

TYRONE LAKE SANITARY SEWER ORDINANCE
TOWNSHIP OF TYRONE, MICHIGAN
ord. no. 29 eff. Feb. 21, 1989

PURPOSE

An ordinance to provide for the connection now or hereafter of premises to the Tyrone Lake sanitary drain in the Township of Tyrone, Livingston County, Michigan; to acquire permits for the location and maintenance of public sanitary sewer components on private and public property; to provide for the imposition, collection and enforcement of fees and charges for connection thereto and availability thereof and for charges for sewage disposal services therefrom; to require sewers and sewerage for premises hereafter occupied; and to provide for other matters relative to said system and to the use thereof for the preservation of the public health, safety and convenience.

THE TOWNSHIP OF TYRONE, LIVINGSTON COUNTY, MICHIGAN, ORDAIN:

SECTION 1
DEFINITIONS

Sec. 1.01 Whenever used in this ordinance, except when otherwise indicated by the context:

- (a) "Availability Fee" shall be deemed to mean the amount charged, at the time and in the amount charged, at the time and in the amount hereinafter provided, to those Premises in the service area for which access to a public sewer is provided to make available the facilities of the Sewage Disposal System directly to such Premises.
- (b) "Buildable Lot" shall mean any lot which meets plat and zoning requirements as determined by the Township Board.
- (c) "Building Sewer" shall mean the buried piping from outside a structure to the septic tank.
- (d) "Board" shall be construed to mean the Township Board of said Township of Tyrone.

- (e) "County" shall be construed to mean the County of Livingston, acting through the Livingston County Drain Commissioner or his authorized agents, or the drainage district established and located in the County and serving an area in the Township.
- (f) "Inspector" shall mean any person or persons authorized by the County to inspect and approve the installation of Building Sewers and their connection to the public sewer system and who may be the Operator.
- (g) "Operator" shall mean the agent of the County, Township or drainage district designated as being responsible for the operation of the facilities of the Sewage Disposal System, who may also serve as the Inspector.
- (h) "Owner" shall mean those persons having legal and/or equitable title to the Premises which connect to the facilities of the system or are to be connected.
- (i) "Premises" shall mean any land defined as buildable by the Township Zoning Ordinance or ^{improved} ~~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 unit number.
- (j) "Service Charge" shall be deemed to mean the amount charged to each Premises in the Township for keeping the sewer system ready for use, for maintaining and operating the facilities located on public and private property and for actual usage of the system, and may include a debt service factor.
- (k) "Sewage Disposal Services" shall be deemed to refer to the collection, transportation, treatment and disposal of sanitary sewage originating from Premises now or hereafter located within the service area as defined by the proceedings, reference to which is made in Section 1.01(l) (hereinafter referred to as the "Service Area") and shall, where appropriate, include the maintenance of the facilities required therefor.
- (l) "Sewage Disposal System" and "System" shall be construed to mean the Tyrone Lake Sanitary Sewer Drain established under proceedings pursuant to Chapter 20 of Act 40, Michigan Public Acts of 1956, as amended, and to be construed by the County pursuant to and in accordance

with such proceedings, herein called the "Drainage District", and shall consist of all sewers and facilities to be acquired and constructed in connection with said system, herein called "New Construction" or "Construction", as located on public or private property.

