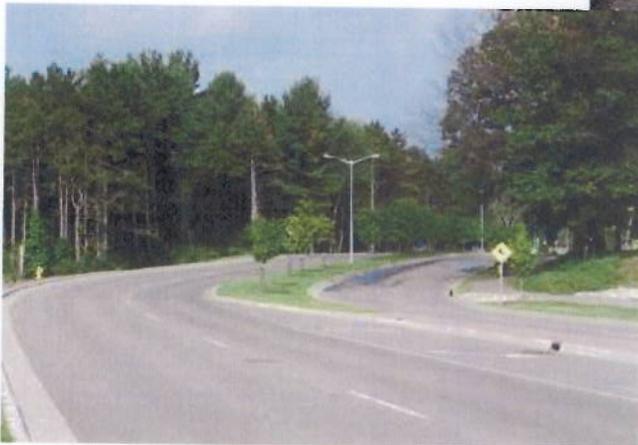




Sanitary Sewer Extension/ Street Reconstruction Policy



**Prepared by the Transportation & Utilities Department:
W. Christopher Barnes, P.E., Director
Kendra Gwin, P.E., Utilities Engineer**

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Sanitary Sewer Extension/Street Reconstruction Policy

Background

In the 1950's and early 1960's, the sanitary waste systems in Portage (then a township) consisted of individual septic systems (except in the Lexington Green area where Portage operated a small scale treatment plant for the Lexington Green subdivision). In 1967 Portage entered into an agreement with the City of Kalamazoo to treat wastewater generated in Portage. In the late 1960's, large capacity trunk sewer mains were installed in Portage which would provide sufficient sanitary sewer capacity to the entire city. The capacity of the sewer has been an important element in the orderly development of the city. During the late 1970's and through the 1980's, population growth along with generous federal grant programs (known in as the 201 Sewer Program, named after the applicable section of the Clean Water Act) helped spur the expansion of the sanitary sewer system. Today, the sanitary sewer system serves approximately 95% (15,600 parcels) of the developed portion of the city.

An integral component of the sanitary sewer system expansion has been the levy of special assessments on the adjoining benefitting properties. The special assessment process is outlined in Chapter 9 of the City Charter. The process has proven fair and equitable in the assessment of properties which benefit from utility installation.

From the inception of the city sewer utility, a fundamental component of sanitary sewer installation has been the reconstruction of the corresponding roadway. A large majority of sanitary sewer in Portage is installed in the center of the adjoining street, and the disruptive nature of the sewer installation necessitates that the street be reconstructed as part of the sanitary sewer construction. As a result, special assessment rates were established to include the cost of the street construction with the sanitary sewer installation for properties with public road frontage. For residential areas, the special assessments are established such that property owners pay 66% of the cost of the project with the city-at-large contributing the remaining 34%. For commercial areas the property owner special assessment percentage is approximately 80% of the project cost with the city-at-large contributing the remaining 20%. Approximately 200 miles of major and local streets in the city have been reconstructed under the special assessment.

A city-wide referendum was held in 2006 to alter the manner in which road reconstruction was to be funded, changing to a city-wide millage in lieu of special assessments. This major and local street reconstruction millage has thereby replaced the street reconstruction portion of the sanitary sewer special assessment.

With adoption of the major/local street reconstruction millage in 2006, the sanitary sewer assessment rate was effectively reduced by approximately 46%, thereby making sanitary sewer installation more affordable for property owners. For special assessment sanitary sewer projects, in addition to a city-share contribution, property owner special assessments fund the sanitary sewer installation and the street reconstruction millage is used to fund street reconstruction costs (Attachment 1, see roadway funding ballot proposal – Q & A). The current 2012 residential sanitary sewer assessment is \$30.55 per foot of frontage on the public street. In comparison, the current 2012 residential sanitary sewer assessment including street reconstruction is \$72.30 per front foot.

Current Sanitary Sewer Availability

City development ordinances require all new residential subdivisions to provide public sanitary sewer service and public water to all platted lots. Nevertheless, several areas of the city do not have sanitary sewer available. Generally, these areas consist of locations where property owners opted out of the 201 Sewer Installation Program, where property owners have petitioned against sanitary sewer, in lightly populated areas, or in areas where typical gravity sanitary sewer may not be feasible. The locations of these areas are identified on the attached map and summary sheet (Attachment 2 & 3).

As previously noted, street reconstruction is typically required with sanitary sewer installation. To promote sanitary sewer installation for the purpose of eliminating health concerns associated with individual septic systems, the city established a practice of not undertaking the reconstruction of streets lacking sanitary sewer service. This practice is based on the principle that it is not a prudent use of tax dollars to reconstruct a street if in the future, the street could be subjected to sanitary sewer installation, diminishing the value of the original tax expenditure for the street reconstruction.

Streets in Portage without sanitary sewer are typically of substandard construction and have generally received one 1½ inch thickness pavement overlay (known generally as a “strip paving”) as an interim maintenance measure. As the streets age, the pavement quality decreases

to a level requiring reconstruction or heavy resurfacing of the pavement. Many of the unsewered street locations in the city have reached a point where another asphalt overlay will not provide adequate pavement life. Normal deterioration of the pavement in these unsewered streets requires significant pavement patching and is the source of numerous citizen complaints.

