



CITY of NOVI CITY COUNCIL

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Agenda Item 4
March 5, 2007

SUBJECT: Approval of Ordinance 07-37.33 for the water and sewer system development charges (connection fees) – **Second Reading**; and the related water and sewer connection fee resolutions.

SUBMITTING DEPARTMENT: City Manager and Finance Department (Water & Sewer Financial Services Division)

CITY MANAGER APPROVAL:

The American Water Works Association (AWWA) recommends several funding techniques for system development charges including: pay-as-you-go financing through user rates; debt financing; system development charges (SDCs); and up-front reimbursement from developers. The City of Novi has used both the debt financing and system development financing methods. The AWWA further provides for several methods of calculating SDCs including: incremental cost method (reimbursements, availability fees, etc.) and equity method.

The proposed ordinance changes will convert the City's method for calculating connection charges from the incremental cost method to the equity method.

The City of Novi's Water & Sewer Enterprise Fund is to be self-supporting for both usage charges and connection fees (capital/debt charges). The City's water and sewer system has evolved through a combination of city water and sewer construction as well as developer construction through a variety of complex agreements. The general philosophy has been for development to provide for expansion to the system through various reimbursement charges for specific improvements, "payback agreements", contracts and special assessment districts.

With the lifting of the moratorium on the water system in the 1990's, and the development of the City's water and sewer systems over the last 20+ years, these systems are no longer fractured throughout the community, but instead these systems are much more complete which benefits all of the users of the system.

The City's water and sewer financial services division will still maintain the accounting for the agreements, ordinances and contracts that are still in place. The proposed fee calculation changes will be more equitable to those connecting to the system and will more accurately reflect the current costs of the system.

RECOMMENDED ACTION: SUBJECT: Approval of Ordinance 07-37.33 for the water and sewer system development charges (connection fees) – **Second Reading**; and the related water and sewer connection fee resolutions.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Gatt				
Council Member Margolis				

	1	2	Y	N
Council Member Mutch				
Council Member Nagy				
Council Member Paul				

CITY OF NOVI

OAKLAND COUNTY

STATE OF MICHIGAN

RESOLUTION SETTING SEWER CONNECTION FEES

WHEREAS, the City of Novi, through the Code of Ordinances, Chapter 34, has empowered itself to acquire, construct, and operate a Sanitary Sewer System; and

WHEREAS, pursuant to Section 34-145(a)(2)a., the City of Novi may establish a connection fee for connection, directly or indirectly, to the City's Sanitary Sewer System; and

WHEREAS, the connection fee charged to users of the Sanitary Sewer System must reflect the actual costs of providing the services and materials; and

WHEREAS, the City undertakes a periodic review of the costs of providing services and materials to users of the Sanitary Sewer System; and

WHEREAS, based on the most recent review performed by the Finance Department with the assistance of the City's consulting engineers, it is appropriate at this time to update the connection fee for the Sanitary Sewer System.

NOW, THEREFORE, BE IT RESOLVED, that the following connection fee shall be implemented for all properties connecting to the Sanitary Sewer System pursuant to Section 34-145(a)(2)a. as of _____, 2007:

For the privilege of tapping into the Sanitary Sewer System, there shall be a charge of Two Thousand Seven Hundred Twenty (\$2,720) Dollars per Residential Equivalency Unit (REU). For all previously negotiated and currently existing payback agreements, right-of-way agreements granting credits, sewer exchange district agreements, and Special Assessment Districts for the construction of sanitary sewer lines in the City, the per unit tap fee shall remain as set forth in those agreements and SADs.

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Novi at its regular meeting held on the ___ day of _____ 2007.

By: Maryanne Cornelius
Its: City Clerk

**CITY OF NOVI
OAKLAND COUNTY
STATE OF MICHIGAN**

RESOLUTION SETTING WATER CONNECTION FEES

WHEREAS, the City of Novi, through the Code of Ordinances, Chapter 34, has empowered itself to acquire, construct, and operate a water supply system; and

WHEREAS, pursuant to Section 34-21.1, the City of Novi may establish a connection fee for those properties that take advantage of available City-constructed water lines; and

WHEREAS, the connection fee charged to users of the Water Supply System must reflect the actual costs of providing the services and materials; and

WHEREAS, the City undertakes a periodic review of the costs of providing services and materials to users of the Water Supply System; and

WHEREAS, based on the most recent review performed by the Finance Department with the assistance of the City's consulting engineers, it is appropriate at this time to update the connection fee for the Water Supply System.

