

**OSHTEMO CHARTER TOWNSHIP BOARD  
7275 West Main Street  
Kalamazoo, MI 49009**

**January 26<sup>th</sup>, 2021**

Refer to [www.oshtemo.org](http://www.oshtemo.org) home page for Virtual Meeting Information

**REGULAR MEETING  
6:00 P.M.  
AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Public Comment on Non-Regular Session Items

**WORK SESSION ITEMS**

4. Update on Single Hauler Residential Waste Pick Up
5. Other Updates & Business

**BREAK (Time Permitting) – 7:05 P.M.**

**REGULAR SESSION ITEMS – 7:15 P.M.**

6. Consent Agenda
  - a. Approve Minutes – January 12, 2021
  - b. Receipts & Disbursements Report
  - c. Employee Handbook Amendments
  - d. IAFF Collective Bargaining Agreement Memorandum of Understandings
  - e. Poverty Exemptions Changes in State Law
7. Consideration of City of Kalamazoo Water Agreement with Final Version of Appendices
8. Consideration of Fire Alarm Ordinance Amendments – First Reading
9. Consideration of Zoning Ordinance Amendments – First Reading
  - a. Pools on corner Lots (Front Yard Setback)
  - b. Child and Adult Care Centers
10. Consideration of Sewer Installment Agreement Ordinance Rate Setting Schedule Amendment – First Reading
11. Other Township Business & Question Updates
12. Public Comment
13. Board Member Comments
14. Adjournment

**Policy for Public Comment  
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email ([oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org)), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)  
(revised 5/14/2013)  
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at [www.oshtemo.org](http://www.oshtemo.org), email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to [oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<b><u>Supervisor</u></b>		
Libby Heiny-Cogswell	216-5220	<a href="mailto:libbyhc@oshtemo.org">libbyhc@oshtemo.org</a>
<b><u>Clerk</u></b>		
Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
<b><u>Treasurer</u></b>		
Clare Buszka	216-5260	<a href="mailto:cbuszka@oshtemo.org">cbuszka@oshtemo.org</a>
<b><u>Trustees</u></b>		
Cheri L. Bell	372-2275	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>
Kristen Cole	375-4260	<a href="mailto:kcole@oshtemo.org">kcole@oshtemo.org</a>
Zak Ford	271-5513	<a href="mailto:zford@oshtemo.org">zford@oshtemo.org</a>
Kizzy Bradford	375-4260	<a href="mailto:kbradford@oshtemo.org">kbradford@oshtemo.org</a>

<b>Township Department Information</b>			
<b><u>Assessor:</u></b>			
Kristine Biddle	216-5225	<a href="mailto:assessor@oshtemo.org">assessor@oshtemo.org</a>	
<b><u>Fire Chief:</u></b>			
Mark Barnes	375-0487	<a href="mailto:mbarnes@oshtemo.org">mbarnes@oshtemo.org</a>	
<b><u>Ordinance Enf:</u></b>			
Rick Suwarsky	216-5227	<a href="mailto:rsuwarsky@oshtemo.org">rsuwarsky@oshtemo.org</a>	
<b><u>Parks Director:</u></b>			
Karen High	216-5233	<a href="mailto:khigh@oshtemo.org">khigh@oshtemo.org</a>	
Rental Info	216-5224	<a href="mailto:oshtemo@oshtemo.org">oshtemo@oshtemo.org</a>	
<b><u>Planning Director:</u></b>			
Iris Lubbert	216-5223	<a href="mailto:ilubbert@oshtemo.org">ilubbert@oshtemo.org</a>	
<b><u>Public Works:</u></b>			
Marc Elliott	216-5236	<a href="mailto:melliott@oshtemo.org">melliott@oshtemo.org</a>	

## Zoom Instructions for Participants

### Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 11-digit Meeting ID.

### To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](#) on any browser and entering this **Meeting ID: 818 0800 5140**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet or smartphone then you can join via conference call by following instructions below.

### To join the conference by phone:

1. On your phone, dial the toll-free teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **818 0800 5140#**

### Participant controls in the lower-left corner of the Zoom screen:



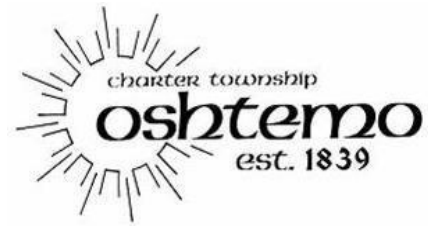
Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press \*9 on your touchtone keypad.**

**Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.**

# Memorandum



**Date:** 22 January 2021  
**To:** Township Board  
**From:** Josh Owens, Assistant Supervisor  
**Subject:** Discussion on Single Hauler Waste Removal Service

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## **OBJECTIVE**

Discussion on Single Hauler Waste Removal Service.

## **BACKGROUND**

Board discussion regarding the Township moving to a single hauler waste removal service began in 2016 after receiving a letter from the Oak Park Neighborhood Association President. Currently, residents of Oshtemo Township have multiple service providers to choose from with Republic Services and Best Way Disposal being the most popular providers.

There are several reasons why a municipality would consider switching to a single hauler service. Single hauler lowers the amount of waste removal trucks on the road which cuts down on noise, helps to maintain road conditions and reduces Co2 emissions. Single hauler also reduces the cost of services for residents through economies of scale. Because of these reasons, many municipalities across the State and throughout the country have adopted single hauler services in their communities.

Since discussion began, the Township has worked to gather relevant information on the topic. Two surveys have been sent out to residents, one from the 2017 Community Survey and another from a single hauler specific survey in 2019. The surveys gave mixed results. The 2017 survey was close to a 50/50 split while the 2019 survey was 84% in favor of single hauler service and 16% opposed. The reason for the difference in surveys may have to do with the wording of each question. The questions were as follows:

- 2017 survey – Are you in favor of switching to a single hauler waste removal service?
- 2019 survey - If switching to a single hauler service would save you money would you be in favor of switching?

In 2020, more information was gathered through a Request for Information (RFI) that was sent to three service providers. The Township received feedback from two of those service providers. The summary of those responses was that switching to a single hauler service would likely result in a reduction in trucks on the road and price for consumers.

## **Example process for implementing a single hauler service provider program:**

1. Concept brought to Township Board to:
  - a. Describe the project and its prospective benefits to the community.
  - b. Give examples of successful implementation of this project in other communities.
  - c. Solicit feedback from the Board as to their desire to conduct further investigations / discussions on this matter.
2. If the Township Board agrees that further investigation was desired:
  - a. Determine which services Oshtemo Township desires and would be most beneficial to the Township and its citizens.

- b. Quantify cost savings estimates and detail other tangible benefits to the community.
  - c. Detail all these findings in an updated report and present to the Township Board for approval to go forward with the process.
- 3. When / if Township Board approves implementation of the project, process, assign personnel to:
  - a. Clearly define the process.
  - b. Outline a timetable for implementation.
  - c. implement the process.
- 4. Process Example
  - a. Design and Implement a Public Relations program to inform the public of the benefits of implementing such a service and to receive feedback from citizens regarding the potential change
    - i. Public Meeting
    - ii. Open House
  - b. Develop a bid package Request for Proposals (RFP) to send out to potential bidders laying out the requirements of the program, term of service, renewal options and other requirements the Township needs from the Vendor.
  - c. Solicit proposals from waste hauling companies.
  - d. Provisions must be investigated on how to end contracts for individual trash services with those citizens and companies that are presently in contracts with the non-chosen sole source company and whether or not exceptions are allowable?
  - e. Sign a contract with the chosen service provider.

**ADDINTIONAL INFORMATION INCLUDED**


- 1. RFI Responses.
- 2. Kalamazoo Township Sample Program Communication.
- 3. 2019 Survey Results



08/27/2020

## **Services:**

- 1) What services does your company offer to residents?
  - **Trash / Recycle / Yard Waste / Bulk Pickup / Roll-off containers**
- 2) Do you offer door service for disabled residents? If yes, describe the enrollment process for this program.
  - **Republic Services does offer backdoor services.**
- 3) What are your size options for mixed waste, recycle and yard waste pickup?
  - **Republic Services offers 96 Gallon Carts**
- 4) What is the cost for the various services you offer (weekly mixed waste pickup, biweekly recycle pickup)?
  - **Costs will vary based on how many homes and the structure of the bid, i.e. Are all homes required to have Trash and Recycle or is it a choice for each resident?**
    - **If all homes are required to accept both services, the rates will range between \$15.00 - \$19.00 per month**
- 5) How would cost to customers change if a single hauler program was implemented Townshipwide?
  - **Depends on who they are using and what service they have, but on average the expectation is a Single Hauler program would save residents between 15 - 30% over subscription type services.**
6. How would customer cost change if a single hauler program was implemented in only the most densely populated areas in the Township (map included in Appendix: A)?
  - **The answer would be similar to the response for question #5, somewhere between 15-30%.**
7. What days of the week do you normally operate?

- **Republic Services operates Monday – Friday except on Holiday weeks, we will operate on a Saturday/**
8. What holidays impact your service each year?
- **Christmas / New Years / Memorial Day / 4<sup>th</sup> of July / Labor Day / Thanksgiving**
9. What recycled materials are accepted?
- **Republic currently accepts: Plastics 1-7, Metal cans, Tin cans, Cardboard, Paper, Newspaper, Magazines, Paper Food Containers (Cereal boxes, etc.). All items must be empty, clean, dry**
10. What yard waste materials are accepted?
- **Grass Clipping, leaves, limbs under 3 inches in diameter**
- 



08/27/2020

## **Equipment:**

1. How many vehicles would be needed to service the entire Township if a single hauler program was implemented?
  - **That number will vary depending on the exact number of households that are part of this, an approximate number would be 3-4 for trash and the same for recycle.**
  
2. How many vehicles would be needed to service only the most densely populated areas in the Township (map included in Appendix: A)?
  - **Without exact household data the number would be in the 2-3 truck range for both trash and 2-3 for recycle.**
  -
  
3. How many vehicles do you currently use when servicing Oshtemo Township residents?
  - **Republic Services runs 2 trash trucks and 1 recycle truck.**
  
4. What brand and model are the vehicles you use for mixed waste, recycle and yard waste pickup in Oshtemo Township?
  - **If this would go to single hauler we would look at running Heil, ASL's (Automatic Side Load) trucks.**





08/27/2020

**Data:**

1. What type of data do you collect and use to improve service delivery?
  - **We maintain data on service times in relationship to how many days it takes us to deliver, exchange, or replace a container. We track how many customers do not put containers out on service day, which gives information on usage.**



08/27/2020

## **Billing & Complaint Resolution:**

1. How often do you bill customers (monthly, quarterly or yearly)?
  - **We invoice quarterly or yearly.**
  
2. Do you have a local office in Kalamazoo County?
  - **Yes, our office is located at 3432 Gembrit Circle, Kalamazoo, MI 49001**  
**Not only is this our office, it is also a transfer station for the Waste and Recycling.**
  
3. Do you offer online payment services to your customers?
  - **Yes, we do, Republic has a web-based program as well as an App that will allow customers full access to their accounts to pay bill, request additional service, report container issues, as well as see their schedule for service.**
  
4. How can a customer inform you of a complaint they have with their service?
  - **We have a call center that they can call during regular business hours that can handle all their concerns as well as any new service they may want.**
  
5. How do you resolve customer complaints?
  - **Most complaints can be resolved in a one call manner, if there is something that is say unique or different the Customer Service Rep will then immediately send that request to field where it will be addressed directly with the customer.**



Oshtemo Charter Township  
7275 West Main St., Kalamazoo, MI 49009  
Ph: (269) 375-4260 Contact: Josh Owens

**Request for Information**

Single Hauler Mixed Waste, Recycling, and Yard Waste Curbside Collection Services  
Submittal Due Date: August 28<sup>th</sup> 2020 5:00 p.m.

Company Name: <b>Best Way Disposal, Inc.</b>	Contact Name: <b>Chris Phillips</b>
Company Phone #: <b>269.388.3300</b>	Contact Phone:
Company Fax #:	Contact E-mail:
Company Address: <b>2314 Miller Rd. Kalamazoo, MI 49001</b>	Federal Taxpayer ID #:
Website Address: <b>bestway-disposal.com</b>	

Oshtemo Charter Township is issuing this Request for Information (RFI) for obtaining information related to mixed use, recycling, and yard waste curbside collection services.

All information in a submitted response to this RFI is subject to the provisions of the Freedom of Information Act. 1976 no.442, as amended, MCL 15.231 or latest revision thereof. Companies shall note that pricing methodologies, cost and fee proposals, and any other response information related to pricing shall not be considered confidential information.

**INTRODUCTION**

Oshtemo, a Township of the State of Michigan, is requesting information from one or more qualified vendor(s) describing potential single hauler curbside waste and recycling removal models that would be applicable to a rapidly growing township like Oshtemo. The purpose of this inquiry is to gather basic responses regarding a potential single hauler curbside waste and recycling removal program that will help inform Township Board deliberations.

No awards or contracts will be made based on the results of this RFI process. In no way has the Township Board committed to single hauler waste and recycling removal services. Should the Township determine to proceed with a single hauler curbside waste and recycling removal program, the information gathered will be used to develop a competitive Request for Proposals (RFP) at a future date.

## **BACKGROUND**

Oshtemo Charter Township is located within Kalamazoo County, just to the west of the City of Kalamazoo. Oshtemo is a diverse community with an estimated population of 23,175 residents that is bifurcated between a rural environment to the West and an Urban environment to the East. Oshtemo is a rapidly growing community in Southwest Michigan. From 2010 to 2018, it is estimated that the population in Oshtemo grew by 6.8%. The geographic layout of Oshtemo encompasses about 36 square miles which is governed by a seven-member Township Board.

Growth has been a boon to the Oshtemo community, but it also created some new challenges that the Township is looking to meet head on. One of the challenges brought on by this growth is increased vehicular traffic and pollution. There are simply more people and heavy-duty service vehicles on the roads than there has ever been in Oshtemo. Heavy-duty vehicles negatively impact the life of roads and increase air and noise pollution in the Township. As the population continues to grow as too will the need for additional heavy-duty vehicles, like garbage collectors, to service the needs of the community. The Township is exploring various ways to reduce future impact and switching to a single hauler waste and recycling program may be an option for combatting negative impacts caused by growth.

Currently, Oshtemo residents have the ability to choose between three service providers for mixed waste, recycle and yard waste curbside collection. Recently, there has been requests from multiple residents and the Township Board to explore options for lowering costs for curbside collection of waste and recycling, lessening large vehicle traffic on Oshtemo roads and reducing the need for expensive road repairs. A popular method for achieving a portion of these requests is to implement a single hauler ordinance throughout the Township where residents are served by a sole service provider.

## **SCOPE**

The following questions are designed to give the Township a better understanding of the services you offer and to help with the development of a RFP, if the Township decides to move forward with this type of service.

All questions are in reference to services for single family residential units. Commercial and multi-unit residential should not be factored into any answers.

### **Services:**

1. What services does your company offer to residents?

#### **Residential Collection of Waste, Recycling & Yard Waste**

2. Do you offer door service for disabled residents? If yes, describe the enrollment process for this program. **Call our office to make arrangements if the container sits <100 feet from the curb.**

3. What are your size options for mixed waste, recycle and yard waste pickup?

**We offer 64 & 96 gallon carts for the 3 services listed above.**

4. What is the cost for the various services you offer (weekly mixed waste pickup, bi-weekly recycle pickup)?

5. How would cost to customers change if a single hauler program was implemented Township wide?

6.How would customer cost change if a single hauler program was implemented in only the most densely populated areas in the Township (map included in Appendix: A)?

7.What days of the week do you normally operate? **Residential Collection is done Monday through Friday**

8.What holidays impact your service each year? **New Year's Day, Labor Day, Memorial Day, Thanksgiving Day, Fourth of July and Christmas.**

9.What recycled materials are accepted? **Paper, Cardboard, Glass Bottles & Jars, Rigid Consumer Sized Plastics Containers (1-7), Aluminum, Tin or Steel food Containers**

10.What yard waste materials are accepted? **Grass, Leaves, Brush and Branches up to 2 inches in diameter & 4 feet Long**

**Equipment:**

1.How many vehicles would be needed to service the entire Township if a single hauler program was implemented?

2.How many vehicles would be needed to service only the most densely populated areas in the Township (map included in Appendix: A)?

3.How many vehicles do you currently use when servicing Oshtemo Township residents?

4.What brand and model are the vehicles you use for mixed waste, recycle and yard waste pickup in Oshtemo Township?

**Data:**

1.What type of data do you collect and use to improve service delivery?

**Billing & Complaint Resolution:**

1.How often do you bill customers? **Quarterly & Yearly**

2.Do you have a local office in Kalamazoo County? **Yes**

3.Do you offer online payment services to your customers? **Yes**

4.How can a customer inform you of a complaint they have with their service? **Phone or Email**

5.How do you resolve customer complaints? **Varies based on Complaint**

**GENERAL INSTRUCTIONS Responses/Submittals:** The Township requires any submitted response to this RFI be in electronic form, provided either via email to the listed contact (jowens@oshtemo.org) and/or via delivery on flash drive or other media, prior to the deadline provided herein. The Deadline for providing submittals to this RFI is August 28, 2020 5:00 p.m. In order to expedite and simplify the evaluation and to assure that each party receives the same orderly review, all submittals should adhere to the format described herein. All submittal sections and pages should be appropriately numbered. Major sections and appendices should be separated by labeled index tabs, and pages must be numbered. All documents and submittals provided with the response to this RFI shall become the property of the Township, and shall be subject to public inquiry and dissemination as required. **Questions:** Oshtemo Township Supervisor's Office shall be the main point of contact for purposes of information concerning this RFI. Any formal requests for clarification, questions, or additional

information regarding this RFI shall be submitted in writing or via email in a timely manner per the following contact information:

Josh Owens  
Assistant to the Supervisor  
7275 West Main St.  
Kalamazoo, MI 49009  
Phone: (269) 375-4260  
Email: [jowens@oshtemo.org](mailto:jowens@oshtemo.org)

Any questions received after the deadline date shall not be considered. Any and all questions, requests for clarification or additional information received by the Township regarding this RFI will not be considered confidential in any way, shape, or form.

**Cost of Preparation:**

The Respondent shall be responsible for any and all costs incurred in the development and submission of any response. The Township assumes no contractual obligation as a result of the issuance of the solicitation, the preparation or submission of a response by a Respondent, the evaluation and review of an accepted response, or any selection of any sorts.

**RFI Cancellation or Modification:**

The Township reserves the right to cancel or modify this solicitation and/or any planned award for any or no reason as it deems in its own best interests, at no additional costs to the Township. Such cancellation notice shall be provided to all respondents.

## **New Pick up Services in Kalamazoo Township**

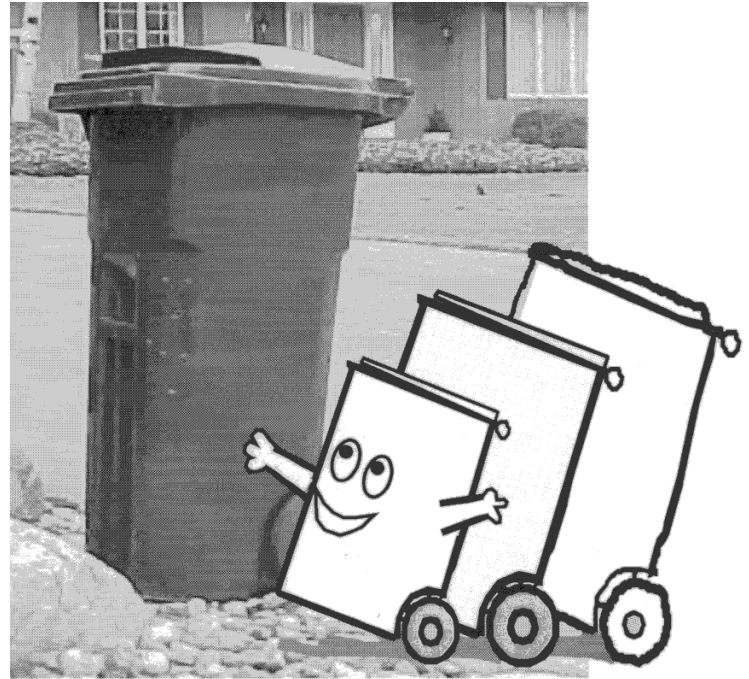
Beginning April 1, 2016 Kalamazoo Township will contract with a single company, Republic Services, to pick up weekly garbage, and optional weekly yard waste. The change aims to reduce trucks' wear to our roads and lower costs to residents. The new service affects all single-family homes and 2-4 unit housing structures in Kalamazoo Township.

### **Garbage cart**

Households will choose either a small-, medium-, or large-sized garbage cart for weekly pick up. A smaller cart is easier to move and store. You can choose the cart that meets your needs. You will soon receive in the mail a pre-stamped post card to indicate your preferred garbage container option.

Republic Services will bill households on a quarterly or annual basis, your choice.

A household may elect not to have garbage service if it shares with a neighbor or has another legal disposal option. However, only the Township's contracted waste hauler is allowed to service 1-4 unit housing structures in the township.



### **Yard waste cart**

A household can elect weekly (April – November) yard waste pick up for an added fee billed by Republic Services.

### **Recycling and seasonal pick up services will continue**

The Township will continue offering:

- curbside recycling pick up every-other-week (More information at [www.ktwp.org](http://www.ktwp.org).)
- special bulk trash pick up service the first full week in April, July and October.
- pick up for leaves in paper yard bags and bundled brush no longer than 4-foot lengths offered during the first full week of May and the full week before Thanksgiving in November, and
- access to the household hazardous waste drop-off (see [kalcounty.com/hhw](http://kalcounty.com/hhw)), all of which are financed by an annual special assessment included in the Winter taxes.

Call Kalamazoo Township at 381-8080 if you haven't received information by the end of January. See other side for answers to common questions.

## Common Questions

### **What are the rates for pick up?**

- Small-size garbage cart (35 gallons): \$25.65/quarter (3-month period)  
*Perfect option for recycling households. Easy to move and store.*
- Medium-size garbage cart (65) gallons: \$25.95/quarter  
*A popular, flexible sized option. (Default size.)*
- Large-size garbage cart (95 gallons): \$26.25/quarter
- Yard waste cart (95 gallon): \$99 per season

You can see all the rates for the 5 years of the contract on our web site [www.ktwp.org](http://www.ktwp.org) . If you don't have access to the internet you can request a printed copy by calling the Township at (269) 381-8080.