Sanitary Sewer Installation Extension Procedures

Two goals of the City Council are to “continue to improve the infrastructure to meet demonstrated needs” and to “sustain environmental quality and protect natural resources.” Providing sanitary sewer service to all buildable property in Portage addresses these goals. When property owners have shown interest in utility installation, the City Administration has recommended projects in the Capital Improvement Program (CIP) to facilitate installation of sanitary sewer (or public water main). Anytime a petition is received with more than 50% representation of the property owners in support of utility extension, the city has been prompt in facilitating the special assessment process and corresponding construction program to allow expedient installation.

In most instances, the sanitary sewer installation process is property owner driven. The process most typically begins when a property owner experiences some system failure or inquires on the repaving schedule of their street. If the property owner is interested in sanitary sewer service, a petition is issued to the property owner for circulation to other property owners in the unserved area. If the returned petition contains more than 50% of the impacted property owners in support, then the petition is forwarded to City Council for consideration to initiate a special assessment district and advance the project in the CIP.

If less than 50% of the property owners are in favor of the project (and subsequent special assessment), the petition is kept on file until such time sufficient interest for the project is evidenced. For planning purposes, periodically the Transportation & Utilities Department sends a postcard survey to unserved areas to solicit interest in sanitary sewer. These postcard surveys are used to prioritize projects for the annual CIP. In addition, the city has occasionally initiated a sanitary sewer assessment district in conjunction with a major street reconstruction project. This was last accomplished in 2009 on West Milham Avenue, US-131 to Angling Road. Only one such City Council initiated project remains proposed in the 2012-22 CIP, Osterhout Road (Lloy Street to South Westnedge Avenue) currently scheduled for Fiscal Year 2014-15.

Modified Sanitary Sewer Connection Policy

Section 82-241 of the City Ordinances (Attachment 4) requires property owners to connect to sanitary sewer within 18 months of publishing a notice of availability. The mandatory sewer connection ordinance was established to promote public health and improve water quality of the area water bodies through connection to municipal sanitary sewer. Areas within established Wellhead protection areas, in proximity to water bodies and not served by public water can have environmental impacts, necessitating a requirement for mandatory connection to sanitary sewer. Areas meeting these standards are indentified as *Tier 1* areas on Attachment 2. A list of *Tier 1* areas which can contribute environmental impacts are highlighted in yellow on Attachment 3. *Tier 1* areas should continue to be subject to the requirements of mandatory sewer connection ordinance.

One deterrent to public support of sanitary sewer installation is typically raised by property owners who have recently replaced their septic system, usually at significant expense, and are opposed to the mandatory connection to the sanitary sewer. Many times the cost to replace a septic system can be equal to or exceed the special assessment for sanitary sewer. Property owners who have recently replaced their septic system will not likely support the installation of sanitary sewer. In recognition of this situation, in areas that pose little environmental impact and, to promote the installation of sanitary sewer, it would be reasonable to establish parameters to allow property owners to delay their connection to a sanitary sewer system until such time their septic system fails. Such a connection deferment would allow property owners to recover a return on their septic system investment and likely provide for reconstruction of their public street at an earlier date.

There are a number of factors which must be considered in determining the impact of a postponement of sanitary sewer connection. Accordingly, a property should only be considered for deferment from the mandatory sanitary sewer connection requirement if a review of the following factors shows negligible environmental impact:

- Availability of public water
- Proximity to established Wellhead Protection Areas
- Age of existing septic system
- Proximity to water bodies, including lakes and streams

- Existing land use and zoning.
- Average parcel size

If a review of these factors indicates that an identified property does not present the conditions necessary to negatively impact public health, then the identified property could be exempted from the required mandatory sanitary sewer connection until the existing septic system reaches the end of its effective life. Each individual unsewered area has its own unique matrix of factors which must be evaluated for exemption. These areas are indentified as *Tier 2* areas on the attached map. A list of the *Tier 2* areas with limited environmental impact are highlighted in orange on Attachment 3.

A fundamental factor in consideration of a sewer connection deferment is the condition of existing septic systems in unsewered areas of Portage. The Kalamazoo County Health Department (KCHD) has provided the City Administration with the septic system age and degree of functionality for the unsewered area of the city. The KCHD considers the county-wide effective life of an average septic system to be 16 years. After 16 years KCHD considers a septic system to need major rehabilitation to restore treatment effectiveness. KCHD enforces the State of Michigan Public Health Care Act 368 of 1978 (Attachment 5) which states that connection to municipal sanitary sewer systems (if available) is required upon a septic system failure. There are many variables that impact upon septic system effectiveness: installation construction quality; native soils; and maintenance, which makes each replacement period impractical to predict. Nevertheless, it is prudent to promote installation of sanitary sewer in those areas with potential environmental sensitivity. In a certain number of these areas, it is reasonable to allow property owners to defer or postpone connection to a sanitary sewer until their septic system functionally and/or operation fails to a point that the KCHD requires connection to municipal sewer. Such a deferment would require a change in the implementation of Section 82-241 of the City Ordinances (Attachment 4), which requires connection within 18 months of sanitary sewer availability. This change would consist of no longer publishing the availability of newly installed sanitary sewer.