- (m) **"STEP Fee"** shall be deemed to mean the amount allocated, at the time and in the amount hereinafter provided, to those Premises in the service area for the cost of the septic tank, effluent pump and controls located on private property and includes the service lead forcemain pipe which makes the connection to the public collection system at the stub provided.
- (n) **"STEP System"** shall mean a septic tank, effluent pump and controls into which a Building Sewer directly discharges and includes the service pipe connection to the valve and stub and shall be considered a part of the public sewer even though located on private property.
- (o) **"Structure In Which Sanitary Sewage Originates"** or **"Structure"** 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.
- (p) **"Stub Fee"** shall be deemed to mean the amount charged to each premises for construction of the service forcemain and appurtenances from the main line to the right-of-way line during the original construction.
- (q) **"Township"** shall be construed to mean the Township of Tyrone, Livingston County, Michigan.
- (r) **"Trunkage Fee"** shall be deemed to mean the amount charged on a per unit basis at the time and in the amount hereinafter provided, to each Premises in the service area for connecting or being able to be connected to the Sewage Disposal System, and represents the charge to the Premises for the cost of constructing the collection and trunk sewer main facilities, lift stations and other public sewage treatment facilities located on public property by which sewage disposal services are immediately provided to the premises.
- (s) **"Unit"** or **"Units"** shall represent the Premises in the Township from or in which originates 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 or fractional parts thereof assigned to premises and types of usage other than single-family residential use shall be defined or determined from time to time by the Township after consultation with the County and shall be called a **Unit Factor Schedule** as the **AT-TACHED SCHEDULE A**. Said Unit Factor Schedule shall be based upon the history of comparable sewer systems, and shall be kept up-to-date and revised as needed as new studies are made and shall be reviewed in the light of experience gained by the Township and the County in the actual operation of the sewage disposal system. Such Unit Factor Schedule may be amended from time to time by Resolution of the Township Board.
(ord. no. 29 eff. Feb. 21, 1989; amend. eff. Apr. 15, 1989)

25.220

SECTION 2 CHARGES AND RATES

25.221

Sec. 2.01 UNIT RATES.

Owners of Premises within the service area of the system as now existing or hereafter enlarged from which sanitary sewage originates 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 \$2,500 per unit.
- (b) **Availability Fee:** An Availability Fee of \$1,300 per premises.
- (c) **Stub Fee:** A Stub Fee of \$500 per premises.

The Trunkage Fee and Availability Fee shall escalate as per the attached **SCHEDULE B**.
(ord. no. 29 eff. Feb. 21, 1989)

25.222

Sec. 2.02 CREDIT AGAINST CHARGES.

The owners of property listed on the Tyrone Lake Sanitary Drain Drainage District Special Assessment Roll shall be given a credit against the charges specified in Section 2.01 equal to the amount levied on the Roll.
(ord. no. 29 eff. Feb. 21, 1989)

25.223

Sec. 2.03 PAYMENT FOR UNOCCUPIED PREMISES TO BE CONNECTED.

Each of the Premises in the Township not now occupied but which, with the approval of the Drain Board and the Township Board, hereinafter is to be occupied and connected to the Sewage Disposal System through any STEP System on the Premises or public sanitary sewer shall pay before such connection is authorized and prior to issuance of a land use permit, the applicable fees provided in Section 2.01, in addition to paying the actual cost of any STEP System needed, a stub to connect to the system, and extensions to the collection system, if necessary. (ord. no. 29 eff. Feb. 21, 1989)

25.224

Sec. 2.04 UNITS PER PREMISES.

The number of units to be assigned to any Premises in the Township shall be determined by the Township Board based on the unit definition factors described in Section 1.01 (s). The Township Board 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 tenth. Once any Premises has been connected to the system 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 events change the character of the use or type of occupancy of any Premises, the Township Board shall have the option to increase the number of Units assigned to said Premises and thereupon the Trunkage Fee chargeable to such Premises shall be increased at the unit rates specified in Section 2.01 (subject to the escalation clauses as therein provided) which increased fee shall be payable 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 or type of occupancy occurs.

Ord. no 29 eff. Feb. 21, 1989; amend. eff. Apr. 15, 1989)

25.225 Sec. 2.05 AVAILABILITY CHARGES.

The number of availability charges to be assigned to any premises in the Township shall be determined by the Township Board based on the following:

- a. All buildable lots shall be assessed one availability charge.
- b. If a Premises was not assessed an availability charge and/or in the case of a property split, the Township shall charge an availability fee at time of connection to the System.