### **Who do I contact to set up or change service?**

You'll receive a mailing from Republic services with a return postage paid postcard where you can choose your options. Work directly with Republic Services on any change requests. They will provide contact information.

### **What happens if I already have trash service with another company?**

Your carts will be picked up by your current provider and you will be refunded any money that was paid in advance for services beyond April 1, 2016 in compliance with the ordinance.

### **Are there other communities that successfully operate this way?**

Yes, in many communities across the country trash pick-up is considered a public utility, including Parchment and Battle Creek, who've enjoyed the benefits of a single hauler for years.

### **Is there any recourse if I'm unhappy with the service?**

Call Republic Services first. If you are still unhappy you can call the Township. We will monitor Republic's performance during this period. Enforceable standards are included in the contract and a performance bond has been required. We have high expectations for this service work and will do our best to insure that the service is being delivered.

### **Does the Township have the authority to implement a single waste hauler program?**

The Township is mandated by state law to assure that solid waste is removed from where it's generated frequently enough to protect public health. That same law authorizes the Township to contract with a waste removal company to collect and bill for waste removal from residences within the jurisdiction of the township.

The Kalamazoo Township Board thought long and hard about the decision to choose a single hauler system. The primary reason for going to a single hauler is to reduce the truck traffic on our local roads. Other benefits include safety, noise reduction, less pollution and more savings for you the consumer. Through the whole process we have tried to keep our residents informed with newsletter articles, programs on PMN and local news and the front page of our website. All meetings have been open to the public. All of the input both for and against going to a single hauler was appreciated and respected.

The Board also carefully studied the options for a service provider. Pre bid and post bid meetings were held with the potential providers and bid proposals were fully reviewed. All of the potential providers turned in solid proposals although one was at higher cost. The Board deemed the Township's best interest was to award the bid to Republic Services because of their facility in Kalamazoo, lower quarterly prices, and offering of three cart sizes.

**Please be sure to open and respond to your mailing from Republic Services when it arrives!**



Support	Commentary
No	We STRONGLY feel that it our right to choose our garbage and recyclable service needs. We feel that it is our responsibility to choose a company that we like their business model, how they treat their employees and customers, and have been with them for over 15 years (at different homes). We pay the bill, the township should not get involved with who provides our service! It is a free market, people should have the right who they want to provide their service. Thank you for your time.
No	will not reduce my costs. Hate those huge garbage bins; would take me months to fill, too big to haul up and down drive.
No	Don't need higher taxes.
No	Single hauler eliminates competition and allows single hauler to set price rather price set by the market demand. Very poor idea.
No	Monopolies NEVER result in lower costs or improved customer service.
No	Only if it included a comprehensive recycling program that emphasized reducing general garbage and rewarded recycling.
No	We have a very competitive price as is. If trash and recycling combined would be less than \$36/month, we would consider. Yard waste is also important.
No	questions
No	Because I don't think anyone should have the right to take away my choice!!
No	I feel I should be able to choose what service I want.
No	I don't want someone else to delegate my services for my household. I enjoy my hauler and will keep using their services.
No	It would put many current trash hauling employees out of a job. Let the free market work. I don't want to be told whom I can and can not do business with.
No	1. would we get to decide what services we (individually) want or pay for all eg. trash, yard waste, recycling?
No	Competition is good and will keep prices lower. This idea will cause corruption in the township
No	of the personalized service that may occur.
No	Current service provider provides bin for yard waste (additional fee) in addition to recycle and garbage bins. The yard waste service is a must for us. Would welcome single provider that provided yard waste.
No	Not the responsibility of the Township. This is a solution in search of a problem. What guarantee do you have of any of the potential benefits?
No	recyclables (no separating), voicemail messages when schedules change, etc. Thanks!
No	Because it will always end up costing more. Unless you pay for out of existing revenue, then I'm against it.
No	How do we know rates won't be raised once there is a monopoly? We have good service now at a lower cost than with our former company because there is competition.
No	have a different opinion!!
No	presented in the survey, and discussion was closed on NextDoor.com, preventing people from informing others of the risks and downsides, and so biasing the results.
No	billed, what happens to the employees of the other company, what happens if there service is poor, would all be questions of concern for us. I would think it may be better to divide the township between the major
No	We want to support and keep our provider and not have one single provider push everyone else out. We should have a right to chose who we want to support with our business!
No	oceans.
No	I want to choose who I do business with.
No	not have voting on these matters?
No	you. We pay enough for very little services as it is!
No	I agree with the protecting roads and reducing pollution but what would our guarantee be of reducing costs? I also don't feel it is good for one company to get too big with a monopoly and put the smaller people out of business. The big companies are absolutely awful to get through to regarding complaints or to just get information.
No	In nearly all instances, competition is worthwhile and brings the most innovation. Also, being in a semi rural setting the trash trucks aren't as much of a problem as in denser neighborhoods. Most of your example , Kalamazoo Twp., is built up into neighborhoods already. If the subdivisions and village residents vote yes, it would be nice if the outlying township could be exempt.
No	Not enough information given to answer affirmatively. I prefer to make decisions individually based on the services companies offer. Not known how this would affect recycling preparation and pick up, and/or large item pick up.
No	Would the single hauler provide yard waste, including leaf pick-up of at least 4 bags each week? We could agree to single hauler service if they provide an option for yard waste--at a reasonable cost.
No	Up to 40% savings is deceiving. Give an actual cost and a guarantee it won't go up
No	I would need to know the cost before I commit. There is a wide range of fee between the services.
No	Prefer free market and not a sole-sourced provider. 40% reduction = reduced services. How you handling yard waste and recycle? You have not provided enough information.
No	Control. Price isn't the only factor. Sometimes you need to pay for good service. It should be my choice not yours.
No	I don't want my choices limited. You did such a great job with cable that I want options.

No	I do wish there was a maybe. The only reason I am putting nonis because I wanted to share my thoughts. I would support this if recycling is getting picked up every week or every other week. I know some services are only once a month which would not work for me. I am also hoping this truly would save me money as well
No	We took the survey earlier today and indicated we could consider a single hauler trash service if the company could meet our yard waste needs. But the more we think about it, the more we would prefer to be free to select our own services to fit our needs. We believe in a free market place.
No	Option 3: "Maybe". This is stupid to present without cost/prices and more information. Would it include recycling? Would there be options in size and price? A family of 6 makes a lot more trash than a single person so what will you base prices on?
No	I like business competition which keeps the price very cheap as is. I'd hate to see any one company monopolize and boot out the others who may rely heavily on the business in our township.
No	I like the company and services I use and pay for now.
No	Right now we have a choice of trash service, and because of that, we pay less than \$20/month with Best Way. This includes recycling. I'm not interested in paying more for less service.
No	Different households have different trash volumes, recycling volumes, yard waste volumes. You can't please all the people all the time. So, some will win and some will loose. At this point I'm happy with the excellent services I get at a decent price. It would be disappointing to pay a little less and then have to spend time hauling yard waste weekly myself, be paying for a large landfill can I would never fill and have a recycling bin that is never big enough like the last town I lived in with no options.
No	I'm very happy with my current hauler, Best Way.
No	I prefer to choose my own service providers so I can change suppliers when service is poor or price increases seem arbitrary.
No	I have Best Way and am very pleased with their service. If there is a problem it is easy to reach someone to discuss the problem. They are also one of the few companies who offer yard waste. I like having options and making my own choices.
No	no more taxes
No	Having a free market for trash service allows for a residents to shop for the best deal. I lived in Kzoo Township and my trash service was MORE expensive than what I negotiated with my new home. I guarantee our cost will be higher if this goes out to bid.
No	I suspect that the savings would be temporary, and there would be no options for the residents if we were unhappy with the hauler.
No	We like to be able to select what services we want, and the freedom to switch haulers if the need arises.
No	No guarantee of cost reduction. We already negotiated the best deal for our location. Fail to see how this will protect roads and reduce pollution. Appears to overreach by the township.
No	Stop taking our choices away. We as citizens should have the right to chose who we want to do business with. Why are you taking a survey, when the board will make there own decision no matter what the residents want.
	Need more information: - now have trash, recycling and yard waste collection with same company. Will those be in your contract - what hours of operation are proposed? - what is the duration of the contract (eg, 1, 3, 5 Year's or other)? - what are the provisions as to how increased hauler expenses for gas & tipping fees and so on will be handled? - will wheeled containers be provided for each service? - waste containers can get very dirty and smelly inside; what provision will there be for switching out a container? - will trucks have a pine-oil spryer (or similar) to deodorize containers?
No	I spent 10 years working as a municipal consultant for a local hauler and created bid proposals, responded to bid requests and managed programs , including the first residential recycling programs. The questions above are merely good starting points. If you have a citizens group working on this I would be happy to lend my expertise.
No	It takes away freedom of choice. Competition is good, government replacing my judgement with its choices is bad.
No	I think it will increase my costs of \$30/quarter
No	We have a lot of questions that need answers before we would support this issue.
No	Individual freedom to choose
No	I do not like Republic Waste Services, if they got the low bid I would not want to deal with that company again. If Best Way had lowest bid I would be fine with that
No	We had republic for many years and they kept increasing their rate significantly year over year. We switched to Bestway to reduce our rate by over 50%. We are very happy with Bestway and the fact that they have a limit on their rate increases that will still keep our rate well below the Republic rate for many more years. We would not be happy to go with a service that raises our rate.
No	A free market is the most logical solution so the companies can compete against each other. The bidding will cause an employment issue when a company with hundreds of employees suddenly loses a large contract.
No	This robs the customer of the ability to choose the service they prefer based on convenience. This is the definition of taking away free market for consumers. It also provides job instability for trash employees when it comes time to bid again. In my experience, it opens the door to corruption and shady politics. I absolutely don't support this and I am disappointed that Oshtemo is considering robbing us of our right to choose our services.
	Forcing a single hauler on residents defeats the open market. It give full control to a single company. The arrangement might be favorable initially but over time changes can creep in that are not so favorable. If this happens, what options do residents have to resolve the issue or move away from the provider ?
No	Also - would this solution include recycling and lawn debris pickup as well ?
No	Would support only if we chose Best Way

No	This is really an I don't know. I would need to see what it would actually cost. When the township got me to hook up to city water I was promised that it would be cheaper or just the same. The cost of my water tripled.
No	Show me the numbers (not a potentially).
No	would prefer to make my own choice
No	Skeptical of actual cost reduction
No	I believe in free enterprise and competition. From my experience a steep discount in price only means it is temporary and service will suffer in the long run. But I will accept the township board's decision.
No	There is value in competition to provide some pressure to provide a high quality service. There is value in providing consumers with a choice. The potential benefits have not been adequately articulated or quantified.
No	How would this move save 40%? I see some potential to protect roads and reduce pollution by decreasing the number of trucks driving the neighborhood streets but this would appear to be a minor benefit.
No	Happy with current service (Republic). Cost is not the only and/or main consideration when choosing a trash hauler service.
No	I like Bestway....I don't think it would help to take away competition after all we are a Capitalist Country. Competition is important to keep prices fair. Also the loser would most likely have to cut back staff or leave the community completely. My vote don't do it!
No	Some providers are good and others have poor service. The only way to ensure quality service is to have competition. We love Best Way and don't want to lose their high quality service. Government should stick to the essentials and let residents choose their own service providers.
No	I changed my mind from yes. Best Way offers weekly yard waste pickup April through November. This is very convenient and we don't mind paying a little extra for this service. It is an optional add on.
No	Since you were not able to tell us what that entailed - I need a service that provides recycling & yardwaste pick up - otherwise I am sure if it was only trash the other two costs would increase for us
No	The less laws and regulations that are set forth to follow, the better. We do not need the township of Oshtemo dictating who we must use for trash pick up. We should be able to freely choose that service.
No	I like my trash hauler. I want a choice in who I use, on days I like pick up and not be told who I have to use.
No	I prefer to be able to choose my own services, I already have a great rate, and one of the haulers enters the neighborhood before 5:30 am every Friday and sits on the street with the engine running until they can start hauling. It is disruptive to sleep.
No	I would support as long as it doesn't end up like obamacare, 1st and 2nd years lower cost but then ends up being way higher cost
No	We do not generate a lot of trash so we currently share trash pickup with our neighbors.....would everyone have to participate if it is single hauler through the township? And, we prefer to support the locally owned company, not the conglomerate. How would the single hauler be chosen? Hopefully, a locally owned company.....
No	No competition; can't shop rates
No	We just switched from Republic because their billing was a nightmare. They kept sending late notices without ever sending an original bill. We paid a lot of money in late fees before we finally realized we never got the original bills. Best Way has been great. So if you go with one company, please make it Best Way.
No	It cuts down or eliminates any competition in pricing and service.
No	Unless we choose Best Way, she is handicapped and they above & beyond.
No	Unless we choose Republic.
No	I'm afraid service would be sacrificed by using the lowest bidder and the lowest bidder would likely raise costs in a few years anyways. Waste management has always provided quality service and I'd prefer to pay my current rate and use them.
No	We selected No because we don't have enough information. Specifically, we'd like to know how much they're paying in Kalamazoo Township so we can compare it to what we're currently paying for our trash, recycling, and yard waste. Secondly, we'd like to know how long the price will be guaranteed or will we see a price hike the second or third year. Finally, we would suggest an additional survey so residents can make an informed decision based on the above mentioned items.
No	I would be a Yes if it was competitively bid every 2-3 years and weekly recycling was offered. Thank you for soliciting comments.
No	We would want to be able to choose our trash service provider. We a currently happy with our trash service and would not like to change. Competition is what keeps prices down and allows for the ability to change to a competitor if the service you currently have starts to decline in quality or goes up in cost.
No	If it could include yard waste I would be willing to pay more taxes. Portage does it.
No	
No	Currently have garbage/recycling/yard waste pick-up. Only in favor if all three are included in the single-hauler service.
No	I worry that after the first few years, the company knows they have the monopoly and can change whatever and we have to pay it. Also, I already paid for my cans to be delivered and my season of yard waste. I dont want to have to switch and repay for these things.
No	Why can't we continue to use Best Way once a month like we currently do? If it's not broke there's nothing to fix. I'd rather see something for yard waste. For sure I would NOT want Republic Services if you go that route, even if they are the best price. They are miserable people to work with, I speak from experience. Best Way has always been good to work with and are providing a great service for the Township now. Why can't that continue?
No	I prefer to have the freedom to switch suppliers if service is unsatisfactory.
No	My answer is more maybe. If a quality company is selected then I wouldn't be opposed. I don't want to cut quality with cutting cost.
No	I want to stay with Best Way
Yes	
Yes	















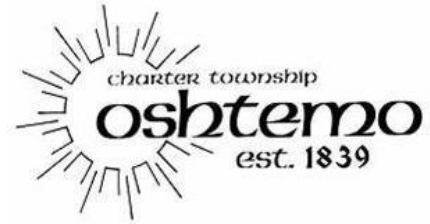






Yes	
Yes	
Yes	
Yes	
Yes	
Yes	
Yes	We would also love a company that will pick up leaves in the fall!
Yes	
Yes	
Yes	
Yes	Would like one Internet provider throughout as well. (for cheaper rate only)

# Memorandum



**Date:** 21 January 2021  
**To:** Township Board  
**From:** Sara Feister, Human Resources  
**Subject:** Handbook Revisions Regarding PTO Language & POC Holiday Overtime

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## **OBJECTIVE**

Consideration of approving the following amendments to the Employee Handbook to clarify/publish current practice. No policy or procedure changes are being requested.

## **BACKGROUND**

1. PTO Language Handbook Revision
  - a. Current practice for calculating PTO allotment based on years of service is once an employee enters their 5th year of service, they move into a higher PTO category. The current language is unclear as to when an employee moves from the “1 year - 5 years” category into the “6 years - 15 years” category. It appears to state you enter a new PTO category at 6 years instead of 5 years, however, past practice has been to move employees into the higher category at their 5-year mark. This requested change is to clarify this practice in the policy by changing “6 years – 15 years” to “5 years - 15 years” which will also align with how the other categories are setup in the PTO allotment schedule.

0-6 months	5 days / 40 hours
6 months – 1 year	9 days / 72 hours
1 year – 5 years	21 days / 168 hours
6 years – 15 years	27 days / 216 hours
15 years +	32 days / 256 hours

2. Paid on Call Holiday Overtime
  - a. Current practice is Paid on Call Firefighters receive overtime pay if they work on any of the Township designated holidays. There is no policy in the handbook that covers this. Requesting to add the policy to the handbook. This is not a change to current practice, only an addition to the handbook to publish the policy.

### 5.3 Holiday Pay:

- A. Full-time and part-time employees shall receive their normal day's pay at their regular hourly rate for all holidays recognized by the Township that fall on normal workdays. If a recognized holiday falls on a Saturday or Sunday, full-time employees shall receive the day before or the day after the holiday off. If the holiday falls on a Saturday or Sunday, the Township Board may decide to pay the employees in lieu of time off.
- B. Nonexempt employees required to work on any recognized holiday will be compensated as follows:
  - 1. Receive straight-time pay for hours worked in addition to normal holiday pay.
  - 2. To be eligible for holiday pay, the employee must have worked on the last scheduled work day immediately preceding and immediately following the holiday unless he or she was on authorized PTO or an excused absence.

An exception to this is for FTE fire personnel working 24-hour shifts. Because their schedule does not allow time off for holidays and because, on the average, an individual would work 1/3 of these days, they shall receive an amount equal to 1/3 of the Township's paid holidays. That has been calculated to be 33 hours (33% of 96 hours) at O.T. rate.

A list of the holidays recognized by the Township is found in Appendix A.

**Paid On-Call Firefighters that work on any Township Holiday (according to Appendix A) are entitled to be paid at an overtime rate. Please see Appendix K for more information.**

*Revised Sec. 5.3, Paragraph B –Effective 4/10/2012  
Revised Sec. 5.3, Paragraph B –Effective 12/13/2016  
Reference to Appendix K added- Effective 0 / /2021*

**APPENDIX K:**

**OVERTIME PAY FOR PAID ON-CALL FIREFIGHTERS WHO  
WORK ON A HOLIDAY**

**A. PURPOSE.**

To mirror the days of the year and their times when full-time Township employees receive a holiday benefit (time off) and pay over-time (OT) compensation to Paid On-Call (POC) Driver/Operators and FFs who are staffing our stations. This policy is intended to follow and support Oshtemo Township's employee policy 9.1.

**B. SCOPE.**

Driver Operators and POC members working a shift during a township specified holiday period.

**C. PROCEDURE.**

Qualified POC members will receive holiday rate of pay as detailed below for all Township scheduled holidays as listed in Appendix A, or as designated by the Township.

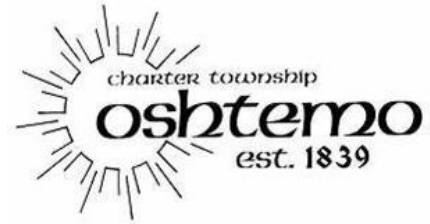
- New Year's Day (00:00-23:00)
- Martin Luther King Jr. Birthday (07:00-23:00)
- President's Day (07:00-23:00)
- Memorial Day (07:00-23:00)
- Independence Day (07:00-23:00)
- Labor Day (07:00-23:00)
- Veteran's Day (07:00-23:00)
- Thanksgiving (07:00-23:00)
- Day after Thanksgiving (07:00-23:00)
- Christmas Eve (07:00-00:00)
- Christmas Day (00:00-23:00)
- New Year's Eve (07:00-00:00)
- Floating Day (08:00-23:00)

**APPENDIX K**

*New Appendix K - Effective 06/26/18  
Removed and Replaced entirely- Effective 0 / /2021*



# Memorandum



**Date:** 21 January 2021  
**To:** Township Board  
**From:** Sara Feister, Human Resources  
**Subject:** IAFF Collective Bargaining Agreement Memorandum of Understanding (MOU) Paid Time Off Schedule

---

## **OBJECTIVE**

Consideration of IAFF Collective Bargaining Agreement Memorandum of Understanding (MOU) regarding paid time off (PTO) schedule.

## **BACKGROUND**

The agreed upon PTO schedule for collective bargaining unit members is identical to what is found in the Township Employee Handbook. Current practice for calculating PTO allotment based on years of service is once an employee enters their 5<sup>th</sup> year of service, they move into a higher PTO category. The current language is unclear as to when an employee moves from the 1-5 year into the 6-15 year category. It appears to state you enter a new PTO band at 6 years instead of 5 years, however, past practice has been to move employees into the higher category at their 5-year mark. This requested change is to clarify this practice in the policy by changing 6-15 years to 5-15 years.

MEMORANDUM OF AGREEMENT

This memorandum of agreement ("MOA") is effective as of January 13<sup>th</sup> 2021 and is by and between the INTERNATIONAL ASSOCIATION OF FIRE FIGHTER (IAFF) LOCAL 5240, hereinafter referred to as the ("Union"), and OSHTEMO CHARTER TOWNSHIP, a Michigan municipal corporation, hereinafter referred to as the ("Township").

1. To provide clarification for Article XVI regarding Paid Time off, it is proposed to revise the wording of this Article to the following. This does not change the current policy nor the current implementation procedure outlined in the 2020-2023 Collective Bargaining Agreement between IAFF Local 5240 and Oshtemo Charter Township. The MOU is simply a clarification to current practice.

**Memorandum of Understanding**

**Article XVI**

**Paid Time Off**

56 hour employees will be granted PTO as follows:

0-6 months	88 hours
6 months – 1 year	96 hours
1 year – 5 years	264 hours
5 years – 15 years	336 hours
15 years +	408 hours

40 hour employees will be granted PTO as follows:

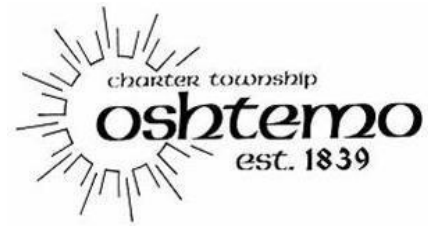
0-6 months	40 hours
6 months – 1 year	72 hours
1 year - 5 years	168 hours
5 years - 15 years	216 hours
15 years +	256 hours

 1-19-21

President, Local 5240

\_\_\_\_\_  
Supervisor, Oshtemo Township

# Memorandum



**Date:** 21 January 2021  
**To:** Township Board  
**From:** Josh Owens, Assistant Supervisor  
**Subject:** Consideration of IAFF Collective Bargaining Agreement Memorandum of Understanding

---

## **OBJECTIVE**

Consideration of IAFF Collective Bargaining Agreement Memorandum of Understanding (MOU) regarding paid time off standing of four (4) union members.