There are areas of the city where, in addition to septic system age and well-head proximity, existing zoning and parcel size minimize environmental impacts. The existing low land use density and zoning prohibit dense land uses which can affect septic system effectiveness. Streets located in areas of minimal environment impact are indentified as *Tier 3* and shown on Attachment 2 and 3. The areas shown are rural in nature where installing sanitary

sewer should not be a factor in scheduling reconstruction of these streets. A list of the *Tier 3* areas with limited environmental impact are highlighted in blue on Attachment 3. Areas of low density are generally classified as lot size in excess of 1 acre (43,560 S.F.). Currently, the City of Portage zoning code set forth minimum lot size of 15,000 S.F. to 43,500 S.F. for buildable lots without sanitary sewer available (see Attachment 6). Other nearby townships (Oshtemo and Texas) also establish 43,560 S.F. as the minimum lot size for buildable lots without sanitary sewer. Establishing a policy of not requiring sanitary sewer for areas currently meeting the above criteria will not change the requirement for the installment of water and sewer utilities for newly platted areas in the city.

Financial Considerations

While it is city policy to special assess residential properties no more than 66% of the cost for utility special assessment projects, as the city has developed, the remaining unsewered project areas have become more difficult and costly to service. These additional costs are due to a variety of factors, such as larger lot size, deeper sewer main construction and challenging terrain requiring pumping stations. For these types of projects, the city-at-large cost increases substantially, with little likelihood that cost of service will be recouped through user charges. For these *Tier 3* areas highlighted on Attachments 2 and 3, municipal sewer shall be required only if supported by a successful property owner petition. Street reconstruction scheduling shall not be dependent upon sanitary sewer availability. If municipal sewer service is to be provided, it is important that the city administration retain design flexibility to adjust project limits based on project support. Such adjustments may include proposing alternate sewer collection systems or adjusting project limits to maximize project support from property owners. (The recommended minimum project length should be 400 feet based upon maintenance and construction efficiencies.) The design flexibility may ultimately change the project limits of proposed projects to remain close to the 66% property owner – 33% city-at-large financial split commonly associated with sanitary sewer special assessment projects.

Pavement Treatments

Completely reconstructing a street without sanitary sewer and subsequently removing that work to install sanitary sewer at a later date is a duplication of effort and a waste of city street millage funds. Additionally, to support City Council goals it is important to promote

sanitary sewer installation. The current practice of delaying street reconstruction with installation of sanitary sewer has been an excellent incentive for property owners to connect to municipal sewer. Nevertheless, as the sanitary sewer system has been expanded, small segments of the city remain without sanitary sewer service. Most of these locations exist on local streets, but a few areas are located along major streets.

The deteriorated condition of major streets impacts a broader population of street users, not only local property owners. In situations where major street reconstruction is planned in an area without sanitary sewer, past practice has been to establish a City Council initiated special assessment for sanitary sewer when federal highway funds are utilized. This practice facilitates the installation of sanitary sewer with a road project without receipt of a supportive property owner petition.

As of 2012, based on federal highway funding priorities, the remaining major street areas without sanitary sewer are unlikely to receive federal highway funds for reconstruction. Therefore, to facilitate necessary street reconstruction and limit property owner objections it would be prudent to program major street reconstruction of unserved areas utilizing the previously detailed *Tier* methodology. In this manner, sanitary sewer would be installed and the road reconstructed in a more timely manner. Sanitary sewer would be available for connection by the property owners. In *Tier 2* and *Tier 3* areas meeting the aforementioned criteria, the property owner would not be mandated to connect to the sanitary sewer until required by the KCHD.

Going forward, there are four issues that require consideration prior to implementing this revised practice.

- Special assessment bonds will be sold to fund these projects; however, the sewer fund must be in a sound financial condition to assume the city share cost of the construction bonding. Therefore, construction projects should be programmed in the CIP per fiscal year based upon current utility fund availability.
- Special assessment projects and utility connection charges are controversial and will remain challenging to collect. If properties are split or changes in zoning create additional buildable lots, property owners do not receive notice of the unassessed charges and are frequently surprised by the cost to make connections. City Council must be supportive of the delayed collection of unassessed sanitary sewer charges per the 1991 Special Assessment Policy Resolution.

- In instances in which property owners are desirous of receiving sanitary sewer services, and the subsequent street reconstruction, in advance of the CIP scheduled installation, the property owners can petition City Council for a special assessment. By petitioning for a special assessment, the property owner would pay the current special assessment rate which will be lower and more affordable than the rate in effect at the time of connection, as set forth in the 1991 Special Assessment Policy Resolution.
- Areas of limited environment impact will not be scheduled sanitary sewer until petitioned by property owners.

To maintain consistency in areas where sanitary sewer installation is not planned for several years, it is prudent to consider unsewered streets as an interim condition where road reconstruction funds should not be used until sanitary sewer installation is complete. Accordingly, the street should be maintained in a manner consistent with the volume of traffic it receives. Generally, this consists of pavement patching, area “mill and fill,” and 1 ½” thickness asphalt maintenance type treatments. In 2012, these type of treatments cost \$3.00-\$5.00 per square yard versus \$22.00-\$26.00 per square yard for new pavement. High volume collector and arterial streets without sanitary sewer are rare, but should receive heavier “mill and fill” and thin asphalt overlay treatments until sanitary sewer is installed.

