

Ordinance No. 1991-2 Water & Sewer Charges

On August 1, 1991 the Village of South Range adopted Ordinance No. 1991-2, an Ordinance establishing charges for users of the Village of South Range wastewater disposal system.

Ordinance 1991-2:

- 1) Defines, among other things, the various categories of users, including commercial, contract, domestic, governmental, industrial, municipal and institutional, the fines, the various costs of operating the wastewater disposal system, and the types of sewage and waste;
- 2) Establishes a system of determining and imposing sewer use charges upon all users of the Village of South Range wastewater disposal system;
- 3) Permits the Village Council to establish such charges by resolution at any Village Council Meeting and requires the mailing of statements and bills by the Village;
- 4) Requires payment for all sewer or user charges within 30 days of billing and provides that any charges remaining unpaid for 60 days from the date of billing may result in the termination and discontinuance of sewer service at the user's expense;
- 5) Permits the certification of unpaid sewer service charges to the assessor and their placement on the Village tax roll and collection by sale of the property in the same manner as delinquent general Village taxes;
- 6) Permits the Village to require advance deposits prior to the initiation of service, to enter upon property to terminate service and to close sewer connections at the property owner's expense;
- 7) Specifies the use that shall be made of waste water disposal system operating funds, the establishment of a separate fund for their deposit and disbursement and authorizes the Village to establish unit cost categories as a basis for the imposition of sewer use service charges both for industrial and nonindustrial users;
- 8) Permits the Village to require that property owners install measuring and sampling devices so as to measure sewage use and content;
- 9) Establishes a payment structure and charges for sewer use based upon the quantity of water used by each user and in those facilities other than single family residential dwellings established flow values;
- 10) Imposes minimum monthly sewer charges regardless of use.

ORDINANCE NO. 1991-2

AN ORDINANCE ESTABLISHING CHARGES FOR USERS OF THE VILLAGE OF SOUTH RANGE WASTEWATER DISPOSAL SYSTEM.

The Village of South Range, Michigan hereby ORDAINS:

SECTION 100 — VILLAGE WASTEWATER DISPOSAL SYSTEM

The fees, rates and charges for using the Village Wastewater Disposal System shall be, upon the conditions and in the amounts as established by Resolution of the Village Council.

SECTION 200 — DEFINITIONS

For the purposes of this Ordinance, the following words, terms and abbreviations shall have the meaning set out below, unless the context specifically indicates otherwise:

201 — "ADMINISTRATIVE COST" means the cost to administer the wastewater disposal system, including billing and collecting charges, audits of accounts, and insurance.

202 — "BOD" (DENOTING BIOCHEMICAL DEMAND) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days of 20 degrees C, expressed in milligrams per liter, or parts per million, as determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

203 — "CAPITAL COSTS" means all reasonable and necessary costs and expenses incurred by the Village in planning, designing, financing and constructing disposal system facilities, including, but not limited to costs and expenses for obtaining necessary permits, licenses, approvals and grants for design and construction costs; fees for legal and consulting services and all acquisition costs.

204 — "COMMERCIAL USER" means all users of the system which are not residential, institutional or industrial users.

205 — "CONTRACT USER" means all users who have a written contract with the Village to use the Wastewater Disposal System.

206 — "DEBT SERVICE" means the principal and interest necessary to pay bonded indebtedness.

207 — "DEBT SERVICE CHARGE" means the charges related to the principal and interest necessary to pay bonded indebtedness for facilities owned and operated by the Village.

208 — "DOMESTIC USER" means those establishments the occupancy of which are usually considered as residential and whose discharge consists solely of normal domestic strength waste.

209 — “FLOW” means the quantity of sewage expressed in gallons or cubic feet per twenty-four (24) hours.

210 — “GENERAL MUNICIPAL FLOW” means the total sewage flow discharged to the Wastewater System Facilities, minus the flow from industrial users, other municipalities, and contract users and therefore, includes sanitary wastes and infiltration. General municipal flow includes flow from Domestic Users, Commercial Users, Institutional Users and Government Users.

211 — “GENERAL MUNICIPAL USER” means any user discharging sewage to the general municipal flow other than industrial users, municipalities and other contract users.

212 — “GOVERNMENTAL USER” includes those establishments whose function is the administration and/or execution of governmental programs as well as the offices of executives, legislative bodies and agencies which provide general support services for government.

213 — “INDUSTRIAL USER” a user who discharges to the municipal wastewater disposal system liquid wastes resulting from the processes employed in industry, manufacturing or from the development of any natural resource.

