

Ordinance No. 87 Water Charges

AN ORDINANCE ESTABLISHING CHARGES FOR USERS OF THE TOWNSHIP OF ADAMS - VILLAGE OF SOUTH RANGE WATER AND SEWAGE AUTHORITY (hereinafter abbreviated as TAVSRWSA) WASTEWATER DISPOSAL SYSTEM IN THE VILLAGE OF SOUTH RANGE (hereinafter abbreviated as Village)

The Village, Houghton County, Michigan hereby ORDAINS:

SECTION 100 - TAVSRWSA WASTEWATER DISPOSAL SYSTEM

The fees, rates and charges for using the TAVSRWSA Wastewater Disposal System shall be, upon the conditions and in the amounts set forth in Section 100 et. seq., the Resolution establishing an Intermunicipal Sewer Service Agreement and the Resolution Establishing Rates and Charges, except where this ordinance is declared inapplicable for a particular user by a written contract providing for alternative charges between such user and the Village.

SECTION 200 - DEFINITIONS

For the purpose of this ordinance, the following words, terms and abbreviations shall have the meaning set out below, unless the context specifically indicates otherwise.

201 - "BOD" (DENOTING BIOCHEMICAL DEMAND) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 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.

202 - "CAPITAL COSTS" means all reasonable and necessary costs and expenses incurred by the TAVSRWSA 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; acquisition.

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

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

205 - "DEBT SERVICE" means the principal and interest necessary to pay bonded indebtedness.

206 - "DEBT SERVICE CHARGE" means the charges related to the principal and interest necessary to pay bonded indebtedness for facilities owned or operated by the TAVSRWSA.

207 - "DOMESTIC USER" means those establishments of which its related occupations, if any, are usually considered a residential service and whose discharge consists solely of sanitary wastes.

208 - "FLOW" means the quantity of sewage expressed in gallons or cubic feet per twenty-four (24) hours.

209 - "GENERAL MUNICIPAL FLOW" means the total sewage flow discharged to the Wastewater System Facilities, minus the flows 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.

General municipal flow, based on the design of the wastewater treatment facilities is further defined as flows containing 5-day BOD concentration no greater than 200 mg/l and suspended solids concentration no greater than 240 mg/l.

210 - "GENERAL MUNICIPAL USER" means any user discharging sewage to the general municipal flow other than industrial users, municipalities and other contract users.

- 211 - "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.
- 212 - "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.
- 213 - "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.
- 214 - "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).
- 215 - "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.
- 216 - "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.
- 217 - "SANITARY WASTES" means the liquid and water carried wastes discharged from sanitary plumbing facilities.
- 218 - "SEWAGE" means the liquid carried waste products from whatever source derived, together with such groundwater infiltration and surface water as may be present.
- 219 - "SEWER" means a pipe or conduit for carrying sewage, industrial waste and other waste liquids.
- 220 - "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.
- 221 - "SEWER SYSTEM" means pipelines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage.
- 222 - "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.
- 223 - "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.
- 224 - "TAVSRWSA" means the Township of Adams-Village of South Range Water and Sewage Authority, an authority created under the provisions of Act 233, Public Acts of Michigan, 1955, as amended.
- 225 - "TOWNSHIP" means the Township of Adams, a municipal corporation formed under the laws of the State of Michigan.
- 226 - "USER" means any person, firm, corporation, or other entity, whether municipal or otherwise, discharging sewage into the TAVSRWSA disposal system facilities.
- 227 - "USER CHARGE" means a charge levied on users of Wastewater Disposal System facilities for the cost of 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 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, the share of the Wastewater Disposal System facilities costs attributed to such users, and to provide funds for the operation and maintenance, replacement and improvements of the Wastewater Disposal System.

301 - The Sewer Service charges provided in this section are hereby levied and assessed upon each parcel of land, building or premises having any connection with, or discharging whether directly or indirectly into the sewer system.

302 - The Village, along with information from the TAVSRWSA, shall at least annually determine and fix by resolution the unit costs for use 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 in such amounts as may reasonably be required to accomplish the purposes of this section.

303 - The TAVSRWSA shall compute the amount due the Village and TAVSRWSA for sewer user charges and the Village shall render statements thereof, at periodic intervals, to the owner or occupant 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.

304 - The TAVSRWSA shall each year provide an internal audit report to the Village that will address specific areas of concern including: the need to generate sufficient revenue through user charges to cover total O & M costs; the necessity of maintaining a proportionate system of user charges pursuant to 40 CFR 35.29-2(b); the need to review the replacement account to determine its proper level of funding.