Recommendations

In summary, based upon the evaluated data, City Ordinances and special assessment practices the City Administration recommends the following policy modifications:

1. That City Council and the City Administration continue to promote environmental health and quality by supporting the installation of sanitary sewer to all buildable parcels in the city. Areas within established Wellhead protection areas, in proximity to water bodies and not served by public water supplies are identified as *Tier 1* areas and mandatory sewer connection shall be required in accordance with current city ordinance.
2. That appropriate street reconstruction including the installation of sanitary sewers be promoted without penalizing property owners with functioning septic systems in areas served by public water, in areas outside of wellhead protection areas, in areas where septic systems are relatively new, or in areas not in proximity to water bodies including lakes and streams. Accordingly, properties serviced by sanitary sewer installations after 2012 meeting these characteristics will not be required to connect to sanitary sewer

service until their individual septic system is deemed to be failed by the KCHD. In order to meet the requirements of section 82-241 of the city ordinances; the administration will not notice the sanitary sewer availability in identified *Tier 2* areas.

3. That street reconstruction will not be predicated on municipal sanitary sewer availability in areas meeting the criteria in recommendation No. 2 having R-1A, R-1B, R-1C, R-1D or R-1E residential zoning, average lot size in excess of one acre, and limited potential for environmental impact. These areas are identified as *Tier 3*.
4. That the City Administration continue to initiate postcard surveys and adjust sanitary sewer service areas to accommodate installations to serve interested property owners. Post cards will serve to prioritize projects for recommendation in the Capital Improvement Program.
5. That city streets without sanitary sewer service be recommended for reconstruction based upon current pavement conditions, traffic volume and street network connectivity. Absent a property owner petition, the city will initiate a special assessment process to install sanitary sewer as part of the road reconstruction project. Property owners who wish to advance sanitary sewer service can do so by submitting a valid petition and electing to support the subsequent special assessment.
6. That interim measures such as “mill and fill” and thin asphalt overlay maintenance treatments be continued as the proper level of investment for streets not serviced with sanitary sewer until such time that sanitary sewer construction can be funded in the Capital Improvement Program.

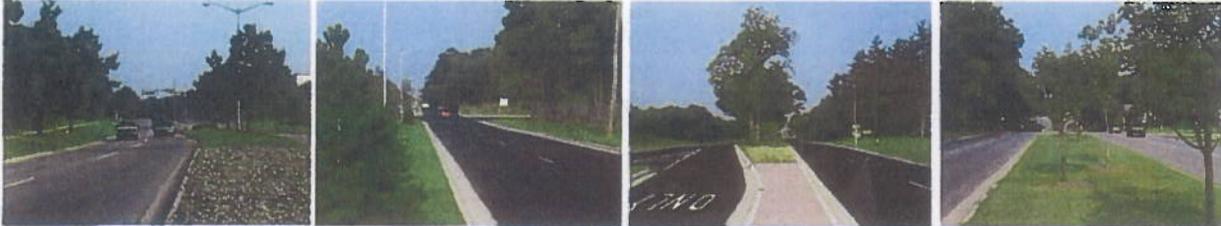
Attachments



Roadway Funding Ballot Proposal – Q&A

On November 7, 2006, Portager residents will be asked if they prefer the use of a millage levy to partially fund street improvements as opposed to continuing the current practice of using property owner special assessments for this purpose. If approved by voters in November, a millage levy of up to 1.0 mill will replace roadway special assessments (unless a street improvement project is initiated by a property owner petition). Each year, the City Council would decide the amount of millage necessary to provide funding for roadway projects planned for the upcoming year. If the roadway millage levy is rejected by voters, roadway special assessments will continue to be charged against property owners benefiting from the road improvement.

The City Council and City Administration want to provide adequate information to the public concerning this subject so that voters can make an informed decision in November. Below are several frequently asked questions concerning the ballot proposal and special assessments.

