

CHARTER TOWNSHIP OF TEXAS
ORDINANCE TO AMEND SEWER ORDINANCE

ORDINANCE NO. 328

THE CHARTER TOWNSHIP OF TEXAS ORDAINS:

Section 1. Amendment of Section 32-121 of Article III, "Sewers"

Section 32-121 of the Township Code is hereby amended as follows, with added text indicated by bold-faced text and deleted text stricken:

Sec. 32-121. - Connection charges.

Owners or occupants ~~desiring to connect~~ **connecting** any premises with any sanitary sewer shall pay for such ~~connecting sewer~~ **connection** at a rate to be determined by the township board from time to time.

Section 2. Amendment of Section 32-122 of Article III, "Sewers"

Section 32-122 of the Township Code is hereby amended as follows, with added text indicated by bold-faced text and deleted text stricken:

Sec. 32-122. - Permit to connect generally; **mandatory connections**

- (a) Permits for connections with sanitary sewers shall be issued by such person as shall be designated by the township director. Such a permit shall not be issued until **(i) all charges for a sewer connection have been paid in full or, if the township agrees to specially assess for the public improvement, including connection charges, then only after the special assessment roll is confirmed by the township board; and (ii) all assessments due and the charge for sewer connections have been paid and** ~~until~~ the director has determined that there is capacity available for the wastewater to be discharged in all downstream sewers, lift stations, force mains, and compatible wastes.
- (b) The director may require from any proposed user or from any existing user who is altering the composition of the wastewater a compatibility study to demonstrate to the satisfaction of the director that the wastewater to be discharged is compatible with the existing wastewater system, and will not adversely affect the wastewater system. Such study shall be at the expense of the user.
- (c) **Structures in which sanitary sewage originates for which there is an available public sanitary sewer system shall not be used or occupied unless said structures are connected to the public sanitary sewer system; provided, however, that structures in which sanitary sewage is originating on the effective date of this Ordinance shall be connected to said system within five (5) years**

after publication of a notice by the township in a newspaper of general circulation in the township of the availability of the system. For purposes of this Ordinance, the public sanitary sewer is “available” if it is located within 200 feet of the structure in which sanitary sewage is originating on the parcel.

- (d) Effective November 1, 2017, all new construction on parcels shall connect to the public sanitary sewer system. For purposes of this Ordinance, “new construction” shall refer to site preparation for, and construction of, entirely new structures and/or significant extensions to existing structures whether or not the site was previously occupied.

Section 3. Amendment of Section 32-136(a) of Article III, “Sewers”

Subparagraph (a) of Section 32-136 of the Township Code is hereby amended as follows, with added text indicated by bold-faced text and deleted text stricken:

Sec. 32-136. - Service charges.

- (a) The rates to be charged for wastewater service furnished by the wastewater system shall be **established by the City of Kalamazoo pursuant to the Wastewater Service Agreement between the Township and the City of Kalamazoo and any amendments thereto.** ~~charged to all buildings or premises having any connection with the system. Such rates shall be based upon the water consumption of the user's premises, including water from public and private supplies, or at the election of the user, the amount of wastewater discharged into the wastewater system, except that the service charge shall be based upon the size of the water meter.~~

[Subparagraphs (b), (c) and (d) of Section 31-136 remain unchanged.]

- (e) **The Township reserves the right to impose a surcharge for the cost of any reconstruction or repair of the system or any part thereof not provided by the City of Kalamazoo pursuant to the Wastewater Service Agreement between the Township and the City of Kalamazoo and any amendments thereto. The Township shall notify the City of Kalamazoo of any surcharges for purposes of billing to customers within the Township’s jurisdiction.**

Section 4. Amendment of Section 32-137(a) of Article III, “Sewers”

Subparagraph (a) of Section 32-137 of the Township Code is hereby amended as follows, with added text indicated by bold-faced text and deleted text stricken:

Sec. 32-137. - Establishment of user rates.

- (a) Each user of the treatment works shall pay charges at a rate which shall be established **by the City of Kalamazoo pursuant to the Wastewater Service Agreement between the Township and the City of Kalamazoo and any amendments thereto.** ~~from time to time by resolution of the township board. The system of user charges~~

~~and capital charges shall be reviewed biennially and revised periodically as required to ensure that every user pays its proportionate share of such charges.~~

[All remaining subparagraphs of Section 31-137 remain unchanged.]

Section 5. Amendment of Section 32-138 of Article III, “Sewers”

Section 32-138 of the Township Code is hereby amended as follows, with added text indicated by bold-faced text and deleted text stricken:

Sec. 32-138. - Billing; ~~responsibility for payment.~~

Wastewater service charges shall be billed **by the City of Kalamazoo pursuant to the Wastewater Service Agreement between the Township and the City of Kalamazoo and any amendments thereto.** ~~quarterly, except that customers billed monthly for water shall be billed monthly for the wastewater service charge. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges attributable to wastewater treatment services. The person paying or responsible for payment of the water bill shall, in like manner, be responsible for payment of the wastewater service bill.~~

Section 6. Amendment of Section 32-139 of Article III, “Sewers”

Section 32-139 of the Township Code is hereby amended as follows, with added text indicated by bold-faced text and deleted text stricken:

Sec. 32-139. - Due dates and penalties.

All charges for wastewater service shall become due and payable on the date indicated on each bill. ~~Payments made after such date shall include an additional five percent of the amount due on the due date.~~

Section 7. Validity and Severability

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 8. Repealer Clause

Any ordinances, parts of ordinances or bylaw provisions of any board, commission, or committee outlined in Section 2 in conflict herewith are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 9. Effective Date

This Ordinance shall take effect immediately after adoption and publication in a newspaper of general circulation in the township.