NOW, THEREFORE, BE IT RESOLVED, that the following connection fee shall be implemented for all properties connecting to the Water Supply System pursuant to Section 34-21.1(a) as of _____, 2007:

For the privilege of tapping into the Water Supply System, there shall be a charge of One Thousand Eight Hundred and Fifty (\$1,850.00) Dollars per Residential Equivalency Unit (REU). For all previously negotiated and currently existing payback agreements, right-of-way agreements granting credits, and Special Assessment Districts for the construction of water lines in the City, the per unit tap fee shall remain as set forth in those agreements and SADs.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Water Rates, Equipment Fees, Metering Equipment Fees, and Miscellaneous Charges adopted by the City Council in its Resolution dated June 5, 2006, shall otherwise remain in full force and effect, until adoption of a resolution of City Council specifically amending those charges.

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Novi at its regular meeting held on the ___ day of _____ 2007.

By: Maryanne Cornelius
Its: City Clerk

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 07-37.33

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AS AMENDED, CHAPTER 34, "UTILITIES," ARTICLE II, "WATER SUPPLY SYSTEM," DIVISIONS 1 AND 4, ARTICLE III, "SEWAGE DISPOSAL SYSTEM," DIVISIONS 2 and 3, IN ORDER TO UPDATE DEFINITIONS, TO DELETE ALL EXPIRED AND/OR COMPLETED PAYBACK AGREEMENTS AND SPECIAL ASSESSMENT DISTRICTS, AND TO UPDATE THE WATER AND SEWER CONNECTION FEES AND CLARIFY THE PROCEDURE FOR ASSESSING SUCH FEES.

THE CITY OF NOVI ORDAINS AS FOLLOWS TO AMEND THE CITY OF NOVI CODE OF ORDINANCES:

PART I That Chapter 34, Utilities, Article II, Divisions 1 and 4, of the City of Novi Code of Ordinances is hereby amended to read as follows:

ARTICLE II. WATER SUPPLY SYSTEM.

DIVISION 1. GENERALLY

Sec. 34-16. Definitions.

* * *

Availability fee. [deleted]

* * *

Debt service fee or charge. [deleted]

User Connection Fee or User Connection Charge [renamed "Water connection fee or water connection charge"]

Water connection fee or water connection charge means the amount charged for connecting to the water supply system of the city which may include any or all of the following components, if applicable:

- (1) Debt service fee or charge;
- (2) Costs of construction, administration, operation, maintenance and replacement of the water supply system; or
- (3) Costs of construction, administration, operation, maintenance and replacement of a water main extension.

The terms water connection fee or water connection charge, may be used interchangeably through this chapter, in respect to the water supply system, with the following terms: user fee or charge, connection fee or charge, water service connection fee, direct contribution, service fee or charge, lateral availability fee, availability connection charge, permit fee and/or debt service fee or charge, tap fee or tap charge.

Water services means the infrastructure and the water supply which is paid for by the users through charges for usage and through charges for connection fees. [added]

Sec. 34-17 [Unchanged.]

Sec. 34-18 [Unchanged.]

Sec. 34-19 [Unchanged.]

Sec. 34-20 [Unchanged.]

Sec. 34-21. Delinquent charges constitute lien; authority of city to discontinue water for nonpayment of charges.

(a) *Lien.* The charges for water services are a lien on premises served and are hereby recognized to constitute such lien. Whenever any such charge against any such premises shall be delinquent for six (6) months, the city employee in charge of the collection thereof shall certify bi-annually, on May 1 and November 1 of each year, to the Treasurer or Assistant Treasurer of the city the fact of such delinquency, whereupon such charge shall be by him/her entered upon the next tax roll as a charge against such premises and shall be collected, and the lien therefor enforced, in the same manner as general city taxes against such premises are collected and the lien thereon enforced. When a tenant is responsible for such services as is provided by Section 21 of Act No. 94 of the Public Acts of Michigan of 1933, (MCL 141.21), as amended, no service shall be rendered such premises until a cash deposit as set by resolution of the council shall have been paid as security for payment of assessed charges and services.

(b) *Discontinuance of Water Supply.* In addition to other remedies provided, the city shall have the right to shut off and discontinue the supply of water to any premises for the nonpayment of water charges when due. Prior to the termination of water services, the city shall provide the customer with a written notice which details the availability of an administrative procedure for the consideration of a complaint for erroneous billing. A customer may contest the water charges by appeal to the director of public services or his or her designee within thirty (30) days after the due date. If the assessed charges are not paid within thirty (30) days after the due date thereof, then water service to such premises shall be discontinued. Water service so discontinued shall not be restored until all sums then due and owing shall be paid, plus the turn-on, turn-off charge as set by resolution of the council.

Sec. 34-21.1. Water connection fee.

(a) [Unchanged.]