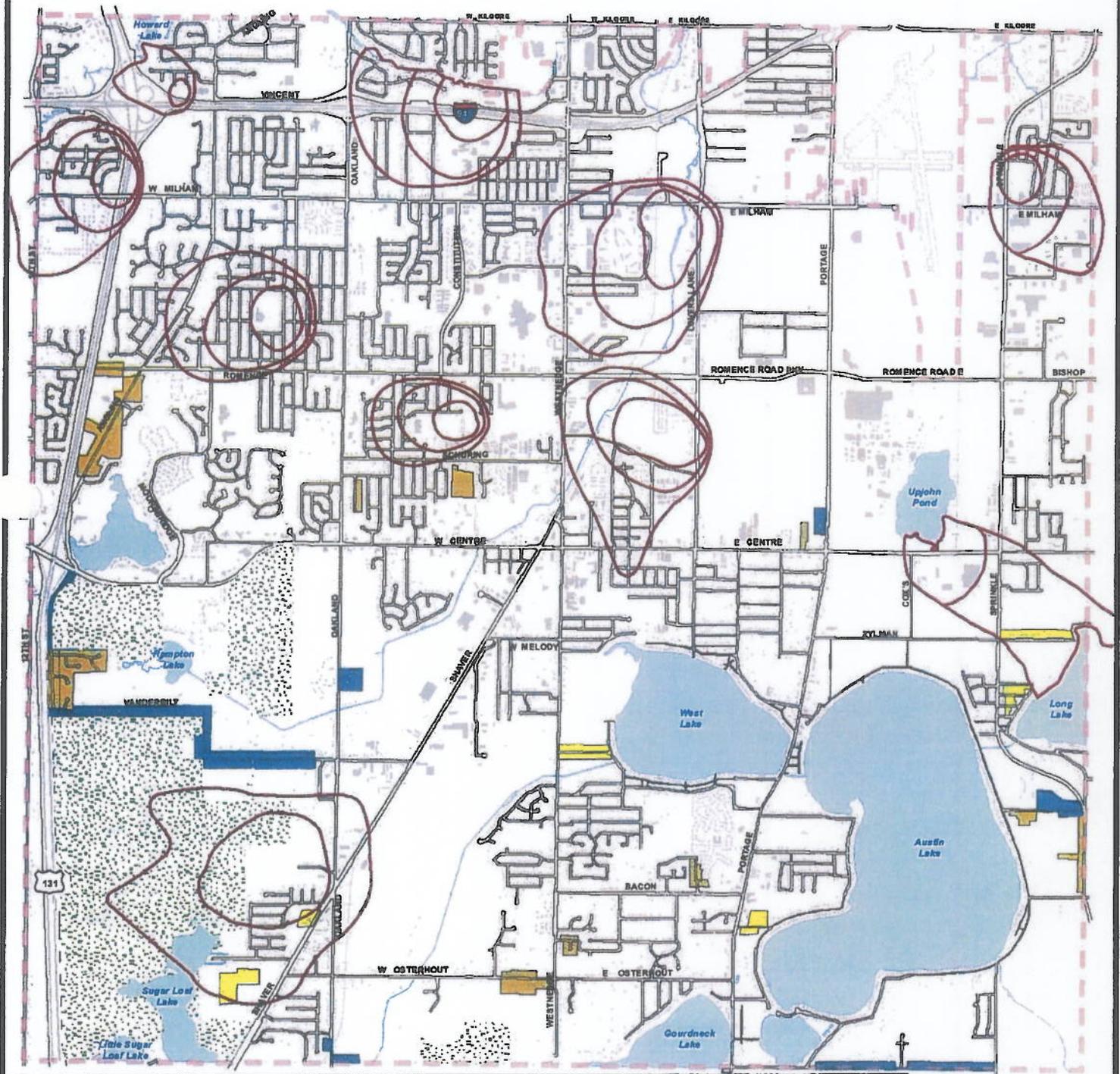


Question	Answer if Ballot Proposal Passes (Millage Levied):	Answer if Ballot Proposal Fails (Special Assessments Remain):
When the street in front of my house is reconstructed, who would pay for the project?	The city-at-large would pay for every city-initiated roadway reconstruction project through the millage levy. On average, over the past several years, the city has raised approximately \$600,000 per year through special assessments to assist with the financing of roadway improvements. At this time, raising \$600,000 of funding through a millage would require a levy of approximately 0.30 mills, which translates to approximately \$22.50 per year for the owner of a \$150,000 home. If a full 1.0 mill were to be levied, the owner of the same property would pay approximately \$75 per year for roadway improvements.	The special assessment district on a typical two-lane local residential street would pay no more than approximately two-thirds of the cost of roadway reconstruction, with the city-at-large paying the remaining one-third. For the owner of a typical 80-foot-wide residential lot, the special assessment at current rates for a roadway improvement without curb and gutters would equal \$1,933. The same project with the installation of curb and gutter and driveway approach would require a special assessment of \$6,206. Roadway special assessments may be paid over a period of ten years with interest on the unpaid balance.
If the street in front of my house is a two-lane roadway with a center turn lane, how much would I pay for the project when the street is reconstructed?	The same millage rate would apply to every Portager taxpayer, regardless of the type of street on which the property is located. The total dollar amount to be paid would depend on the amount of the millage levied and the taxable value of the property to which the millage is applied.	The same special assessment rate applies to the owner of a residential lot on a two-lane local residential street, the owner of a residential lot on a three-lane collector/minor arterial street and the owner of a residential lot on a five-lane arterial street. The owner of a typical 80-foot-wide residential lot would pay approximately \$24.16 per foot of lot frontage along the roadway for street reconstruction without curb and gutter (at current rates) regardless of the type of street on which the property is located. If curb and gutter is added, the rate increases to \$62.28 per foot of lot frontage, plus \$1,223.98 for installation of a driveway approach.
How would I be affected if I paid or am paying a special assessment for a previous roadway project in front of my house?	Residents who have paid or are paying a special assessment for a previous roadway project would not have assessment costs refunded. In addition, residents would be taxed at the same millage levy as all other Portager residents.	Residents who have paid or are paying a special assessment for a previous roadway project would continue to pay any outstanding special assessments and would contribute to the city-at-large portion of future roadway projects through general taxes at current city millage rates.
If water mains are installed in the street in front of my house, who will pay for the project?	The November ballot proposal involves funding for city-initiated roadway projects only. Regardless of the outcome of the November vote, special assessments will continue to be used to partially fund all petitioned projects, as well as all municipal sewer, water and certain sidewalk projects.	
If the city initiates a project or if my neighborhood petitions for the installation of sanitary sewer in the road in front of my house, who will pay for the project?	The property owner would be assessed for installation of sanitary sewer. The city-at-large, however, would pay for the cost for repaving the roadway through the millage levy.	The property owner would continue to pay a special assessment for installation of sanitary sewer and roadway reconstruction with the city-at-large contributing approximately one-third of the cost of the project.