(ord. no. 29 eff. Feb. 21, 1989; amend. eff. Apr. 15, 1989)

25.226 Sec. 2.06 SERVICE CHARGE.

In addition to the Trunkage Fee, STEP Fee, and Availability Fee hereinabove provided for, each Premises in the Township which is connected to the Sewage Disposal System shall pay a Service Charge not to exceed \$60 per calendar quarter per unit beginning October 1, 1993. If the flow per unit exceeds 22,000 gallons per quarter, a surcharge of \$2 per 1,000 gallons shall be levied. The yearly and quarterly rate of such Service Charge 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 system or the payment of any outstanding debt of the system; 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 Sewage Disposal System.

Quarterly service charges for operation and maintenance are payable in advance and shall be billed and collected quarterly by the Livingston County Drain Commissioner; the first such quarterly charge for each premises shall be due and payable on the first day of the calendar billing quarter following the date when such premises are connected to the System, and successive charges shall be due and payable on the first day of each succeeding quarter.

(ord. no. 29 eff. Feb. 21, 1989; amend. eff. June 9, 1993)

25.227

Sec. 2.07 NO FREE SERVICE.

No free service shall be furnished by the Township to any person, firm, or corporation, public or private, or to any public agency or instrumentality.

(ord. no. 29 eff. Feb. 21, 1989)

SECTION 3

25.240

**BUILDING SEWERS, STEP SYSTEM, CONNECTIONS
AND PERMITS**

25.241

Sec. 3.01 PERMIT REQUIRED; FEE.

No person, other than the Operator, shall uncover, make any connections with or opening into, use, alter, or disturb any Building Sewer, STEP System, stub or public sewer or appurtenance thereof without first obtaining a written permit prepared by Tyrone Township and recorded with both the Drain Commissioner and Building Department. The cost of an Inspection, Disconnect, or Reconnection Permit is \$50 and shall be payable at the time of the permit issued. The Inspection, Disconnect, or Reconnection Permit may be amended from time to time by Resolution of the Township Board to reflect changes in the actual cost of performing this service. Any person who shall uncover, make any connections with or opening into, use, alter or disturb any Building Sewer, STEP System, stub or Public Sewer or appurtenance thereof shall be licensed in compliance with Section 3.12 (25. 252).

(ord. no. 29 eff. Feb. 21, 1989; amend. eff. Oct. 11, 1994)

25.242

Sec. 3.02 EXTENSION AFTER INITIAL CONSTRUCTION.

All costs and expenses incident to the installation and connection of the Building Sewer, the septic tank and effluent pumping system (STEP System), stub to the public sewer and extension of the collection system for premises connecting to the public system after the original construction shall be borne by the Owner. The Owner shall indemnify and hold harmless the Township and County from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer or STEP System.

(ord. no. 29 eff. Feb. 21, 1989)

25.243 Sec. 3.03 EXISTING BUILDING SEWERS; SEPTIC TANKS.

Existing Building Sewers and septic tanks may be used as elements of the STEP System only when they are found, on examination and test by the Inspector, or his representative, to meet all requirement of this Ordinance.

(ord. no. 29 eff. Feb. 21, 1989)

25.244 Sec. 3.04 CONFORMITY TO APPLICABLE RULES AND REGULATIONS.

The size, slope, alignment, materials for construction of a Building Sewer and the STEP System, and the methods to be used for 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 Livingston County Building Department, or other applicable rules and regulations of the County and the Township. 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 apply.

(ord. no. 29 eff. Feb. 21, 1989)

25.245 Sec. 3.05 SURFACE RUNOFF OR GROUNDWATER.

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 or STEP System or stub which, in turn, is connected directly or indirectly to a public sanitary sewer.

(ord. no. 29 eff. Feb. 21, 1989)

25.246 Sec. 3.06 CONNECTION TO PUBLIC SEWER.

The connection of the Building Sewer and STEP System into the stub and the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the County, 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.

(ord. no. 29 eff. Feb. 21, 1989)

(Rev. 5/89)

25.247 Sec. 3.07 INSPECTION.

The applicant for the connection permit shall notify the County when the Building Sewer and STEP System are ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector, or his representative.

(ord. no. 29 eff. Feb. 21, 1989)

25.248 Sec. 3.08 EXCAVATIONS.

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.

