

# **Charter Township of Orion**

**Ordinance No. 34**

**Sewer Regulations**

Adopted August 15, 1972

**AMENDED**

August 15, 1994

**AN ORDINANCE REGULATING THE CONSTRUCTION OF SANITARY SEWER CONNECTIONS, ESTABLISHING REQUIREMENTS FOR PERMITS AND FOR THE LICENSING OF SEWER CONTRACTORS.****Section 1**

This Ordinance shall apply to all sanitary sewers within the Township of Orion which are so constructed or connected as to flow directly or indirectly into the intercepting sewer or sewer systems of Orion Township or the County of Oakland.

**Section 2**

No surface, roof, footing drains or ground water from any source shall be allowed to enter the sanitary system by any method or device whatever, and no connection shall be permitted which permits other than sanitary sewage to flow thereinto.

**Section 3**

Sewer connections shall include the installation of two (2) four-foot sections of six-inch crock from the riser at the lateral lines, with the remaining installation either four-inch cast or six-inch crock at the option of the property owner.

- A. No sewer connection shall be installed without a permit issued by the Building Inspector of Orion Township. A permit shall be issued only upon presentation of a paid receipt from the Township Treasurer certifying that all applicable capital and lateral benefit charges and inspection fees as required under the applicable ordinances have been paid, or that a deferred payment contract as provided under the applicable ordinances have been entered into.

**Section 4**

Prior to the issuance of a sewer connection permit, and during the term of any permit, all licensed contractors shall furnish and have on file with the Township a cash bond in the amount of Two Thousand Five Hundred Dollars (\$2,500) as security for the faithful performance of sewer contract work in accordance with approved plans, specifications, and ordinances. Private property owners who seek permits for sewer connection work which they will undertake on their own property shall furnish and have on file with the Township a cash bond in the amount of Two Hundred Dollars (\$200) as security for the performance of such work in accordance with Township standards. The aforesaid cash bonds shall provide funds for emergency work and/or such other work as may be deemed necessary by the Township arising as a result of construction by the owner or contractor. The cash bond shall be used only to provide funds to correct damages and deficiencies caused by the contractor or owner to the Township's or County's system and shall not be used to correct damage on private systems or properties. Cash deposits may be returned to the owner or contractor within ten (10) days of receipt of written request therefor, except that no deposits will be returned until such time as all outstanding permits have received final inspection and approval. In the event that it becomes necessary for the Township to expend funds for work arising as a result of construction by the owner or the contractor, then the cost of such work shall be deducted from the aforementioned cash deposit. In the event that such expenditure of funds should exceed the cash deposit, the person to whom the permit was issued shall be obligated to pay such excesses. The owner or contractor shall have the right and opportunity to correct any deficiencies promptly before any funds will be spent by the Township. The person to whom the permit was issued shall, within thirty (30) days of the mailing of written notice thereof, pay to the Township the entire amount of such costs. Failure to comply with this regulation, the standards of the Township and any payment as hereinbefore mentioned may result in the immediate appropriation and application of the cash bonds, and the subsequent termination of same.

**Section 5**

Individuals, partnerships, and corporations may be licensed to perform sewer installation work as contractors. Applications for contractor's licenses shall be made upon forms to be provided by the Township Clerk and which shall require information as to the identity of the contractor, his permanent address, and evidence of his competency to perform such work. In addition, the contractors shall provide and maintain in effect and on file with the Township a certificate of public liability insurance of not less than \$100,000/\$300,000 and property damage insurance of not less than Twenty-Five Thousand Dollars (\$25,000).

**Section 6**

A contractor's license may be suspended by the Township Clerk upon certification by the Building Inspector of noncompliance with Township ordinances, standards, specifications, or rules and regulations. A suspended contractor shall have the right to request a hearing by the Township Board as to the grounds for suspension and the Township Board may either restore or revoke a license following such a hearing.

**Section 7**

Before either a direct or indirect connection is made into any interceptor sewer system of Oakland County, a connection permit shall be obtained by the owner or contractor from the Oakland County Department of Public Works. This permit shall be obtained prior to work done on the connection. Such permits shall be obtained in accordance with the rules and regulations of the Oakland County Department of Public Works.

**Section 8**

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner of said property.

**Section 9**

Permits shall be issued to an owner of property only if that owner signs an Affidavit to the effect the applicant is the owner and occupant, or eventual occupant of the premises where the work is to be performed.

