

JAMESTOWN CHARTER TOWNSHIP
ORDINANCE NO. 01-003

SECOND AMENDMENT TO SEWER RATE ORDINANCE

An Ordinance to amend the Jamestown Charter Township Sewer Rate Ordinance, Ordinance No 01-003, as amended by Ordinance No. 126, to add a frontage charge to the sewer connection charges and to repeal conflicting ordinances.

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

Section 1. Amendment to Section 4. Section 4 of the Jamestown Charter Township Sewer Rate Ordinance shall be amended to provide in its entirety as follows:

"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. Also a sewer stub charge, in an amount(s) to be established and adjusted from time to time by Township Board resolution, shall be charged when an existing small diameter sewer connection is reconnected to the Sewer System using a gravity sewer stub. However, the sewer stub charge shall not be payable if the sewer stub line was constructed by private parties without expense to the Township.

(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. 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.

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 but may be paid in installments as is provided in subsection 4(f) below.

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.

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) Frontage Charge: A frontage charge shall be paid for each connection made by a premises adjacent to a System sewer line, if the premises functionally utilizes frontage in excess of 150 feet, for each foot of the portion of the premises (i) which is functionally utilized in excess of 150 feet and (ii) which has not been included in a special assessment district which included as part of the assessment a frontage charge. The portion of the premises which is functionally utilized shall include that portion of the premises which is occupied by buildings or structures and also which is occupied by recreational facilities (swimming pools, etc.), drives, parking area, grass, other landscaping, and/or other site improvements. With respect to a connection by a farm house and/or farm buildings, farm land devoted to the raising of animals or crops or left fallow shall **not** be considered to be functionally utilized. In order to be excluded from consideration in calculating the frontage charge, the frontage which is not functionally utilized must meet the minimum zoning ordinance requirements for a buildable lot in the zoning district where the premises are located.

Frontage in excess of 150 feet which is not charged because it is not being functionally utilized shall be considered to be deferred frontage and shall be subject to charges, including, but not limited to, a frontage charge, as is provided in this Section 4, at such time as a building or zoning permit is applied for for improvements to be located on the deferred frontage.

Corner lot side yard frontage shall be permanently deferred for a distance of 150 feet and shall only be assessed if functionally utilized as provided above.

No frontage 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.

The frontage charge per front foot shall be established and adjusted from time to time by Township Board resolution.

(f) Payment Terms: At the time application is made to connect to the System, an election shall be made by the applicant as to whether to pay the stub, availability, trunkage, connection, and frontage charges in full or in installments. If an election is made by the applicant to pay any or all of such charges in installments, the charge(s) for which installment payment is elected shall be payable in ten (10) installments.

The first installment shall be payable at the time application is made to connect to the System. The second installment shall be billed on the first December 1 following the date on which

application to connect to the System is made, except that if the application is made after October 31 and before December 1, the second installment shall be billed on the second December 1 following the date on which application to connect to the System is made. All subsequent installments shall be billed on each December 1 thereafter. Each installment shall be paid in full no later than the following February 14.

With respect to any additional trunkage charges payable to Section 4(c) above or any additional sewer stub charge made when an existing small diameter sewer connection is reconnected to the System using a gravity sewer stub, the same payment terms as provided in the immediately preceding paragraph shall be applicable. For all purposes in this Section, the date on which the trunkage charge first becomes payable or the date on which the small diameter sewer connection is reconnected to the System using a gravity sewer stub shall be treated as equivalent to the date on which application is made to connect to the System.

Accrued interest on the unpaid balance shall be due and payable on each principal installment date. Interest shall commence on the first day of the month following the month in which the application to connect is received by the Township. The interest rate shall be established and adjusted from time to time by Township Board resolution.

If an election is made to pay any stub, availability, trunkage, connection, or frontage charge in installments, the charge made be paid in full at any time with interest accrued through the month in which payment is made. Partial prepayments are also permitted but only if a full principal installment(s) are prepaid and if all interest accrued on the installment(s) being prepaid through the month in which the prepayment is made, is paid at the same time. All prepayments shall be applied to the installments payable in inverse order of their due date.

If any installment or any interest due is not paid in a timely manner, then a penalty shall be charged at the rate of one percent (1%) for each month or fraction of a month that any amount remains delinquent.

If any sewer stub, availability, trunkage, connection, or frontage charge is paid in installments, then the unpaid balance, together with any interest and penalties, shall be a lien on the premises served.

On or before September 1 of each year the Township Treasurer shall deliver to the Township Supervisor a certified statement of all stub, availability, trunkage, connection, and frontage charges

and all interest and penalties thereon then six (6) months or more past due and unpaid. The Township Supervisor shall then place such charges on the next 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.

At the time of each application to connect to the System, or at the time any additional trunkage charges are payable pursuant to Section 4(c) above or any sewer stub charge is payable because an existing small diameter sewer connection is reconnected to the System using a gravity sewer stub, as the case may be, if any portion of a sewer stub, availability, trunkage, connection, or frontage charge will be paid in installments, as a condition precedent to connection and/or the privilege to pay the additional trunkage charge or sewer stub charge in installments, the owner of the premises served shall sign an agreement with the Township in recordable form stating the amount owed, the interest rate and other payment terms, and that the unpaid charges and all interest and penalties thereon shall constitute a lien on the premises served.

If any installment of a stub, availability, trunkage, connection, or frontage charge is not paid in a timely manner, the Township shall have the right, in addition to any other remedies available to it, to turn off water service to the premises and water service shall not be restored until all amounts then due and payable are paid in full."

Section 2. Repeal. All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance, are hereby repealed to the extent of such conflict.

Section 3. Effective Date. This Ordinance was approved and adopted by the Township Board on March 26, 2001, after introduction and first reading on March 15, 2001 and _____, and shall be effective on March 26, 2001.


James Miedema, Supervisor


Ruth Pruis, Clerk

CERTIFICATE

We, James Miedema and Ruth Pruis, the Supervisor and Clerk, respectively, for the Charter Township of Jamestown, Ottawa County, Michigan, do hereby certify that the foregoing amendment to the Jamestown Charter Township Sewer Rate Ordinance was adopted at a regular meeting of the Jamestown Charter Township Board held on March 26, 2001. The following members of the Township Board were present at that meeting: Brouwer, Miedema, Nyenhuis, Pruis, Shaarda, Sipe and Vande Bunte. The following members of the Township Board were absent: -0-. The Ordinance was adopted by the Township Board with members of the Board Brouwer, Miedema, Nyenhuis, Shaarda, Sipe and Vande Bunte voting in favor and members of the Board none voting in opposition. The Ordinance Amendment was published in Advance Newspapers on March 20, 2001.

James Miedema
Township Supervisor

Ruth Pruis
Township Clerk