(ord. no. 29 eff. Feb. 21, 1989)

25.249 Sec. 3.09 CONDITIONS FOR NEW CONNECTIONS.

No new connections will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, forcemains and treatment plant.

(ord. no. 29 eff. Feb. 21, 1989)

25.250 Sec. 3.10 RIGHT OF ENTRY; PERMIT.

Connection now or hereafter of any premises in the service area of the Sewage Disposal System as now existing or hereafter enlarged, on which are now or hereafter located a structure or structures in which sanitary sewage originates, by or through a Building Sewer, STEP System, service pipe, valve and stub shall constitute by and from all persons, firms or corporations, public or private, having or claiming any interest of record in said premises as owner, tenant, purchaser, seller, mortgagee, lien holder or other claimant, now owned or hereafter acquired, permission to the Township, County and Drainage District 6 for the Tyrone Lake Sanitary Drain, and any successor or duly authorized agent thereof, to enter at all reasonable times upon said 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 said premises. Such permit shall remain and be in full force and effect so

long as sewage disposal services are provided or available to said premises from the System and shall be binding upon all successors interest in said premises so long as said permit remains in effect.

(ord. no. 29 eff. Feb. 21, 1989)

25.251 Sec. 3.11 ACCESS PERMIT; SERVICE AGREEMENT.

The operator shall prepare, execute and record in both the offices of the Drain Commissioner and of Tyrone Township of the County of Livingston an Access Permit and Service Agreement in form substantially as the ATTACHED as SCHEDULE C. Such Access Permit and Service Agreement may be amended from time to time by Resolution of the Township Board. (ord. no. 29 eff. Feb. 21, 1989)

25.252

Sec. 3.12 CONSTRUCTION, CONNECTION, ALTERATION TO PUBLIC SEWER; LICENSE, FEE, BOND.

Any person, other than the Operator, desiring to construct a STEP Unit or uncover, make any connection with or opening into, use, alter or disturb any public sewer, parts thereof 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 \$50 and execute unto the Township and deposit with the Clerk, a bond or bonds in the amount(s) and form acceptable to the Township, along with the necessary proof of insurance, 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 bond(s) shall be acceptable to the Township and shall state that the person will indemnify and hold 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 bond(s) shall remain in force and must be executed for a period of not less than eighteen (18) months from time of license, except that, upon such expiration, it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. The license shall also provide public liability insurance for the protection of the Township, the property owner,

Re: Tyrone Lake

and all persons, to indemnify them for all damages caused by accidents attributable to the work, with limits of \$100,000 for one person, \$300,000 for bodily injuries per accident, and \$100,000 for property damages. The license fee and limits on the public liability insurance may be amended from time to time by Resolution of the Township Board.

The Township Board reserves the right to revoke the license of any person who, in the Township Board's sole judgment, is not performing work with proper care and skill and in accordance with the laws, rules and regulations pertaining to the sewer system. As a condition of securing a license, the Township Board may require that the patron applying for the license attend a training session on the proper procedures and equipment for installing STEP Units and making connections to the Sewer System.

(ord. no. 29 eff. Feb. 21, 1989; amend. eff. Apr. 15, 1989)

25.270

**SECTION 4
MANDATORY CONNECTION TO AND USE OF
THE PUBLIC SEWER**

25.271 **Sec. 4.01 DEPOSITING WASTE ON PUBLIC OR PRIVATE PROPERTY.**

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

(ord. no. 29 eff. Feb. 21, 1989)

25.272 **Sec. 4.02 DISCHARGE OF POLLUTED WATERS.**

It shall be unlawful to discharge to any natural outlet within the Township any sewage or other polluted waters, except when suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

(ord. no. 29 eff. Feb. 21, 1989)

25.273 **Sec. 4.03 USE OF PUBLIC SEWERS REQUIRED.**

In accordance with and to implement and make effective in the Township of Tyrone the terms and provisions of Act No. 368 of

(Rev. 5/89)