## **BACKGROUND**

On November 24, 2020, the Oshtemo Township Board approved the 2020-2023 IAFF Local 5240 Collective Bargaining Agreement (CBA). In Article XVI of the CBA it lays out the structure and procedures for Paid Time Off (PTO). Discussions of Article XVI took place in the latter portion of the negotiations and resulted in several iterations going back and forth between each party before an agreement was reached. The IAFF Local 5240 believes that the agreed upon language in Article XVI does not fully meet their intent and is asking for the Township to consider their proposed MOU to change the language to match their intent. In Article XVI it says:

“PTO will run from calendar year to calendar year. At an employee’s anniversary date (which, for current employees, will be based on the employee’s full-time hire date as stated in the agreed-upon seniority list entitled “Township Hire Dates/years of service List”), the increase in PTO earned will be prorated for the balance of the calendar year.”

In this sentence, the Article clearly states that current bargaining unit members will be placed into the agreed upon PTO schedule based on the “Township Hire Dates/years of service list”, which can be found in Appendix: C of the CBA. In Appendix: C there is a list showing each current bargaining unit member’s start date as a full-time firefighter for Oshtemo Township. If the list is followed as stated in the CBA it will result in four (4) bargaining unit members being placed into a lower PTO category than they had prior to the CBA going into effect.

The reason that the four (4) bargaining unit members are negatively impacted by the new PTO schedule is because each of them individually negotiated with the Township Supervisor, well before unionizing, to be granted a higher PTO standing for years of service as Paid on Call firefighters for the Township. The list in Appendix: C of the CBA does not take into account those previous individual negotiations, instead it only includes years of service since becoming a full-time firefighter. After the CBA was signed, the IAFF Local 5240 saw the change in PTO standing for those four (4) members and approach the Township with a request to move those affected members back to their previous PTO standing, stating that it was never their intent for those previously included years of service to no longer be included.

After several internal discussion among the Township Bargaining Team and several conversations with the IAFF Local 5240, it is the Township Bargaining Team’s belief that removal of the previously negotiated years of service for the four (4) members mentioned in the MOU was not the IAFF Local 5240’s intent and that those years of service should once again be included in their scheduled PTO standing, and further recommends that the Township Board approve the attached MOU.

MEMORANDUM OF AGREEMENT

This memorandum of agreement ("MOA") is effective as of November 24<sup>th</sup> 2020 and is by and between the INTERNATIONAL ASSOCIATION OF FIRE FIGHTER (IAFF) LOCAL 5240, hereinafter referred to as the ("Union"), and OSHTEMO CHARTER TOWNSHIP, a Michigan municipal corporation, hereinafter referred to as the ("Township").

1. In recognition of Paid Time-Off (PTO) standing related to previous agreements made to four (4) Union members, it is agreed that Bob Flahive, Nathan Carley, Josh Brady and Michael Parker will use the attached start dates for their PTO calculation. The Union recognizes that this is non-precedent setting and only applies to the current four (4) Union members aforementioned in this MOU.

**Memorandum of Understanding**

**Appendix: A**

Start Dates for Paid Time Off Calculation

Name	Start Date
Nathan Carley	March 15, 2012
Bob Flahive	June 8, 2012
Josh Brady	August 1, 2012
Mike Parker	August 1, 2013

 1-19-21

President, Local 5240

\_\_\_\_\_

Supervisor, Oshtemo Township

# MEMORANDUM

**To:** Township Board  
**From:** Kristine Biddle  
**Date:** January 12, 2021  
**Subject:** Changes to Poverty Exemption Act

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**OBJECTIVE:**

To maintain the status quo.

**BACKGROUND:**

The state legislature passed Public Act 253 of 2020 on December 23, 2020. The Act makes several changes to the Poverty Exemption Statute including a requirement that the policy guidelines and application be made available on the Township's website. In addition, a local unit has the authority to adopt a Resolution that allows an exemption granted in 2019 and 2020 to be carried forward automatically for 2021, 2022, and 2023.

**INFORMATION PROVIDED:**

I have provided a summary of the changes to MCL 211.7u- Poverty Exemption in Public Act 253 of 2020.

**STATEMENT OF REQUESTED BOARD ACTION:**

My recommendation is that the Township not adopt a Resolution to allow exemptions to carry forward. Doing so could result in the Township losing track of the exemptions and/or applicant circumstances could change from year to year (i.e. an applicant does not qualify in subsequent years from the prior application) without being addressed. I believe it is best to maintain the process of annual applications and approval by the Board of Review.

## Summary of Changes to MCL 211.7u Poverty Exemption in Public Act 253 of 2020

Public Act 253 of 2020 was signed into law on December 23, 2020. The Act made several changes to the poverty exemption statute (MCL 211.7u) that will impact how local units, assessors, and boards of review handle the exemption starting with the 2021 tax year:

- Removes the word “supervisor” from statute, making it clear that only the Board of Review can grant/deny poverty exemption
- Clarifies that the federal income levels used are those adopted in the *prior* tax year (2020 federal levels are used for 2021 exemptions)
- Requires the local unit to make the policy, guidelines and application form available on their website
- Removes the ability for Boards of Review to deviate from the adopted policy/guidelines for “substantial and compelling reasons”
- Local units can adopt a resolution that allows an exemption granted in 2019 or 2020 to carry forward to 2021, 2022 and 2023 for those persons who receive a fixed income solely from public assistance that is not subject to significant annual increases (Federal Supplemental Security Income, Social Security disability or retirement benefits). Local units can also adopt a resolution for any new exemptions in 2021, 2022 or 2023 to remain exempt for up to 3 years for persons who receive a fixed income (MCL 211.7u(6))
- Local units can carry a poverty exemption forward that was granted in 2019 or 2020 for the 2021 tax year, without an application or protest to the Board of Review. **Local units must adopt a resolution by February 15, 2021 to carry the exemption forward** (MCL211.7u(8))
- If a person meets all eligibility requirements in statute, the Board of Review must grant a full exemption equal to a 100% reduction in taxable value OR a partial exemption equal to a 25% or 50% reduction in taxable value OR any other percentage reduction in taxable value approved by the STC

A person receiving the extended exemption in MCL 211.7u(6) for up to 3 years due to receiving a fixed income is required to file an affidavit rescinding the exemption within 45 days of no longer being eligible for the exemption.

Local units that adopt a resolution to extend the poverty exemption for up to 3 years for those persons who receive a fixed income solely from public assistance **or** local units that carry the 2019/2020 granted poverty exemptions forward to 2021 must implement an audit program and if found ineligible, the person is subject to repayment of the taxes plus interest.

Local units may need to revise their guidelines, policies, etc to implement the changes in statute. This includes revised guidelines that remove any other calculation of the taxable value for approved poverty exemptions, i.e. formulas that take into consideration the homestead tax credit to calculate the property tax liability and revised TV based on that calculated tax liability. The guidelines may only provide for a full exemption equal to a 100% reduction in taxable value (TV of 0) or a partial exemption equal to a 25% reduction or 50% reduction in taxable value, or any other percentage reduction approved by the State Tax Commission.

PA 253 requires the State Tax Commission to issue a bulletin on how to develop and implement the audit program for the extended poverty exemption provisions in MCL 211.7u(6) and (8). The State Tax Commission will also be working to create the statutorily required poverty application form and other necessary forms and guidance.

# Memorandum

**To:** Township Board  
**CC:** Mark Barnes

**From:** James Porter

**Date:** January 19, 2021

**Subject:** Summary of proposed Amendments to Section 3 and 4, Ordinance No. 415- False Alarm Ordinance

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**OBJECTIVE:**

To revise Sections 3 and 4 of the Township False Alarm Ordinance 415 to update the Ordinance to reflect current circumstances and procedures, simplify the fine structure and violation period to improve record keeping and fair enforcement, and ensure the Ordinance is clear to the Township's property owners.

Specifically, to revise Section 3 of the Ordinance to (1) the creation of the Kalamazoo Consolidated Dispatch Authority; (2) eliminate the "rolling" nature of the calendar year used for calculating offense occurrences (to simplify record keeping and enforcement); (3) realities of the false/nuisance alarm billing process to remove references to the "Municipal Ordinance Violations Bureau" and simplify to this to "Oshtemo Charter Township" as the Ordinance Enforcement Department has not been issuing these notices, and payments have not been addressed to them; (4) reliance on Township records for property owner information, rather than "last known address"; (5) reasonable method of service for notices ("written violation notice" rather than service via certified mail); and (6) correct/update some areas for internal consistency and grammar.

To revise Section 4 of the Ordinance to (1) remove the minimum/maximum fine, in favor of a simplified fine structure; (2) revise the "rolling" year (for internal consistency with Section 3) to be per calendar year to simplify calculation of offenses; (3) correct/update some areas for internal consistency and grammar; (4) remove the \$500 costs limitation for billing (as personnel and equipment costs incurred by the Fire Department regularly exceed the current \$500 limit), and provide that billed costs will not exceed "actual costs incurred" for each violation; (4) clarify when an alarm is charge an offense fine; and (5) remove the reference to negligent/improper alarm

maintenance as confusing and to make the ordinance more comprehensible to Township property owners.

**BACKGROUND:**

Ordinance 415 was initially adopted on February 26, 2002, and revised on December 21, 2004 (Ord. No. 456) and March 8, 2011 (Ord. No. 516).

**INFORMATION PROVIDED:**

I have provided a redline document showing the proposed changes to Sections 3 and 4 of Ordinance 415.

**STATEMENT OF REQUESTED BOARD ACTION:**

It is my recommendation that the Board adopt these changes to Ordinance 415 to update the False Alarms Ordinance to reflect current circumstances and procedures, simplify the fine structure and violation period to improve record keeping and fair enforcement, and ensure the Ordinance is clear to the Township's property owners.



OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_\_

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_

OSHTEMO CHARTER TOWNSHIP ORDINANCE

This Ordinance amends Ordinance No. 415, being the Oshtemo Charter Township False Alarms Ordinance, adopted on February 26, 2002, as amended, to revise Section III Charges, Section IV Sanctions, and repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

SECTION I. AMENDMENT OF SECTION III CHARGES. Paragraph A of Section III entitled "Charges" shall be amended to read as follows:

**SECTION III**

**CHARGES**

- A. *False Alarms, Nuisance Alarms, Negligence, Repetitious Alarms.* In the event ~~that~~ more than two (2) false alarms or nuisance alarms are received in any given year, ~~or more than three (3) of such alarms in any two (2) year period, or more than four (4) such alarms in a three (3) year period,~~ to which a response thereto is dispatched by the Kalamazoo County ~~Sheriff's Department~~Consolidated Dispatch Authority, ~~in a calendar year~~ for a particular lot, parcel, site or premises, the owner, and/or any lessee of the lot, parcel, site or premises, shall be liable for a municipal civil infraction as defined by Michigan statute, which shall be punishable as set forth below. ~~The~~ Oshtemo Charter Township ~~Municipal Ordinance Violations Bureau~~ shall issue a written violation notice ~~by certified mail~~ to the Township's record owner or occupant of the property, ~~deemed responsible for the violation at his or her last known address.~~ The same shall be paid to ~~the~~ Oshtemo Charter Township ~~Municipal Ordinance Violations Bureau~~, and if ~~the same is~~ not paid within thirty (30) days from the date of billing by the

Township, a citation may be filed with the District Court pursuant to the provisions of Chapter 87 of the Revised Judicature Act.

The owner and/or any lessee may appeal a determination of a false alarm or nuisance alarm by requesting a hearing before the Oshtemo Charter Township Board in writing received by the Township within fourteen (14) days of the mailing of the notice. The owner and/or any lessee may appeal from the decision of the Township Board to District Court or other court of competent jurisdiction pursuant to the rules and procedures set forth in Michigan law.

SECTION II. AMENDMENT OF SECTION IV SANCTIONS. Section IV entitled “Sanctions” shall be amended to read as follows:

**SECTION IV**

SANCTIONS

Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
<del>1st Offense within 3-year period*</del>	<del>\$75.00</del>	<del>\$500.00</del>
2nd Offense within <u>3-year period* the calendar year*</u>	<u>150.00</u>	<u>\$150.00</u>
3rd Offense within <u>the calendar year3-year period*</u>	<u>325.00</u>	<u>\$325.00</u>
4th or More Offense within <u>the 3-year period* calendar year*</u>	<u>500.00</u>	<u>\$500.00</u>
* <del>Determined on the basis of the date of commission of the offense(s).</del> <u>Calendar year refers to January 1<sup>st</sup> through December 31<sup>st</sup>.</u>		

Additionally, the ~~owner and/or any lessee~~ violator shall pay costs which may include all expenses, direct and indirect, to which Oshtemo Charter Township has been put in connection with the municipal civil infraction. In no case, however, shall the Township bill for costs of less than \$9.00 nor more than ~~\$500.00 be ordered~~ the actual costs incurred.; In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each ~~day that a~~ violation exists shall constitute a separate offense. ~~In the case of the negligent or improper maintenance of an alarm system by the owner or operator of such system, the foregoing fines and costs shall be in addition to any fees as hereinbefore prescribed where the false alarm occasioned by such negligence or improper maintenance occurs more than three times within a calendar year.~~

SECTION III. This Ordinance shall take effect after publication in accordance with State law. All Ordinances or part of Ordinances in conflict herewith are hereby repealed.

DUSTY FARMER, CLERK  
OSHTEMO CHARTER TOWNSHIP

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_\_

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_

OSHTEMO CHARTER TOWNSHIP ORDINANCE

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KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

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**CHARGES**

- A. *False Alarms, Nuisance Alarms, Negligence, Repetitious Alarms.* In the event that more than two (2) false alarms or nuisance alarms are received in any given year, to which a response thereto is dispatched by the Kalamazoo County Consolidated Dispatch Authority, for a particular lot, parcel, site or premises, the owner, and/or any lessee of the lot, parcel, site or premises, shall be liable for a municipal civil infraction as defined by Michigan statute, which shall be punishable as set forth below. Oshtemo Charter Township shall issue a written violation notice to the Township's record owner or occupant of the property. The same shall be paid to Oshtemo Charter Township, and if not paid within thirty (30) days from the date of billing by the Township, a citation may be filed with the District Court pursuant to the provisions of Chapter 87 of the Revised Judicature Act.

The owner and/or any lessee may appeal a determination of a false alarm or

nuisance alarm by requesting a hearing before the Oshtemo Charter Township Board in writing received by the Township within fourteen (14) days of the mailing of the notice. The owner and/or any lessee may appeal from the decision of the Township Board to District Court or other court of competent jurisdiction pursuant to the rules and procedures set forth in Michigan law.

SECTION II. AMENDMENT OF SECTION IV SANCTIONS. Section IV entitled “Sanctions” shall be amended to read as follows:

**SECTION IV**

SANCTIONS

Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Fine
2nd Offense within the calendar year*	\$150.00
3rd Offense within the calendar year*	\$325.00
4th or More Offense within the calendar year*	\$500.00

Additionally, the owner and/or any lessee shall pay costs which may include all expenses, direct and indirect, to which Oshtemo Charter Township has been put in connection with the municipal civil infraction. In no case, however, shall the Township bill for costs of less than \$9.00 nor more than the actual costs incurred. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each violation shall constitute a separate offense.

SECTION III. This Ordinance shall take effect after publication in accordance with State

law. All Ordinances or part of Ordinances in conflict herewith are hereby repealed.

DUSTY FARMER, CLERK  
OSHTEMO CHARTER TOWNSHIP



January 19, 2021

**Mtg Date:** January 26, 2021  
**To:** Oshtemo Charter Township Board  
**From:** Iris Lubbert, AICP, Planning Director  
**Subject:** First Reading: Pools on Corner Lots (front yard setback)

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Objective:

Consideration of the Pools on Corner Lots (front yard setback) ordinance language for First Reading by recommendation of the Planning Commission.

Background:

On November 17<sup>th</sup> the Zoning Board of Appeals reviewed a variance request to permit an in-ground pool to protrude 20 feet into the required 30-foot front yard setback. The property in question, 5359 Sweet Briar Drive, is a small corner lot located within Rose Arbor Plat No. 2. After review and discussion, the Zoning Board of Appeals approved the request. A copy of the staff report and draft meeting Minutes are attached. This was not the first variance approved to allow an in-ground pool to protrude into a corner lot's front yard. However, it should be noted that this variance was the first of its type approved under the current setback code adopted in 2011. As a result of this meeting, the Zoning Board of Appeals requested that a request be sent to the Planning Commission to consider an update to the code that provides some flexibility to in ground pools on corner lots.

The current setbacks for pools are outlined in section 50.60 Setback Provisions of the code. In this section, pools are given a side yard setback of 10 feet and a rear yard setback of 15 feet. As the code sets forth a side and rear setback for pools but does not mention a front setback, the generally accepted interpretation is that no pools are permitted in front of a house. However, corner lots, as they have frontage on two streets, have two front yards. Assuming the house is built up to the two 30-foot front yard setbacks, this means that, a 30-foot front setback is required for a potential pool along each street frontage (at minimum to line up with the house). This is a larger setback area than is required of properties not located on a corner, where only a 10 foot side yard setback is required; meaning that usable rear yard space is reduced at least by approximately 20 feet along the corner lots' side with street frontage. The Zoning Board of Appeals felt that this unique hardship of corner lots should be taken into consideration and in-ground pools should be treated differently than the standard primary or accessory structure. It should be noted that only public comments in support of the variance request were received.

A proposed code amendment that addresses the Zoning Board of Appeals request was introduced to the Planning Commission at their regular December 10<sup>th</sup>, 2020 meeting. After discussion the Commission unanimously approved forwarding the proposed text to a Public Hearing. A Public Hearing was held on January 14, 2021 - no public comment was received either for or against the proposed amendment. The Planning Commission unanimously motioned to forward the proposed amendment to the Township Board for consideration with a recommendation of approval.

Proposal:

Based on input from the Zoning Board of Appeals and past precedence of approved pools within Oshtemo Township, the Planning Commission, planning staff and legal counsel are recommending a code amendment that would provide additional guidance and flexibility for pools on corner lots. The amendment includes adding a definition of a corner lot, differentiating between what is considered a corner lot's front and side street frontage, and allowing a 10 foot front yard setback for in-ground pools on corner lots in subdivisions or site condominiums if it is along the 'Side Street Frontage' of the lot, provides the required fencing, and is

screened from the road with landscaping. This proposed amendment also clearly notes that any other pools are not permitted in a front yard.

Attached: Proposed Pools on Corner Lots (front yard setback) Text Amendment Document - proposed changes shown in red; 5359 Sweet Briar Drive Variance Staff Report; Images of existing pools on corner lots that encroach into the front yard; November 17<sup>th</sup> ZBA DRAFT Meeting Minutes



## Article 2 – Construction of Language and Definitions

### 2.20 Definitions

**Corner Lot:** A Lot located at the intersection of two or more streets.

**FRONTAGE, FRONT STREET.** A corner Lot has a Front Street and a Side Street Frontage, with the Front Street Frontage being the frontage onto which the front of the building faces.

**FRONTAGE, SIDE STREET.** A corner Lot has a Front Street and a Side Street Frontage, with the Side Street Frontage being the frontage onto which the side of the building faces.

## Article 50 – Schedule of Regulations:

### 50.60 Setback Provisions:

...

B. Agricultural and Residence Districts, which shall include the “AG” Agricultural District, “RR” Rural Residential District, “R-1” Residence District, “R-2” Residence District, “R-3” Residence District, “R-5” Residence District, “R-C” Residential, Conservation District and buildings having two stories or less in “R-4” Residence District.

#### 1. Front yard setbacks for primary structures.

- a. A setback of 30-feet shall be required from all street rights-of-way and outlots and/or planned future public street extensions unless a larger setback is otherwise required.
- b. If a new primary structure is constructed within 300 feet of a building existing on the effective date of this Ordinance (December 24, 1966) which is closer than the 30-foot setback requirement, the setback may be decreased according to the schedule set forth in Section 50.60.A.
- c. If a new primary structure is constructed within 100 feet of a building existing on the effective date of this Ordinance which is further than the 30-foot setback requirement, the minimum setback requirement shall be equal to the average of the closest existing buildings on either side of the new building.
- d. On corner lots in subdivisions or site condominiums inground pools are permitted to have a ten-foot front yard setback along the Side Street Frontage of the lot. In addition to the required fencing, these pools shall be screened from the road with landscaping. Pools are otherwise not allowed in the front yard.

#### 2. Interior side and rear yard setbacks for primary structures.

- a. "AG" Agricultural District, "RR" Rural Residential District, "R-1" Residence District, "R-2" Residence District, "R-3" Residence District, and "R-C" Residential, Conservation District:
  1. i. The minimum setback distance between any primary structure, pool, or associated decks whether attached or detached and any interior side property shall be ten feet unless a larger setback is otherwise required in the Township Zoning Ordinance.
  2. ii. The minimum setback distance between any primary structure, pool, or associated decks whether attached or detached and any rear property shall be 15 feet unless a larger setback is otherwise required in the Township Zoning Ordinance.
- b. "R- 5" Residence District, and buildings having two stories or less in "R-4" Residence District:

1. i. The minimum setback distance between any building and any rear or interior side property line shall be ten feet or the height of the abutting side of the building at its highest point as measured from the grade of the property line, whichever is greater.
- c. The setbacks for buildings exceeding two stories in the "R-4" Residence District are set forth in Section 50.60.C.
- d. The rear and interior side property line setbacks for nonresidential buildings in the above zoning districts shall satisfy the requirements of Section 50.60.C.