Look for more information about this important issue in future editions of the *Portager* newsletter and on the city website. An informational meeting will be held to give residents the opportunity to ask questions and learn more about how special assessments work and about the impact of a millage levy. If you have questions or comments concerning the November ballot proposal or special assessments, please contact the Office of the City Manager at 329-4405.

Areas not served by City Sanitary Sewer Impact Areas

Date: 10/16/2012



- Tier 1 - Areas where septic systems pose an environmental impact and sanitary sewer shall be installed with Mandatory Connection.
- Tier 2 - Areas where sanitary sewer shall be installed as a Special Assessment, but Mandatory Connection is Deferred.
- Tier 3 - Areas where average lot size and low density negate the necessity of installing sanitary sewer.
- Wellhead Protection Area



1 inch = 4,250 feet

**City of Portage
Unserved Sanitary Sewer Areas**

Tier 1 Areas are where septic systems pose a environmental impact and sanitary sewer shall be installed with Mandatory Connection

Tier 2 Areas where sanitary sewer shall be installed as a Special Assessment, but Mandatory Connection is Deferred

Tier 3 Areas where average lot size and low density negate the necessary of installing sanitary sewer

Street	From	To	Street Classification	Current PASER No.	Public Water	Aprox Number unserved Properties	Current Zoning	typical lot size (sf)	Inside WHPA	Current CIP Schedule
Osterhout	Lloy	South Westnedge	Major	3	Yes	14	R-1C	25,000	No	14-15
Pine View	Bacon	Chaucer	Local	2	Yes	13	R-1C	15,000	No	15-16
South Shore	South Westnedge	West End	Local	2	Yes	12	R-1B	18,000	No	15-16
Gray	Sprinkle	Waruf	Local	2	No	8	R-1A	13,000	No	16-17
Mahoney	Sprinkle	Waruf	Local	3	No	11	R-1A	13,000	No	16-17
Lum	Sprinkle	Waruf	Local	3	No	7	R-1A	13,000	No	16-17
Hayes	Sprinkle	Waruf	Local	3	No	2	R-1A	15,000	No	16-17
Cliffwood	South Westnedge	End	Local	5	No	7	R-1C	14,000	No	17-18
Archwood	Cliffwood	End	Local	4	No	7	R-1C	18,000	No	17-18
Romence	West of Angling	End	Local	1	Partially	9	R-1B	24,000	No	18-19
Zylman	Sprinkle	Deep Point	Local	2	No	13	R-1B	25,000	Yes	18-19
Angling	Squire Heath	Romence	Major	3	Yes	48	R-1B	25,000	No	19-20
Frontier	Angling	End	Local	4	No	12	R-1C	15,000	No	20-21
Conestoga	Frontier	End	Local	4	No	7	R-1C	15,000	No	20-21
Homestead	Frontier	End	Local	3	No	12	R-1C	15,000	No	20-21
Washing Well	Angling	End	Local	3	No	8	R-1C	25,000	No	20-21
Lori	Vanderbilt	End	Local	3	No	8	R-1C	15,000	No	20-21
Angling	Vanderbilt	Frontier	Local	2	No	9	R-1C	22,000	No	20-21
Angling	Frontier	West Centre	Local	2	No	0	R-1C	None	No	20-21
Vanderbilt	Chapel	Hampton Creek	Major	2	No	64	R-1C	82,000	No	20-21
Vanderbilt	Hampton Creek	Angling	Major	3	No	20	R-1C	45,000	No	20-21
Mandigo	Andrews	East Shore	Local	3	No	25	R-1D, R-1B	46,000	No	21-22
Branch	East Shore	1000' east of East	Local	2	No	16	R-1B, RM-1	18,000	No	
Branch	1000' east of East Shore	Sprinkle	Local	2	No	16	R-1B, RM-1	100,000	No	
Wetherbee	Portage	Woodlawn	Local	3	No	3	R-1B	85,000	No	
24th/Sprinkle	E R Ave	Nash	-	KCRC	Partially	24	R-1B	25,000	No	
Kenneth Ct (pvt)	Sprinkle	End	-	PVT	No	8	R-1B	11,700	No	
Witters Ct (pvt)	pump station	End	-	PVT	No	6	R-1B	100,000	Yes	
Shaver	Beethoven	N of Rolling Hill	Major	3	Yes	3	RM-1, B-3	98,000	Yes	
Oakland	N of Katie	Oakland Hills Blvd	Major	6	Yes	3	R-1C	200,000	No	
Curry Ct (pvt)	Schuring	end	-	PVT	No	6	R-1B	37,000	No	
Portage	E Centre	north	Major	4	Yes	3	B-1, B-3, I-2	68,000	No	
Engel (pvt)	E Centre	north end	-	PVT	Yes	5	R-1B	27,000	No	
Oakland	Oak Leaf	S City Limit	Local	4	No	2	R-1B	45,000	No	
Andrea (east side)	Charter	South End	Local	4	Yes	10	R-1B	17,000	No	

Sec. 82-241. - Connection to public sewer required.

