

**ORDINANCE NO. 159**

**AN ORDINANCE TO AMEND SECTION 4 OF ORDINANCE NO. 44 OF THE VILLAGE OF DECATUR, MICHIGAN, ENTITLED “AN ORDINANCE TO PROVIDE FOR THE OPERATION AND MAINTENANCE OF THE VAN BUREN COUNTY SANITARY SEWAGE DISPOSAL SYSTEM NO. 1 (VILLAGE OF DECATUR), ON A PUBLIC UTILITY BASIS UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED”, AND TO ADD NEW PROVISIONS REGARDING SEWER CHARGES FOR PREMISES OUTSIDE THE CORPORATE LIMITS OF THE VILLAGE OF DECATUR, MICHIGAN.**

**THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:**

**Section 1-** Section 4 of Ordinance No. 44 of the Village of Decatur, Michigan is hereby amended to read as follows, to-wit:

**TAP AND OTHER CHARGES**

The owner of all houses, buildings or parts thereof and other structures used for human occupancy, employment, manufacturing, business, education, religious, recreation, or other purposes shall make application for a permit to tap into the system and shall pay for each such house, building or part thereof and other structure, the sum of \$500.00 in cash at the time of making said application as a tap-in fee for the privilege of using the facilities and receiving the service of the system, plus the sum of \$10.00 to compensate the Village of Decatur for the cost of supervising and inspecting the tap; provided however, that additional tap-in fees shall be charged in said amount for each additional tap that may be required to service each house, building or part thereof or other structure.

The owner of said premises shall pay all costs to make physical connection from the premises to the sewer main. In addition the owner of said premises shall pay all costs for the extension of the sewer main, if necessary to serve said premises, unless said expense is waived by the Village Council of the Village of Decatur MI or an agreement to share the expense of same is executed between said Village and owner.

**UNIT DEFINITION**

A unit for the purposes of the “sewer use charges” is hereby defined as follows:

1. Single family residential premises - one unit.
2. Multi-family or multiple use premises - one unit for each apartment or dwelling unit located in said building, and one unit for each business or other entity located in said building.
3. Commercial or Industrial premises - each nine (9) employees or fraction thereof shall be

considered a unit. All individuals employed for eighty (80) or more hours per month shall be considered an employee for the purpose of this Section.

4. Decatur Public School premises - each eighteen (18) employees and students or fraction thereof, determined as of the fourth Wednesday of September of each and every year hereafter, shall be considered a unit. All individuals employed eighty (80) or more hours per month shall be considered an employee for the purpose of this Section.

### SEWER USE CHARGE

#### A. SEWER USE CHARGES FOR PREMISES LOCATED WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DECATUR, MICHIGAN SHALL BE AS FOLLOWS:

1- SINGLE FAMILY RESIDENTIAL PREMISES. Sewer use charges to every single family residential premises served by the system shall be the sum of \$15.00 per month.

2- MULTI-FAMILY OR MULTIPLE USE PREMISES. All multi-family or multiple use premises shall pay the sum of \$15.00 per month for the first unit, and \$12.00 per month for each additional unit located at said premises.

3- COMMERCIAL AND INDUSTRIAL PREMISES. All single unit commercial and/or industrial premises shall pay the sum of \$15.00 per month, provided however, that any single unit commercial or industrial user, using in excess of 15,000 gallons of water per month shall pay the sum of \$15.00 per month multiplied by a factor representing the total monthly water use divided by 15,000 gallons. All other commercial and industrial users shall pay the sum of \$15.00 per month for the first unit, and \$12.00 per month for each additional unit located at said premises.

4- DECATUR PUBLIC SCHOOL PREMISES. Decatur Public School system shall pay the sum of \$15.00 per month for the first unit, and \$12.00 per month for each additional unit located at said premises.