November 4th, 2020



**Mtg Date:** November 17th, 2020

**To:** Zoning Board of Appeals

**From:** Karen High, Zoning Administrator

**Applicant:** Frank H. and M. Jamie Jeremy  
**Owner:** Frank H. and M. Jamie Jeremy

**Property:** 5359 Sweet Briar Drive, parcel number 05-36-475-010

**Zoning:** R2: Residence District

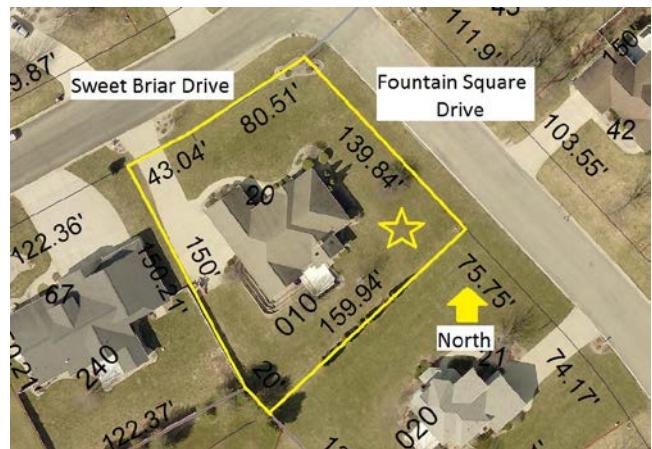
**Request:** A variance to permit a pool which will protrude 20 feet into the required 30-foot front yard setback

OVERVIEW:

The applicant is requesting relief from Section 50.60 of the Zoning Ordinance which governs setbacks for structures in residential zoning districts in order to construct an 18 foot x 36 foot in-ground pool and associated concrete decking in the required front yard.

Section 50.60 of the Zoning Ordinance requires that all primary structures located within the R-2 district have a 30 foot front yard setback. Required side setback is 10 feet and required rear setback is 15 feet.

5359 Sweet Briar Drive is a 0.50-acre corner lot in Rose Arbor plat No. 2. The lot is approximately 150 feet wide by 150 feet long and also fronts Fountain Square Drive. Though the required front setbacks are 30 feet, the house, built in 2002, is approximately 44 feet from each right of way line. The side and rear yards are somewhat narrow, at approximately 35 foot and 40 foot wide respectively. The lot is outlined in yellow in the aerial photo to the right. Approximate location of the proposed pool is starred.



The applicant has submitted a property sketch showing the proposed layout in more detail. (See attachments.) Though not shown on the plan, they state that required fencing will meet all ordinance requirements. The applicant has provided the following rational for this variance request:

- The entire pool structure will be built below grade, with nothing above ground to impede the character of the neighborhood except enhanced landscape and plantings.

- A 10 foot side and 15 foot rear setback is provided. This shows a good faith effort to meet the side and rear setback requirements for lots not located on a corner.
- There is no other practical or safe location for a conventional pool on the property.
- A house in the neighborhood, also on a corner lot, was permitted to have a pool in the front yard.
- Several houses in the neighborhood have pools in the side and rear yards. Many of these pools would not be permitted if on our corner lot.

Public input was received from six residents of the neighborhood. There were no objections to the variance request. Copies of their statements are attached.

#### STANDARDS OF REVIEW - STAFF ANALYSIS

The Michigan courts have applied the following principles for a dimensional variance, which collectively amount to demonstrating a practical difficulty, as follows:

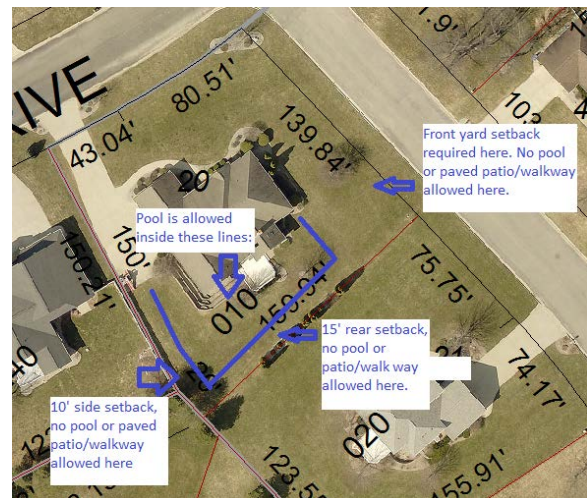
- Special or unique physical conditions and circumstances exist which are peculiar to the property involved and which are not generally applicable to other properties in the same district.
- Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use; or would render conformity to the ordinance unnecessarily burdensome.
- The variance is the minimum necessary to provide substantial justice to the landowner and neighbors.
- The problem is not self-created.

Staff has analyzed the request against these principles and offer the following information to the Zoning Board of Appeals.

#### Standards of Approval of a Nonuse Variance (practical difficulty):

**Standard:** *Unique Physical Circumstances*  
*Are there unique physical limitations or conditions which prevent compliance?*

**Comment:** The topography around this site is flat. Because it is located on a corner, a 30 foot front setback is required along each street frontage. This is a larger setback than is required of properties not located on a corner, where a 10 foot side yard setback is required on each side. Usable yard space is reduced by approximately 20 feet' along the Fountain Square Drive street frontage.



**Standard:** *Conformance Unnecessarily Burdensome*  
*Are reasonable options for compliance available?*  
*Does reasonable use of the property exist with denial of the variance?*

Comment: It is the applicant's desire for a pool that triggered this variance request. A pool is not a required nor necessary amenity. A smaller or differently shaped pool might fit on the property without the need for a variance.

*Standard: Minimum Necessary for Substantial Justice  
Applied to both applicant as well as to other property owners in district.  
Review past decisions of the ZBA for consistency (precedence).*

Comment: In researching past Zoning Board of Appeals decisions regarding setback relief for a pool in a front yard setback, Planning Department staff identified one comparable case. Further research revealed that interpretation of required setbacks for pools has varied over time. In a cursory review of the Township using aerial photos, staff found two inground pools in front yards. In addition, it should be noted that the zoning ordinance was amended in 2011 to require a setback for pools in the side and rear yard. These findings are described below.

1. Latoskewski, 405 Clubview, 10/20/1997: The applicant sought relief from the Zoning Board of Appeals to allow for the construction of a 17 foot x 35 foot pool in the required 40 foot front setback of Shadywood Drive. Located on a corner lot, the property also fronted Club View Drive. The Zoning Board of Appeals approved the variance request of 40 feet based on the following reasons: that conformance was unnecessarily burdensome in that the pool could not be located in compliance with all setbacks, that substantial justice would be served by the variance, and that the spirit and intent of the Ordinance would be met because the pool would be below ground and included no pool house or other structure. (See meeting minutes and aerial photo attached.)
2. 4970 Fountain Square, 10/9/01: A building permit for an inground pool in the required front yard was approved with no setback. This property is also on a corner lot. A letter in the file from Planning Department staff indicated that "placement of an inground pool is not subject to setbacks from the abutting streets." The letter and an aerial photo are attached to this staff report. This is consistent with statements in meeting minutes from that time period that 'buildings' were required to meet setback requirements but 'structures' were not.
3. 6488 Killington Drive, 2008: A building permit was issued for an inground pool at this address, also on a corner lot. The pool is located approximately 15 feet from the right of way line. Planning Department staff approved the building permit application. (See aerial photo attached.)
4. Zoning Code text amendment to Section 64 – Setback and Side Line Spacing, 2/24/2011: The zoning ordinance was amended to require a minimum front yard setback of 30 feet rather than 40 feet. Minimum rear yard setback, formerly 10 feet, was increased to 15 feet. In addition, text was added requiring that pools and decks (attached or detached) conform to applicable rear and interior side setbacks. According to the staff report, reasoning was that "this will prevent decks and pools from being too close to property lines." Added text for pools and decks follows in bold:
  - a. "The minimum setback distance between any building and any interior side property line in the "AG" Agricultural Districts, "RR" Residence Districts, "R-

1" Residence Districts, "R-2" Residence Districts, and "R-3" Residence Districts shall be ten feet for all buildings, **pools, and associated decks whether attached or detached** unless a larger setback is otherwise required in the Township Zoning Ordinance.

- b. The minimum setback distance between any building, **pools, and associated decks whether attached or detached** and any rear property line in the "AG" Agricultural Districts, "RR" Residence Districts, "R-1" Residence Districts, "R-2" Residence Districts, and "R-3" Residence Districts shall be not less than 15 feet unless a larger setback is otherwise required in the Township Zoning Ordinance."

Text adopted in 2011 for front yard setbacks was as follows: "there shall be a setback from all street right of way lines and outlots and/or planned future public street extensions of not less than 30 feet for all buildings unless a larger setback is otherwise required."

This is essentially the same as language in the current ordinance, which states "front yard setbacks for primary structures: a setback of 30-feet shall be required from all street rights-of-way and outlots and/or planned future public street extensions." Because the code sets forth a side and rear setback for pools but does not mention a front setback, the generally accepted interpretation is that no pools are permitted in front of a house.

*Standard: Self-Created Hardship*  
*Are the conditions or circumstances which resulted in the variance request created by actions of the applicant?*

*Comment:* The home at 5359 Sweet Briar Drive was built near the center of the property. The lot lines and setbacks for the property have not changed since its construction. There may be room in the rear yard for a much smaller or irregularly shaped pool that meets setback requirements. It is the applicant's desire for a pool that has triggered this variance request. A pool is not a required or necessary amenity.

#### POSSIBLE ACTIONS

The Zoning Board of Appeals may take the following possible actions:

- Motion to approve as requested (conditions may be attached)
- Motion to approve with an alternate variance relief (conditions may be attached)
- Motion to deny

The motion should include the findings of fact relevant to the requested variance. Based on the staff analysis, the following findings of fact are presented:

- Support of variance approval
  - The corner lot places additional restrictions on this property – is a unique physical circumstance.
  - A variance was approved for a similar request in 1997.

- Pools were previously allowed to be constructed in the Township with no required front setback.
- Support of variance denial
  - Without relief, the property can still accommodate a single-family home, as allowed per the Zoning Ordinance. A pool is not a required nor a necessary amenity.
  - The variance request for this 18' x 36' pool is a self-created hardship, as a smaller pool could be built.

Possible motions for the Zoning Board of Appeals to consider include:

1. Applicant's Request

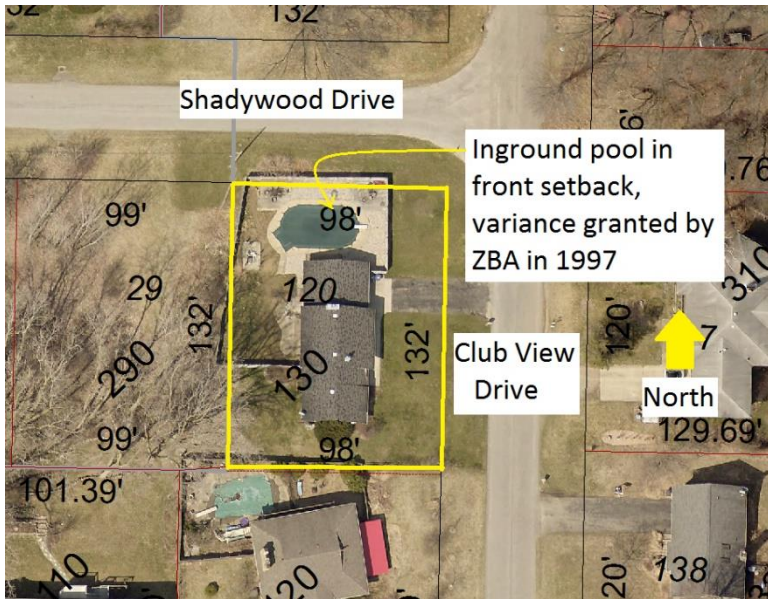
Based on past precedence presented in this memo, motion to approve the variance request, allowing the applicant to construct an 18 foot x 36 foot in ground pool with a 10-foot front yard setback.

If the Zoning Board of Appeals chooses this motion, staff request that a condition be attached requiring the property owner to complete the building permit process via the Southwest Michigan Building Authority.

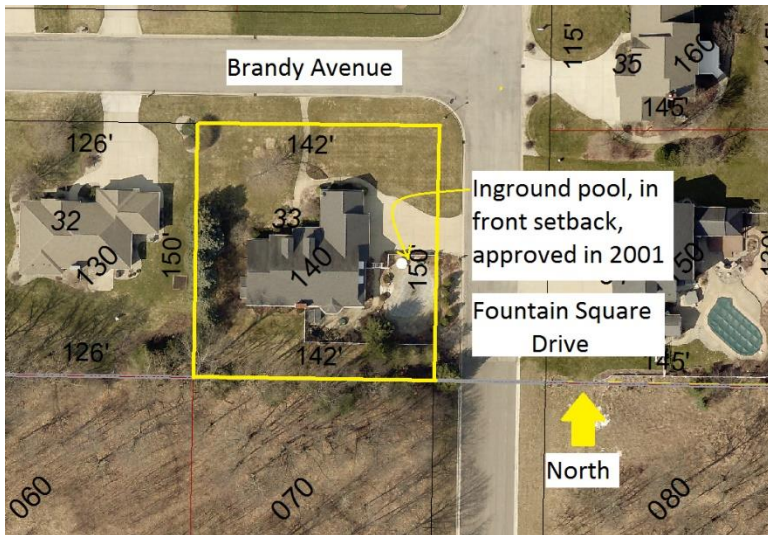
If the Zoning Board of Appeals chooses this motion, staff also requests that a request be sent to the Planning Commission to consider an update to the code that provides some flexibility to pools on corner lots.

2. Motion to deny the requested variance based on the findings of fact presented under 'Support of variance denial' in this memo.

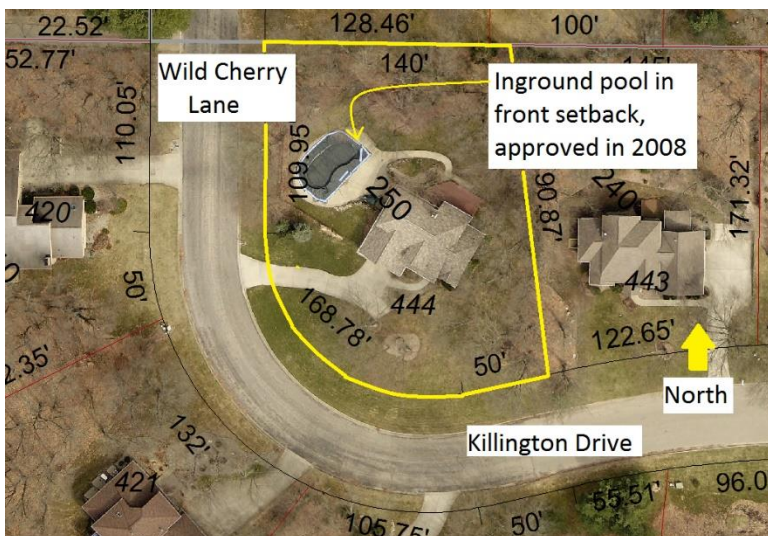
Attachments: Application, Letter from Applicant, Property sketch, Public input received as of 11/9/2020, 10/09/2001 Planning Dept letter, 10/20/1997 ZBA minutes, Aerial photos of existing inground pools in front setback.



**Aerial photo of  
405 Club Drive**



**Aerial photo of  
4970 Fountain Square Drive**



**Aerial photo of  
6488 Killington Drive**



**OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

**DRAFT MINUTES OF A VIRTUAL MEETING HELD NOVEMBER 17, 2020**

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**Agenda**

**VARIANCE: JEREMY, 5359 SWEET BRIAR DRIVE**

**FRANK H. AND M. JAMIE JEREMY REQUESTED RELIEF FROM SECTION 50.60 OF THE ZONING ORDINANCE WHICH GOVERNS SETBACKS FOR STRUCTURES IN RESIDENTIAL ZONING DISTRICTS IN ORDER TO CONSTRUCT AN 18 FOOT X 36 FOOT IN-GROUND POOL AND ASSOCIATED CONCRETE DECKING IN THE REQUIRED FRONT YARD.**

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A virtual meeting of the Oshtemo Charter Township Zoning Board was held Tuesday, November 17, 2020, called to order at approximately 3:02 p.m.

PRESENT: Neil Sikora, Chair  
Fred Antosz  
Cheri Bell  
Fred Gould  
Anita Smith, Vice Chair

ABSENT: Ollie Chambers  
Micki Maxwell

Also present were Iris Lubbert, Planning Director, Karen High, Zoning Administrator, James Porter, Township Attorney and Martha Coash, Meeting Transcriptionist.

One guest, applicant M. Jamie Jeremy was present.

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chairperson Sikora called the meeting to order and invited those present to join in reciting the "Pledge of Allegiance."

**APPROVAL OF AGENDA**

Chairperson asked if there were changes to the agenda. Hearing none, he asked for a motion.

Ms. Smith **made a motion** to approve the agenda as presented. Mr. Gould **seconded the motion. The motion was approved unanimously.**

## **APPROVAL OF THE MINUTES OF AUGUST 25, 2020**

The Chair asked if there were any additions, deletions or corrections to the minutes of August 25, 2020. Hearing none, Chairperson Sikora asked for a motion.

Ms. Bell **made a motion** to approve the Minutes of August 25, 2020 as presented. Ms. Smith **seconded the motion**. **The motion was approved unanimously.**

Chairperson Sikora moved to the next agenda item and asked Ms. Lubbert for her presentation. Ms. Lubbert indicated Ms. Karen High, Zoning Administrator would be presenting to the Board.

### **VARIANCE: JEREMY, 5359 SWEET BRIAR DRIVE FRANK H. AND M. JAMIE JEREMY REQUESTED RELIEF FROM SECTION 50.60 OF THE ZONING ORDINANCE WHICH GOVERNS SETBACKS FOR STRUCTURES IN RESIDENTIAL ZONING DISTRICTS IN ORDER TO CONSTRUCT AN 18 FOOT X 36 FOOT IN-GROUND POOL AND ASSOCIATED CONCRETE DECKING IN THE REQUIRED FRONT YARD.**

Ms. High indicated the applicant was requesting relief from Section 50.60 of the Zoning Ordinance which governs setbacks for structures in residential zoning districts in order to construct an 18 foot x 36 foot in-ground pool and associated concrete decking in the required front yard.

Section 50.60 of the Zoning Ordinance requires that all primary structures located within the R-2 district have a 30 foot front yard setback. Required side setback is 10 feet and required rear setback is 15 feet.

She explained 5359 Sweet Briar Drive is a 0.50-acre corner lot in Rose Arbor plat No. 2. The lot is approximately 150 feet wide by 150 feet long and also fronts Fountain Square Drive. Though the required front setbacks are 30 feet, the house, built in 2002, is approximately 44 feet from each right of way line. The side and rear yards are somewhat narrow, at approximately 35 foot and 40 feet wide respectively.

The applicant submitted a property sketch showing the proposed layout in more detail. Though not shown on the plan, they state that required fencing will meet all ordinance and building code requirements. The applicant provided the following rationale for this variance request:

- The entire pool structure will be built below grade, surrounded by a fence with nothing above ground to impede the character of the neighborhood except enhanced landscaping and plantings. The pool will not be readily visible to anyone driving by; it will appear to be a fenced-in yard.

- A 10 foot side and 15 foot rear setback is provided, which shows a good faith effort to meet the side and rear setback requirements for lots not located on a corner.
- There is no other practical or safe location for a conventional pool on the property.
- A house in the neighborhood, also on a corner lot, was permitted to have a pool in the front yard.
- Several houses in the neighborhood have pools in the side and rear yards. Many of these pools would not be permitted if on our corner lot.

Ms. High indicated public input was received from six residents of the neighborhood, none of which objected to the variance request. Copies of their statements are attached to these minutes.

She urged the board to consider the larger picture. Does the Township wish to allow in-ground pools within required front yard setbacks? Should corner lots be considered differently? Should other structures be allowed as well? This is the first case of this nature under the current ordinance. By approving this case, a precedent would be set allowing in-ground pools or structures in a front yard, which could have negative impacts if not properly justified.

#### STANDARDS OF REVIEW - STAFF ANALYSIS

Ms. High noted the Michigan courts have applied the following principles for a dimensional variance, which collectively amount to demonstrating a practical difficulty:

- Special or unique physical conditions and circumstances exist which are peculiar to the property involved and which are not generally applicable to other properties in the same district.
- Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use; or would render conformity to the ordinance unnecessarily burdensome.
- The variance is the minimum necessary to provide substantial justice to the landowner and neighbors.
- The problem is not self-created.

Staff analyzed the request against these principles and Ms. High offered the following comments.

#### Standards of Approval of a Nonuse Variance (practical difficulty):

*Standard: Unique Physical Circumstances  
Are there unique physical limitations or conditions which prevent compliance?*

*Comment: The topography around this site is flat. Because it is located on a corner, a 30 foot front setback is required along each street frontage. This is a*

larger setback than is required of properties not located on a corner, where a 10 foot side yard setback is required on each side. Usable yard space is reduced by approximately 20 feet' along the Fountain Square Drive street frontage.

*Standard: Conformance Unnecessarily Burdensome  
Are reasonable options for compliance available?  
Does reasonable use of the property exist with denial of the variance?*

**Comment:** It is the applicant's desire for a pool that triggered this variance request. A pool is not a required or necessary amenity. A smaller or differently shaped pool might fit on the property without the need for a variance.

*Standard: Minimum Necessary for Substantial Justice  
Applied to both applicant as well as to other property owners in district.  
Review past decisions of the ZBA for consistency (precedence).*

**Comment:** In researching past Zoning Board of Appeals decisions regarding setback relief for a pool in a front yard setback, Planning Department staff identified one comparable case. Further research revealed that interpretation of required setbacks for pools has varied over time. In a cursory review of the Township using aerial photos, staff found two in-ground pools in front yards. In addition, it should be noted that the zoning ordinance was amended in 2011 to require a setback for pools in the side and rear yard. These findings are described below.

1. Latoskewski, 405 Clubview, 10/20/1997: The applicant sought relief from the Zoning Board of Appeals to allow construction of a 17 foot x 35 foot pool in the required 40 foot front setback of Shadywood Drive. Located on a corner lot, the property also fronted Club View Drive. The Zoning Board of Appeals approved the variance request of 40 feet based on the following reasons: that conformance was unnecessarily burdensome in that the pool could not be located in compliance with all setbacks, that substantial justice would be served by the variance, and that the spirit and intent of the Ordinance would be met because the pool would be below ground and included no pool house or other structure.
2. 4970 Fountain Square, 10/9/01: A building permit for an in-ground pool in the required front yard was approved with no setback. This property is also on a corner lot. A letter in the file from Planning Department staff indicated that "placement of an in-ground pool is not subject to setbacks from the abutting streets." This is consistent with statements in meeting minutes from that time period that 'buildings' were required to meet setback requirements but 'structures' were not.
3. 6488 Killington Drive, 2008: A building permit was issued for an in-ground pool at this address, also on a corner lot. The pool is located

approximately 15 feet from the right of way line. Planning Department staff approved the building permit application.

