

CHAPTER 50: GENERAL PROVISIONS

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WATER AND SEWER SYSTEM RATE

50.01 WATER AND SEWER SERVICE.

(A) *Generally.* There shall be and there is hereby established a water and sewer service charge for the use of and for the service supplied by the water and sewer system of the village, based upon the amount and rate of water consumed as set by resolution.

(B) *Sewer rates.*

(1) Rates for sewer service shall be 100% of the water bill for the same premises for the same period of time. In no case shall the minimum service charge be less than the amounts shown above in the water rates schedule, which is necessary to retire the indebtedness, operating and maintenance, and reserve necessary for maintaining the sanitary sewer facility.

(2) Customers of the sanitary sewer system which are not also customers of the municipal water system shall pay a minimum charge as set by resolution.

(3) Service to industrial and commercial establishments may be by contract if the municipality deems this to be its best interest.

(Ord. 114, passed - -1966)

50.02 BILLING.

(A) Bills for the rates and charges as herein established by the village shall be sent monthly.

(B) The service charges for sewer service to customers not being supplied water by a municipal water system will be due and payable on the fifteenth day of the month following the period for which service was rendered. Penalties for non-payment of bills will be the same as that for metered service.

(C) (1) It is the policy of the village to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The village's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(a) That all bills are due and payable on or before the date set forth on the bill; and

(b) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(c) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(3) When it becomes necessary for the village to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum as set by resolution.

(Ord. 114, passed - -1966)

' 50.03 APPLICATIONS, REVENUES AND ACCOUNTS.

(A) Applications for water and sewer service shall be filed with the Village Clerk upon a form to be supplied by the village. The application shall state the name of the applicant and the premises to be served. All applications filed after the commencement of the operation of the system shall be accompanied by a fee as set by resolution, payable to the Treasurer of the village, for the connection charge.

(B) The owner of the premises served and the occupant thereof and the user of the water and sewer service shall be jointly and severally liable for the sewer service provided the premises. A deposit as set by resolution shall be required from all tenants. The deposit shall be applied to any bill for service delinquent more than 45 days. Upon the disconnection of the service, any balance of the deposit shall be returned to the applicant without interest.

(C) It is hereby made the duty of the Village Treasurer to render bills for water and sewer service and all other charges in connection therewith and to collect all monies due therefrom.

(D) All revenues and monies derived from the operation of the water and sewer system shall be paid to and held by the Treasurer separate and apart from all other funds of the village and all of the sums and all other funds and monies incident to the operation of the system, as may be delivered to the village, shall be deposited in a separate fund designated the Δ Water and Sewer System Fund Account@ and the Treasurer shall administer the fund in every respect in a manner provided by the statutes of the state pertaining thereto.

(E) The Village Treasurer shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the water and sewer system and at regular annual intervals the Village Council shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water and sewer system.

(Ord. 114, passed - -1966)

WASTEWATER DISPOSAL DISTRICT

' 50.15 OPERATION AND THE LIKE.

(A) It is hereby determined to be desirable and necessary, for the public health, safety and welfare of the village, that the County Wastewater Disposal District (village section) be operated by the village as lessee and agent of the county and the County Drain Commissioner as County Agency under Public Act 342 of 1939, being M.C.L.A. ' ' 46.171 through 46.185, as amended, on a public utility rate basis in accordance with the provisions of Public Act 94 of 1933, being M.C.L.A. ' ' 141.101 through 141.138, as amended.

(B) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

REVENUES and **NET REVENUES.** As defined in ' 3 of Public Act 94 of 1933, being M.C.L.A. ' 141.103, as amended.

THE DISTRICT. The complete County Wastewater Disposal District (village section), including all sewers, pumps, lift stations, treatment facilities and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired.

(C) The operation, maintenance, alteration, repair and management of the District shall be under the supervision and control of the Village Council, subject to the terms of the contract dated May 14, 1970, between the county and the village. The Council may employ a person or persons in a capacity or capacities as it deems advisable to carry on the efficient management and operation of the system and may make rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the system.

(Ord. 114, passed 7-13-1970)

' 50.16 SEWER USE CHARGES.

(A) *Generally.* Rates to be charged for service furnished by the District shall be as follows: sewer use charges to each single-family residential premises served by the District shall be in the flat amount as set by resolution. Each premise other than a single-family residence shall pay a monthly charge as set by resolution, multiplied by a factor representing a ratio of sewage used by a class of premises not a normal single-family residential sewage use. The Village Council shall adopt and revise from time to time a schedule of charges of the sewage use equivalents or ratios, provided, however, that the minimum monthly charge to any premises shall be as set by resolution.