Michigan Public Acts of 1978, as amended, it is hereby determined and ordained that all premises in the Tyrone Lake Sanitary Drain Drainage District on which is located a structure or structures in which sanitary sewage originates and to which there is an available public sanitary sewer system, all as defined and provided in said Act No. 368, shall be connected to said public sanitary system not later than twelve (12) months after giving of notice by the Township that the facilities of the Tyrone Lake Sanitary Drain Drainage District are available for connection of said premises thereto. In the event a premises is in violation of Sections 4.01 or 4.02 above, then structures located on said premises shall connect to the Sanitary Sewer System within sixty (60) days after giving of notice by the Livingston County Health Department. The facilities of the Sanitary Sewer System, including any STEP System components, service pipe, valve or stub, as well as the trunk sewer main, lift stations and sewage treatment facilities, are each and all hereby found determined and ordained to be components, elements and essential parts of a public sanitary sewer system, as defined and provided in said Act No. 368 and in this Ordinance, and to which connection of premises in this Township is hereby mandated and required to the full extent of Act No. 368 and of this Ordinance.

(ord. no. 29 eff. Feb. 21, 1989)

25.274

Sec. 4.04 DISCHARGE OF STORM WATER, SURFACE, SUBSURFACE DRAINAGE.

No person shall discharge or cause to be discharged storm water, surface water, groundwater, roof runoff or subsurface drainage to any public sanitary sewer.

(ord. no. 29 eff. Feb. 21, 1989)

25.275

Sec. 4.05 DISCHARGE OF SUBSTANCES WHICH CLOG OR DAMAGE SYSTEM.

No person shall discharge waters or wastes containing substances which clog or damage the collection system or the sewage treatment facility. Such substances include, but are not limited to, the following: explosive or flammable liquids, solids or gases; improperly shredded garbage (greater than ½ 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.

(ord. no. 29 eff. Feb. 21, 1989)

25.276 **Sec. 4.06 TAMPERING WITH STRUCTURE, APPURTENANCE, EQUIPMENT.**

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 works.

(ord. no. 29 eff. Feb. 21, 1989)

25.290

**SECTION 5
POWERS AND AUTHORITY OF INSPECTORS**

Sec. 5.01 The Operator and his duly authorized employees or contractors bearing proper credentials and identification, shall be permitted to enter upon all Premises for the purpose of constructing, operating and maintaining the STEP System and for inspection, measurement, sampling and testing in accordance with the provisions of this Ordinance and the Access Permit and Service Agreement pertaining to such premises.

(ord. no. 29 eff. Feb. 21, 1989)

25.300

**SECTION 6
CONDITIONS OF SERVICE**

25.301 **Sec. 6.01 STEP SYSTEM; CONNECTION FEE.**

At the time of original construction of the Sewage Disposal System, the County shall install the collecting sewers. Each home owner wishing to connect to the collecting sewer must first choose among Township and County-approved independent contractors for the construction of a STEP System for each premises served by the public sewer system. After installation of the STEP System and inspection by the Inspector, the Drain Commissioner will remit to the Township Treasurer from the \$2,500 STEP unit assessment, the balance after inspection fees and the charge for materials are deducted. The balance will be remitted to the Owner for payment to the contractor after the connection is properly completed.

(ord. no. 29 eff. Feb. 21, 1989)

25.302 Sec. 6.02 BUILDING SEWER INSTALLATION AND MAINTENANCE.

The Owner shall install and maintain, at his expense, the Building Sewer. The Owner shall also provide power for the pump and pay power costs for operating the pump. The County shall have a right of access to the STEP System and service lead forcemain for purposes of operation and maintenance. If premises are connected to the public sewer system after the original construction, the Owner shall install, at his expense in strict accordance with County and Township regulations and specifications, the Building Sewer to the STEP System, and the service lead forcemain connecting to the designated access point at the collecting sewer, together with all appurtenances. At the time of connection to the System, the STEP System and service lead forcemain shall become part of the public sewer and shall be operated, maintained and replaced, if necessary, by the County.
(ord. no. 29 eff. Feb. 21, 1989)

