

ORDINANCE NO. 194

AN ORDINANCE TO PROVIDE FOR THE OPERATION AND MAINTENANCE OF THE DECATUR WASTEWATER SYSTEM AND WASTEWATER STABILIZATION LAGOON ON A PUBLIC UTILITY BASIS UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED.

THE VILLAGE OF DECATUR HEREBY ORDAINS:

Section 1. Establishment

It is hereby determined to be desirable and necessary, for the public health, safety and welfare of the Village of Decatur, that the Decatur Wastewater System and Wastewater Stabilization Lagoon be operated by said Village on a public utility rate basis in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

Section 2. Definitions

Whenever the words “the System” are referred to in this ordinance, they shall be understood to mean the complete Decatur Wastewater System and Wastewater Stabilization Lagoon, 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.

Whenever the words “revenues” and “net revenues” are used in this ordinance, they shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

Section 3. Administration

The operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the Village Council, subject to the terms of the contract dated Nov. 5, 1969 between the County of Van Buren and the Village of Decatur. Said Council may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

Section 4. Rates

- a) 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 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; 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.

- b) 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.
- c) Effective May 1, 2014, SEWER USE CHARGES FOR PREMISES LOCATED WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DECATUR, MICHIGAN SHALL BE AS FOLLOWS:
- 1- SINGLE UNIT RESIDENTIAL PREMISES. Sewer use charges to every single family residential premises served by the system shall be the sum of \$18.94 per month.
 - 2- UNIT PREMISES. All multi-unit premises shall pay the sum of \$18.94 per month for the first unit, and 15.15 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 \$18.94 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 \$18.94 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 \$18.94 per month for the first unit, and \$15.15 per month for each additional unit located at said premises.
- d) Effective May 1, 2014, SEWER USE CHARGES FOR PREMISES LOCATED OUTSIDE THE CORPORATE LIMITS OF THE VILLAGE OF DECATUR, MICHIGAN SHALL BE AS FOLLOWS:
- 1- UNIT PREMISES. Sewer use charges to every single family residential premises served by the system shall be the sum of \$35.00 per month.
 - 2- MULTI-UNIT PREMISES. All multi-unit premises shall pay the sum of \$35.00 per month for the first unit, and \$28.00 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 \$35.00 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 \$35.00 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 \$35.00 per month for the first unit, and \$28.00 per month for each additional unit located at said premises.
- e) 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 may be liable for sewer use charges for the month that same is discontinued and for the month that same is reinstated.

- f) Bills will be rendered monthly and commence to accrue the first full month after connection to the system. 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 the sum of \$1.00.
- g) 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 June 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 \$150.00. 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 fifty (50) 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.

- h) The sewer charges provided in Section 4 of this ordinance 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 5. Abolishment of Free Service

No free service shall be furnished by said System to any person, firm or corporation, public or private, or to any public agency or instrumentality.

Section 6. Mandatory Connection

All premises to which sewer services of the System shall be available shall connect to said System within sixty (60) days after the mailing of notice to such premises by the appropriate Village official that such services are available.

Section 7. Payment of Expenses

The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of said System as are necessary to preserve the same in good repair and working order, to provide for the payment of contractual obligations of the Village of Decatur as the same become due, and to provide for such other expenditures and funds for said System as this ordinance may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

Section 8. Operating Year

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

Section 9. Bank Accounts

The revenues of the System shall be set aside, as collected, and deposited in a separate depository account in a bank duly qualified to do business in Michigan and identified by the Village Council, in an account to be designated VILLAGE OF DECATUR SEWER AND WATER.

All moneys belonging to any of the funds or accounts may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the Village within this single bank account, in the manner above set forth.

Section 10. Use of Fund Balance

In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance of the System, any moneys and/or securities in other funds of the System shall be used for the Operation and Maintenance of the System, to the extent of any deficit therein.

Section 11. Investments

Moneys in any fund or account established by the provisions of this Ordinance may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Act 94, Public Acts of Michigan, 1933, as amended. In the event such 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 such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

Section 12. Severability

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 13. Repeal

Ordinance No. 159 and all ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 14. Effective Date

The Village Clerk of the Village of Decatur, Van Buren County, Michigan shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect the 1st day of May, 2014.

Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan on this 7th day of April, 2014.

Carl A. Wickett, Village President

Lou Ann Conklin, Village Clerk

I, Lou Ann Conklin, Village Clerk of the Village of Decatur, Van Buren County, Michigan, do hereby certify that Trustee T. Creagan moved for the adoption of Ordinance No. 194 and that Trustee A. Elwaer seconded said motion. I further certify that the following Trustees voted for adoption of said Ordinance No. 194: Ali Elwaer, Norma Strickler, Tom Creagan, Mike Heflin, and Carl Wickett. Absent: Greg Cole and Harold Magee.

STATE OF MICHIGAN)
) ss.
COUNTY OF VAN BUREN)

I, the undersigned, the duly qualified and acting Clerk of the Village of Decatur, Van Buren County, Michigan, do hereby certify that the foregoing Ordinance was adopted by Village of Decatur at a regular Village Council meeting duly held on the 7th day of April 2014, and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance in the Decatur Republican on the ____ day of _____, 2014.

Lou Ann Conklin, Village Clerk