(B) *Special rates.* For miscellaneous or special services for which a special rate shall be established, those rates shall be fixed by the Village Council.

(C) *Billing.* Bills will be rendered quarterly on February 1, May 1, August 1 and November 1 payable without penalty within 30 days after the date thereon. Payments received after that period bear a penalty of 5% of the amount of the bill.

(Ord. 114, passed 7-13-1970)

' 50.17 ENFORCEMENT.

(A) The charges for services which are under the provisions of ' 21 of Public Act 94 of 1933, being M.C.L.A. ' 141.121, as amended, made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute the lien, and whenever any charge against any piece of property shall be delinquent for six months, the village official or officials in charge of the collection thereof shall certify annually, on March 1 of each year, to the tax-assessing officer of the village the facts of the delinquency, whereupon the charge shall be by him or her entered upon the next tax roll as a charge against the premises and shall be collected and the lien thereof enforced, in the same manner as general village taxes against the premises are collected and the lien thereof enforced; provided, however, where notice is given that a tenant is responsible for charges and service as provided by ' 21 of Public Act 94 of 1933, being M.C.L.A. ' 141.121, no further service shall be rendered the premises until a cash deposit in an amount as set by resolution shall have been made as security for payment of the charges and service.

(B) In addition to the foregoing, the village shall have the right to shut off sewer service to any premises for which charges for sewer service are more than three months delinquent, and the service shall not be reestablished until all delinquent charges and penalties and a turn-on charge, to be specified by the Village Council, have been paid. Further, the charges and penalties may be recovered by the village by court action.

(Ord. 114, passed 7-13-1970)

' 50.18 MISCELLANEOUS PROVISIONS.

(A) No free service shall be furnished by the District to any person, firm or corporation, public or private, or to any public agency or instrumentality.

(B) All premises to which sewer services of the District shall be available shall connect to the District within 60 days after the mailing of notice to the premises by the appropriate village official that the services are available.

(C) The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation, the expenses for maintenance of the District as are necessary to preserve the same in good repair and working order, to provide for partial payment of the contractual obligations of the village to the county pursuant to the aforesaid contract between the county and the village as the same become due, and to provide for other expenditures and funds for the District as this subchapter may require. The rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

(D) The District shall be operated on the basis of an operating year commencing on March 1 and ending on the last day of February next following.

(E) The revenues of the District shall be set aside, as collected, and deposited in a separate depository account in the City Bank Se Trust Company, National Association, Jackson, Michigan, a bank duly qualified to do business in Michigan, in an account to be designated Wastewater Disposal District Receiving Fund (hereinafter, for brevity, referred to as the "Receiving Fund"), and the revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the times hereafter specified.

(1) *Operation and Maintenance Fund.* Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a depository account, designated Operation and Maintenance Fund, a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the District and the current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

(2) *Contract Payment Fund.* There shall next be established and maintained a depository account, to be designated Contract Payment Fund, which shall be used solely for the payment of the village's obligations to the county pursuant to the aforesaid contract. There shall be deposited in the fund quarterly, after requirements of the Operation and Maintenance Fund have been met, sums as shall be necessary to pay the contractual obligations when due. Should the revenues of the District prove insufficient for this purpose, the revenues may be supplemented by any other funds of the village legally available for that purpose.

(3) *Replacement Fund.* There shall next be established and maintained a depository account, designated Replacement Fund, which shall be used solely for the purpose of making major repairs and replacements to the District if needed. There shall be set aside into the fund, after provision has been made for the Operation and Maintenance Fund and the Contract Payment Fund, revenues as the Village Council shall deem necessary for this purpose.

(4) *Improvement Fund.* There shall next be established and maintained an Improvement Fund for the purpose of making improvements, extensions and enlargements to the District. There shall be deposited into the fund, after providing for the foregoing fund, revenues as the Village Council shall determine.

(5) *Surplus monies.* Monies remaining in the Receiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the Village Council, be transferred to the Improvement Fund or used in connection with any other project of the village reasonably related to purposes of the District.

(6) *Bank accounts.* All monies belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the monies shall be allocated on the books and records of the village within this single bank account, in the manner above set forth.

(F) In the event the monies in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any monies and/or securities in other funds of the District, except sums in the Contract Payment Fund derived from tax levies, shall be transferred to the Operation and Maintenance Fund, to the extent of any deficit therein.

(G) Monies in any fund or account established by the provisions of this subchapter may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Public Act 94 of 1933, being M.C.L.A. ' ' 141.101 through 141.138, as amended. In the event the investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which the purchase was made. Income received from the investments shall be credited to the fund from which the investments were made.

(Ord. 114, passed 7-13-1970)