

CHARTER TOWNSHIP OF ORONOKO

COUNTY OF BERRIEN, MICHIGAN

**NOTICE OF ADOPTION OF AMENDMENT OF
ORDINANCE 109 TO AMEND ORDINANCE NO. 74**

PUBLIC NOTICE IS HEREBY GIVEN that the Township Board of the Charter Township of Oronoko, County of Berrien, Michigan, at a meeting held in the Oronoko Township Hall located at 4583 E. Snow Road, Berrien Springs, Michigan, on the 12th day of March 2020, at 7:00 p.m. Local Time, adopted Township Ordinance 109 an ordinance entitled, “An Ordinance to Amend Ordinance No. 74,” which was adopted under the authority of the Revenue Bond Act of 1933, being Act 94 of the Public Acts of Michigan of 1933, as amended (the “Ordinance”) and is recited as follows.

ADOPTED: MARCH 12, 2020

EFFECTIVE: APRIL 17, 2020

THE CHARTER TOWNSHIP OF ORONOKO ORDAINS:

ORDINANCE NO. 109

AN ORDINANCE TO AMEND ORDINANCE NO. 74

Section 1. Amendment of Section 1 of Ordinance No. 74. Section 1 of Ordinance No. 74, as amended, is hereby amended to add the following terms and definitions to be inserted in alphabetical order with the existing terms and definitions, as follows:

Connection Fee means the charge imposed by the Township to regulate the connection of a building sewer, either directly or indirectly, to the Sewer System. This fee represents (a) the proportional cost attributable to each premises connected or to be connected to the Sewer System to regulate access to the Sewer System and ensures that sufficient capacity exists to accommodate the additional use without overburdening the Sewer System or adversely affecting the Township’s ability to provide service to the Sewer System’s existing customers and (b) the benefit to the owner of a premises connected or to be connected to the Sewer System derived from the connection to the Sewer System including, but not limited to, eliminating or reducing the risk of failure of private sewage disposal facilities and the contamination of ground water. See also Direct Connection and Indirect Connection.

Debt Service Charge means a charge to a premises connected to the Township Sewer System that represents the amount charged to users of the Township Sewer System to pay all or a portion of the principal, interest and administrative costs of retiring the debt incurred for the acquisition and construction of improvements to or expansion of the Township Sewer System.

Direct Connection means the connection of the premise's building sewer directly to the Township Sewer System.

Indirect Connection means the connection of a premise's building sewer to a sewage collection system which is installed and paid for by special assessment or private funds, which sewage collection system is, after construction, turned over to the Township and becomes part of the Township Sewer System (e.g. if a developer constructs sanitary sewers in a plat and connects the sewer line to the Township Sewer System, the connection of each lot in the plat would be an Indirect Connection).

Miscellaneous User Fee means the amount charged to users for miscellaneous services and related administrative costs associated with the Township Sewer System as the actual cost incurred by the Township plus administrative/enforcement costs.

Sewer Rates and Charges means the Township's Connection Fee, Debt Service Charge, and Miscellaneous User Fee, and all interest and penalties thereon.

Section 2. Amendment of Section 4(c) of Ordinance No. 74. Section 4(c) of Ordinance No. 74, as amended, is hereby amended to read in its entirety as follows:

(c) No person shall construct any drain or sewer connecting or emptying into any of the public sewers or drains belonging to the Village or Township until written permission of the Village is first had and obtained, and then only in conformity with the orders and directions and under the supervision of the Village.

The application for the permit to make such connections shall be filed in the office of the Village Clerk, or as otherwise directed by the Village, and must be signed by the owner of the premises to be drained or by his duly authorized agent. The application shall contain a statement of the purposes for which the permit is desired, and the permit shall be issued only for such purposes. No additions or alterations in any of the pipes, fixtures or a house drain, drain, sewer, strainer or cesspool connecting with any public sewer or drain shall be made until a new application is made for that purpose and a written permit is granted by the Village. The private drains and sewers shall enter such public sewers and drains under and according to the personal supervision and inspection of the Village and no person shall connect any private drain or sewer with any public sewer or drain at any other place than that fixed and designated for that purpose in the construction thereof and only after having made application and receiving a permit as provided in this division. No person shall connect the building drain or building sewer of an accessory building

located on the premises to the Village or Township public sewer unless such person: (1) obtains a permit and connects the building drain or building sewer of the principal structure located on the premises to the Village or Township public sewer and (2) obtains a permit from the Village for the connection of the accessory building's building drain or building sewer to such public sewer.