4. Zoning Code text amendment to Section 64 – Setback and Side Line Spacing, 2/24/2011: The zoning ordinance was amended to require a minimum front yard setback of 30 feet rather than 40 feet. Minimum rear yard setback, formerly 10 feet, was increased to 15 feet. In addition, text was added requiring that pools and decks (attached or detached) conform to applicable rear and interior side setbacks. According to the staff report, reasoning was that “this will prevent decks and pools from being too close to property lines.” Added text for pools and decks follows in bold:
  - a. “The minimum setback distance between any building and any interior side property line in the "AG" Agricultural Districts, "RR" Residence Districts, "R-1" Residence Districts, "R-2" Residence Districts, and "R-3" Residence Districts shall be ten feet for all buildings, **pools, and associated decks whether attached or detached** unless a larger setback is otherwise required in the Township Zoning Ordinance.
  - b. The minimum setback distance between any building, **pools, and associated decks whether attached or detached** and any rear property line in the "AG" Agricultural Districts, "RR" Residence Districts, "R-1" Residence Districts, "R-2" Residence Districts, and "R-3" Residence Districts shall be not less than 15 feet unless a larger setback is otherwise required in the Township Zoning Ordinance.”

Text adopted in 2011 for front yard setbacks was as follows: “there shall be a setback from all street right of way lines and outlots and/or planned future public street extensions of not less than 30 feet for all buildings unless a larger setback is otherwise required.”

This is essentially the same as language in the current ordinance, which states “front yard setbacks for primary structures: a setback of 30-feet shall be required from all street rights-of-way and outlots and/or planned future public street extensions.” Because the code sets forth a side and rear setback for pools but does not mention a front setback, the generally accepted interpretation is that no pools are permitted in front of a house.

*Standard: Self-Created Hardship*  
*Are the conditions or circumstances which resulted in the variance request created by actions of the applicant?*

**Comment:** The home at 5359 Sweet Briar Drive was built near the center of the property. The lot lines and setbacks for the property have not changed since its construction. There may be room in the rear yard for a much smaller or irregularly shaped pool that meets setback requirements. It is

the applicant's desire for a pool that has triggered this variance request. A pool is not a required or necessary amenity.

Ms. High indicated approving the requested variance would not negatively affect safety and welfare.

She indicated possible motions for consideration:

1. Based on past precedence, **motion to approve** the variance request, allowing the applicant to construct an 18 foot x 36 foot in ground pool with a 10-foot front yard setback.

If the Zoning Board of Appeals were to choose this motion, staff requested a condition be attached requiring the property owner to complete the building permit process via the Southwest Michigan Building Authority. In addition staff also suggested a request be sent to the Planning Commission to consider an update to the code to provide some flexibility to pools on corner lots.

2. **Motion to deny** the requested variance based on the findings of fact presented under 'Support of variance denial.'

Chairperson Sikora thanked Ms. High for her presentation and asked if there were questions from Board Members.

Mr. Sikora asked about required fencing.

Ms. High said a fence is required by building code for all pools. The applicant has stated fencing will meet zoning requirements, with no variance needed.

Hearing no further questions from Board Members, Chairperson Sikora asked if the applicant wished to speak.

Ms. Jamie Jeremy, 5359 Sweet Briar Drive, thanked Township staff for their guidance through the variance request process, ZBA members for their service to the Township and their consideration of the request, and her neighbors for their support.

She said when their house was built in 2003, they never dreamed they would want a pool, and if they had they would have positioned the house differently. Now, 17 years later, they very much want to add a pool. They were unaware of the second "front" yard with much greater setback requirements than for a normal yard. They wish to commit to undertaking a project that will not detract from their or their neighbors' homes. They will follow the example of the landscaping done at 4970 Fountain Square so that you will hardly know there is a pool there.

The Chair thanked Ms. Jeremy for her comments and asked if there were questions for her from Board Members.

Ms. Smith asked why the pool could not be located west of the deck.

Ms. Jeremy said there is a retaining wall there at a 15 foot setback from the property line. A pool would have to be located very close to it. The landscaper who installed the retaining wall said that could impact the integrity of the wall.

Ms. Smith wondered how a pool located west of the deck would impact a retaining wall.

Ms. Jeremy said the retaining wall is dug down underground at the basement level and holds land back from the lower level windows. Another alternative would have to be figured out. She also noted the pool would not be a part of the yard visually off the sun porch and that a traffic pattern from the house to the pool from the deck flows as it is designed. There is no access currently from that part of the yard. The retaining wall is an eight-foot drop and a safety factor. The fence would need to be closer than if dealing with the property lines.

Ms. High noted she measured using the GIS feature and that a pool this size would not meet the setback requirements if located in the rear corner to the west. It might still require a different type of variance.

Hearing no more questions, the Chair asked if there were any comments from the public. He determined there were no members of the public present and moved to Board Deliberations.

The Chair asked why in the summary of review this particular corner lot is considered a “unique physical circumstance?”

Ms. High said all corner lots are constrained because there is less usable space which puts corner lots at a disadvantage.

Chairperson Sikora said the 1997 variance was approved partially because the pool placement was restricted due to drainage and the septic system location.

Ms. High agreed that was one of the factors discussed in 1997.

Chairperson Sikora said this is the first time since the ordinance was changed in 2011 that a variance has been sought for this purpose and wondered if the circumstances are different. Frontage on two streets comes into play for other cases, such as how assessments are determined for two front yards.

Attorney Porter said sewer and water assessments for corner lots (two front streets) are capped so that a corner lot is not penalized. They cannot be taxed at a different rate; assessment is based on fair market value. A corner lot may be seen as

worth more, but there is no disparity in rates between corner and interior lots. That would be improper.

Ms. Bell noted the 1997 variance for a pool at 405 Clubview was granted prior to the ordinance change in 2011. The similar in-ground pools for 4970 Fountain Square in 2001 and for 6488 Killington Drive in 2008 were approved without variance.

Ms. High noted the 1997 variance granted by the ZBA included language suggesting the Planning Commission should look at and consider amending the ordinance regarding front yard setbacks for pools, but she was unable find any evidence that had occurred.

Attorney Porter said that could have happened as an unintended difference in interpretation.

Ms. High noted the same people signed off on the building permits in 2001 and 2008, but that interpretations evolve and change over time and that may be what occurred.

Ms. Smith wondered how much smaller the pool would need to be if built to the west without encroaching on the retaining wall.

Ms. Lubbert did a rough calculation and thought it could be about 12 feet wide by 15 feet, not including the cement apron decking needed.

Mr. Gould said he has been a pool owner for more than 50 years in two locations. He said 18' x 36' is basically the ideal size for a pool for entertaining, especially for children, who jump, run and need enough space on the deck and around the pool for activities. He heard no opposition to the variance request from neighbors. The ZBA has granted 3-4 site exceptions. He would like to see the Jeremys be able to use and enjoy their property to the fullest. His only question would be concern for anyone moving in later and not finding the variance a problem, though he did not see that as a concern. He cited past precedent and neighbor approval as positives for approval of the variance.

Ms. Bell said she appreciates the tough questions posed by Board Members. There is ambiguity regarding the interpretation of what is and what is not a structure, which should go to the Planning Commission for consideration. Variance was allowed for similarly situated pools in the past which would provide substantial justice in this case and there is strong neighborhood support. Once a variance is granted there will be no problem with later owners. This is a unique circumstance as it is a corner lot. She said she could support approval of the variance request.

Chairperson Sikora was not convinced the criteria for setback relief has been met. He did not feel conformance was burdensome, setbacks granted in the past were



under different circumstances, apples were not being compared to apples, substantial justice doesn't apply with a corner lot, and the problem is self-created.

Attorney Porter said the Board must make a motion and decision as a body whether to grant or deny the variance. If it is felt there is inconsistency in the ordinance regarding corner lot definitions of side and front yards and the definition of "structures," the issue can be referred to the Planning Commission for their consideration.

The Chair said he would support suggesting the Planning Commission consider defining front and side yards for corner lots.

Ms. Smith said she feels the request for variance in this case is a self-created hardship, but would also like to have the Planning Commission look at the side/front yard issue for corner lots which would provide a better opportunity to get the pool where it is wanted.

Ms. Bell asked Attorney Porter whether all five criteria need to be met in order to grant the variance.

Attorney Porter said some would say yes, but he does not agree. Courts do not agree nor does the statute. Practical difficulties are not defined; case law is not clear. People view things differently. It comes down to how ZBA members determine the facts. The ZBA is the jury – you determine the facts.

Chairperson Sikora said he was trying to stick to the variance request form. Sending a request to the Planning Commission will take time. He asked Ms. Jeremy what the timeline is for installing the pool.

Ms. Jeremy said they were looking at the spring of 2021.

Chairperson Sikora asked if someone wished to make a motion.

Ms. Bell **made a motion** to approve the variance as requested, based on the fact that the two front lots are a unique physical circumstance, previous decisions have not been treated in the same way – two pools in the front yard were approved without variance, one with variance, substantial justice is met, reasonable use is not available to place a pool in the rear yard, fencing and screening will maintain safety and welfare.

Per Staff request, a condition will be attached requiring the property owner to complete the building permit process via the Southwest Michigan Building Authority.

A request will be sent to the Planning Commission to consider an update to the code that provides some flexibility to pools on corner lots, particularly addressing side vs. front lots for corner properties and the definition of "structures."

Mr. Antosz **seconded the motion. The motion was approved 3-2 by roll call vote, with Chairperson Sikora and Vice Chairperson Smith dissenting.**

### **Public Comment**

Chairperson Sikora determined there were no members of the public present and moved to the next agenda item.

### **Other Updates and Business**

Ms. Lubbert provided a schedule of meeting dates for 2021 consideration.

Zoning Board of Appeals  
Fourth Tuesday of every month @ 3:00 p.m.  
2021 Meeting Dates

1/26  
2/23  
3/23  
4/27  
5/25  
6/22  
7/27  
8/24  
9/28  
10/26  
11/16\*  
12/14\*  
1/25/2022

\*Dates shifted to avoid holidays or for consistency with the Development Schedule of Applications

Mr. Gould **made a motion** to approve the Zoning Board of Appeals Meeting Date Schedule as presented. Ms. Smith **seconded the motion. The motion was approved unanimously.**

Ms. Lubbert told the Board public meetings will continue to be held virtually through December by order of the governor. It is likely that order will be extended further. She will keep the Board updated as more information is known.

She indicated she expects there to be two site plans for consideration at the December 15 meeting.

Attorney Porter said he felt the variance request discussion was one of the best the Board has had. It included tough questions and members focused on the issues at

hand, debating head to head on the facts, which is exactly what the ZBA should be doing. He said “the facts are what you say they are.”

Ms. Bell said the new Township Board will be sworn in Friday, November 20 at noon and will include two new Trustees and a new Treasurer. She encouraged Board Members to introduce themselves and welcome Trustees as they look forward to getting to work.

**Adjournment**

Hearing no further comments, Chairperson Sikora noted the Zoning Board of Appeals had exhausted its Agenda. There being no other business, he adjourned the meeting at approximately 4:15 p.m.

Minutes prepared:  
November 18, 2020

Minutes approved:  
\_\_\_\_\_, 2020

DRAFT

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING  
CONDUCTED ON JANUARY 14, 2021

The Oshtemo Charter Township Planning Commission hereby recommends APPROVAL of the following additions and amendments to the Township Zoning Ordinance:

The amendment to Article 2, Section 2.20 Definitions, to add the definition of Corner Lot and further defining Frontage, Front Street and Frontage, Side Street;

The amendment to Article 50, Schedule of Regulations, Section 50.60 Setback Provisions, Paragraph B, Sub-paragraph 1 to add Sub-paragraph d;

to read, in summary, as follows:

SEE ATTACHMENT

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

Date: January 14, 2021

By: 

James W. Porter  
Township Attorney

Final Action by Oshtemo Charter Township Board

\_\_\_\_\_ APPROVED \_\_\_\_\_

\_\_\_\_\_ DENIED \_\_\_\_\_

\_\_\_\_\_ REFERRED BACK TO PLANNING COMMISSION

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_

Adopted: \_\_\_\_\_, 2021

Effective: \_\_\_\_\_, 2021

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance, concerning Child Care Centers and Adult Care Centers, and also concerning pools as follows. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

SECTION I. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 2: CONSTRUCTION OF LANGUAGE AND DEFINITIONS, SECTION 2.20 DEFINITIONS. Article 2: Construction of Language and Definitions, Section 2.20 is hereby amended to add and amend the following:

**ARTICLE 2: CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

**2.20 DEFINITIONS**

Adult Care Center- a non-residential facility, properly registered or licensed with the State, that supports the health, nutritional, social, and daily living needs of adults in a professionally staffed group setting for periods less than 24 hours a day. These facilities typically provide adults with transitional care and short-term rehabilitation following hospital discharge.

Child care center - A facility, other than a private residence, properly registered or licensed under 1973 Public Act 116, as amended, receiving one or more children for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than two consecutive weeks per year. The facility is generally described as a child care center, day care center, day nursery, play group, or drop-in center. Child care center does not include any of the following:

- a. A Sunday school, a vacation bible school, or a religious instruction class that is conducted by a religious organization where children are in attendance for not more than three hours per day for an indefinite period, or not more than eight hours per day for a period not to exceed four weeks during a two-month period.
- b. A facility operated by a religious organization where children are cared for not more than three hours while persons responsible for the children are attending religious services.

School – an educational institution that is properly registered or licensed with the State.

SECTION II. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 5: RR, RURAL RESIDENTIAL DISTRICT, SECTION 5.40 SPECIAL USES. Article 5: RR, Rural Residential District, Section 5.40, Paragraph C is hereby amended as follows:

**ARTICLE 5: RR, RURAL RESIDENTIAL DISTRICT**

**5.40 Special Uses**

- C. Public and private schools; may have a Child Care Center as an accessory use.

SECTION III. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 7: R-2, RESIDENCE DISTRICT, SECTION 7.40 SPECIAL USES. Article 7: R-2, Rural Residence District, Section 7.40 Special Uses, Paragraph C is hereby amended as follows:

**ARTICLE 7: R-2, RESIDENCE DISTRICT**

**7.40 Special Uses**

- C. Public and private schools; may have a Child care center as an accessory use.

SECTION IV. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 8: R-3: RESIDENCE DISTRICT, SECTION 8.40 SPECIAL USES. Article 8: R-3 Residence District, Section 8.40 Special Uses, Paragraph H is hereby amended as follows:

**ARTICLE 8: R-3: RESIDENCE DISTRICT**

**8.40 Special Uses**

H. Child care centers and Adult care centers.

SECTION V. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 9: R-4: RESIDENCE DISTRICT, SECTION 9.20 PERMITTED USES. Article 9: R-4 Residence District, Section 9.20 Permitted Uses, Paragraph B is hereby amended, and Paragraph H is hereby added to read as follows:

**ARTICLE 9: R-4: RESIDENCE DISTRICT**

**9.20 Permitted Uses**

B. Child care centers and Adult care centers.

H. Nursing, convalescent, handicapped, or senior citizens' homes.

SECTION VI. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 11: RC RESIDENTIAL CONSERVATION DISTRICT, SECTION 11.40 SPECIAL USES. Article 11: RC RESIDENTIAL CONSERVATION DISTRICT, Section 11.40, Paragraph C to include Child Care Center as an accessory use and move Libraries to be Paragraph L are hereby amended and added to read as follows:

**ARTICLE 11: RC RESIDENTIAL CONSERVATION DISTRICT**

**11.40 Special Uses**

- C. Public and private schools; may have a Child care center as an accessory use.
- L. Libraries.

SECTION VII. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 18: C LOCAL BUSINESS DISTRICT, SECTION 18.40 SPECIAL USES. Article 18: C Local Business District, Section 18.40, Paragraph B is hereby amended as follows:

**ARTICLE 18: C LOCAL BUSINESS DISTRICT**

**18.40 Special Uses**

- B. Child care centers and Adult care centers.

SECTION VIII. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 19: VC, VILLAGE COMMERCIAL DISTRICT, SECTION 19.50 SPECIAL USES. Article 19: VC, Village Commercial District, Section 19.50 Special Uses, Paragraph E is hereby amended as follows:

**ARTICLE 19: VC, VILLAGE COMMERCIAL DISTRICT**

**19.50 Special Uses**

- E. Child care centers and Adult care centers.



SECTION IX. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 20: BRP, BUSINESS AND RESEARC PARK, SECTION 20.40 SPECIAL. Article 20: BRP, Business and Research Park, Section 20.40 Special Uses, Paragraph B is hereby amended to read as follows:

**ARTICLE 20: BRP, BUSINESS AND RESEARCH PARK**

**20.40 Special Uses**

- B. Child care centers and Adult care centers.

SECTION X. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 35: 9<sup>TH</sup> STREET AND WEST MAIN OVERLAY ZONE, SECTION 35.40 SPECIAL, PARAGRAPH B COMMERCIAL. Article 35: 9<sup>th</sup> Street and West Main Overlay Zone, Section 35.40 Special Uses, Paragraph B Commercial, Sub-paragraph 4 is hereby amended to read as follows:

**ARTICLE 35: 9<sup>TH</sup> STREET AND WEST MAIN OVERLY ZONE**

**35.40 Special Uses**

- B. Commercial
  - 4. Child care centers and Adult care centers.

SECTION XI. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 2: CONSTRUCTION OF LANGUAGE AND DEFINITIONS, SECTION 2.20 DEFINITIONS. Article 2: Construction of Language and Definitions, Section 2.20 is hereby amended to add the following:

**ARTICLE 2: CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

**2.20 DEFINITIONS**

Corner Lot: A Lot located at the intersection of two or more streets.

FRONTAGE, FRONT STREET. A corner Lot has a Front Street and a Side Street Frontage, with the Front Street Frontage being the frontage onto which the front of the building faces.

FRONTAGE, SIDE STREET. A corner Lot has a Front Street and a Side Street Frontage, with the Side Street Frontage being the frontage onto which the side of the building faces.

SECTION XII. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 50: SCHEDULE OF

REGULATIONS, SECTION 50.60. Article 50 Schedule of Regulations, Section 50.60

Setback Provisions, Paragraph 1 is hereby amended to add Sub-paragraph d to read as follows:

- d. On corner lots in subdivisions or site condominiums inground pools are permitted to have a ten-foot front yard setback along the Side Street Frontage of the lot. In addition to the required fencing, these pools shall be screened from the road with landscaping. Pools are otherwise not allowed in the front yard.

SECTION XII. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, CLERK  
OSHTEMO CHARTER TOWNSHIP



January 19, 2021

**Mtg Date:** January 26, 2021  
**To:** Oshtemo Charter Township Board  
**From:** Iris Lubbert, AICP, Planning Director  
**Subject:** First Reading: Child and Adult Care Centers

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Objective:

Consideration of the Child and Adult Care Centers ordinance language for First Reading by recommendation of the Planning Commission.

Background:

Recently the Planning Commission reviewed a conditional rezoning request that asked to rezone a property to a higher intensity in order for the site to have a Child Care Center. Although the rezoning request was denied as it was considered spot zoning, the topic of Child Care Centers piqued both the Planning Commission's and Public's interest. There was a general agreement that child care options are important and more flexibility was needed that would allow for more of this type of service. Planning Staff was asked to review the code and see if there was a way to appropriately allow for more Child Care Centers in Oshtemo.

Coincidentally, around the same time as the rezoning discussion, a site plan for initial discussion was submitted to staff that entailed an Adult Care Center. After reviewing the code, staff found that it was unclear where and if this use was permitted. After discussion with legal counsel it was determined that this use was comparable to a Child Care Center and that a code amendment would be appropriate. For the sake of efficiency, staff has incorporated language to address deficiencies in the code regarding Adult Care Centers with the proposed Child Care Center code amendment discussion.

This proposed code amendment was introduced to the Planning Commission at their regular December 10<sup>th</sup>, 2020 meeting. After discussion the Commission unanimously approved forwarding the proposed text to a Public Hearing. A Public Hearing was held on January 14, 2021 - no public comment was received either for or against the proposed amendment. The Planning Commission unanimously motioned to forward the proposed amendment to the Township Board for consideration with a recommendation of approval.

Proposal:

**Child Care Centers:** There are three different intensities of child care uses that are permitted by the code within Oshtemo: Family day care home (allowing up to 6 children), Group day care home (allowing up to 12 children), and Child Care Center (with no defined maximum number of children permitted). All three of these uses provide child care for periods less than 24 hours a day. Family day cares and Group day cares are permitted in all agricultural and residential zoning districts. This is appropriate as they are small in scale, are required to utilize private residential residences, and must preserve the residential character of the area. Child Care Centers are allowed in the R-3, Residence zoning district and higher. This is appropriate as they are more institutional in scale and nature. Child Care Centers are often equated to a commercial/office type use. The current placement of these three types of child care uses is appropriate.

However, the rezoning request that brought this topic to the forefront was unique as the site in question was

a large church that has a private preschool. In this case the facility already has accepted characteristics that stand out from a standard low-density residential area: a large parking area, a large nonresidential building, obvious traffic flow, and the regular presence of children onsite. One of the comments that residents in support of the rezoning kept bringing up was their desire to have one location where they could drop off their children for the day. Parents that had children enrolled in the private preschool elaborated on how being able to also drop off their preschool age child at this same location would be advantageous to them. Given the nature of public and private schools, both the Planning Commission and staff do not see a reason why schools could also not support a Child Care Center. With the scale of schools, their already providing services to children, site design/layout, general appropriateness in residential areas, and already established traffic patterns - allowing Child Care Centers at these sites as an accessory use is logical. The addition of a Child Care Center to a school would have little to no negative impact on the surrounding residences. The attached proposed text amendment would allow all private and public schools in Oshtemo to have Child Care Centers as an accessory use.