214 — “INSTITUTIONAL USER” means those establishments engaged in activities of a non-economic nature, frequently being the performance of services for the general public (health, educational, social), and not classified as a governmental or commercial user in this Ordinance.

215 — “LOAD” means quantities of sewage characteristics such as BOD, SS, and other constituents as expressed in milligrams per liter (mg/l) or pounds per twenty-four (24) hours. lb./24 hours.

216 — NORMAL DOMESTIC STRENGTH WASTE shall mean a liquid waste that is generated by a typical residence, with an assumed concentration of 200 mg/l BOD, 240 mg/l suspended solids, and 15 mg/l phosphorus.

217 — “OPERATION AND MAINTENANCE COSTS” (O & M COSTS) means the expenses related to the costs of the operation, maintenance, replacement and administration of the Wastewater Disposal System facilities.

218 — “REPLACEMENT COSTS” means costs related to the expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the useful life of the Wastewater Disposal System facilities for which such facilities were designed and constructed. The term “operation and maintenance” includes replacement.

219 — “SANITARY WASTES” means the liquid and water carried wastes discharged from sanitary plumbing facilities.

220 — “SEWAGE” means the liquid carried waste products from whatever source derived, together with such groundwater infiltration and surface water as may be present.

221 — “SEWER” means a pipe or conduit for carrying sewage, industrial waste and other waste liquids.

222 — “SEWER SERVICE CHARGE” means the aggregate of all the charges including the user charges, debt service charges and other sewer related charges that are billed periodically to users of the Wastewater Disposal System facilities.

223 — “SEWER SYSTEMS” means pipelines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage.

224 — “SIGNIFICANT INDUSTRIAL USER” means any industrial user who discharges sewage which constitutes greater than ten percent (10%) of the design flow or design pollutant loading of the wastewater treatment plant.

225 — “SS (DENOTING SUSPENDED SOLIDS)” means solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering, in accordance with the latest edition of Standards for the Examination of Water and Wastewater.

226 — “USER” means any person, firm, corporation, or other entity, whether municipal or otherwise owning property, discharging sewage into the Village disposal system facilities.

227 — “USER CHARGE” means a charge levied on users of Wastewater Disposal System facilities for the cost of construction, operation and maintenance of such facilities.

228 — “VILLAGE” means the Village of South Range, a municipal corporation formed under the laws of the State of Michigan.

229 — “WASTEWATER DISPOSAL SYSTEM” means any facility, appurtenant structures, or arrangement of devices used for the collection, transfer or treatment of sewage, and includes the sewer system.

SECTION 300 — GENERAL

It is the purpose of this Ordinance to recover from the users of the Wastewater Disposal System facilities, on an equitable and proportional basis, each user’s share of the Wastewater Disposal System facilities costs allocable to such users, and to provide funds for the operation and maintenance, replacement and improvements of the wastewater disposal System.

301 — The Sewer user charges established pursuant to this Ordinance are hereby levied and assessed upon each parcel of land, building or premises having any connection to or discharging whether directly or indirectly into the sewer system all of which are defined as users. Equal rates of treatment for all users will be enforced based upon the user charge system.

302 — The Village shall at least annually determine and fix by resolution the unit costs and sewer user charges for users of the Wastewater Disposal System facilities on the basis of flow, BOD, SS and any other pollutant, taking into consideration the cost of treatment of such sewage and may increase or decrease such unit cost as often and in such amounts as may reasonably be required to accomplish the purposes of this section based upon the user charge system.

303 — The Village shall compute the amount due the Village for sewer user charges and the Village shall render statements

thereof, at periodic intervals, to the owner (or occupant if no owner is present) of any premises using the Wastewater Disposal System facilities. Such charges shall be pursuant to the most recent resolution establishing charges and rates in accordance with this ordinance. All amounts due hereunder shall be payable at the offices of the Village or other designated locations at such times as are set by resolution. Equal rates for operation, maintenance and replacement will be charged for all users of the system except as otherwise provided in this Ordinance.

SECTION 400 — BILLING PRACTICE

401 — The debt service charge, administration charge, operation and maintenance charge, and any required surcharge provided in this ordinance shall be included as separate items on the periodic billing statement. The bill will be payable in accordance with the schedule established by the Village.

402 — All portions of the sewer user charge shall be due and payable at the time the bill for the same is issued and if not paid within 30 days of issue shall be delinquent.

