are found, on examination and test by the operator, or his representative, to meet all requirements of this ordinance.

Section 5. The size, slope, alignment, materials or construction of a building sewer and the STEP system, and the methods to be used in excavating, placing of the pipe, wet well, pumping controls, and jointing, testing and backfilling, shall conform to the requirements of the building and plumbing codes of the Township, or other applicable rules and regulations of the county. In the absence of code provisions or in amplification thereof, the American Society for Testing Materials (A.S.T.M.) and the Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9 shall all apply.

Section 6. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the Public Sewer.

Section 7. The connection of the building sewer into the STEP system into the rest of the Public Sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Township or the procedures set forth in appropriate specifications, which shall require that the connections shall be made gas tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the inspector, or his representative, before installation.

Section 8. The applicant for the connection permit shall notify the Township when the building sewer and STEP system are ready for inspection and connection as part of the Public Sewer. The connection shall be made under the supervision of the inspector, or his representative.

Section 9. All excavating for building sewer and STEP system installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township and the county road commission.

Section 10. No connection will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, force mains and treatment plant, including capacity for B.O.D. and suspended solids in the treatment plant.

Section 11. Any person desiring to construct a STEP unit or uncover, make any connection with or opening into, use, alter, or disturb any part of the Public Sewer or appurtenances thereof must secure an annual license from the Township. The license shall be issued on a calendar year basis. The person applying for such license shall pay a license fee of \$25 and shall execute, unto the Township, and deposit, with the Treasurer, security in the form of an irrevocable letter of credit or a bond with corporate surety in the amount of \$3,0000, conditioned that he will faithfully perform all work with due care and skill and in accordance with the laws, rules, and regulations established under the authority of the Township pertaining to sewers and plumbing. This security shall state that the person will indemnify and save harmless the Township and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of mistakes or negligence on his part in connection with the STEP unit installation plumbing, sewer line connection, or excavating for plumbing or sewer connection as prescribed in this Ordinance. Such security shall remain in force and must be executed for period of one year, except that, upon such applicant expiration, it shall remain in force as to all penalties, claims, and demands that may have accrued thereunder prior to such expiration. The license applicant shall also provide public liability insurance for the protection of the Township, the property owner, and all persons to indemnify them for all damages caused by accidents attributable to the work, with limit of \$100,000 for one person, \$300,000 for bodily injuries per accident, and \$100,000 for property damages.

Article IV. Use of the Public Sewer

Section 1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff or subsurface drainage to any part of the Public Sewer.

Section 2. No person shall discharge waters or wastes containing substances which clog or damage the STEP system, the collection system or the sewage treatment facility of the Public Sewer. Such substances include, but are not limited to, the following: explosive or flammable liquids, solids or gases; improperly shredded garbage (greater than 1/2 inch in size); insoluble solid or viscous substances such as sand, straw, metal shavings, glass, tar, feathers, plastics, wood, hair, fleshings, grease, oil, wax or clothing.

Article V. Protection from Damage

Section 1. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the Public Sewer.

Article VI. Powers and Authority of Inspectors

Section 1. The inspector, operator and other duly authorized employees or agents of the Township, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of operating and maintaining the STEP units and for inspection, observations, measurement, sampling and testing in accordance with the provisions of this Ordinance.

Article VII. Conditions of Service

Section 1. At the time of original construction, the Township shall install the collecting sewers and designate a point of access to the Public Sewer system for each STEP system to be constructed on premises served by the Public Sewer.

Section 2. At the time of connection to and as part of the Public Sewer, the owner shall install, at his expense in strict accordance with Township regulations and specifications, the building sewer to the STEP system, the STEP system, and the service lead connecting to the designated access point at the collecting sewer, together with all appurtenances. At the time of connection to the collection system, the STEP system and service lead shall become part of the Public Sewer and shall be operated, maintained, and replaced, if necessary, by the Township. The owner shall maintain, at his expense, the building sewer. If an effluent pump is utilized, the owner shall also provide power for the pump and pay power costs for operating the pump.

Section 3. Connection now or hereafter of any premises to the Public Sewer as now existing or hereafter enlarged, by or through a building sewer, STEP system, service pipe, valve, or stub shall constitute by and from any person having or claiming any interest in the connecting premises as owner, tenant, purchaser, seller, mortgagee, lien holder, or other claimant now owned or hereafter acquired, a permit to the Township, County, or any operator of the system to enter at all reasonable times upon the connecting premises to install, inspect, maintain, operate, repair, replace, or otherwise deal with the building sewer, STEP system, service pipe, valve, or stub on, under, or adjacent to such premises. Such permit shall remain and shall be in full force and effect so long as sewage disposal services are provided or available to the connecting premises from the Public Sewer and shall be binding upon all successors in interest in such premises.

Section 4. The Township shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service caused by the breaking of machinery, stoppages or necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

Section 5. The premises receiving sanitary sewer service shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the Township.

Article VIII. Charges and Rates

Section 1. Owners of premises within the service area of the Public Sewer shall pay charges for the construction, use and benefit of the sewage disposal system which shall be computed at the following rates and shall be charged as follows:

- (a) Trunkage fee: A trunkage fee of \$2,550 per unit.
- (b) Availability fee: An availability fee of \$2,300 per connection to the original collection system.