SECTION 400 - BILLING PRACTICE

401 - The operation and maintenance charge and any required surcharge provided in this ordinance shall be included as separate items on a person's bill by the Village. The bill will be payable in accordance with the schedule by the Village.

402 - All portions of the Sewer Service charge shall be payable at the time the bill for same is issued.

403 - VILLAGE (per Ordinance #83, amending #32, 3/5/81) 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 delinquency extends beyond 60 days from the date of billing 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 receipt 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.

Those portions of Section 5 of Ordinance No. 32 which are inconsistent herewith are hereby repealed but Ordinance No. 32 in all other respects is hereby affirmed and ratified.

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 and TAVSRWSA shall each set up and maintain separate wastewater Disposal System Operating Funds.

502 - The joint facilities portion of the O & M costs as outlined in the Resolution for Rates and Charges shall be transferred to the TAVSRWSA within 30 days of collection by the Village.

503 - 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.

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 personal property, 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.

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 users' 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 install suitable measuring, sampling and analyzing devices in compliance with the sewer use ordinance.

802 - The Village shall not require installation of such devices where the Village determined that such user has concentration of BOD and suspended solids no greater than the constituents in the general municipal flow and a satisfactory method and access exist for sampling and determining 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 general municipal flow.

803 - Each user required by the Village to install and maintain sewage monitoring facilities shall submit to the TAVSRWSA and Village a monthly report of daily flow, BOD and SS, on a form approved by the TAVSRWSA and 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 - OPERATION AND MAINTENANCE CHARGES FOR GENERAL USERS DOMESTIC, COMMERCIAL, INSTITUTIONAL, AND GOVERNMENTAL USERS

901 - The charge for General 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 apportioning the Category A Cost to Flow and then dividing by the total billable Flow, to be received at the Wastewater Treatment Works in that year. 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, provided, however, that in determining the charge to be paid for premises used exclusively for residential purposes, the water meter reading from the first quarter of each year may be used as the basis for the computation of such user charges for each billing period for that year.

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 following table is a listing of standards used in assigning the flow value for various commercial, public and institutional facilities:

Type of Facility - Parameter - Flow Value

Arenas - 100 seats - 1
Automobile Service Center - 2 service bays - 1 each
Barber Shop - - 1
Bible Camp - 5 campers (persons) - 1
Boarding House - 3 beds - 1
Bowling Alley - 3 alleys - 1
Cabins, Modern (rental units and part of a resort) - 3 units - 2
Campground with Central Bath Facilities - 2 sites - 1 each
Car Wash - - 30
Car Wash (self service) - 1 stall - 1
Churches - 250 seats - 1
Club House (shower heads) - - 1 each
Cocktail Lounge - 25 seats - 1
General Office Building - 2,400 sq. ft. floor space - 1
Hospitals - 1 bed - 1
Laundromats or Laundry Rooms - 1 machine - 1
Motels and Hotels (assume 2 persons per room) - 2 rooms - 1
Recreation Vehicle Campground with Individual Sewer Hookups - 3 hookups - 2
Resorts (with housekeeping) - 3 units - 2
Restaurant (drive-in) - 9 parking spaces - 1
Restaurant (24 hour service) - 12 seats - 1
Restaurant (with cocktail lounge) - 9 seats - 1
Retail Stores - 3,000 sq. ft. floor space - 1
Rooming houses - 7 beds - 1
Schools (elementary) - 20 students - 1
Schools (secondary) - 15 students - 1
Service Station (gas pumping only) - - 1 each
Service Station with Service Center and Car Wash - - 8
Swimming Pools - 27 swimmers - 1
Theatre - 75 seats - 1
Theatre (drive-in) - 55 parking spaces - 1
Trailer Park or Campground with Central Bathhouse - 2 sites - 1
Trailer Park or Campground with Flush Toilets or Campground and No Showers - 3 sites - 1
Warehouses - 14 employees - 1

907 - There shall be a minimum monthly sewer service charge that shall be calculated by dividing the annual fixed costs by the equivalent number of users of the Wastewater Disposal System.

The minimum charge shall be levied when no wastewater is discharged by a user during one complete billing period, if written notice by the non-use is received in advance of the billing period by the Village.

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 separate meter shall make application and payment for the meter to the Village and engage, at their own expense, a plumber to affect 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 - EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after 23rd day of February, 1983.

Passed and adopted by the Village Council in Houghton County, Michigan, this 3rd day of February, 1983 by the following vote:

YES: 6

NO: 0

ABSENT: 0

Agnes Koivunen
Village President

Katherine Mattson
Village Clerk