**Adult Care Centers:** Adult Day Care Centers are non-residential facilities, properly registered or licensed with the State, that supports the health, nutritional, social, and daily living needs of adults in a professionally staffed group setting for periods less than 24 hours a day. These facilities typically provide adults with transitional care and short-term rehabilitation following hospital discharge. Currently in the code the only area that lists Adult Care Centers as an allowed use is the - Neighborhood Overlay Zone (Article 37). In this Overlay “Child or Adult day care centers” are a special use. It should be noted that no areas of Oshtemo are currently part of this overlay (staff will do research on this at a later date). Adult Care Centers are comparable to Child Care Centers – the only significant difference is that they are providing care for a different age group. The Planning Commission, Planning Staff and Legal Counsel recommend allowing Adult Care Centers as a primary use in the same zoning districts as Child Care Centers.

**Other:** In addition to the above code amendments, staff recommends adding and amending some definitions in the code to help clarify what Child Care Centers and Adult Care Centers are. These proposed definitions are included in the attached proposed text amendment document.

Attached: Child and Adult Care Centers Text Amendment document. Proposed changes shown in red.

## Article 2 – Construction of Language and Definitions

Adult Care Center: a non-residential facility, properly registered or licensed with the State, that supports the health, nutritional, social, and daily living needs of adults in a professionally staffed group setting for periods less than 24 hours a day. These facilities typically provide adults with transitional care and short-term rehabilitation following hospital discharge.

**Child care center** - A facility, other than a private residence, properly registered or licensed under 1973 Public Act 116, as amended, receiving one or more ~~preschool or school-age~~ children for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than two consecutive weeks per year. The facility is generally described as a child care center, day care center, day nursery, ~~preschool, nursery school, parent cooperative preschool~~, play group, or drop-in center. Child care center does not include any of the following:

- a. A Sunday school, a vacation bible school, or a religious instruction class that is conducted by a religious organization where children are in attendance for not more than three hours per day for an indefinite period, or not more than eight hours per day for a period not to exceed four weeks during a two-month period.
- b. A facility operated by a religious organization where children are cared for not more than three hours while persons responsible for the children are attending religious services.

School – an educational institution that is properly registered or licensed with the State.

## Article 5 – RR, Rural Residential

### 5.40 SPECIAL USES

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- A. Golf courses, parks, and outdoor recreational areas.
- B. Use of existing buildings formerly utilized in the daily operation of a farm (on or before March 12, 2003) on a parcel that is no longer operated as a functioning farm, as defined in the Michigan Right to Farm Act, for a landscaping contractor business or large-item storage subject to a finding by the Building Official that said building is suitable for the proposed use. No outdoor storage of equipment or items such as snow plows, lawn mowers, trailers or boats may occur unless expressly approved during the Special Use and Site Plan review process.
- C. Public and private schools; **may have a Child Care Center as an accessory use.**
- D. Veterinarian clinics.
- E. Kennels, in unplatted areas, for the breeding, raising and/or boarding of dogs or cats.
- F. Shooting ranges and private clubs operating in connection therewith.
- G. Buildings and regulator stations for essential services.
- H. Group day care home.
- I. Temporary outdoor events (lasting more than one day).
- J. Bed and Breakfast Inns.
- K. Communication towers.

- L. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- M. Wind energy conversion systems.
- N. Agritourism, Category 2
- O. Agritourism, Category 3

## **Article 7 – R2, Residence District**

### **7.40 SPECIAL USES**

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- A. Golf courses, parks, and outdoor recreational areas.
- B. Buildings and regulator stations for essential services.
- C. Public and private schools; **may have a Child care center as an accessory use.**
- D. Group day care home.
- E. Temporary outdoor events (lasting more than one day).
- F. Communication towers.
- G. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- H. Wind energy conversion systems.

## **Article 8 – R-3, Residence District**

### **8.40 SPECIAL USES**

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- A. Three or four-family dwellings.
- B. Buildings and regulator stations for essential services.
- C. Golf courses, parks, and outdoor recreational areas.
- D. Office buildings.
- E. Veterinary, small animal clinics.
- F. Banks, credit unions, and savings and loan offices.
- G. Public and private schools.
- H. Child care centers **and Adult care centers.**
- I. Group day care home.
- J. Beauty parlors or barber shops.
- K. Temporary outdoor events (lasting more than one day).
- L. Communication towers.
- M. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- N. Wind energy conversion systems.
- O. Larger Facilities for Child and Adult Foster Care, including: Child Caring Institutions, Foster Family Group Home, Adult Foster Care Small Group Home, and Adult Foster Care Large Group Home.

## Article 9 – R-4, Residence District

### 9.20 PERMITTED USES

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- A. Any permitted use in the "R-2" Residence District.
- B. Child care centers and Adult care centers, ~~nursing, handicapped, convalescent, senior citizens' and foster homes.~~
- C. Funeral homes.
- D. Accessory buildings and uses customarily incidental to the foregoing.
- E. Family day care home.
- F. Adult Foster Care Facility.
- G. Foster Family Home.
- H. ~~Nursing, convalescent, handicapped, or senior citizens' homes.~~

### 9.40 SPECIAL USES

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- A. Private clubs, fraternities, sororities, lodges, except those of which the chief activity is a service customarily carried on as a business.
- B. Buildings and regulator stations for essential services.
- C. Golf courses, parks, and outdoor recreational areas.
- D. Public and private schools.
- E. Group day care home.
- F. Rehabilitation and/or redevelopment of a multiple-family legal nonconforming use where the existing density exceeds the density limitations of Section 48.100. This may not be construed as allowing an increase in density.
- G. Temporary outdoor events (lasting more than one day).
- H. Communication towers.
- I. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- J. Wind energy conversion systems.
- K. Larger Facilities for Child and Adult Foster Care, including: Child Caring Institutions, Foster Family Group Home, Adult Foster Care Small Group Home, and Adult Foster Care Large Group Home.

## Article 11 RC, Residential Conservation District

### 11.40 SPECIAL USES

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- A. Clustered "hamlet" residential development for the purpose of conserving open space, preserving sensitive resources, and reducing impermeable surface area.
- B. Parks, equestrian trails, and outdoor recreational areas.
- C. Public and private schools; ~~libraries~~ may have a Child care center as an accessory use.
- D. Fire stations and other Township buildings.

- E. Buildings and regulator stations for essential services.
- F. Group day care home.
- G. Cemeteries, excluding crematories.
- H. Houses of worship.
- I. Communication towers.
- J. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- K. Wind energy conversion systems.
- L. **Libraries**

## **Article 18, C Local Business District**

### **18.40 SPECIAL USES**

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- A. Assembly and Convention Halls.
- B. Child care centers and **Adult care centers**.
- C. Funeral homes.
- D. Private clubs.
- E. Parks of ten acres or less in size, subject to the conditions and limitations set forth at Section [49.100](#) of this Ordinance.
- F. Nursing, convalescent, handicapped, or senior citizens' homes.
- G. Drive-in service window or drive-through services for businesses.
- H. Retail lumber yards.
- I. New and/or used car sales lots; recreational vehicle sales lots; mobile home sales lots outside of mobile home parks; farm machinery and other equipment sales lots; boat sales lots; and other businesses involving substantial outdoor sales or activities connected with retail sales.
- J. Crematories.
- K. Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
- L. Filling stations, carwashes, public garages or service stations, excluding auto body and auto paint shops.
- M. Drive-in theatres.
- N. Buildings and regulator stations for essential services.
- O. Temporary outdoor events (lasting more than one day).
- P. Brewpub.
- Q. Microbrewery.
- R. Wine Tasting Room.
- S. Craft food and beverage production facility, limited to 8,000 square feet gross floor area.
- T. Communication towers.
- U. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- V. Private streets.



W. Wind energy conversion systems.

## Article 19 – VC, Village Commercial District

### 19.50 SPECIAL USES

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- A. All new construction, additions, conversions of buildings to nonresidential use, and exterior facade changes other than routine maintenance.
- B. Outdoor sales or activities accessory to permitted retail uses.
- C. Filling stations, Mini-Food-Mart Stations, and auto glass repair shops, excluding body and engine repair and service garages.
- D. Pet shops, veterinarians.
- E. Child care centers ~~or adult day care centers~~ and Adult care centers.
- F. Public and Private Schools
- G. Indoor recreational facilities and health clubs.
- H. Drive-in service window or drive-through service for businesses, not to include restaurants.
- I. Other uses which are determined by the Planning Commission to be similar to those uses permitted in Section 19.20 through 19.40.
- J. Mixed uses allowing both residential and nonresidential uses within the same building.
- K. Buildings and regulator stations for essential services.
- L. Temporary outdoor events (lasting more than one day).
- M. Brewpub.
- N. Microbrewery.
- O. Wine tasting room.
- P. Craft food and beverage production facility, less than 8,000 square feet gross floor area.
- Q. Communication towers.
- R. Private streets.
- S. Wind energy conversion systems.

## Article 20 – BRP, Business and Research Park

### 20.40 SPECIAL USES

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- A. Printing, lithographic, blueprinting and similar uses.
- B. Child care centers and Adult care centers.
- C. Banks, credit unions, and similar financial institutions with drive-through service windows.
- D. Conference center facilities.
- E. Solar, wind, and other renewable energy systems (refer to Section 49.290 regarding Wind Energy Conversion Systems).
- F. Temporary outdoor events (lasting more than one day).
- G. Drive through service and/or windows.

- H. Communication towers.
- I. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- J. Private streets.
- K. Wind energy conversion systems.

## Article 35 – 9<sup>th</sup> Street and West Main Overlay Zone

### 35.40 SPECIAL USES

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#### A. Residential

The following uses may be located within the 9th Street Residential and the West Main Street Residential section of the Overlay District subject to Special Use approval:

1. Group day care home.
2. Residential planned unit development subject to [Article 41](#).
3. Golf courses, parks, and outdoor recreational areas.
4. Buildings and regulator stations for essential services.
5. Public and private schools.
6. Larger Facilities for Child and Adult Foster Care, including: Child Caring Institutions, Foster Family Group Home, Adult Foster Care Small Group Home, and Adult Foster Care Large Group Home.

#### B. Commercial

The following uses may be located within the 9th Street Commercial and the West Main Street Commercial section of the Overlay District subject to Special Use approval:

1. Assembly and Convention Halls.
2. Brewpub.
3. Buildings and regulator stations for essential services.
4. Child care centers and Adult care centers.
5. Commercial planned unit developments subject to [Article 41](#).
6. Craft food and beverage production facility.
7. Crematories.
8. Drive-in service window or drive-through service for businesses, not to include restaurants.
9. Funeral homes.
10. Golf courses, parks, and outdoor recreational areas.
11. Group day care home.
12. Hotels, motels.
13. Indoor theaters.
14. Microbrewery.
15. Nursing, convalescent, handicapped, assisted living, or senior citizens' homes.
16. Private clubs.

17. Public and private schools.
18. Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
19. Temporary outdoor events.
20. Veterinary clinics.
21. Wine Tasting Room.
22. Temporary outdoor event (lasting more than one day)

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING CONDUCTED ON JANUARY 14, 2021

The Oshtemo Charter Township Planning Commission hereby recommends APPROVAL of the following additions and amendments to the Township Zoning Ordinance:

The amendment to Article 2, Section 2.20 Definitions, to add the definitions of Adult Care Center and School and to amend the definition of Child Care Center;

The amendment to Article 5, Section 5.40 Special Uses, Paragraph C, to include Child Care Center as an accessory use;

The amendment to Article 7, Section 7.40 Special Uses, Paragraph C, to include Child Care Center as an accessory use;

The amendment to Article 8, Section 8.40 Special Uses, Paragraph H, and to include Adult Care Centers;

The amendment to Article 9, Section 9.20 Permitted Uses, Paragraph B, to include Adult Care Centers, and move "nursing, convalescent, handicapped, or senior citizens' homes to be Paragraph H;

The amendment to Article 11, Section 11.40 Special Uses, Paragraph C, to include Child Care Center as an accessory use and move Libraries to be Paragraph L;

The amendment to Article 18, Section 18.40 Special Uses, Paragraph B to include Adult Care Centers;

The amendment to Article 19, Section 19.50 Special Uses, Paragraph E to include Adult Care Centers;

The amendment to Article 20, Section 20.40 Special Uses, Paragraph B to include Adult Care Centers;

The amendment to Article 35, Section 35.40 Special Uses, Paragraph B Commercial, Sub-paragraph 4 to include Adult Care Centers;

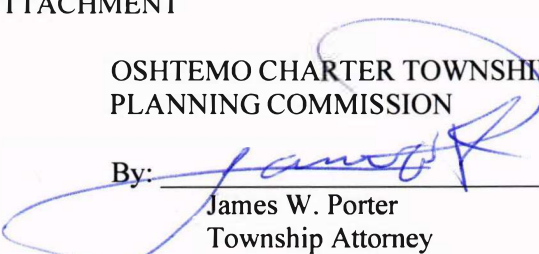
to read, in summary, as follows:

SEE ATTACHMENT

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

Date: January 14, 2021

By: \_\_\_\_\_

  
James W. Porter  
Township Attorney

Final Action by Oshtemo Charter Township Board

\_\_\_\_\_ APPROVED \_\_\_\_\_

\_\_\_\_\_ DENIED \_\_\_\_\_

\_\_\_\_\_ REFERRED BACK TO PLANNING COMMISSION

# MEMORANDUM

**To:** Township Board  
**From:** Clare Buszka  
**Date:** January 21, 2021  
**Subject:** Amended and Restated Sewer Main Connection charges and Amended and Restated Water Connection Fees

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**OBJECTIVE:**

To clarify the interest rate for installment payment mortgage agreements for both water connections and sewer connections at the approved Fannie Mae rate.

**BACKGROUND:**

As the Board is aware the Township approved establishing the interest rate on any installment payment agreement at the Fannie Mae rate for January 1<sup>st</sup> of each year. However, actually locating the applicable rate proved to be a challenge requiring the Township Attorney to contact the former Treasurer to determine exactly how that rate was established. Having done that, the proposed revisions to the Amended and Restated Sewer Main Connection Charges and the Amended and Restated Water Connection Fees include greater specificity with regard to how the rate is established the first of each year.

**INFORMATION PROVIDED:**

I have attached a copy of the Motion to Approve the Amended and Restated Sewer Main Connection Charges and Motion to Approve the Amended and Restated Water Connection Fees along with the Amended and Restated Sewer Main Connection Charges and the Amended and Restated Water Connection Fees in redline version for your review. Please note that the Fannie Mae rate now will be selected based on the Loan Level Price Adjustment matrix table 1 for all eligible mortgages using an average credit score of 660-690 and a loan value range of 80-85%.

**STATEMENT OF REQUESTED BOARD ACTION:**

I request that the Board adopt the Motion to Approve the Amended and Restated Sewer Main Connection Charges and Motion to Approve the Amended and Restated Water Connection Fees.

**CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN**

**MOTION TO APPROVE  
AMENDED AND RESTATED SEWER MAIN CONNECTION CHARGES**

**JANUARY 26, 2021**

WHEREAS, the Charter Township of Oshtemo has heretofore adopted the Wastewater Service Ordinance, being Ordinance No. 208, and as thereafter amended, and

WHEREAS, pursuant to Section 7 of said Ordinance, the Township Board is required to establish appropriate charges for sewer main connection and to make changes from time to time to reflect the changes in costs, and

WHEREAS, it is the desire of the Township Board to treat all persons similarly benefitted and similarly situated in an equitable manner with respect to sewer connection charges and to amend and restate the Sewer Main Connection Charges.

NOW, THEREFORE, until further modification by the Township Board, the Sewer Main Connection Charges are hereby amended and restated, and the following fees shall be payable at the time of connection to public sanitary sewer.

Motion made by \_\_\_\_\_, seconded \_\_\_\_\_, to adopt the foregoing Amended and Restated Sewer Main Connection Charges.

Upon roll-call vote, the following voted Aye@:

The following voted "Nay":

The following "Abstained":

The following were absent:

The Supervisor declared the motion carried, and the Sewer Main Connection Charges duly adopted.

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Dusty Farmer, Township Clerk  
Oshtemo Charter Township

\* \* \* \* \*

CERTIFICATE

I, Dusty Farmer, the duly appointed and acting Clerk of the Township of Oshtemo, hereby certify that the foregoing Motion to Approve Amended and Restated Sewer Main Connection Charges was adopted by the Township Board of said Charter Township at a regular meeting of said Board held on January 26, 2021, at which meeting a quorum was present, and the Motion was approved and ordered to take effect on January 26, 2021.

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Dusty Farmer, Township Clerk  
Oshtemo Charter Township

**CHARTER TOWNSHIP OF OSHTEMO**

**KALAMAZOO COUNTY, MICHIGAN**

**AMENDED AND RESTATED SEWER MAIN CONNECTION CHARGES**

**EFFECTIVE: JANUARY 26, 2021**

**I.**

**CONNECTION FEE - BENEFIT FEE**

1. All property connecting to a public sewer shall pay a fee at time of connection.
2. Charges for connection to public sanitary sewers shall be as follows:

FOR PROPERTIES ABUTTING SEWER MAINS PAID FOR BY THE TOWNSHIP OR BY A PRIVATE DEVELOPER (OUTSIDE APPROVED DEVELOPMENT BOUNDARIES)

- A. \$50.00 per front foot of sewer in the road right-of-way\*.
- B. \$105.00 per lineal foot of interior sewer main not within a road right-of-way (measured along the center line of main).
- C. \$10,000 per parcel, or lot, or building site.\*
- D. \$2,000 per benefit unit. (See Section IV).

\* Per parcel fee is not applicable for case I.2.B., interior sewer main.

Assessable front foot charges for private single and two-family residential properties with only one residential building thereon shall only be charged for the first 200 feet of assessable frontage. All other commercial development, industrial development, residential plat or site condominium, as well as multi-family residential development, shall pay the applicable footage charge without limitation.



The assessable front foot connection charge shall apply when a property borders the sewer main road right-of-way, and the lineal foot connection charges shall apply when the sewer main is located in the interior of the parcel within a public sanitary sewer easement.

New parcels, lots or building sites which are split from property already connected to the public sewer system shall pay the fees as set forth above, except to the extent the a portion of the new lot, parcel or building site frontage was part of the first 200 feet for which the front foot charge has already been levied and paid.

LOTS, BUILDING SITES, AND PARCELS WITHIN APPROVED DEVELOPMENT BOUNDARIES WHERE THE DEVELOPER PAID FOR THE SEWER INSTALLATION

- A. \$2,000 per benefit unit (See Section IV).
3. When an additional lead to the sewer mains is requested to service a property where a lead already exists, the actual cost incurred by the Township in providing said additional lead shall be the responsibility of the requesting party.
4. Generally, Installment Payment **Mortgage** Agreements shall not exceed 20 years. Except as set forth herein, such **Mortgage** Agreements shall be charged a rate of interest equal to the home mortgage rate set by Fannie Mae on January 1 of each year based upon the Loan Level Price Adjustment (LLPA) matrix table 1 for all eligible mortgages, using an average credit score of 660-679, and a loan to value range of 80-85%, plus .5%, not to exceed the maximum rate allowed by law. For sanitary sewer extension projects funded by state or federal loans, the Installment Payment **Mortgage** Agreement shall not exceed the term, or remaining term, of the state or federally funded loan, figured from the date the Installment Payment **Mortgage** Agreement is executed, and such **AgreementsMortgages** shall be charged a rate of interest equal to the loan or bond rate for such project plus 1%, not to exceed the maximum rate allowed by law.
5. If the property has been part of a special assessment district, the subject property shall be entitled to a credit for one Benefit Fee; only the remaining portions of the front foot charge and parcel, lot or

the remaining portions of the front foot charge and parcel, lot or building site fee, if any, shall be due as well as any additional Benefit Unit Charges owed under Section IV, Paragraph 1, in accordance with the Benefit Unit Schedule set forth therein. See Section IV.

## II.

### **DEVELOPER CONSTRUCTION CONTRACT / SEWER MAIN EXTENSION AGREEMENT**

1. A developer may contract with the Township to extend a public sewer main to and through a property subject to the following requirements:
  - A. All costs, including construction, engineering, legal and administrative expenses, shall be paid by the developer.
  - B. The design and construction of the sewer main extension, including all service leads, manholes, pumping stations, roadway borings, topsoil and service restoration shall be in accordance with the current Township standards and approved by the Township Engineer.
  - C. Generally, construction will be undertaken by or under the control of the Township. However, pursuant to Township approval and authorization, sewer construction may be undertaken by the developer, and the following shall also generally apply:
    - (1) All sewer construction must be inspected by the Township Engineer at the developer's full cost. However, pursuant to written Township approval, inspection of sewer construction for the purpose of permit certification may be performed by the developer's engineer of record.
    - (2) Sanitary sewer testing requirements must be witnessed by the Township or its designated representative.
    - (3) The developer must provide full, complete and reliable documentation of sewer construction costs in order to receive full benefit of the cost recovery provisions of paragraph E below.
    - (4) Acceptance of the sewer addition for any use, including sewerage flow, shall require prior approval by the Township Engineer.

- CI. The developer shall furnish the Township a hard copy and digital copy plan and profile set of as-constructed drawings, prepared to scale where one inch (1") equals forty feet (40') horizontal and four feet (4') vertical. Digital copies shall be provided in Autocad (.dwg) or (.dxf) format. **The Township Engineer will collect Global Positioning System (GPS) data for inclusion in the Township's Geographic Information System (GIS).**
  - CII. The Township shall collect from property owners for all properties connecting to the sewer main extension constructed by the developer, other than parcels, lots and building sites within the approved development boundaries, the appropriate fees and charges and, pursuant to a written agreement with the developer, will refund to the developer 80% of the parcel, lot or building site and front foot fees (if any) collected during the ten-year period following completion of construction. The amount of the refund, however, shall in no case exceed the total construction cost for that portion of sewer mains serving properties outside the approved development boundaries.
2. All sewer main extensions shall be extended to the far boundary of the property served so as to allow for future extension through adjoining property. All sewer leads shall be extended to the easement or roadway right-of-way line.

**III.**

**USER / DEBT SERVICE FEES**

- 1. Monthly or quarterly use and/or debt service charges shall be billed to each customer connected to the public sewer system by the City of Kalamazoo in conjunction with the customer's water bill as metered at the customer's private water supply in accordance with the Sanitary Sewage Disposal Agreement between the Charter Township of Oshtemo and the City of Kalamazoo dated October 8, 1984. Such charges to be established by resolution of the Township Board.