Section 3. Amendment of Section 5 of Ordinance No. 74. Section 5 of Ordinance No. 74, as amended, is hereby amended to read in its entirety as follows:

a. *Village Rates and Charges.* The rate and charges shall be as set forth in the Wastewater Service Agreement between the Township and the Village. Additionally, the Village shall have the right to shut off service to any premises for which charges are more than three months delinquent, and such service shall not be re-established until all delinquent charges and penalties and a turn on charge to be specified by the Village Council have been paid. Further, such charges and penalties may be recovered by the Village through court action.

b. *Debt Service/Capacity Charge.* In order to defray the proportional share of the cost of sewage treatment facilities, lift stations and trunk lines, there shall be charged a debt service/capacity charge based on the actual or equivalent water meter size required to serve the building as established from time to time by resolution of the Village Council. An existing user requesting larger water services for a meter shall be charged the rate difference between the existing meter and the larger meter to cover the proportional share of the increased sewer capacity. No refunds will be made for a reduction in meter size or use.

c. *Special Permit Required.* No sewer tap or sewer connection shall be made unless a special permit is first secured from the Village. No such special permit shall be issued by the Village unless a fee for making the sewer connection (including any applicable Township Sewer Rates and Charges) accompanies the application for the special permit.

d. *Sewer Lateral Stub Fee.* In order to defray the cost of constructing the sewer lateral stubs which benefit the individual property owners, there shall be a sewer lateral stub fee as established from time to time by resolution of the Village Council, unless the construction was previously paid by the property owner or the construction of the sewer lateral stub was paid as a part of a special assessment. If a sewer lateral stub does not exist or the property owner requests the replacement of an existing sewer lateral stub, there shall be no sewer lateral stub fee, and the property owner shall be responsible for the construction cost of the sewer lateral stub or sewer stub replacement, including the cost of the connection to the main sewer line and the restoration of pavement and property.

e. *Township Sewer Rates and Charges.*

(1) In addition to the rates, charges and fees charged by the Village for connections to and use of the Sewer System, the Township may establish, charge

and collect such Sewer Rates and Charges for connection to and use of the System in the Township. The Township Board, by resolution modified from time to time, shall establish the amount and billing frequency of the Township's Sewer Rates and Charges.

(2) Consistent with the Wastewater Services Agreement between the Village and the Township, and to the extent that the Village permits the payment of any connection fee to the Village Sewer System to be paid in not more than five annual installments of principal, with or without interest, the Township Connection Fee may similarly be payable in installments on the same terms and conditions as the installment payment arrangement permitted for the connections to the Village's Sewer System.

f. *Remedies for Nonpayment.*

The charges for sewer services (including both Village rates and charges for connection to and use of the Village Sewer System and the Township Sewer Rates and Charges) which are, under the provisions of Section 21 of Public Act No. 94 of 1933 (MCL 141.121), secured by a statutory lien on the premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six months, the Village official in charge of the collection thereof shall certify annually, on September 1 of each year, to the Township tax assessing officer, the fact and amount of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Township taxes against such premises are collected and the lien thereof enforced. However, where notice is given that a tenant is responsible for such charges and service, no further service shall be rendered such premises until a cash deposit as specified by the Village Council shall have been made as security for payment of such charges and service.

g. *Shut-off for Nonpayment.* The Village shall have the right to shut off sewer service to any premises for which charges for sewer service (including Township Sewer Rates and Charges) are more than three months delinquent, and such service shall not be re-established until all delinquent charges and penalties and a turn on charge, to be specified by the Council, have been paid. Further, such charges and penalties may be recovered by the Village by court action.

h. *Extensions of Main Sewer Lines.* No extension of main sewer lines shall be allowed without prior approval from the Village. All costs associated with any main sewer line extension shall be the responsibility of the property owner benefitted thereby, in proportion to the benefit derived.

Section 4. Publication. A true copy or a summary of this Ordinance shall be published in *The Journal Era* within thirty (30) days after the adoption of the Ordinance by the Township

and the same shall be recorded in the Ordinance Book of the Township with such recording authenticated by the signatures of the Township Clerk and Supervisor.

Section 5. Effective Date. This Ordinance shall be in full force and effect on the thirtieth (30th) day after the date of publication of this Ordinance as provided by law.

Passed and adopted by the Township Board of the Charter Township of Oronoko, County of Berrien, Michigan on March 12, 2020, and approved by me on March 12, 2020.

MOTION TO ADOPT ORDINANCE

Proposed by Board member Treasurer Lawrence Schalk.
Supported by Board member Trustee Don Damron

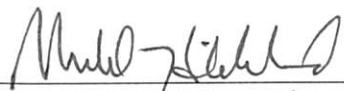
Roll Call:

Ayes: Trustee Don Damron, Trustee Rich Albers, Treasurer Lawrence Schalk, Trustee Robert Palmer, Clerk Suzanne Renton, Trustee Marc Kerlikowske, Supervisor Mike Hildebrand.
Nays: None.
Abstain: None.
Absent: None.

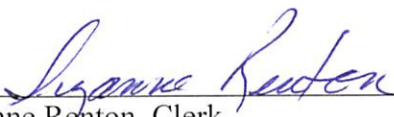
ORDINANCE DECLARED ENACTED

The foregoing Ordinance was enacted by the Oronoko Charter Township Board of Trustees, Berrien County, State of Michigan on the 12th day of March, 2020 and approved by its Supervisor and Clerk on said date.

ORONOKO CHARTER TOWNSHIP

By: 
Michael Hildebrand, Supervisor

and

By: 
Suzanne Renton, Clerk