(b) *Connection fee requirement.* Based upon the intent set forth in subsection (a), above, any owners of property connecting to any water mains constructed by the city after January 1, 1976, who have not paid for the installation of such public water main by the way of (1) a special assessment, or (2) a specific debt service charge for connection to the particular water main, or (3) by the property owner otherwise contributing a fair share to the capital expense of construction of the particular water main with respect to the property served, shall pay an connection fee prior to connecting to said water main, as provided in this section.

(c) *Amount of connection fee.* In the construction of water main, as described, above in this section, the city has constructed water lines sized with sufficient capacity to service and/or loop relatively large areas of the city. Accordingly, rather than sizing such lines at eight (8) inches in diameter to service individual properties, the city-constructed lines have generally been sized larger than, and in most cases some multiple of, eight (8) inches in diameter. Thus, it has been concluded that the formula for allocating the fair and proportionate share of cost as between the system at large and individual property owners shall be based upon the cost of constructing only an eight-inch water line with which the property to be charged would be connected, recognizing that such cost changes from time-to-time in the marketplace, and taking into consideration the time/price differential. Therefore, any owners of property required to pay an connection fee pursuant to subsection (b) above shall pay a per tap unit charge in accordance with the current resolution of the city council setting the amount of such charge on the basis of the current cost of water main construction, as amended from time to time by the council.

(d) *Payment of Connection Fee.* The water system connection charges established by this article and by resolution of the city council shall be paid in full prior to the issuance of a building permit, or in the case of an existing building prior to issuance of a plumbing permit for connection to the water system, except as provided in subsections (e) and (f), below.

(e) *Installment Payment of Connection Fee.* In those cases when a new commercial, industrial or office development is determined to require more than one tap unit factor the owner may elect to pay one-fifth (1/5) of such connection charges (with the exception of those charges imposed to recoup the cost of infrastructure built pursuant to a special assessment district, or otherwise financed by private landowners, to whom the city is returning any portion of such charges) prior to the issuance of a building permit and the remaining four-fifths (4/5) of the connection charges in sixteen (16) quarterly installments plus interest at eight (8) percent. The unpaid balance shall be a lien on the property and upon failure of the owner to pay the same may be added to the next tax roll of the city and collected in the same manner in all respects as provided by law for the collection of taxes.

(f) *Financial Hardship Program.* In those cases where a single-family residential property owner demonstrates a financial hardship, the owner may elect to pay one-fifth (1/5) of such connection charges (with the exception of those charges imposed to recoup the cost of infrastructure built pursuant to a special assessment district, or otherwise financed by private landowners, to whom the city is returning any portion of such charges) prior to the issuance of a building permit and the remaining four-fifths (4/5) of the connection charges in sixteen (16) quarterly installments plus interest at eight (8) percent. The unpaid balance shall be a lien on the property and upon failure of the owner to pay the same may be added to the next tax roll of the city and collected in the same manner in all respects as provided by law for the collection of taxes. For purposes of this section, an owner demonstrates a financial hardship by demonstrating a maximum household income at or below the Oakland County Income Limits for Community Development Block Grant (CDBG) Income Eligibility--Low Income Category, as the same may be revised from time to time.

(g) *Subsequent Changes in Use.* Once a property has been connected to the system subsequent changes in the character of the use of said property (including partial or total destruction, removal or abandonment of any or all improvements thereon) shall not abate the obligation to continue the payments of the connection charges assigned at the time of connection; and if subsequent changes in the use of the property increase the amount of sewage emanating from the property, the city may increase the connection charges assigned to the property and the service charge computed on the basis of the increased use shall be payable in the same manner as such charges are payable in the first instance.

(h) *Prepayment of Installment Agreement.* At any time during the installment period, the balance of said connection fee may be prepaid by paying the balance then due, together with all accumulated interest thereon.

(i) *No abatement of payment.* Once connected to the system, partial or total destruction, removal or abandonment of any or all of the improvements or structures located on property subject to the water connection fee shall not abate the obligation to pay the fee in total.

Sec. 34-22 [Unchanged.]

Sec. 34-23 [Unchanged.]

Sec. 34-24. Alternate day lawn watering; water supply emergencies.

(a) It shall be unlawful for any person to utilize water from the City of Novi Water Supply System for the watering of lawns or landscaping except on an alternate day basis. An alternate day basis of watering permits the watering of lawns and landscaping on even-numbered days for property with an even-numbered street address and on odd-numbered days for property within an odd-numbered street address. The manager of the department of water and sewer may, upon request, provide exceptions to the above restriction in the case of new lawn or landscaping installations, or where necessary to prevent imminent financial loss to the water user. This shall not be deemed to prohibit the recreational use of sprinklers by children.