**Section 10 - Violation and Penalties** *(amended 08.15.94)***A. Municipal Civil Infraction/Payment of Fine.**

Any person, firm, or corporation violating a provision of this Ordinance, upon an admission or a finding of responsibility for such violation, shall be deemed responsible for a municipal civil infraction as that term is defined and used in MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended, and shall pay a civil fine as prescribed by ordinance or as determined by the district court, district court judge, or district court magistrate.

**B. Costs.**

A person, firm, or corporation ordered to pay a fine under Subsection A shall be ordered by the district court judge or magistrate to pay costs of not less than Nine Dollars (\$9) or more than Five Hundred Dollars (\$500), which costs may include all expenses, direct and indirect, to which the Township of Orion has been put in connection with the violation of the ordinance up to the entry of the court's judgment or order to pay fine and costs.

**C. Additional Writs and Orders.**

A person who admits or is found responsible for violation of this Ordinance shall comply with any order, writ, or judgment issued by the district court to enforce this Ordinance pursuant to Chapter 83 and Chapter 87 of the Revised Judicature Act, MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended.

**D. Default on Payment of Fines and Costs.**

A default in payment of a civil fine, costs, or damages or expenses ordered under Subsection A or B or an installment of the fine, costs, or damages or expenses as allowed by the court, may be collected by the Township of Orion by a means authorized for the enforcement of a judgment under Chapters 40 or 60 of the Revised Judicature Act, MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended.

**E. Failure to Comply with Judgment or Order.**

If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the court may proceed under Subsection G.

**F. Failure to Appear in Court.**

A defendant who fails to answer a citation or notice to appear in court for a violation of this Ordinance is guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500) plus costs and/or imprisonment not to exceed ninety (90) days.

**G. Civil Contempt.**

1. If a defendant defaults in the payment of a civil fine, costs, or other damages or expenses, or installment as ordered by the district court, upon motion of the Township of Orion or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.
2. If a corporation or an association is ordered to pay a civil fine, costs, or damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, or damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
4. If it appears that the default in the payment of a fine, costs, or damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, or damages or expenses.
5. The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, or damages or expenses shall be specified in the order of commitment and shall not exceed one day for each Thirty Dollars (\$30) due. A person committed for nonpayment of a civil fine, costs, or damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of Thirty Dollars (\$30) per day.
6. A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs, or damages or expenses shall not be discharged from custody until one of the following occurs:
  - a. Defendant is credited with an amount due pursuant to Subsection G, 5.
  - b. The amount due is collected through execution of process or otherwise.
  - c. The amount due is satisfied pursuant to a combination of Subdivisions G, 6, a and b.
7. The civil contempt shall be purged upon discharge of the defendant pursuant to Subsection G, 6.

**H. Lien Against Land, Building, or Structure.**

If a defendant does not pay a civil fine or costs or installment ordered under Subsection A or B within thirty (30) days after the date upon which the payment is due for a violation of this Ordinance involving the use or occupation of land or a building or other structure, the Township of Orion may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the Register of Deeds for Oakland County. The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order.

1. The lien is effective immediately upon recording of the court order with the Register of Deeds.
2. The court order recorded with the Register of Deeds shall constitute the pendency of the lien. In addition, a written notice of the lien shall be sent by Orion Township by first class mail to the owner of record of the land, building, or structure at the owner's last known address.

3. The lien may be enforced and discharged by Orion Township in the manner prescribed by its Charter, by the General Property Tax Act, Act No. 206 of the Public Acts of 1893, being Sections 211.1, 2211.157 of the Michigan Compiled Laws, or by an ordinance duly passed by the Township. However, property is not subject to sale under Section 211.60 of Act No. 206 of the Public Acts of 1893, being Section 211.60 of the Michigan Compiled Laws, for nonpayment of a civil fine or costs or an installment ordered under Subsections A or B unless the property is also subject to sale under Act No. 206 of the Public Acts of 1893 for delinquent property taxes.
4. A lien created under this section has priority over any other lien unless one or more of the following apply:
  - a. The other lien is a lien for taxes or special assessments.
  - b. The other lien is created before the effective date of the amended ordinance that added this section.
  - c. Federal law provides the other lien has priority.
  - d. The other lien is recorded before the lien under this section is recorded.
5. The Township may institute an action in a court of competent jurisdiction for collection of the fines and costs imposed by a court order for a violation of this Ordinance. However, an attempt by the Township to collect the fines or costs does not invalidate or waive the lien upon the land, building, or structure.
6. A lien provided for by this subsection shall not continue for a period longer than five (5) years after a copy of the court order imposing a fine or cost is recorded unless within that time an action to enforce the lien is commenced.

**Section 11 - Effective Date**

This Ordinance shall become effective upon publication, as provided by law.

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