#### B- SEWER USE CHARGES FOR PREMISES LOCATED OUTSIDE THE CORPORATE LIMITS OF THE VILLAGE OF DECATUR, MICHIGAN SHALL BE AS FOLLOWS:

1- SINGLE FAMILY RESIDENTIAL PREMISES. Sewer use charges to every single family residential premises served by the system shall be the sum of \$25.00 per month.

2- MULTI-FAMILY OR MULTIPLE USE PREMISES. All multi-family or multiple use premises shall pay the sum of \$25.00 per month for the first unit, and \$20.00 per month for each additional unit located at said premises.

3- COMMERCIAL AND INDUSTRIAL PREMISES. All single unit commercial and/or industrial premises shall pay the sum of \$25.00 per month, provided however, that any single unit commercial or industrial user, using in excess of 15,000 gallons of water per month shall pay the sum of \$25.00 per month multiplied by a factor representing the total monthly water use divided by 15,000 gallons. All other commercial and industrial users shall pay the sum of \$25.00 per month for the first unit, and \$20.00 per month for each additional unit located at said premises.

#### VACANT PREMISES

Monthly sewer use charges shall be discontinued to any premises, after the owner of such premises certifies on a form in such case made and provided to the Decatur Sewer Department, that the premises have become vacant in that same are no longer used for human occupancy, employment, manufacturing, business, educational, religious, recreational or other purposes; provided however, that upon said premises ceasing to be vacant the owner of same shall immediately notify the Decatur Sewer Department in writing of such fact whereupon said monthly sewer charges shall be reinstated. The owner or responsible tenant shall be liable for sewer use charges for the month that same is discontinued and for the month that same is reinstated.

#### BILLING

Bills will be rendered monthly and commence to accrue the first full month after connection to the Van Buren County Sanitary Sewage Disposal System No. 1 (Village of Decatur, Michigan). Payments received within twenty (20) days after date of said bill shall be payable without penalty. Payments received after such period shall bear a penalty of five percent (5%) of the amount of the bill or the sum of \$1.00, whichever is greater.

#### ENFORCEMENT

The charges for services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as Amended, made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any premises shall be delinquent for six (6) months, the Village official or officials in charge of the collection thereof shall certify annually, on March 1st of each year, to the tax-assessing officer of the Village the facts of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced, in the same manner as general village taxes against such premises are collected and the lien thereof enforced; provided however, where written notice is given that a tenant is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such premises until a "guaranteed deposit" in the amount of the charges for one year's service shall have been made as security for payment of such charges and

service. No interest shall be paid to depositors on said deposit. Said deposits shall be held by the Village of Decatur as a guaranty of payment for sanitary sewer service. Such guaranteed deposit shall be refunded to the depositor upon final termination of the sanitary sewer service and upon payment of all charges for such service; provided however that the Village Council of the Village of Decatur, Michigan may authorize the return of said deposit or a portion thereof, at any time prior to the final termination of sanitary sewer service, if all sewer charges have been promptly paid.

In addition to the foregoing, the Village shall have the right to discontinue either the water service or the sewer service or both, to any premises for which charges for sewer service are more than thirty (30) days delinquent and such service shall not be re-established until all delinquent charges and penalties have been paid. Further, such charges and penalties may be recovered by the Village, through Court action.

### AMENDMENTS

The sewer charges provided in Section 1 hereof may be subsequently amended by Resolution adopted by a majority of the Village Council of the Village of Decatur, Michigan. Said charges shall be reasonable and just, taking into consideration the cost and value of the sewer supply system and the cost of maintaining, repairing and operating same.

**Section 2 -** Ordinance No. 145 is hereby repealed, and any and all other Ordinances, Resolutions, or Orders, or parts thereof, of the Village of Decatur, Michigan, in conflict with the provisions of this Ordinance are, to the extent of such conflicts, hereby repealed.

**Section 3 -** This Ordinance shall become effective on the first day of July, 2003.

Adopted by the Village Council of the Village of Decatur, Michigan on this 2nd day of June, 2003.