**IV.**

**BENEFIT FEE**

<u>Connected Use or Activity</u>	<u>Benefit Units</u>	<u>Benefit Unit Factor</u>
Auto Dealer - New and/or Used	1.00	Per premise plus 0.25 per 1,000 square feet of building including service

		area
Auto Repair/Collision	1.00	Same as above
Auto Wash (coin operated do-it-yourself, 10 gallons or less per car)	1.00	Per stall
Auto Wash (Mechanical - over 10 gallons per car - recycled)	5.00	Per stall or production line including approach and drying area
Auto Wash (Mechanical - over 10 gallons per car - not recycled)	10.00	Per stall or production line including approach and drying area
Bar	4.00	Per 1,000 square feet
Barber Shop	1.00	Per shop plus 0.1 per chair after 2
Beauty Shop	1.00	Per shop plus 0.1 per booth
Bowling Alley (No bar)	1.00	Per premise plus 0.2 per alley
Campground Facilities - recreation vehicle, tents, trailers under 12 feet	0.35	Per pad or site plus picnic facilities
Campground Facilities - trailer park or trailers in excess of 12 feet	0.50	Per pad or site plus picnic facilities
Church	0.25	Per 1,000 square feet minimum of 1
Cleaners (pick-up only)	1.00	Per shop
Cleaners (cleaning and pressing facilities)	1.00	Per premise plus 0.5 per 500 square feet
Clinic (medical or dental)	1.00	Per premise plus 0.5 per 500 square feet
Convalescent or boarding home	1.00	Per premise plus 0.25 per bedroom
Convent	1.00	Per premise plus 0.25 per bedroom
Convenience store	1.50	Per premise plus 0.8 per 1,000 square feet

Country club and athletic club	1.50	Per 1,000 square feet of clubhouse plus restaurant, bar and pro shop as retail store
Drug store	1.00	Per premise plus snack bar
Factory (office and production)	0.75	Per 1,000 square feet
Factory (wet process)		Based on metered sewage flow (see paragraphs 4 and 5 of this Section)
Funeral home	1.50	Per 1,000 square feet plus residence to be computed separately
Grocery store and supermarket	1.00	Per premise plus 0.8 per 1,000 square feet
Hospital	1.10	Per bed
Hotel and motel	0.40	Per bedroom plus restaurant and bar
Laundry (self-serve)	1.00	Per premise plus 0.5 per washer
Marina - per boat docking Space	.06	Per space under 25 feet in length
	.10	Per space over 25 feet in length
Mobile home (free standing)	1.00	Per unit
Mobile home (park or division)	0.75	Per pad or site at indirect connection rate plus laundry, community buildings and office to be computed separately per schedule
Multiple-family residence		
Duplex, row house or townhouse	1.00	Per dwelling unit
Apartment residence self-contained unit including laundry facilities in apartment	1.00	Per dwelling unit

Apartment residence - other than self-contained unit - not having laundry facilities in apartments	0.80	Per dwelling unit
Fraternity or sorority house	0.50	Per 1,000 square feet of floor area
Park, recreation facilities, campground		
Picnic facilities - no bathing or overnight accommodations	0.20	Per parking space
Picnic facilities - with bathing privileges or swimming pool	0.35	Per parking space
Post office	1.00	Per 1,000 square feet
Professional office	0.25	Per 500 square feet minimum 1
Public institution	0.75	Per 1,000 square feet
Restaurant (meals only)	2.5	Per 1,000 square feet excluding restrooms, public areas not in regular use and unfinished areas
Restaurant (meals and drinks)	3.5	Per 1,000 square feet excluding restrooms, public areas not in regular use and unfinished areas
Restaurant (public area, auxiliary dining room, dance floor or ballroom which are not in regular use)	0.5	Per 1,000 square feet
Retail store (other than listed)	1.0	Per premise plus 0.1 per 1,000 square feet
School	1.0	Per classroom
Service station	1.5	Per 1,000 square feet of building area
Single-family residence	1.0	Per residence
Snack bar, drive-in, etc.	2.5	Per 1,000 square feet

Theater, drive-in	0.04	Per car space
Theater	0.0068	Per seat
Two-family residential	1.0	Per unit
Veterinary facility	1.5	Per facility
Veterinary facility with kennel	1.5	Per facility plus 0.5 per 5 kennels
Warehouse and storage	0.2	Per 1,000 square feet

2. For those uses not specifically identified above, the Supervisor or his or her designee shall determine the benefit unit factor applicable by identifying the proposed use with that use listed above which is most similar. As a further guide in such determination, each 250 gallons of average daily flow or fraction thereof estimated to be applicable shall constitute one (1) benefit unit.
3. In no event shall a connected use or activity be charged less than one (1) benefit unit.
4. Connection of property used or proposed to be used for industrial purposed shall be charged a connection charge based upon the sewage treatment demand of the industry, and including the quantity and quality of effluent as determined by the Township Engineer in consultation with the industry and the Supervisor or his or her designee prior to connection to the public sewer. As a guide in the foregoing determination, each 250 gallons of average daily flow or fraction thereof estimated to be applicable where unusual pollutants are not involved shall constitute one (1) benefit unit.
5. The benefit unit charge is predicated upon an assumed average daily flow for a single-family residence of 250 gallons.
6. All prior resolutions are hereby repealed.

**V.**

**ANNUAL REVIEW**

These fees are to be reviewed annually.

**CHARTER TOWNSHIP OF OSHTEMO**

**KALAMAZOO COUNTY, MICHIGAN**

**AMENDED AND RESTATED SEWER MAIN CONNECTION CHARGES**

**EFFECTIVE: JANUARY 26, 2021**

**I.**

**CONNECTION FEE - BENEFIT FEE**

1. All property connecting to a public sewer shall pay a fee at time of connection.
2. Charges for connection to public sanitary sewers shall be as follows:

FOR PROPERTIES ABUTTING SEWER MAINS PAID FOR BY THE TOWNSHIP OR BY A PRIVATE DEVELOPER (OUTSIDE APPROVED DEVELOPMENT BOUNDARIES)

- A. \$50.00 per front foot of sewer in the road right-of-way\*.
- B. \$105.00 per lineal foot of interior sewer main not within a road right-of-way (measured along the center line of main).
- C. \$10,000 per parcel, or lot, or building site.\*
- D. \$2,000 per benefit unit. (See Section IV).

\* Per parcel fee is not applicable for case I.2.B., interior sewer main.

Assessable front foot charges for private single and two-family residential properties with only one residential building thereon shall only be charged for the first 200 feet of assessable frontage. All other commercial development, industrial development, residential plat or site condominium, as well as multi-family residential development, shall pay the applicable footage charge without limitation.



The assessable front foot connection charge shall apply when a property borders the sewer main road right-of-way, and the lineal foot connection charges shall apply when the sewer main is located in the interior of the parcel within a public sanitary sewer easement.

New parcels, lots or building sites which are split from property already connected to the public sewer system shall pay the fees as set forth above, except to the extent the a portion of the new lot, parcel or building site frontage was part of the first 200 feet for which the front foot charge has already been levied and paid.

#### LOTS, BUILDING SITES, AND PARCELS WITHIN APPROVED DEVELOPMENT BOUNDARIES WHERE THE DEVELOPER PAID FOR THE SEWER INSTALLATION

- A. \$2,000 per benefit unit (See Section IV).
- 3. When an additional lead to the sewer mains is requested to service a property where a lead already exists, the actual cost incurred by the Township in providing said additional lead shall be the responsibility of the requesting party.
- 4. Generally, Installment Payment Agreements shall not exceed 20 years. Except as set forth herein, such Agreements shall be charged a rate of interest equal to the home mortgage rate set by Fannie Mae on January 1 of each year based upon the Loan Level Price Adjustment (LLPA) matrix table 1 for all eligible mortgages, using an average credit score of 660-679, and a loan to value range of 80-85%, plus .5%, not to exceed the maximum rate allowed by law. For sanitary sewer extension projects funded by state or federal loans, the Installment Payment Agreement shall not exceed the term, or remaining term, of the state or federally funded loan, figured from the date the Installment Payment Agreement is executed, and such Agreements shall be charged a rate of interest equal to the loan or bond rate for such project plus 1%, not to exceed the maximum rate allowed by law.
- 5. If the property has been part of a special assessment district, the subject property shall be entitled to a credit for one Benefit Fee; only the remaining portions of the front foot charge and parcel, lot or building site fee, if any, shall be due as well as any additional Benefit

Unit Charges owed under Section IV, Paragraph 1, in accordance with the Benefit Unit Schedule set forth therein. See Section IV.

## II.

### **DEVELOPER CONSTRUCTION CONTRACT / SEWER MAIN EXTENSION AGREEMENT**

1. A developer may contract with the Township to extend a public sewer main to and through a property subject to the following requirements:
  - A. All costs, including construction, engineering, legal and administrative expenses, shall be paid by the developer.
  - B. The design and construction of the sewer main extension, including all service leads, manholes, pumping stations, roadway borings, topsoil and service restoration shall be in accordance with the current Township standards and approved by the Township Engineer.
  - C. Generally, construction will be undertaken by or under the control of the Township. However, pursuant to Township approval and authorization, sewer construction may be undertaken by the developer, and the following shall also generally apply:
    - (1) All sewer construction must be inspected by the Township Engineer at the developer's full cost. However, pursuant to written Township approval, inspection of sewer construction for the purpose of permit certification may be performed by the developer's engineer of record.
    - (2) Sanitary sewer testing requirements must be witnessed by the Township or its designated representative.
    - (3) The developer must provide full, complete and reliable documentation of sewer construction costs in order to receive full benefit of the cost recovery provisions of paragraph E below.
    - (4) Acceptance of the sewer addition for any use, including sewerage flow, shall require prior approval by the Township Engineer.

- CI. The developer shall furnish the Township a hard copy and digital copy plan and profile set of as-constructed drawings, prepared to scale where one inch (1") equals forty feet (40') horizontal and four feet (4') vertical. Digital copies shall be provided in Autocad (.dwg) or (.dxf) format. **The Township Engineer will collect Global Positioning System (GPS) data for inclusion in the Township's Geographic Information System (GIS).**
  - CII. The Township shall collect from property owners for all properties connecting to the sewer main extension constructed by the developer, other than parcels, lots and building sites within the approved development boundaries, the appropriate fees and charges and, pursuant to a written agreement with the developer, will refund to the developer 80% of the parcel, lot or building site and front foot fees (if any) collected during the ten-year period following completion of construction. The amount of the refund, however, shall in no case exceed the total construction cost for that portion of sewer mains serving properties outside the approved development boundaries.
2. All sewer main extensions shall be extended to the far boundary of the property served so as to allow for future extension through adjoining property. All sewer leads shall be extended to the easement or roadway right-of-way line.

**III.**

**USER / DEBT SERVICE FEES**

- 1. Monthly or quarterly use and/or debt service charges shall be billed to each customer connected to the public sewer system by the City of Kalamazoo in conjunction with the customer's water bill as metered at the customer's private water supply in accordance with the Sanitary Sewage Disposal Agreement between the Charter Township of Oshtemo and the City of Kalamazoo dated October 8, 1984. Such charges to be established by resolution of the Township Board.

**IV.**

**BENEFIT FEE**

<u>Connected Use or Activity</u>	<u>Benefit Units</u>	<u>Benefit Unit Factor</u>
Auto Dealer - New and/or Used	1.00	Per premise plus 0.25 per 1,000 square feet of building including service area

Auto Repair/Collision	1.00	Same as above
Auto Wash (coin operated do-it-yourself, 10 gallons or less per car)	1.00	Per stall
Auto Wash (Mechanical - over 10 gallons per car - recycled)	5.00	Per stall or production line including approach and drying area
Auto Wash (Mechanical - over 10 gallons per car - not recycled)	10.00	Per stall or production line including approach and drying area
Bar	4.00	Per 1,000 square feet
Barber Shop	1.00	Per shop plus 0.1 per chair after 2
Beauty Shop	1.00	Per shop plus 0.1 per booth
Bowling Alley (No bar)	1.00	Per premise plus 0.2 per alley
Campground Facilities - recreation vehicle, tents, trailers under 12 feet	0.35	Per pad or site plus picnic facilities
Campground Facilities - trailer park or trailers in excess of 12 feet	0.50	Per pad or site plus picnic facilities
Church	0.25	Per 1,000 square feet minimum of 1
Cleaners (pick-up only)	1.00	Per shop
Cleaners (cleaning and pressing facilities)	1.00	Per premise plus 0.5 per 500 square feet
Clinic (medical or dental)	1.00	Per premise plus 0.5 per 500 square feet
Convalescent or boarding home	1.00	Per premise plus 0.25 per bedroom
Convent	1.00	Per premise plus 0.25 per bedroom
Convenience store	1.50	Per premise plus 0.8 per 1,000 square feet

Country club and athletic club	1.50	Per 1,000 square feet of clubhouse plus restaurant, bar and pro shop as retail store
Drug store	1.00	Per premise plus snack bar
Factory (office and production)	0.75	Per 1,000 square feet
Factory (wet process)		Based on metered sewage flow (see paragraphs 4 and 5 of this Section)
Funeral home	1.50	Per 1,000 square feet plus residence to be computed separately
Grocery store and supermarket	1.00	Per premise plus 0.8 per 1,000 square feet
Hospital	1.10	Per bed
Hotel and motel	0.40	Per bedroom plus restaurant and bar
Laundry (self-serve)	1.00	Per premise plus 0.5 per washer
Marina - per boat docking Space	.06	Per space under 25 feet in length
	.10	Per space over 25 feet in length
Mobile home (free standing)	1.00	Per unit
Mobile home (park or division)	0.75	Per pad or site at indirect connection rate plus laundry, community buildings and office to be computed separately per schedule
Multiple-family residence		
Duplex, row house or townhouse	1.00	Per dwelling unit
Apartment residence self-contained unit including laundry facilities in apartment	1.00	Per dwelling unit

Apartment residence - other than self-contained unit - not having laundry facilities in apartments	0.80	Per dwelling unit
Fraternity or sorority house	0.50	Per 1,000 square feet of floor area
Park, recreation facilities, campground		
Picnic facilities - no bathing or overnight accommodations	0.20	Per parking space
Picnic facilities - with bathing privileges or swimming pool	0.35	Per parking space
Post office	1.00	Per 1,000 square feet
Professional office	0.25	Per 500 square feet minimum 1
Public institution	0.75	Per 1,000 square feet
Restaurant (meals only)	2.5	Per 1,000 square feet excluding restrooms, public areas not in regular use and unfinished areas
Restaurant (meals and drinks)	3.5	Per 1,000 square feet excluding restrooms, public areas not in regular use and unfinished areas
Restaurant (public area, auxiliary dining room, dance floor or ballroom which are not in regular use)	0.5	Per 1,000 square feet
Retail store (other than listed)	1.0	Per premise plus 0.1 per 1,000 square feet
School	1.0	Per classroom
Service station	1.5	Per 1,000 square feet of building area
Single-family residence	1.0	Per residence
Snack bar, drive-in, etc.	2.5	Per 1,000 square feet

Theater, drive-in	0.04	Per car space
Theater	0.0068	Per seat
Two-family residential	1.0	Per unit
Veterinary facility	1.5	Per facility
Veterinary facility with kennel	1.5	Per facility plus 0.5 per 5 kennels
Warehouse and storage	0.2	Per 1,000 square feet

2. For those uses not specifically identified above, the Supervisor or his or her designee shall determine the benefit unit factor applicable by identifying the proposed use with that use listed above which is most similar. As a further guide in such determination, each 250 gallons of average daily flow or fraction thereof estimated to be applicable shall constitute one (1) benefit unit.
3. In no event shall a connected use or activity be charged less than one (1) benefit unit.
4. Connection of property used or proposed to be used for industrial purposed shall be charged a connection charge based upon the sewage treatment demand of the industry, and including the quantity and quality of effluent as determined by the Township Engineer in consultation with the industry and the Supervisor or his or her designee prior to connection to the public sewer. As a guide in the foregoing determination, each 250 gallons of average daily flow or fraction thereof estimated to be applicable where unusual pollutants are not involved shall constitute one (1) benefit unit.
5. The benefit unit charge is predicated upon an assumed average daily flow for a single-family residence of 250 gallons.
6. All prior resolutions are hereby repealed.

**V.**

**ANNUAL REVIEW**

These fees are to be reviewed annually.

CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN

**MOTION TO APPROVE**  
**AMENDED AND RESTATED WATER CONNECTION FEES**

**January 26, 2021**

WHEREAS, the Charter Township of Oshtemo has heretofore adopted the Public Water Service Ordinance, being Ordinance No. 508; and

WHEREAS, pursuant to Sections 2, 4 and 5 of said Ordinance, the Township Board is required to establish appropriate fees for public water main connections, private water main connections, user fees and other charges, from time to time, to reflect the changes in construction costs and to maintain a uniformity between current projects and special assessment districts; and

WHEREAS, it is the desire of the Township Board to treat all persons similarly benefitted and similarly situated in an equal manner with respect to water service charges.

NOW, THEREFORE, until further modification by the Township Board, water connection fees and construction charges within the Charter Township of Oshtemo shall be as follows.

Motion made \_\_\_\_\_, seconded \_\_\_\_\_, to adopt the foregoing Amended and Restated Water Connection Fees.

Upon roll-call vote, the following voted AAYe@:



The following voted "Nay":

The following "Abstained":

The following were absent:

The Supervisor declared that the Motion carried, and duly adopted.

---

Dusty Farmer, Clerk  
Oshtemo Charter Township

\* \* \* \* \*

CERTIFICATE

I, Dusty Farmer, the duly elected and acting Clerk of the Charter Township of Oshtemo, hereby certify that the foregoing Motion to Approve the Amended and Restated Water Connections Fees was adopted by the Township Board of said Charter Township at a regular meeting of said Board held on January 26, 2021, at which meeting a quorum was present, and the Motion was approved and ordered to take effect on January 26, 2021.

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Dusty Farmer, Township Clerk  
Oshtemo Charter Township

**CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN**

**AMENDED AND RESTATED WATER CONNECTION FEES**

**EFFECTIVE:  
JANUARY 26, 2021  
~~FEBRUARY 11, 2020~~**

**I.**

**CONNECTION FEES**

**A. Public Water Main Connection and Benefit Fees.**

1. All property connecting to a public water main shall pay a water main connection Fee unless the property has been assessed as part of a water main special assessment district or is part of a development wherein the developer paid the full cost of water main installation, in which case, there shall be no water main connection fee charged.
2. The public water main connection fee is to be calculated as follows:
  - a. Assessable front foot \$65.00
  - b. Lineal foot (measured along center line of main) \$85.00
  - c. Boring under existing road, additional hydrant to existing main, topsoil, and surface restoration as required Actual Cost + 15%
  - d. Assessable frontage and lineal foot charges shall only be collected for the first 200 feet\* for private single and two-family residential properties with only one residential building thereon.

\* New parcels, lots or building sites which are split from property already connected to the public water system shall pay the fees as set forth above, except to the extent that a portion of the new lot, parcel or building site front footage or lineal footage was part of

the first 200 feet for which the front foot or lineal foot charge has already been levied and paid.

All commercial development, industrial development, residential plat or site condominium, as well as multi-family residential development, shall pay the applicable footage charge without limitation.

- e. All property connecting to a public water main shall also pay a Benefit Fee unless the property was assessed as part of a special assessment district, in which case, the subject property shall be entitled to a credit for one benefit fee. Any additional benefit unit charges shall be calculated and paid in accordance with Section V.
3. The assessable front foot connection charge shall apply when a property borders the water main right-of-way, and the lineal foot charge shall apply when the water main right-of-way is located in the interior of a parcel.
4. Installment ~~P~~ayment ~~m~~ortgage ~~A~~greements shall not exceed 20 years to be charged at the rate of interest equal to the ~~home mortgage~~ rate set up by Fannie Mae on January 1 of each year lawbased upon the Loan Level Price Adjustment (LLPA) matrix table 1 for all eligible mortgages, using an average credit score of 660-679, and a loan to value range of 80-85%, plus .5%, not to exceed the maximum rate allowed by law.
5. Hydrants shall be placed at intervals of approximately 1,000 feet on all new installation as determined by the Township Engineer. All hydrants are subject to review and approval of the Township Fire Department and may be required at intervals less than 1,000 feet.

B. Water Service Connections and Connection Fees.

On January 1, 2019, the work to install residential water main taps and curb stop valves is planned to transition from Oshtemo to the City of Kalamazoo. Fees and scope of water connection work are dependent upon policies established separately by the City of Kalamazoo (utility service provider) and Oshtemo Township. When an application for water service is received, Oshtemo shall identify the necessary installation service and the organization responsible for providing the water service. For non-residential or non-standard service sizes the City may allow the developer's contractor to complete the service at a private cost under the City's oversight. If required, an agreement between the City of Kalamazoo and the customer will be necessary to initiate this work. If the above described transition is not completed and Township does a portion of the work, the fee for the work by Oshtemo is described herein. If provided, Oshtemo's work is limited to the public right of way. The remaining service line extent shall be

privately installed with oversight by the City of Kalamazoo. All private contractors require pre-approval by the Township or its agent, the City of Kalamazoo. The following service line installation fees are established by Oshtemo:

1. The service connection is that pipe from the public water distribution main that delivers water to the curb stop which, in turn, delivers water to the property being serviced. The customer pays for the installation of this service based upon size unless the same was previously installed by the Developer. In the event that the Township has previously installed the curb-stop, or one will need be installed, the charge for a standard connection is as follows:
  - a. 1¼" tap with installation of line and curb box installed by Oshtemo or its construction agent - \$2,700.00.
  - b. 1¼" tap to existing line and curb box previously installed by Oshtemo Township - \$1,515.00.
  - c. 1¼" tap with installation of line and curb box installed by City of Kalamazoo or its contractors – see City of Kalamazoo fee schedule.
  - d. Special services, 2" – Contact City of Kalamazoo
2. Upon payment of Fees to the Township, the water service applicant (owner) shall be issued a Permit by Oshtemo to receive public water service. This Permit will need to be presented to the City of Kalamazoo in order to establish a service billing account and initiate the water service installation/inspection.
3. The water customer (private owner) is responsible for paying the City of Kalamazoo construction inspection fees. This fee is currently \$350.00 for a residential service, but is subject to the City of Kalamazoo's fee schedule. The work observed by the Township's agent for operation and maintenance includes the water main tap, the curb-stop valve installation, and installation of the service line from the curb box to the water meter.
4. Once Oshtemo and City fees are paid, the property owner or owner's contractor will need to initiate work coordination and scheduling. All inspections will need to be scheduled by the Township's agent for operation and maintenance, as will the Township's construction participation – if a portion of work is to be completed by the Township. If known, the agent/contractor that will be completing the work will be identified in conjunction with the Township's issuance of a Permit to connect to the water utility.