(b) Determination of water supply emergency. A water supply emergency shall be deemed to exist whenever the manager of water and sewer finds on the basis of drought conditions, depletion of water supply, reduction in water pressure or other reasons that there is a threat of loss of water supply to the community or a portion of the community, and causes a declaration of such water supply emergency to be publicly announced by broadcast from a radio or television station with a normal operating range covering the city. A water emergency may be declared when the manager of water and sewer receives notification from the Detroit Water and Sewage Department in conjunction with the water and radiological protection division of the state department of environmental quality that the supply or pressure demand for water cannot be accommodated and general welfare is likely to be endangered.

(c) [Unchanged.]

(d) The manager of water and sewer shall cause such declaration to be posted at the city hall and be publicly announced by broadcast from a radio or television station with a normal operating range covering the city, and may cause the declaration to be further announced in newspapers of general circulation within the city when feasible.

(e) The manager of public works shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section.

(f) [Unchanged.]

(g) It shall be unlawful for any person to utilize water from the city water supply system for any type of outdoor use, in contravention of a declared water supply emergency, other than responding to a fire emergency. The prohibition shall remain in effect twenty-four (24) hours per day, seven (7) days per week until the water supply emergency is declared ended by the superintendent of water and sewer. The manager of

water and sewer may provide exceptions to the prohibition of this section where necessary to prevent imminent financial loss to a water user.

(h) [Unchanged.]

Sec. 34-25 [Unchanged and Reserved]

Sec. 34-26 - 34-35 [Unchanged and Reserved]

DIVISION 2. [UNCHANGED]

DIVISION 3. [UNCHANGED]

DIVISION 4. OPERATION AND MAINTENANCE

Subdivision I, Sec. 34-76, is hereby deleted in its entirety.

Subdivision II is hereby renumbered Subdivision I.

Sec. 34-91 – Sec. 34-94 [Unchanged.]

Subdivision III is hereby renumbered Subdivision II.

Sec. 34-95 – 34-100 [Unchanged.]

Subdivision IV, Sec. 34-101 – Sec. 34-102, is hereby deleted in its entirety.

Sec. 34-103, 34-104 [Unchanged & Reserved]

Subdivision V, Sec. 34-105 – 34-106, is hereby deleted in its entirety.

Sec. 34-107 [Unchanged & Reserved]

Subdivision VI, Sec. 34-108 – Sec. 34-112, is hereby deleted in its entirety.

Sec. 34-113 [Unchanged & Reserved]

Subdivision VII, Sec. 34-114 – Sec. 34-116, is hereby deleted in its entirety.

Sec. 34-117 [Unchanged]

Subdivision VIII, Sec. 34-117.1 – Sec. 34-117.4, is hereby deleted in its entirety.

Subdivision IX, Sec. 34-117.5 – Sec. 34-117.6, is hereby deleted in its entirety.

Subdivision X is hereby renumbered Subdivision III.

Sec. 34-117.7 [Unchanged.]

Sec. 34.117.8. Right-of-Way Credits.

(a) The parcels listed below have contributed to the cost of the Twelve Mile Road Water Main when the right-of-way was acquired for the construction of such infrastructure. See the individual ROW agreements for application of remaining ROW credits or debits to be applied towards the water connection charge.

13-200-034 (formerly 13-200-013 and 014)
13-100-024 (formerly 13-100-001)
13-100-026 (formerly 13-100-002)
12-351-026 (formerly 13-351-003)
12-351-030 (formerly 13-351-010)
14-200-031

(b) [Deleted]

Subdivision XI is hereby renumbered Subdivision IV.

Sec. 34-118.1 – Sec. 118.6 [Unchanged.]

Subdivision XII is hereby renumbered Subdivision V.

Sec. 34-118.7 – Sec. 34-118.12 [Unchanged.]

Subdivision XIII is hereby renumbered Subdivision VI.

Sec. 34-118.13 – 34-118.18 [Unchanged.]

Subdivision XIV is hereby renumbered Subdivision VII.

Sec. 34-118.19- Sec. 34-118.24 [Unchanged.]

Subdivision XV is hereby renumbered Subdivision VIII.

Sec. 34-118.25 – Sec. 34-118.28. [Unchanged.]

Subdivision XVI, Sec. 34-118.29 – Sec. 34-118.33, is hereby deleted in its entirety.

Sec. 34-119 – 34-121 [Unchanged & Reserved]

PART II. That Chapter 34, Utilities, Article III, Divisions 2 and 3, of the City of Novi Code of Ordinances is hereby amended to read as follows:

ARTICLE III. SEWAGE DISPOSAL SYSTEM

DIVISION 1. [UNCHANGED]

DIVISION 2. CONNECTIONS

Sec. 34-126. Definitions.