403 — Village Delinquent Sewer Service Charges: If any billing for sewer or sewer services shall remain unpaid the amount thereof shall constitute a lien on the property to which such service is provided. If any bill remains unpaid for 60 days from the date of issue then the Village Clerk shall serve notice, by registered mail to the sewer user with return receipt requested that if the amount owed is not paid in full within 20 days from mailing of such notice the sewer service will be discontinued until payment is made in full, including any charges for shutting off and reinstating sewer service. Any sewer service charges delinquent for six months or more shall be certified annually, on March 1, by the Village Clerk to the Assessor who shall place the same on the next tax roll of the Village. Such charges so assessed shall be collected in the same manner as general Village taxes. In addition, the Village may, at its discretion, require an advance deposit as a protection against possible future delinquencies in an amount not to exceed a reasonable estimate of the two largest consecutive billings. The deposit shall be refunded without interest when service is discontinued by the depositor or if the Village Council sooner decides the deposit is no longer required.

404 — In the event of failure to pay sewer service charges after they become delinquent, the Village shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purposes.

The expenses of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to the Village and lien upon the property and may be recovered by civil action in the name of the Village against the property owner, the person, or both.

Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration, shall have been paid.

Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

405 — The Village shall annually notify each user in conjunction with a regular bill of the breakdown of the rates and user charges related to the Wastewater Disposal System.

SECTION 500 — FUNDS FROM SEWER SERVICE CHARGES

501 — The Village shall set up and maintain a wastewater Disposal System Operating Fund.

502 — The funds received from the collection of the charges authorized by the ordinance shall be deposited as collected in the Wastewater Disposal System Operating Funds and shall be used for the operation, maintenance, replacement, and improvements of the Wastewater Disposal System except that the portion of any such funds which is limited to a particular use by applicable State or Federal Rules or regulations, shall be used in compliance with such restrictions. Separate accounts for each activity shall be maintained.

SECTION 600 — UNIT COST CATEGORIES

The cost to be recovered pursuant to this Ordinance and the unit cost to be fixed by the Village in Section 302 shall be determined and allocated in each of the following categories:

601 — CATEGORY A. Operation and Maintenance — Wastewater Disposal System Facilities.

This shall be the annual cost of operating and maintaining the Wastewater Disposal System facilities, including an amount for replacement costs of equipment, which shall be segregated in a separate fund.

602 — CATEGORY B. Surcharge for Pollutant Loadings in excess of the General Municipal Flow.

This shall be the annual additional cost for treating sewage with excess BOD and SS as outlined below in Section 701.

603 — CATEGORY C. Debt Service for Wastewater Disposal System Facilities.

This shall be the amount of the annual interest and principal cost necessary to retire the bond or bonds issued to pay for the local share of any necessary capital improvement projects along with any other interest and principal related to capital costs for facilities owned by the Village.

604 — CATEGORY D — ADMINISTRATION OF WASTEWATER DISPOSAL SYSTEM FACILITIES.

This shall be the annual cost of administering the wastewater disposal system, including billing and collecting charges, audits of accounts, and insurance.

SECTION 700 — OPERATION AND MAINTENANCE CHARGES FOR INDUSTRIAL USERS AND OTHER USERS WITH WASTEWATER DISCHARGED EXCEEDING THE PARAMETERS OF THE GENERAL MUNICIPAL FLOW

701 — The charge for Industrial Users shall be determined by flow if the pollutant concentration in the wastewater discharged are less than that for the General Municipal Flow.

The unit cost for flow shall be calculated by apportioning the Category A cost to Flow and then dividing by the total billable flow, to be received at the Wastewater Treatment Facility in that year.

Users discharging sewage exceeding the parameters of the General Municipal Flow shall pay an additional charge pro rata. The unit cost for BOD and SS shall be calculated by apportioning the Category B cost to each Flow, BOD and SS and then dividing each cost so apportioned by the total billable Flow, BOD and SS to be received at the Wastewater Treatment Facility in that year. The user charge shall be the sum of the products obtained by multiplying the unit costs as determined above by the user's actual Flow, BOD and SS during the billing period.

702 — In addition to the charges provided for herein, the Village may impose a surcharge on any user pursuant to the Sewer Use Ordinance or based on some other pollutant loading factor which requires special treatment at the Wastewater Treatment Works.

SECTION 800 — MEASUREMENTS OF STRENGTH AND VOLUME

801 — When required by the Village each user shall purchase and install suitable measuring, sampling and analysing devices in compliance with the sewer use ordinance.