5. Ditches will be left in reasonable condition: Any exceptional lawn work is the owner's responsibility. Extra charges for winter construction may be added when the service is installed at the customer's insistence at times and places when the frost is over 12" thick. Emergency connectors to be made in less than 48 hours may also result in extra charges.

**II.**

**USER FEES**

- A. Monthly or quarterly user fees shall be billed to each customer connected to the Oshtemo Township water system as provided in the Water Service Agreement between Oshtemo Charter Township and the City of Kalamazoo dated February 8, 1965.

**III.**

**BENEFIT UNIT CHARGES**

- A. Benefit Unit Charges. Each benefit unit charge shall be \$1,000.00 and the number of benefit units to be charged for each connection shall be determined by the following Benefit Unit Schedule:

<u>Connected Use or Activity</u>	<u>Benefit Units</u>	<u>Benefit Unit Factor</u>
Auto Dealer - New and/or Used	1.00	Per premise plus 0.25 per 1,000 square feet of building including service area
Auto Repair/Collision	1.00	Same as above
Auto Wash (coin operated do-it-yourself, 10 gallons or less per car)	1.00	Per stall
Auto Wash (Mechanical - over 10 gallons per car - recycled)	5.00	Per stall or production line including approach and drying area

Auto Wash (Mechanical - over 10 gallons per car - not recycled)	10.00	Per stall or production line including approach and drying area
Bar	4.00	Per 1,000 square feet
Barber Shop	1.00	Per shop plus 0.1 per chair after 2
Beauty Shop	1.00	Per shop plus 0.1 per booth
Bowling Alley (No bar)	1.00	Per premise plus 0.2 per alley
Campground Facilities - recreation vehicle, tents, trailers under 12 feet	0.35	Per pad or site plus picnic facilities
Campground Facilities - trailer park or trailers in excess of 12 feet	0.50	Per pad or site plus picnic facilities
Church	0.25	Per 1,000 square feet minimum of 1
Cleaners (pick-up only)	1.00	Per shop
Cleaners (cleaning and pressing facilities)	1.00	Per premise plus 0.5 per 500 square feet
Clinic (medical or dental)	1.00	Per premise plus 0.5 per exam room
Convalescent or boarding home	1.00	Per premise plus 0.25 per bedroom
Convent	1.00	Per premise plus 0.25 per bedroom
Convenience store	1.50	Per premise plus 0.8 per 1,000 square feet

Country club and athletic club	1.50	Per 1,000 square feet of clubhouse plus restaurant, bar and pro shop as retail store
Drug store	1.00	Per premise plus snack bar
Factory (office and production)	0.75	Per 1,000 square feet
Factory (wet process)		Based on metered flow
Funeral home	1.50	Per 1,000 square feet plus residence to be computed separately
Grocery store and supermarket	1.00	Per premise plus 0.8 per 1,000 square feet
Hospital	1.10	Per bed
Hotel and motel	0.40	Per bedroom plus restaurant and bar
Laundry (self-serve)	1.00	Per premise plus 0.5 per washer
Marina - per boat docking Space	.06	Per space under 25 feet in length
	.10	Per space over 25 feet in length
Mobile home (free standing)	1.00	Per unit
Mobile home (park or division)	0.75	Per pad or site at indirect connection rate plus laundry, community buildings and office to be computed separately per schedule

Multiple-family residence		
Duplex, row house or townhouse	1.00	Per dwelling unit
Apartment residence self-contained unit including laundry facilities in apartment	1.00	Per dwelling unit
Apartment residence - other than self-contained unit - not having laundry facilities in apartments	0.80	Per dwelling unit
Fraternity or sorority house	0.50	Per 1,000 square feet of floor area
Park, recreation facilities, campground		
Picnic facilities - no bathing or overnight accommodations	0.20	Per parking space
Picnic facilities - with bathing privileges or swimming pool	0.35	Per parking space
Post office	1.00	Per 1,000 square feet
Professional office	0.25	Per 500 square feet minimum 1
Public institution	0.75	Per 1,000 square feet
Restaurant (meals only)	2.5	Per 1,000 square feet excluding restrooms, public areas not in regular use and unfinished areas
Restaurant (meals and drinks)	3.5	Per 1,000 square feet excluding restrooms, public areas not in regular use and unfinished areas



Restaurant (public area, auxiliary dining room, dance floor or ballroom which are not in regular use)	0.5	Per 1,000 square feet
Retail store (other than listed)	1.0	Per premise plus 0.1 per 1,000 square feet
School	1.0	Per classroom
Service station	1.5	Per 1,000 square feet of building area
Single-family residence	1.0	Per residence
Snack bar, drive-in, etc.	2.5	Per 1,000 square feet
Theater, drive-in	0.04	Per car space
Theater	0.0068	Per seat
Two-family residential	1.0	Per unit
Veterinary facility	1.5	Per facility
Veterinary facility with kennel	1.5	Per facility plus 0.5 per 5 kennels
Warehouse and storage	0.2	Per 1,000 square feet

- B. For those uses not specifically identified above, the Supervisor or his or her designee shall determine the benefit unit factor applicable by identifying the proposed use with that use listed above which is most similar. As a further guide in such determination, each 250 gallons of average daily flow or fraction thereof estimated to be applicable shall constitute one (1) benefit unit.

- C. In no event shall a connected use or activity be charged less than one (1) benefit unit.
- D. The benefit unit charge is predicated upon an assumed average daily flow for a single-family residence of 250 gallons.
- E. All prior resolutions are hereby repealed.

#### IV.

#### REGULATIONS APPLYING TO SERVICE CONNECTIONS

- A. SERVICE APPLICATIONS: Applications for service are taken at the Township offices at 7275 West Main Street, Kalamazoo, Michigan.
- B. PAYMENT: All service installation charges will be paid in advance. Customers requesting special services, 2" and above, are required to apply at the City of Kalamazoo Water Department, 415 Stockbridge Avenue.
- C. INSTALLATION AND MAINTENANCE: All service installations and maintenance are under the control of the Township or its designated representatives, at the request of the property owner or his authorized representative. However, any changes to the site or building subsequent to the installation which hamper the operation or maintenance of their service, shall be rectified at the expense of the owner; the Township is not liable for any resultant damage. No buildings or structures are permitted on top of the service.
- D. SERVICE AND METER LOCATIONS: The location of the service and meter is subject to the approval of the water utility. ALL SERVICE INSTALLATIONS MUST MEET THE DESIGN REQUIREMENTS OF THE DEPARTMENT OF PUBLIC UTILITIES OF THE CITY OF KALAMAZOO.
- E. PLUMBING CONNECTIONS: The water utility will supervise work on the water service ends at the valve on the discharge side of the meter. Future maintenance is the responsibility of the customer. If you have a well or jet-operated sump, THAT MUST BE DISCONNECTED AND REMAIN PHYSICALLY SEPARATE FROM THE WATER SERVICE. ABSOLUTELY NO "CROSS CONNECTION" CAN BE MADE TO THE SYSTEM.
- F. SYSTEM PRESSURE: During the time of installation, the distribution system pressure will be checked. If the distribution system pressure exceeds the International Plumbing Code Standard of 80 PSI, a red tag will be attached to the meter. THE CUSTOMER IS RESPONSIBLE FOR INSTALLING A PRESSURE REDUCING VALVE AT THE DISCHARGE SIDE OF METER.

## V.

### **DEVELOPER CONSTRUCTION CONTRACT / WATER MAIN EXTENSION AGREEMENT**

- A. A developer may contract with the Township to extend a public water main to and through a property subject to the following requirements:
1. The design of the water main extension including hydrant placement, roadway borings, topsoil and surface restoration must be in accordance with the current Township standards and approved by the Township Engineer. Generally, construction will be undertaken by or under the control of the Township (water main extension agreement). If, however, pursuant to the approval and authorization of the Supervisor, construction is undertaken by the developer (developer construction contract), then all construction must be inspected and approved by the Township Engineer and/or City of Kalamazoo prior to any use of the system addition.
  2. All construction and related costs including administrative fees shall be paid by the developer and deposited with the Township prior to commencement of construction. Said costs shall be calculated at the lineal foot rate for new water main. In the event the Township has authorized the developer to undertake the construction, 7% of the costs shall be paid to the Township.
  3. The Township will collect from property owners for all property outside the development connecting to the water main extension the appropriate connection fee, and pursuant to a written agreement with the developer, will refund to the developer during the next ensuing 10-year period following completion of construction, 80% of the assessable front foot fee. The amount of the refund, however, shall in no case exceed the total construction cost.
- B. All water main extensions shall be extended to the far boundary of the property served so as to allow for future extension through adjoining property.

## VI.

### **ANNUAL REVIEW**

These fees are to be reviewed annually.

**CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN**

**AMENDED AND RESTATED WATER CONNECTION FEES**

**EFFECTIVE:  
JANUARY 26, 2021**

**I.**

**CONNECTION FEES**

**A. Public Water Main Connection and Benefit Fees.**

1. All property connecting to a public water main shall pay a water main connection Fee unless the property has been assessed as part of a water main special assessment district or is part of a development wherein the developer paid the full cost of water main installation, in which case, there shall be no water main connection fee charged.
2. The public water main connection fee is to be calculated as follows:
  - a. Assessable front foot \$65.00
  - b. Lineal foot (measured along center line of main) \$85.00
  - c. Boring under existing road, additional hydrant to existing main, topsoil, and surface restoration as required Actual Cost + 15%
  - d. Assessable frontage and lineal foot charges shall only be collected for the first 200 feet\* for private single and two-family residential properties with only one residential building thereon.

\* New parcels, lots or building sites which are split from property already connected to the public water system shall pay the fees as set forth above, except to the extent that a portion of the new lot, parcel or building site front footage or lineal footage was part of

the first 200 feet for which the front foot or lineal foot charge has already been levied and paid.

All commercial development, industrial development, residential plat or site condominium, as well as multi-family residential development, shall pay the applicable footage charge without limitation.

- e. All property connecting to a public water main shall also pay a Benefit Fee unless the property was assessed as part of a special assessment district, in which case, the subject property shall be entitled to a credit for one benefit fee. Any additional benefit unit charges shall be calculated and paid in accordance with Section V.
3. The assessable front foot connection charge shall apply when a property borders the water main right-of-way, and the lineal foot charge shall apply when the water main right-of-way is located in the interior of a parcel.
4. Installment Payment Agreements shall not exceed 20 years to be charged at the rate of interest equal to the rate set up by Fannie Mae on January 1 of each year based upon the Loan Level Price Adjustment (LLPA) matrix table 1 for all eligible mortgages, using an average credit score of 660-679, and a loan to value range of 80-85%, plus .5%, not to exceed the maximum rate allowed by law.
5. Hydrants shall be placed at intervals of approximately 1,000 feet on all new installation as determined by the Township Engineer. All hydrants are subject to review and approval of the Township Fire Department and may be required at intervals less than 1,000 feet.

B. Water Service Connections and Connection Fees.

On January 1, 2019, the work to install residential water main taps and curb stop valves is planned to transition from Oshtemo to the City of Kalamazoo. Fees and scope of water connection work are dependent upon policies established separately by the City of Kalamazoo (utility service provider) and Oshtemo Township. When an application for water service is received, Oshtemo shall identify the necessary installation service and the organization responsible for providing the water service. For non-residential or non-standard service sizes the City may allow the developer's contractor to complete the service at a private cost under the City's oversight. If required, an agreement between the City of Kalamazoo and the customer will be necessary to initiate this work. If the above described transition is not completed and Township does a portion of the work, the fee for the work by Oshtemo is described herein. If provided, Oshtemo's work is limited to the public right of way. The remaining service line extent shall be

privately installed with oversight by the City of Kalamazoo. All private contractors require pre-approval by the Township or its agent, the City of Kalamazoo. The following service line installation fees are established by Oshtemo:

1. The service connection is that pipe from the public water distribution main that delivers water to the curb stop which, in turn, delivers water to the property being serviced. The customer pays for the installation of this service based upon size unless the same was previously installed by the Developer. In the event that the Township has previously installed the curb-stop, or one will need be installed, the charge for a standard connection is as follows:
  - a. 1¼" tap with installation of line and curb box installed by Oshtemo or its construction agent - \$2,700.00.
  - b. 1¼" tap to existing line and curb box previously installed by Oshtemo Township - \$1,515.00.
  - c. 1¼" tap with installation of line and curb box installed by City of Kalamazoo or its contractors – see City of Kalamazoo fee schedule.
  - d. Special services, 2" – Contact City of Kalamazoo
2. Upon payment of Fees to the Township, the water service applicant (owner) shall be issued a Permit by Oshtemo to receive public water service. This Permit will need to be presented to the City of Kalamazoo in order to establish a service billing account and initiate the water service installation/inspection.
3. The water customer (private owner) is responsible for paying the City of Kalamazoo construction inspection fees. This fee is currently \$350.00 for a residential service, but is subject to the City of Kalamazoo's fee schedule. The work observed by the Township's agent for operation and maintenance includes the water main tap, the curb-stop valve installation, and installation of the service line from the curb box to the water meter.
4. Once Oshtemo and City fees are paid, the property owner or owner's contractor will need to initiate work coordination and scheduling. All inspections will need to be scheduled by the Township's agent for operation and maintenance, as will the Township's construction participation – if a portion of work is to be completed by the Township. If known, the agent/contractor that will be completing the work will be identified in conjunction with the Township's issuance of a Permit to connect to the water utility.

5. Ditches will be left in reasonable condition: Any exceptional lawn work is the owner's responsibility. Extra charges for winter construction may be added when the service is installed at the customer's insistence at times and places when the frost is over 12" thick. Emergency connectors to be made in less than 48 hours may also result in extra charges.

**II.**

**USER FEES**

- A. Monthly or quarterly user fees shall be billed to each customer connected to the Oshtemo Township water system as provided in the Water Service Agreement between Oshtemo Charter Township and the City of Kalamazoo dated February 8, 1965.

**III.**

**BENEFIT UNIT CHARGES**

- A. Benefit Unit Charges. Each benefit unit charge shall be \$1,000.00 and the number of benefit units to be charged for each connection shall be determined by the following Benefit Unit Schedule:

<u>Connected Use or Activity</u>	<u>Benefit Units</u>	<u>Benefit Unit Factor</u>
Auto Dealer - New and/or Used	1.00	Per premise plus 0.25 per 1,000 square feet of building including service area
Auto Repair/Collision	1.00	Same as above
Auto Wash (coin operated do-it-yourself, 10 gallons or less per car)	1.00	Per stall
Auto Wash (Mechanical - over 10 gallons per car - recycled)	5.00	Per stall or production line including approach and drying area

Auto Wash (Mechanical - over 10 gallons per car - not recycled)	10.00	Per stall or production line including approach and drying area
Bar	4.00	Per 1,000 square feet
Barber Shop	1.00	Per shop plus 0.1 per chair after 2
Beauty Shop	1.00	Per shop plus 0.1 per booth
Bowling Alley (No bar)	1.00	Per premise plus 0.2 per alley
Campground Facilities - recreation vehicle, tents, trailers under 12 feet	0.35	Per pad or site plus picnic facilities
Campground Facilities - trailer park or trailers in excess of 12 feet	0.50	Per pad or site plus picnic facilities
Church	0.25	Per 1,000 square feet minimum of 1
Cleaners (pick-up only)	1.00	Per shop
Cleaners (cleaning and pressing facilities)	1.00	Per premise plus 0.5 per 500 square feet
Clinic (medical or dental)	1.00	Per premise plus 0.5 per exam room
Convalescent or boarding home	1.00	Per premise plus 0.25 per bedroom
Convent	1.00	Per premise plus 0.25 per bedroom
Convenience store	1.50	Per premise plus 0.8 per 1,000 square feet



Country club and athletic club	1.50	Per 1,000 square feet of clubhouse plus restaurant, bar and pro shop as retail store
Drug store	1.00	Per premise plus snack bar
Factory (office and production)	0.75	Per 1,000 square feet
Factory (wet process)		Based on metered flow
Funeral home	1.50	Per 1,000 square feet plus residence to be computed separately
Grocery store and supermarket	1.00	Per premise plus 0.8 per 1,000 square feet
Hospital	1.10	Per bed
Hotel and motel	0.40	Per bedroom plus restaurant and bar
Laundry (self-serve)	1.00	Per premise plus 0.5 per washer
Marina - per boat docking Space	.06	Per space under 25 feet in length
	.10	Per space over 25 feet in length
Mobile home (free standing)	1.00	Per unit
Mobile home (park or division)	0.75	Per pad or site at indirect connection rate plus laundry, community buildings and office to be computed separately per schedule

Multiple-family residence		
Duplex, row house or townhouse	1.00	Per dwelling unit
Apartment residence self-contained unit including laundry facilities in apartment	1.00	Per dwelling unit
Apartment residence - other than self-contained unit - not having laundry facilities in apartments	0.80	Per dwelling unit
Fraternity or sorority house	0.50	Per 1,000 square feet of floor area
Park, recreation facilities, campground		
Picnic facilities - no bathing or overnight accommodations	0.20	Per parking space
Picnic facilities - with bathing privileges or swimming pool	0.35	Per parking space
Post office	1.00	Per 1,000 square feet
Professional office	0.25	Per 500 square feet minimum 1
Public institution	0.75	Per 1,000 square feet
Restaurant (meals only)	2.5	Per 1,000 square feet excluding restrooms, public areas not in regular use and unfinished areas
Restaurant (meals and drinks)	3.5	Per 1,000 square feet excluding restrooms, public areas not in regular use and unfinished areas

Restaurant (public area, auxiliary dining room, dance floor or ballroom which are not in regular use)	0.5	Per 1,000 square feet
Retail store (other than listed)	1.0	Per premise plus 0.1 per 1,000 square feet
School	1.0	Per classroom
Service station	1.5	Per 1,000 square feet of building area
Single-family residence	1.0	Per residence
Snack bar, drive-in, etc.	2.5	Per 1,000 square feet
Theater, drive-in	0.04	Per car space
Theater	0.0068	Per seat
Two-family residential	1.0	Per unit
Veterinary facility	1.5	Per facility
Veterinary facility with kennel	1.5	Per facility plus 0.5 per 5 kennels
Warehouse and storage	0.2	Per 1,000 square feet

- B. For those uses not specifically identified above, the Supervisor or his or her designee shall determine the benefit unit factor applicable by identifying the proposed use with that use listed above which is most similar. As a further guide in such determination, each 250 gallons of average daily flow or fraction thereof estimated to be applicable shall constitute one (1) benefit unit.

- C. In no event shall a connected use or activity be charged less than one (1) benefit unit.
- D. The benefit unit charge is predicated upon an assumed average daily flow for a single-family residence of 250 gallons.
- E. All prior resolutions are hereby repealed.

#### IV.

#### REGULATIONS APPLYING TO SERVICE CONNECTIONS

- A. SERVICE APPLICATIONS: Applications for service are taken at the Township offices at 7275 West Main Street, Kalamazoo, Michigan.
- B. PAYMENT: All service installation charges will be paid in advance. Customers requesting special services, 2" and above, are required to apply at the City of Kalamazoo Water Department, 415 Stockbridge Avenue.
- C. INSTALLATION AND MAINTENANCE: All service installations and maintenance are under the control of the Township or its designated representatives, at the request of the property owner or his authorized representative. However, any changes to the site or building subsequent to the installation which hamper the operation or maintenance of their service, shall be rectified at the expense of the owner; the Township is not liable for any resultant damage. No buildings or structures are permitted on top of the service.
- D. SERVICE AND METER LOCATIONS: The location of the service and meter is subject to the approval of the water utility. ALL SERVICE INSTALLATIONS MUST MEET THE DESIGN REQUIREMENTS OF THE DEPARTMENT OF PUBLIC UTILITIES OF THE CITY OF KALAMAZOO.
- E. PLUMBING CONNECTIONS: The water utility will supervise work on the water service ends at the valve on the discharge side of the meter. Future maintenance is the responsibility of the customer. If you have a well or jet-operated sump, THAT MUST BE DISCONNECTED AND REMAIN PHYSICALLY SEPARATE FROM THE WATER SERVICE. ABSOLUTELY NO "CROSS CONNECTION" CAN BE MADE TO THE SYSTEM.
- F. SYSTEM PRESSURE: During the time of installation, the distribution system pressure will be checked. If the distribution system pressure exceeds the International Plumbing Code Standard of 80 PSI, a red tag will be attached to the meter. THE CUSTOMER IS RESPONSIBLE FOR INSTALLING A PRESSURE REDUCING VALVE AT THE DISCHARGE SIDE OF METER.

## V.

### **DEVELOPER CONSTRUCTION CONTRACT / WATER MAIN EXTENSION AGREEMENT**

- A. A developer may contract with the Township to extend a public water main to and through a property subject to the following requirements:
1. The design of the water main extension including hydrant placement, roadway borings, topsoil and surface restoration must be in accordance with the current Township standards and approved by the Township Engineer. Generally, construction will be undertaken by or under the control of the Township (water main extension agreement). If, however, pursuant to the approval and authorization of the Supervisor, construction is undertaken by the developer (developer construction contract), then all construction must be inspected and approved by the Township Engineer and/or City of Kalamazoo prior to any use of the system addition.
  2. All construction and related costs including administrative fees shall be paid by the developer and deposited with the Township prior to commencement of construction. Said costs shall be calculated at the lineal foot rate for new water main. In the event the Township has authorized the developer to undertake the construction, 7% of the costs shall be paid to the Township.
  3. The Township will collect from property owners for all property outside the development connecting to the water main extension the appropriate connection fee, and pursuant to a written agreement with the developer, will refund to the developer during the next ensuing 10-year period following completion of construction, 80% of the assessable front foot fee. The amount of the refund, however, shall in no case exceed the total construction cost.
- B. All water main extensions shall be extended to the far boundary of the property served so as to allow for future extension through adjoining property.

## VI.

### **ANNUAL REVIEW**

These fees are to be reviewed annually.