* * *

Debt service fee or charge means the charges levied to customers of the sanitary sewer system of the city which are used to pay principal, interest and administrative costs of retiring the debt incurred for the construction of the city's sanitary sewer system. [added]

Premises means any property that is connected directly or indirectly to the sanitary sewer system. [added]

Public sanitary sewer system means a sanitary sewer intended for use by the public for collection and transportation of sanitary sewage for treatment or disposal.

System and sewer system mean the complete sanitary sewer system for the city, including all pumping stations, works, instrumentalities and properties used or useful in connection with maintaining a sanitary sewer system, the treatment of sanitary sewage, and the distribution of treated sewage, either now in existence, acquired pursuant to this article, or hereafter acquired. [added]

* * *

Sec. 34-127. [Unchanged.]

Sec. 34-128. [Unchanged.]

DIVISION 3.

Subdivision 1. In General.

Sec. 34-141. Definitions.

* * *

Novi-Walled Lake Arm means that part of the Huron-Rouge Sewage Disposal System constructed by the county pursuant to a certain contract between the county and the City.

Sewer means any sanitary sewer located within the city.

System means the complete sanitary sewer system of the city including all sanitary sewers, all pumping stations and all other facilities now owned or hereafter acquired by the city, used or useful in connection with the collection and disposal of sanitary sewage.

Sec. 34-142 [Unchanged.]

Sec. 34-143 [Unchanged.]

Sec. 34-144 [Unchanged.]

Sec. 34-145. Sanitary Rates and Charges for the Huron-Rouge System, Novi-Walled Lake Arm, and the Novi Commerce Sewer Exchange System.

(a) The rates and charges to users of the system shall be as follows:

(1) *Consumption charge.* Except as otherwise provide, each premises within the city connected to the sanitary sewer system shall pay a consumption charge based on the amount of water used as shown by the water meter installed in each premises or, where no water meter is located, a flat rate per quarter to be charged in accordance with the schedule of rates set by resolution of the council. Those premises located, within the Novi-Walled Lake Arm and connected to the sanitary sewer system, shall pay a consumption charge based on a flat rate per quarter to be charged in accordance with the schedule of rates set by resolution of the council.

(2) *Sewer connection charge.* In addition to all other charges as provided in this division, all premises connected directly (or indirectly) to the sanitary sewer system of the city shall pay a sewer connection charge in accordance with the current resolution of the city council setting the amount of such charge on the basis of the current costs of sewer system construction, as amended from time to time by the council.

a. *Intent.* This section is intended to apply in those instances in which the city has determined that it would be in the public interest, and would further the public health, safety, and general welfare, to construct sanitary sewer within the city without establishing a special assessment district or like method of charge therefore, including, without limitation, the construction of a sanitary sewer system to provide service for all or a substantial portion of the city served by the public sanitary sewer system. The users of the system shall be responsible for the cost of construction.

b. *Connection fee requirement.* Based upon the intent set forth in subsection (a), above, any owners of property connecting to any sanitary sewer constructed by the city after January 1, 1976, who

have not paid for the installation of such public sanitary sewer by the way of (1) a special assessment, or (2) a specific debt service charge for connection to the particular sanitary sewer, or (3) by the property owner otherwise contributing a fair share to the capital expense of construction of the particular water main with respect to the property served, shall pay an connection fee prior to connecting to said water main, as provided in this section.

c. *Amount of connection fee.* Any owners of property required to pay an connection fee pursuant to subsection (b) above shall pay a per tap unit charge in accordance with the current resolution of the city council setting the amount of such charge on the basis of the current cost of sanitary sewer construction, as amended from time to time by the council.

d. *Payment of Sewer Connection Charge.* The sewer connection charges provided in subpart (a)(2), and all other connection charges, debt service charges, lateral availability fees and availability connection charges required for connection to the City of Novi sewer system shall be paid in full prior to the issuance of a building permit, or prior to a site preconstruction meeting, whichever comes first; or in the case of an existing building, prior to the issuance of a plumbing permit for connection to the system, except as provided in subpart (a)(2)b, below.

e. *Installment Payment of Connection Charges.* In those cases when a new commercial, industrial or office development is determined to require more than one tap unit factor the owner may elect to pay one-fifth of the sewer connection charges, debt service charges, lateral availability fees and availability connection charges (with the exception of those charges imposed to recoup the cost of infrastructure built pursuant to a special assessment district, or otherwise financed by private landowners, to whom the city is returning any portion of such charges) prior to the issuance of a building permit and the remaining four-fifths of such charges and fees in sixteen (16) quarterly installments plus interest at eight (8) percent. The unpaid balance shall be a lien on the property and upon failure of the owner to pay the same may be added to the next tax roll of the city and collected in the same manner in all respects as provided by law for the collection of taxes.