802 — The Village shall not require installation of such devices where the Village determined that such a user has concentration of BOD and suspended solids no greater than the constituents in normal domestic strength waste and a satisfactory method and access exist for sampling and determining the total daily sewage flow. In such cases the charges to those users shall be based on the flow rate as determined and on BOD and SS loads equal to the average load of the normal domestic strength waste.

803 — Each user required by the Village to install and maintain sewage monitoring facilities shall submit to the Village a monthly report of daily flow, BOD and SS, on a form approved by the Village. This report shall be used for billing purposes and shall be submitted prior to the 15th day of the subsequent month.

804 — The Village shall have the right to periodically or continuously inspect the monitoring facilities, to measure, sample and analyze the samples obtained by the user. The Village may, at its direction, charge the user for any monitoring services performed, and such charges shall be at cost.

In the event of any discrepancy between the flows or loads determined by the Village and the user, the values determined by the Village shall be used for the billing purposes.

SECTION 900 — COOPERATION AND MAINTENANCE CHARGES FOR GENERAL USERS DOMESTIC, COMMERCIAL, INSTITUTIONAL, AND GOVERNMENTAL USERS

901 — The charge for General Municipal Users shall be determined by flow since the pollutant concentrations in domestic sewage are approximately equal.

The unit cost for flow shall be calculated by dividing the category A (Operations and Maintenance) cost by the total metered water flow sold to users of the wastewater system. All Users discharging sewage exceeding the parameters of the General Municipal Flow shall pay an additional charge pro rata.

902 — The charges to Domestic Users shall be the product of the unit cost obtained in accordance with Section 901 and the quantity of water used by such user as measured by the water meter on the premises.

903 — The charges to commercial users shall be the product of the unit cost obtained in accordance with Section 901 and the quantity of water used by such user as measured by the water meter on the premises.

904 — The charges to institutional users shall be the product of the unit cost obtained in accordance with Section 901 and the quantity of water used by such user as measured by the water meter on the premises.

905 — The charges to governmental users shall be the product of the unit cost obtained in accordance with Section 901 and the quantity of water used by such user as measured by the water meter on the premises.

906 — Facilities not having a water supply that is metered shall be charged based on the flow anticipated from a typical single family dwelling. This flow shall be the minimum quantity of water usage as established in the Resolution for Rates and Charges. The typical single family dwelling shall be assigned a flow value of 1 and shall pay for the Wastewater Disposal System use on a fixed charge basis. Using this basic charge the other Sewer Service charges shall be calculated as follows:

- A. Each unit of the townhouse shall have a value of 1.
- B. Condominiums, duplex units and apartments shall have a value of 1.0 for each living unit.
- C. Mobile homes shall have a value of 1.0.
- D. Other buildings and structures shall be assigned a value of 1 for each 100,000 gallons of yearly flow which is estimated they will discharge, and commercial and industrial building units shall be assigned a minimum value of 1 living unit.
- E. All non-family dwellings may be required to install and maintain water meters at no charge to the Village. The Village reserves the right to require annual tests to insure accurate flow.

The attached table (Exhibit A) is a listing of standards used in assigning the flow value for various commercial, public and institutional facilities.

907 — There shall be a minimum monthly sewer service charge that shall be equal to the debt service charge based on the flow anticipated from a typical single family dwelling plus the administrative charge. The minimum charge shall be levied when no wastewater is discharged by a user during one complete billing period.

908 — Unmetered users may install their own meter and be charged in the same manner as metered customers if the meter is installed and maintained pursuant to all Village rules and regulations.

909 — If a substantial portion of the water utilized by any user is not discharged into the sewer system, the volume of such water shall be deducted in computing the sewer use charge provided a separate meter is installed to measure such volume. The user desiring to install such a separate meter shall make application and payment for the meter to the Village and engage, at their own expense, a plumber to effect the necessary piping changes and install the couplings so the meter can be set. The user may also make direct payment to the distributor for the necessary meter provided it is approved by the Village.

SECTION 1000 — Debt Service Charges

The debt service charges for capital improvement projects (Section 600, Subsection 603) shall be determined by the flow measured by the water meter at each user's premises. The unit cost for flow shall be calculated by dividing the Category C (Debt Service) cost by the total metered flow sold to users of the wastewater disposal system.

SECTION 1001 — Administration Charges

The administration charges shall be determined by dividing the administration cost by the number of users of the wastewater disposal system.

SECTION 1002 — Effective Date

This Ordinance shall take effect and be in force on and after the 31st day of August, 1991.

The above Ordinance was adopted by the South Range Village Council at a regular meeting held on the 1st day of August, 1991 by the following vote:

Yes: Six (6)