

CHARTER TOWNSHIP OF ALLENDALE

ORDINANCE NO. 2015-16

WATER SYSTEM AMENDMENT ORDINANCE

AN ORDINANCE to amend the Water System Ordinance, Ordinance No. 2006-25, previously adopted by the Charter Township of Allendale, specifically pertaining to the frontage charge assessed to water customers of the Township.

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, STATE OF MICHIGAN, ORDAINS:

Section 1. Frontage Charge. Section 5(b) of the Water System Ordinance, Ordinance No. 2006-25, previously adopted by Allendale Charter Township, is restated in its entirety as follows.

(b) Frontage Charge. All Premises connecting to the System shall pay a frontage charge, as provided in the Rate Schedule, for each front foot of the Premises which is functionally utilized, but limited to a maximum of 100 feet for Premises with only one single family dwelling. The frontage charge shall not apply if:

(1) the Premises have been included in a special assessment district and were assessed for the cost of the functionally utilized frontage; or

(2) the System main adjacent to the Premises was constructed as part of a development or project in which the connecting party, the connecting party's predecessor, or the Township, on behalf of and at the expense of the connecting party or the connecting party's predecessor, constructed the main. However, if the development or project itself has frontage (i) on a System main not constructed as part of the development or project, or (ii) on a street that does not then have a System main but which the Township reasonably anticipates will have a System main at some time in the future, then a frontage charge for such frontage on the System main or street shall nevertheless be paid by the development or project subject, however, for a corner lot deferment as provided below. Further, if the Township has a contractual reimbursement obligation with respect to the System main to which the connection will be made, then a frontage charge shall nevertheless be payable.

The portion of the Premises which is functionally utilized shall include that portion of the Premises which is occupied by buildings or structures and also which is occupied by recreational facilities (swimming pools, etc.), drives, parking area, grass, other landscaping, and/or other site

improvements. With respect to a connection by a farm house and/or farm buildings, farm land devoted to the raising of animals or crops or left fallow shall not be considered to be functionally utilized. In order to be excluded from consideration in calculating the frontage charge, the frontage which is not functionally utilized must meet the minimum zoning ordinance requirements for a buildable lot in the zoning district where the Premises are located.

Frontage which is not charged because it is not being functionally utilized, or because it exceeds 100 feet for Premises with only one single family dwelling, shall be considered to be deferred frontage and shall be subject to connection charges at the then current rate including, but not limited to, a frontage charge, as is provided in this Section 5, at such time as a building or zoning permit is applied for for improvements to be located on the deferred frontage.

The frontage for each Premises shall be measured at the edge of the street right-of-way or public easement for the water main. However, where there are non-rectangularly shaped lots or parcels of land, the Township may, in its discretion, elect to measure the frontage for a Premises at a point back from the edge of the street right-of-way or public easement for the water main equal to the minimum front yard depth then required for the Premises under the Township Zoning Ordinance.

Corner lot long side frontage shall be deferred for a distance of 200 feet and shall only be assessed beyond 200 feet if functionally utilized as provided above, but limited to a maximum of 100 feet for Premises with only one single family dwelling. Except in the case of a corner lot as provided above, all Premises shall be assessed for their full functionally utilized frontage regardless of whether the water main extends across the entire width of the Premises, but in no event shall Premises with only one single family dwelling be assessed for more than 100 feet of frontage.

Section 2. Effective Date. This Ordinance was approved and adopted by the Township Board of the Charter Township of Allendale, Ottawa County, Michigan, on _____, 2015, after introduction and a first reading on August 10, 2015, and publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective on _____, 2015.

Jerry Alkema, Supervisor

Laurie Richards, Clerk

CERTIFICATE

I, Laurie Richards, Clerk for the Charter Township of Allendale, Ottawa County, Michigan, do hereby certify that the foregoing Water System Amendment Ordinance was adopted at a regular meeting of the Township Board held on _____, 2015. The following members of the Township Board were present at the meeting: _____

_____. The following members of the Township Board were absent:

_____. The Ordinance was adopted by the Township Board with members of the Board _____

_____ voting in favor and members of the Board _____

_____ voting in opposition. The Ordinance was published in the _____ on _____, 2015.

Laurie Richards, Clerk