- f. *Financial Hardship Provision.* In those cases where a single-family residential property owner demonstrates a financial hardship, the owner may elect to pay one-fifth (1/5) of such connection charges (with the exception of those charges imposed to recoup the cost of infrastructure built pursuant to a special assessment district, or otherwise financed by private landowners, to whom the city is returning any portion of such charges) prior to the issuance of a building permit and the remaining four-fifths (4/5) of the connection charges in sixteen (16) quarterly installments plus interest at eight (8) percent. The unpaid balance shall be a lien on the property and upon failure of the owner to pay the same may be added to the next tax roll of the city and collected in the same manner in all respects as provided by law for the collection of taxes. For purposes of this section, an owner demonstrates a financial hardship by demonstrating a maximum household income at or below the Oakland County Income Limits for Community Development Block Grant (CDBG) Income Eligibility--Low Income Category, as the same may be revised from time to time.

- g. *Subsequent Changes in Use.* Once a property has been connected to the system subsequent changes in the character of the use of said property (including partial or total destruction, removal or abandonment of any or all improvements thereon) shall not abate the obligation to continue the payments of the charges and fees assigned at the time of connection; and if subsequent changes in the use of the property increase the amount of sewage emanating from the property, the city may increase the charges and fees assigned to the property and the charges and fees computed on the basis of the increased use shall be payable in the same manner as such charges and fees are payable in the first instance.

- h. *Prepayment of Installment Agreement.* At any time during the installment period, the balance of said connection fee may be prepaid by paying the balance then due, together with all accumulated interest thereon.

- i. *No Abatement of Payment.* Once connected to the system, partial or total destruction, removal or abandonment of any or all structures or improvements located on property subject to the sewer connection fee shall not abate the obligation to pay the fee in total.

Sec. 34-145 (b-d). [Unchanged]

Sec. 34-146 [Unchanged]

Sec. 34-147. Enforcement.

(a) *Lien.* The charges and rates for sewer services provided for in this subdivision which are under the provisions of Section 21 of Act No. 94 of the Public Acts of Michigan of 1933 (MCL 141.121, MSA 5.2751) as amended, are made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien. Whenever any such charge against any piece of property shall be delinquent for six (6) months, the city official in charge of the collection thereof shall certify bi-annually on May 1 and November 1 of each year to the Treasurer or Assistant Treasurer of the city the fact of such delinquency, whereupon such charge shall be by him/her entered upon the next tax roll as a charge against such premises and shall be collected and the lien therefor enforced in the same manner as general city taxes against such premises are collected, and the lien thereof enforced; provided however, where notice is given that a tenant is responsible for such charges and services as provided by Section 21 of Act No. 94 of the Public Acts of Michigan of 1933 (MCL 141.121, MSA 5.2751), as amended, no further service shall be rendered such premises until a cash deposit as set by resolution of the council shall have been made as security for payment of such charges and services.

(b) [Unchanged.]

Sec. 34-148 - Sec. 34-154. [Unchanged.]

Sec. 34-155. Notice to property owner that public sewer is available; connection required, exception; failure to connect.

(a) When a public sewer is available to receive connection therewith, the council shall cause appropriate notice to be served upon the owner, agent or other person having charge of or occupying the property that a public sewer is ready and available to receive connections therewith and that after one hundred eighty (180) days from the date of service of the notice the use of privy vaults, septic tanks or cesspools on the property must be discontinued, the plumbing disconnected therefrom and all cesspools and privy vaults filled with fresh earth or other suitable material and that all plumbing must be connected with the public sewer. The notice shall be served either personally on the owner or other person having charge of or occupying the property or by first class United States mail, postage prepaid, in sealed envelopes addressed to the owner at his regular place of residence or to the agent or other person occupying or having charge of the property, the plumbing of which is to be connected with the public sewer.

(b) Where such property serviced by a septic tank, has upon it a building which lies four hundred (400) feet beyond the nearest part of a public sewer and the owner, agent or other person having charge of or occupying the property certifies to the council such fact, and in addition presents to the council a certificate from the county

health department that the septic tank or the use thereof is not polluting the ground or surface as to constitute a hazard to the health of occupants or of the public, the council may except the property from connecting to the system, providing that any such property excepted from connecting to the system by the council shall be excepted from so connecting only so long as there is no such pollution from the septic tank or the use thereof, and provided further, that to ensure freedom from pollution, the owner, agent or other person having charge of or occupying the property shall be required to renew the certificate from the county health department annually or at such other times as the council may determine.

(c) Except as provided in subsection (b) of this section, it shall be unlawful for the owner or his agent or other person having charge of or occupying any building constructed for residential, commercial or industrial use on any lot, tract or parcel of ground abutting on any street, alley or easement in the city in which a public sewer is in existence after the owner or his agent or other person having charge of or occupying the property has been given notice as provided in this subdivision that a public sewer is available to receive connection therewith and one hundred eighty (180) days' notice shall have expired, to have the plumbing in such building remain unconnected to the public sewer.