(a)

Findings. It is hereby recognized by the city that certain on-site sewage disposal systems, including septic tanks, pose a threat to the public health, safety and welfare by threatening the quality of surface water and groundwater of the city. It is hereby declared that the required connection to an available public sanitary system as ordained in this section is for the public health, safety and welfare and necessary in the public interest.

(b)

Definitions. The following definitions shall be used for purposes of this section. If there is a conflict or inconsistency with other definitions in this article, these definitions shall govern:

Available public sanitary sewer means a public sanitary sewer system located in a right-of-way, easement, highway or street or other public way which crosses, joins or abuts upon the property and passes not more than 200 feet from the nearest structure in which sanitary sewage originates.

Commission means the environmental commission.

New structure means a structure which has been issued a building permit by the city after the effective date of the ordinance codified in this section.

Owner and *property owner* mean both the owner of title of record and those occupying or in possession of property or the premises.

Premises and *property* mean a tract or parcel of land on which a building is located in which a toilet, kitchen, laundry, bathing or other facilities which generate water or carry the sanitary sewage are used or are available for use for household, commercial, industrial or other purposes.

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

Structure in which sanitary sewage originates and *structure* mean a building in which a toilet, kitchen, laundry, bathing or other facility which generates water-carried sanitary sewage is used, or is available for use, for household, commercial, industrial or other purposes.

(c)

Connection required.

(1)

Existing structures. Structures from which sanitary sewage originates located within the city shall be connected to an available public sanitary sewer system not later than 18 months after the city has published notice of the availability of the public sanitary sewer system in a newspaper of general circulation in the city.

(2)

New structures. Notwithstanding subsection (c)(1) of this section, all new structures in which sanitary sewage originates shall connect to an available public sanitary sewer system before issuance of any certificate of occupancy, and no such certificate of occupancy shall be issued if not connected.

(d)

Violations; enforcement.

(1)

Any person convicted of failing to connect to an available public sanitary sewer as provided in this section, or in any other way violating the provisions of this section, shall be guilty of a misdemeanor.

(2)

If any structure from which sanitary sewage originates is not connected to an available public sanitary sewer within the time set forth in this section, the city may bring an action for a mandatory injunction or order in the district or circuit court in the county and compel the owner to connect to the available sanitary sewer system forthwith. The city may join in any such action any number of owners or structures to compel each owner to connect to the available public sanitary sewer system.

(3)

Any structure from which sanitary sewage originates not connected to an available public sanitary sewer system as required by this section is deemed to be a nuisance per se.

(4)

The city may enforce the provisions of this section by any means available to it pursuant to law and this section. The city may use one or more remedies available, and the use of one such remedy does not preclude the use of another simultaneously or at a later date.

(e)

Application for hardship relief.

(1)

Notwithstanding any provision of this section to the contrary, it is recognized that paying the cost of labor and materials for connecting to an available sanitary sewer system may create undue financial hardship on some property owners who are required to make such connection.

(2)

Any property owner who believes that the payment of the costs of labor and materials which must be incurred to connect the structure to an available public sanitary sewer system will subject him to unreasonable financial hardship may apply to the commission for relief from the mandatory provisions of this section. The cost of connection, however, shall not include those charges and fees required to be paid to the city for connection.

(3)

Such application shall be in writing, shall be signed by the property owner under penalty of perjury and shall contain such financial information about the applicant and the members of the applicant's family living at the premises as may be required by the commission in order for the commission to determine whether the mandatory requirements of this section will subject the property owner to undue financial hardship. If the commission does not receive enough information from the applicant to make an informed decision, it may deny the application. All applications shall include copies of at least two estimates regarding the approximate cost of making the connection, a legal description of the property involved, and an application fee.

(4)

The commission may establish, by resolution, a standing committee to hear and decide all applications under this subsection. Such standing committee may be given authority to take all actions and impose any requirement or condition that the commission may impose, including the power to make a final decision on the merits of any application.

(f)

Criteria for finding of hardship.

(1)

The commission may find undue financial hardship if the applicant demonstrates one or more of the following:

a.

Such finding may be made if the applicant's gross total household income, as that term is defined by the Community Development Block Grant Program, is less than 80 percent of the median income for the county. In determining such median

income, the schedule provided to the city by the Department of Housing and Urban Development shall be followed.

b.

Such finding may be made if the cost of connecting the structure to the sewer, excluding those fees and charges required to be paid to the city for the connection, will exceed 25 percent of the total gross household income as such income is defined by the Community Development Block Grant Program.

c.

In all other applications not falling under subsections (f)(1)a and b of this section, the commission may determine that the applicant is subjected to undue financial hardship if it finds that paying the cost of connecting to the sewer will be an intolerable burden on the applicant and his family when the applicant's gross total household income is considered in relationship to unusual expenses and obligations of the applicant not considered by the Community Development Block Grant Program.