25.303 Sec. 6.03 INTERRUPTION OF SERVICE.

The Township or County 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, stoppage or necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption; provided, however, the County shall be responsible for restoring to its original condition any premises disturbed by the construction, operation or maintenance of the STEP Systems or service pipes, valves, or stubs.
(ord. no. 29 eff. Feb. 21, 1989)

25.304 Sec. 6.04 RIGHT OF INSPECTION.

The premises receiving sanitary sewer service shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the County or Township.
(ord. no. 29 eff. Feb. 21, 1989)

otherwise, in any court having jurisdiction. Any violation of this Ordinance shall be deemed to be a nuisance per se. (ord. no. 29 eff. Feb. 21, 1989)

25.325 Sec. 7.05 VIOLATION; PENALTY.

Any person, firm, or corporation who shall dispose of sewage in a manner contrary to the provisions of this Ordinance, or in any other way shall violate the provisions of this Ordinance, shall be guilty of a misdemeanor, and upon conviction therefor shall be subjected to a fine not to exceed \$500, or imprisonment in the County jail for a period not to exceed ninety (90) days, or both such fine and imprisonment, in the discretion of the court, together with costs of such prosecution.

(ord. no. 29 eff. Feb. 21, 1989)

25.326 Sec. 7.06 LIABILITY.

Any individual violating any of the provisions of this Ordinance, which results in fines or penalties being levied against the Township or County, shall become liable for said fine or penalty, plus expenses, would be levied in addition to the fine identified in Section 7.05 of this Article.

(ord. no. 29 eff. Feb. 21, 1989)

25.330

**SECTION 8
GENERAL PROVISIONS**

25.331 Sec. 8.01 SHORT TITLE.

This Ordinance shall be known and may be cited as the TYRONE LAKE SANITARY SEWER ORDINANCE.

(ord. no. 29 eff. Feb. 21, 1989)

25.332 Sec. 8.02 VALIDITY.

Each section of this Ordinance is declared to be severable, and, should any section or provision be declared unconstitutional or invalid by final judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity of the Ordinance as a whole or any other part thereof.

(ord. no. 29 eff. Feb. 21, 1989)

25.320

**SECTION 7
ENFORCEMENT**

25.321 Sec. 7.01 LIEN.

Charges imposed on any Premises for the use and benefit of the system and for sewer disposal services furnished by the System, including any Trunkage Fee, STEP 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.
(ord. no. 29 eff. Feb. 21, 1989).

25.322 Sec. 7.02 DELINQUENT CHARGES.

Any Trunkage Fee, STEP Fee or Availability Fee not paid on or before the due date of February 28/29 shall be considered delinquent and shall be returned to the County Treasurer for collection. Delinquent amounts shall be collected and said lien shall be enforced in the same manner and with the same fees as provided in respect to taxes assessed upon the delinquent tax roll.
(ord. no. 29 eff. Feb. 21, 1989)

25.323 Sec. 7.03 ADDITIONAL PENALTY.

There shall be added to any Service Charge for sewage disposal service not paid on or before the due date, as stipulated in Section 2.06, a penalty of ten percent (10%) of the unpaid amount. Subsequent Service Charges which are not paid on or before their due dates shall also be subject to a penalty of ten percent (10%) of the quarterly amount. The ten percent (10%) penalty shall be assessed only once on any specific quarterly Service Charge. The unpaid balance, including the penalty shall also draw interest at the rate of one percent (1%) per month.
(ord. no. 29 eff. Feb. 21, 1989)

25.324 Sec. 7.04 OTHER REMEDIES.

In addition to the remedies elsewhere provided for herein, the provisions of this Ordinance shall be enforceable through the bringing of appropriate action for injunction, mandamus, or

25.333 Sec. 8.03 REPEAL.

All other ordinances and resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed.
(ord. no. 29 eff. Feb. 21, 1989)

