

VILLAGE OF MATTAWAN
HARDSHIP ORDINANCE REGARDING
CONNECTION TO WASTEWATER COLLECTION SYSTEM
ORDINANCE NO. 180

An ordinance to provide for the deferral of the obligation to connect to the wastewater collection system of the Village of Mattawan in situations in which property owners establish by objective evidence that property owners will be subjected to an undue financial hardship if they are required to connect to the wastewater collection system as required by the Village's Wastewater Discharge Ordinance.

THE VILLAGE OF MATTAWAN VAN BUREN COUNTY, MICHIGAN ORDAINS:

SECTION 1 PURPOSE

The purpose of this ordinance is to:

- A. Provide and establish a procedure by which property owners may request relief from the connection requirement established by Village Ordinance 157 in those situations in which property owners believe that immediate connection will create undue financial hardship.
- B. Establish procedural requirements to be met by property owners requesting relief and guidelines for determining when such relief is appropriate.

SECTION 2 HARDSHIP PROVISION

- A. Notwithstanding any provision of this or any other ordinance 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 connect to the sewer system

SECTION 3 APPLICABILITY

This Ordinance applies to all users of the Wastewater System (including the Village's wastewater collection system).

SECTION 4 PROCEDURE FOR REQUESTING HARDSHIP

- A. Any property owner who believes that the payment of the costs of labor and materials which must be incurred to connect a structure located on that property to the sanitary sewer system will subject the property owner to unreasonable financial hardship may apply to the Village Council for relief from the mandatory provisions of Ordinance 157. The cost of connection, however, shall not include those charges and fees required to be paid to the City for connection.

- B. Such application shall be in writing, signed by the property owner under penalty of perjury, and shall contain such financial information about the applicant and, where appropriate, the members of the applicant's family living at the premises as may be required by the Village Council in order for the Council to determine whether the mandatory requirements of the ordinance will subject the property OWNER TO UNDUE FINANCIAL HARDSHIP. If the Council does not receive enough information from the applicant in order to allow the Council to make an informal decision, the Council may deny the application. All applications shall include a copy of an estimate regarding the approximate cost of making the connection, a legal description of the property involved, and an application fee in an amount which the Council determines to be appropriate. The Village Council reserves the right to require the property owner to provide a second estimate.
- C. The Council may establish, by resolution, a standing committee to hear and decide all applications under this section, or may designate that an existing committee will hear all applications under this Section. Such committee shall make a recommendation to the Village Council regarding each deferment application.
- D. The Council may adopt further specific guidelines for determining the existence of financial hardship. Such guidelines shall be made available to the public.

SECTION 5 UNDUE FINANCIAL HARDSHIP

- A. The Council may find that a residential applicant has established 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/her family when the applicant's gross total household income is considered in relationship to expenses and obligations of the applicant. The Council shall have the sole discretion to determine whether any specific expense and/or obligation should be excluded from consideration in determining whether the applicant has established undue hardship.
- B. Deferments for nonresidential uses shall not be given unless the applicant demonstrates that, absent the deferment, the applicant will be able to continue in business at the subject property or that the applicant will be required to breach a material term of a lease agreement because of the financial hardship caused by the connection obligation. No deferment shall be granted in a non-residential situation unless the applicant can demonstrate, by adequate documentation, that financing for the required connection is unavailable to the applicant by any means. The Council may require the applicant to make additional attempts to obtain financing which the Council determines to be appropriate.

SECTION 6 RELIEF

- A. In all cases where the Village Council finds that the property owner will be subjected to undue financial hardship if required to connect to an available public sanitary sewer system, the Council may defer the connection of the structure to the wastewater system. Such deferment may be with or without a date fixed for connection as the Village Council chooses. However, no deferment shall exceed eighteen (18) months. In all cases

in which a deferment is granted, the Council shall require, as a condition to the deferment, that the applicant agrees in writing that the structure will be connected at such time as the premises are sold, transferred or assigned. This agreement shall be executed by all persons who hold any interest in the property, and shall apply to the heirs and devisees of all such persons. Such document shall be recorded with the Register of Deeds and the recording costs shall be borne by applicant. Notwithstanding any provision of this Ordinance, the Council may impose all further conditions and requirements which the Council determines just and necessary in order to carry out the purpose of sanitary sewer connection requirement.