Sec. 34-156. Private sewage disposal systems—Construction prohibited when public sewer available.

(a) It shall be unlawful for the owner or his agent or any person having charge of or occupying any building constructed for residential, commercial or industrial use on any lot, tract or parcel of grounds abutting on any street, alley or easement in the city in which a public sewer is in existence to construct or permit to be constructed any privy, vault, septic tank or cesspool to which the building is to be connected.

(b) It shall be unlawful for any person to construct, cause or permit to be constructed upon any lot, tract or parcel of ground owned or controlled by him which abuts on any street, alley or easement in the city to which a public sewer is then in existence any privy, vault, septic tank or cesspool.

Sec. 34-157. Same—Disconnection, abandonment required after notice that public sewer is available.

Within one hundred eighty (180) days after the service of the notice provided for in this subdivision, except as provided in section 34-280(b), the owner, agent or other person having charge of or occupying any such building, must disconnect all plumbing from any river, stream, drain, body of water, cesspool or septic tank, other than such public sewer, and fill all cesspools, privy vaults with fresh earth or suitable material and connect all plumbing in such building with the public sewer.

Sec. 34-158. Same—Use after notice that public sewer is available.

Except as provided in section 34-280(b), it shall be unlawful for the owner or his agent or other person having charge of or occupying any building heretofore or hereafter constructed for residential, commercial or industrial use on any lot, tract or parcel of ground abutting on any street, alley or easement in the city in charge thereof has been given notice as provided in this subdivision that a public sewer is available to receive connection therewith and one hundred eighty (180) days shall have expired to maintain or use or cause or permit to exist any privy, vault, septic tank or cesspool to which the building is connected or which is used by the occupants of the building, or to permit sewage from such building to be discharged into any river, stream, drain or body of water or other place of disposal other than such public sewer.

Sec. 34-159 – 34-165. [Unchanged & Reserved]

Subdivision II. Huron-Rouge Sanitary System, Sec. 34-166- Sec. 34-170, is hereby deleted in its entirety.

Section 34-171 – 34-185 [Unchanged & Reserved]

Subdivision III. Seeley Road Sewer Extension, Sec. 34-186 – Sec. 34-191, is hereby deleted in its entirety.

Section 34-192 -- 34-205 [Unchanged & Reserved]

Subdivision IV. Lapham Sewer Extension Arm, Sec. 34-206 – Sec. 34-211, is hereby deleted in its entirety.

Section 34-212 -- 34-225 [Unchanged & Reserved]

Subdivision V. Meadowbrook Lake Subdivision Lateral Sewer Arm, Sec. 34-226 – Sec. 34-231, is hereby deleted in its entirety.

Sec. 34-232 - 34-245 [Unchanged & Reserved]

Subdivision VI, Sec. 34-246 – Sec. 34-258, is hereby deleted in its entirety.

Sec. 34-259 - 34-270 [Unchanged & Reserved]

Subdivision VII, Sec. 34-271 – Sec. 34-279, is hereby deleted in its entirety.

Sec. 34-280 – 34-283, is hereby deleted in its entirety

34-284 -- 295 [Unchanged & Reserved]

Subdivision VIII, Sec. 34-296 – Sec. 34-301, is hereby deleted in its entirety.

Subdivision IX, Sec. 34-316 – 34-328, is hereby deleted in its entirety.

Subdivision X is hereby renumbered Subdivision II.

Sec. 34-341 – Sec. 34-345. [Unchanged.]

Sec. 34-346 – 34-355 [Unchanged & Reserved]

Subdivision XI, Sec. 34-356 – Sec. 34-360, is hereby deleted in its entirety.

Sec. 34-361 – 34-370 [Unchanged & Reserved]

Subdivision XII is hereby renumbered Subdivision III.

Sec. 34-371 – Sec. 34-375. [Unchanged.]

Sec/ 34-376 – 34-385. [Unchanged & Reserved]

Subdivision XIII, Sec. 34-386 – Sec. 34-390, is hereby deleted in its entirety.

Sec. 34-391 - 34-400 [Unchanged & Reserved]

Subdivision XIV, Sec. 34-401 – Sec. 34-404, is hereby deleted in its entirety.

Sec. 34-405 – 34-414 [Unchanged & Reserved]

Subdivision XV is hereby renumbered Subdivision IV.

Sec. 34-415 – Sec. 34-418. [Unchanged]

Sec. 34-419 (a) [Unchanged]

Sec. 34-419 (b) (1-11) [Unchanged]

Sec. 34-419 (b) (12) And thereafter, additional \$3.20 per annum.