The charges shall escalate at a rate of \$100 per year for the trunkage fee and \$100 per year for the availability fee commencing on January 1, 1992.

Section 2. The owner of any premises which is served by the Public Sewer shall pay the trunkage fee and, if applicable, the availability fee specified in Section 1 in cash at the time a connection permit is issued.

Section 3. The owners of property listed on the Posey Lake Sanitary Drain Special Assessment Roll shall be given a credit against the charges specified in Section 1 equal to the applicable amount levied on the Special Assessment Roll. The credit shall be considered paid at the time the Special Assessment Roll was confirmed.

Section 4. The term "unit" shall represent the quantity of sanitary sewage ordinarily arising from the occupancy of a residential building by a single family of ordinary size. The number of units to be assigned to any premises in the Township shall be determined by the Township Board based on available studies and actual operating experience. The Township may, if the circumstances justify, assign more than one unit to a dwelling occupied by a single family. No less than one unit shall be assigned to each premises, and for purposes of computing the trunkage fee, fractions of units in excess of one may be computed and assigned to the nearest hundredth. Once any premises has been connected to the Public Sewer and has been assigned one or more units, subsequent changes in the character of the use or type of occupancy of said premises (including destruction, removal or abandonment of any or all improvements thereon) shall not abate the obligation to continue the payment of the charges to said premises for the number of units assigned to said premises, as hereinabove provided. If subsequent changes in the character of the use or type of occupancy of such premises at any time increase the amount of sanitary sewage originating from the premises, the Township Board shall increase the number of units assigned to said premises and thereupon the appropriate fees chargeable to such premises shall be increased at the unit rates specified in Section 1 (subject to the escalation clauses as therein provided) which increased fee shall be payable in cash as of the date any construction or other permit is issued by the Township for an improvement which will result in such change in the character of use or type of occupancy, or if no permit is issued or required, as of the date such change in the character of use of type or occupancy occurs.

Section 5. The owner or occupant of each premises actually connected to the Public Sewer shall pay a usage fee of \$36 per quarter per unit. A portion of the usage fee in the amount of \$6 per quarter per unit shall be allocated to debt service. The yearly and quarterly rate of such service charge, including the amount thereof allocable to debt Service, may be amended from time to time by resolution of the Township Board to reflect changes in the actual cost of operating, maintaining, and administering the system or to permit the Township to comply with any obligations, limitations, or conditions contained in any agreement between the Township and the County or any other entity pertaining to the operation, maintenance, and administration of the Public Sewer, provided that the per-unit rate of the service charge shall not be changed or amended so as to conflict with or impair any obligation of or limitation upon the Township under any agreement pertaining to the operation, maintenance, and administration of the Public Sewer. Quarterly service charges are payable in advance and shall be billed and collected quarterly. The first such quarterly charge for each premises shall be due and payable on the 25th day of the established billing quarter following the date when such premises are connected to the system, and successive charges shall be due and payable on the 25th day of each succeeding quarter. Quarterly charges shall be billed at least 20 days before their due date.

Section 6. There shall be added to any service charge for sewage disposal service not paid on or before the due date, as hereinabove provided, a penalty of 10 percent of the unpaid amount.

Section 7. Charges imposed on any premises for the use and benefit of the system and for sewage disposal services furnished by the system, including any trunkage fee, availability fee, and service charge imposed upon such premises under the provisions of this Ordinance, shall be a lien thereon as of the date such charges become due and payable, and on the first of September of each year, the Township treasurer shall certify any unpaid charges that have been delinquent six months or more, together with penalties and interest accrued thereon, plus an additional amount of 6 percent of the aggregate amount, to the Township Board, which shall cause such delinquent amount to be entered upon the next Township and County tax roll against the premises in respect of which such unpaid charges shall have been imposed, and such delinquent amount shall be collected and said lien shall be enforced in the Same manner as provided in respect to taxes assessed upon such roll.

Article IX. Penalties

Section 1. Any person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than \$500 or by imprisonment. A violation of this ordinance is also declared to be a public nuisance and the Township may enforce same by injunction or other remedy, including the right to correct the violation and bill the owner or person in charge of the premises therefore. The bill may be collected in the same manner as service charges levied against the premises.

Section 2. Any individual violating any of the provisions of this ordinance, which results in fines or penalties being levied against the Township, shall become liable for said fine or penalty, plus any expenses, loss or damage occasioned by such violation. This fine or penalty, plus expenses, would be levied in addition to the fine identified In Section 1 of this article and may be collected in the same manner as service charges levied against the premises.

Article X. Validity

Section 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Article XI. Ordinance in Force

Section 1. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

CLERK'S CERTIFICATION

I, Marcy Griffin, the duly elected, qualified and acting Clerk of the Township of Hudson, Lenawee County, certify that the above Ordinance was adopted at a regular meeting of the Hudson Township Board held at the Hudson Township Hall, on the 14th day of February 2022, by a majority of the members of the board presenting and voting.



Marcy Griffin, Clerk