25.334 Sec. 8.04 VARIANCES.

Any person, upon written application to Tyrone Township after the effective date of the ordinance, as amended, who shows, in the case of the activity being conducted or operated, that compliance with Section 4.03 of this ordinance would either be impossible or constitute an undue hardship because of time limitations, may be granted a variance by the Township Board for a reasonable time, not to extend beyond two (2) years from the effective date of this Ordinance, as amended, at which date all variances shall terminate and after which date no new variances will be granted. Any person granted a variance by the Township Board shall make reports to the Township Supervisor periodically as to the progress being made toward compliance with Section 4.03 of this Ordinance. A variance shall not be granted under the provisions of this Section where a person applying therefor is causing a public nuisance or other injury to the general public, or is subject to a National Categorical Standard, and any such variances shown to have been granted under these circumstances shall be immediately terminated. Any variance granted under the provisions of this Section shall not be construed to relieve the person who shall receive it from any liability or penalties imposed by other law for the commission or maintenance of a nuisance.
(ord. no. 29 eff. Feb. 21, 1989)

25.335 Sec. 8.05 AMENDMENTS.

The Township Board specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment or repeal to abandon, increase, decrease or otherwise modify any of the fees, charges or rates herein provided, it being understood, however, that the adoption of this Ordinance or its subsequent amendment or repeal shall in no way change, relieve or release any obligation of the Township to make the required payments to the County of Livingston arising out of the proceedings initiated by the Township under Act 40, Michigan Public Acts of

1956, as amended. This Ordinance shall not be deemed to be a part of any contractual obligation or bond contract pertaining to said System.

(ord. no. 29 eff. Feb. 21, 1989)

25.336 Sec. 8.06 EFFECTIVE DATE.

This Ordinance is hereby declared to be an emergency ordinance which is immediately necessary for the preservation of the public health, welfare, and safety and shall become effective thirty (30) days upon publication in full in a newspaper published or circulated in said Township.

(ord. no. 29 eff. Feb. 21, 1989)

Adopted: January 17, 1989

Published: January 22, 1989

25.350

SCHEDULE A

**TYRONE TOWNSHIP
UNIT ASSIGNMENT SCHEDULE**

| USAGE | UNIT FACTOR |
|--|--|
| Single Family Residence | 1.0 per dwelling |
| Auto Dealers | 0.30 per 1,000 sq. ft. |
| Barber Shops | 0.14 per chair |
| Bars | 0.044 per seat (capacity) |
| Beauty Shops | 0.223 per booth |
| Boarding Houses | 0.16 per person |
| Boarding Schools | 0.27 per person |
| Bowling Alleys (no bars, lunch facilities) | 0.16 per alley |
| Campgrounds | 0.25 per site—no hook up 0.38 per site—full hook up |

| USAGE | UNIT FACTOR |
|--|---|
| Car Wash | |
| a. Manual, Do-It-Yourself | 2.5 per stall |
| b. Semi-Automatic (Mechanical w/o Conveyor) | 12.5 per stall |
| c. Automatic with Conveyor | 33.0 per lane |
| d. Automatic with Conveyor Con- serving and Recycling Water | 8.4 per line |
| Churches | 0.008 per seat |
| Cleaners (pick up only) | 0.048 per employee |
| Cleaners (pressing facilities) | 1.25 per press |
| Clinics (minimum assignment 1.0 unit per profession) | 0.50 per doctor |
| Convalescent Homes | 0.30 per bed |
| Convents | 0.20 per person |
| Commercial Cottages | 0.38 per cottage |
| Country Clubs | 0.08 per member |
| Drug Stores | |
| a. With Fountain Service | 0.08 per seat plus .14 per 1,000 sq. ft. |
| b. Without Fountain Service | 0.14 per 1,000 sq. ft. |
| Factories (exclusive of excessive industrial use) | 0.50 per 1,000 sq. ft. |
| Fraternal Organizations (members only) | 1.0 per hall |
| Fraternal Organizations (members & rentals) | 2.0 per hall |