In addition to the tap fee set forth in this section, there shall be added an administration fee of ten (10) percent of said tap fees.

Sec. 34-420 [Unchanged]

Sec. 34-421 – 34-424 [Unchanged & Reserved]

Subdivision XVI is hereby renumbered Subdivision V.

Sec. 34-425 – Sec. 34-430. [Unchanged.]

Sec. 34-431 [Unchanged & Reserved]

Subdivision XVII, Sec. 34-432 – 34-436, is hereby deleted in its entirety.

Sec. 34-437 [Unchanged & Reserved]

Subdivision XVIII, Sec. 34-438 – Sec. 34-443, is hereby deleted in its entirety.

Sec. 34-444 – 34-445 [Unchanged & Reserved]

Subdivision XIX, Sec. 34-446, is hereby deleted in its entirety.

Sec. 34-447 – 34-449 [Unchanged & Reserved]

Subdivision XX is hereby renumbered Subdivision VI.

Sec. 34-450. [Unchanged.]

Sec. 34-451 – 2. [Unchanged & Reserved]

Subdivision XXI is hereby renumbered Subdivision VII.

Sec. 34-453 – Sec. 34-459. [Unchanged.]

Subdivision XXII is hereby renumbered Subdivision VIII.

Sec. 34-460 – Sec. 34-465. [Unchanged.]

Sec. 34-466. [Unchanged & Reserved]

Subdivision XXIII, Sec. 34-467 – Sec. 34-468, is hereby deleted in its entirety.

Sec. 34-469 [Unchanged & Reserved]

Subdivision XXIV is hereby renumbered Subdivision IX.

Sec. 34-470 – Sec. 34-475. [Unchanged.]

Subdivision XXV is hereby renumbered Subdivision X.

Sec. 34-476. [Unchanged & Reserved.]

Sec. 34-477. [Unchanged.]

Sec. 34-478. Right-of-Way Credits.

(a) The parcels listed below have contributed to the cost of the North Hudson Sanitary Sewer when the right-of-way was acquired for the construction of such infrastructure. See the individual ROW agreements for application of remaining ROW credits or debits to be applied towards the sewer connection charge.

13-200-034 (formerly 13-200-013 and 014)

13-100-024 (formerly 13-100-001)

13-100-026 (formerly 13-100-002)

12-351-026 (formerly 13-351-003)

12-351-030 (formerly 13-351-010)

14-200-031

(b) delete in its entirety

Sec. 34-479 [Unchanged & Reserved]

Subdivision XXVI, Sec. 34-480 – Sec. 34-481, is hereby deleted in its entirety.

Subdivision XXVII is hereby renumbered Subdivision XI.

Sec. 34-482 – Sec. 34-487. [Unchanged.]

Subdivision XXVIII is hereby renumbered Subdivision XII.

Sec. 34-488 – Sec. 34-493. [Unchanged.]

Subdivision XXIX is hereby renumbered Subdivision XIII.

Sec. 34-494 – Sec. 34-496. [Unchanged.]

Sec. 34-497 (a-b) [Unchanged]

Sec. 34-497 (c) The cost of each connection to the Northern Arm Sanitary Sewer Extension is sixty-three dollars and thirty-one cents (\$63.31) per unit.

Sec. 34-498 – 34-499 [Unchanged]

Subdivision XXX is hereby renumbered Subdivision XIV.

Sec. 34-499.1 – Sec. 34-499.6. [Unchanged.]

Subdivision XXXI, Sec. 34-499.7 – Sec. 34-499.10, is hereby deleted in its entirety.

Subdivision XXXII, Sec. 34-499.11- Sec.34-499.14, is hereby deleted in its entirety.

Subdivision XXXIII is hereby renumbered Subdivision XV.

Sec. 34-499.15 – Sec.34-499.18. [Unchanged.]

Subdivision XXXIV is hereby renumbered Subdivision XVI.

Sec. 34-499.19 – Sec. 34-499.24. [Unchanged.]

Subdivision XXXV, Sec. 34-499.25 – Sec. 34-499.29, is hereby deleted in its entirety.

Subdivision XXXVI, Sec. 34.499.30 – Sec. 34-499.32, is hereby deleted in its entirety.

Subdivision XXXVII, Sec. 34-499.33- Sec. 34-499.36, is hereby deleted in its entirety.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART V

Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2007.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nayes:
Abstentions:
Absent:

CERTIFICATION OF ADOPTION

I hereby certify that the foregoing is a true and complete copy of an Ordinance passed at a _____ meeting of the Novi City Council, held on the _____ day of _____, 2007.

MARYANNE CORNELIUS, CITY

CLERK

Adopted:
Published:
Effective:

906514_1