(2)

Notwithstanding subsections (f)(1)a, b and c of this section, the commission shall not grant relief to any applicant who has applied for and has received a loan for the required connection pursuant to the Community Development Block Grant Program of the city or to an applicant who has refused to apply for such loan after being requested to do so by the city.

(3)

Deferments for nonresidential uses shall not be given unless the applicant can demonstrate, by adequate documentation, that financing for the required connection is unavailable to the applicant by any means. The commission may require the applicant to make additional attempts to obtain financing.

(g)

Deferment of connection in hardship cases. In all cases where the commission finds that the property owner will be subjected to undue financial hardship if required to connect to an available public sanitary sewer system, the commission may defer the connection of the structure to the sewer. Such deferment may be with or without a date fixed for connection as the commission so chooses, but in no event shall such deferment exceed 18 months. In all such cases, the commission shall require as a condition to the granting of any relief that the applicant agree in writing that the structure will be connected at such time as the premises are sold, transferred or assigned, and in any event on the death of the

survivor of the applicant or his spouse, and that all parties having an interest in the property sign such document. Such document shall be recorded with the register of deeds and the recording costs shall be borne by the applicant. The commission may impose further conditions and requirements it deems just and necessary under the circumstances.

Portage, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 42 - LAND DEVELOPMENT REGULATIONS >> ARTICLE 4. - ZONING >> DIVISION 4. - ZONING DISTRICTS AND DISTRICT REGULATIONS >> Subdivision 10. - Schedule of Regulations >>

Subdivision 10. - Schedule of Regulations

Sec. 42-350. - Schedule of regulations.
 Secs. 42-351—42-369. - Reserved.

Sec. 42-350. - Schedule of regulations.

A. Schedule of regulations: The following schedule sets forth regulations regarding building height, bulk, density and area for the zoning districts as indicated. Numbers in parentheses are footnotes and apply as explained.

Zoning District	Minimum Lot Area Per Dwelling Unit (Sq. ft.)/lot width in feet (1)			Maximum Building Height in feet		Minimum Yard Setback in feet(2)			Minimum Floor Area Per Unit (sq. ft.)	Maximum Lot Coverage
	With Sewer & Water	With Sewer or Water	Without Sewer & Water	Stories	Height	Front	Each Side	Rear		
R-1A One-Family Residential	7,800/65	12,000/80	15,000/100	2	25(3)	27	8(4)	40	(5)	25
R-1B One-Family Residential	9,600/80	12,000/80	15,000/100	2	25(3)	30	10(4)	40	(5)	25
R-1C One-Family Residential	12,000/100	12,000/100	15,000/100	2	25(3)	30	12(4)	40	(5)	25
R-1D One-Family Residential	12,000/100	12,000/100	28,000/120	2	25(3)	30	12(4)	40	(5)	25
R-1E One-Family Residential	43,560/150	43,560/150	43,560/150	2	25(3)	40	20(4)	60	(5)	25
R-1T Attached Residential	6,000/40	9,000/60	9,000/60	2	25(6)	30	10(4)	40	850	25
RM-1 & RM-2 Multi-family Residential	(7)	8,000	8,000	3	30(6)	30(8)	30(8)(4)	30(8)	1 BR: 500, 2 BR: 700, 3 BR: 900, 4 BR: 1,100	25

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.12751 Definitions used in MCL 333.12752 to 333.12758.

Sec. 12751. As used in sections 12752 to 12758:

(a) "Acceptable alternative greywater system" means a system for the treatment and disposal of waste water which normally does not receive human body wastes or industrial waste and is approved for use by a local health department.

(b) "Acceptable innovative or alternative waste treatment system" means a decentralized or individual waste system which has been approved for use by a local health department and which is properly operated and maintained so as not to cause a health hazard or nuisance. An acceptable innovative or alternative waste treatment system may include, but is not limited to, an organic waste treatment system or compost toilet which operates on the principle of decomposition of heterogeneous organic materials by aerobic and facultatively anaerobic organisms and utilizes an effectively aerobic composting process which produces a stabilized humus. Acceptable innovative or alternative waste treatment system does not include a septic tank/drain field system or any other system which is determined by the department to pose a similar threat to the public health, safety and welfare, and the quality of surface and subsurface waters of this state.

(c) "Available public sanitary sewer system" means a public sanitary sewer system located in a right of way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the property and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.

(d) "Person" means a person as defined in section 1106 or a governmental entity.

(e) "Public sanitary sewer system" means a sanitary sewer or a combined sanitary and storm sewer used or intended for use by the public for the collection and transportation of sanitary sewage for treatment or disposal.

(f) "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.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1980, Act 421, Eff. Mar. 31, 1981.

Popular name: Act 368

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.12752 Public sanitary sewer systems; declaration of necessity.

Sec. 12752. Public sanitary sewer systems are essential to the health, safety, and welfare of the people of the state. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety, and welfare; presents a potential for ill health, transmission of disease, mortality, and economic blight; and constitutes a threat to the quality of surface and subsurface waters of this state. The connection to available public sanitary sewer systems at the earliest, reasonable date is a matter for the protection of the public health, safety, and welfare and necessary in the public interest which is declared as a matter of legislative determination.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Popular name: Act 368