| USAGE | UNIT FACTOR |
|--|---------------------------------------|
| Supermarkets | 0.50 per 1,000 sq. ft. |
| Hospitals | 1.09 per bed |
| Hotels (private bath, 2 persons per room) | 0.38 per bed |
| Laundry (self-service) | 0.50 per washer |
| Mobile Homes | 1.0 per mobile home |
| Mobile Home Parks | |
| a. Year-around License | 1.0 per space |
| b. Seasonal License (6 months) | 0.71 per space |
| c. Site with Permanent Trailer & Use | 1.0 per trailer |
| Motel | 0.38 per room |
| Multiple Family Residence | 1.0 per single family residence space |
| Office Building | 0.40 per 1,000 sq. ft. |
| Public Institutions other than Hospitals | 0.32 per employee |
| Public Restrooms | .20 per stall |
| Restaurants | |
| a. Conventional type w/ or w/o drinks | 0.13 per seat |
| b. Quick service franchise type, w/o dishes, dealing mainly in hamburgers with or without eating in building. (Includes but not necessarily limited to McDonald's, Burger Chef, Burger King, Red Bard, and Hardee's) | 5.6 per restaurant |

| USAGE | UNIT FACTOR |
|---|--------------------------|
| c. All other restaurants (includes but not necessarily limited to drive-ins, snack bars, carryouts, such as fried chicken and pizzas, could have some eating in building, all w/o dishes) | 1.8 per restaurant |
| Rooming Houses (no meals) | .13 per person |
| Schools | 1.0 per teaching station |
| Service Station | .24 per pump |
| Store (other than specifically listed) | .16 per employee |
| Swimming Pool | 2.85 per 1,000 sq. ft. |
| Theaters (drive-in) | .012 per car space |
| Theaters (indoor) | .008 per seat |
| Tourist Courts (individual bath units) | .27 per cubicle |
| Warehouses | .10 per 1,000 sq. ft. |
| Public Rest Room (ord. no. 29 eff. Feb. 21, 1989) | .20 per stall |

25.360

**SCHEDULE B
FEE ADJUSTMENT SCHEDULE**

| Effective Date of Adjustment | Trunkage Fee | Availability Fee |
|--|-----------------|---------------------|
| Effective at Time of Adoption of Ordinance | \$2,500 | \$1,300 |
| April 1, 1989 | \$2,600 | \$1,400 |
| April 1, 1990 | \$2,700 | \$1,500 |
| April 1, 1991 | \$2,800 | \$1,600 |

| Effective Date of Adjustment | Trunkage Fee | Availability Fee |
|---|--------------|------------------|
| April 1, 1992 | \$2,900 | \$1,700 |
| April 1, 1993 | \$3,000 | \$1,800 |
| April 1, 1994 | \$3,100 | \$1,900 |
| April 1, 1995 | \$3,200 | \$2,000 |
| April 1, 1996 | \$3,300 | \$2,100 |
| April 1, 1997 | \$3,400 | \$2,200 |
| April 1, 1998 (ord. no. 29 eff. Feb. 21, 1989) | \$3,500 | \$2,300 |

25.370

SCHEDULE C

**ACCESS PERMIT AND SERVICE AGREEMENT
FOR
TYRONE LAKE SANITARY DRAIN**

OWNER: _____

ADDRESS OR PREMISES: _____

TELEPHONE: _____

PROPERTY DESCRIPTION _____

DESCRIPTION OF USE OF PREMISES: _____

As a condition of service, the Owner hereby agrees to comply with all provisions of the Tyrone Lake Sewer Ordinance as adopted, or duly amended, by the Tyrone Township Board. The Owner acknowledges and agrees that authorized agents bearing proper credentials and certification of the Operator as defined in said Ordinance shall have reasonable access to the above described property for purposes of installing, inspecting,

operating, maintaining, repairing, replacing or otherwise dealing with the components of the sewage disposal system such as the Building Sewer, STEP System, service pipe, valve or stub which are located on, under or adjacent to the above stated property.

If the premises are disturbed by exercise of any of the foregoing powers, the premises shall be restored to its original condition by the Operator.

ACCEPTED BY OWNER: _____

Date: _____

The undersigned Operator hereby certifies that the above described premises is connected to and has services available from the sanitary sewer system and further certifies he is duly authorized to make such certification on behalf of Tyrone Lake Sanitary Drain.

Operator

Date: _____