

VILLAGE OF FAIRGROVE
TUSCOLA COUNTY, MICHIGAN

ORDINANCE NO. 28

SANITARY SEWER USER CHARGE

An ordinance establishing rates for the use of public sewers and treatment works, method of billing and collection and to provide penalties for the violation thereof.

Sec. 1. DEFINITIONS

1. Authority – The Village of Fairgrove, Tuscola County, Michigan.
2. Biochemical Oxygen Demand (BOD) – Shall mean the quantity of decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20 C and expressed in milligrams per liter (mg/l). The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.
3. Suspended Solids – Shall mean solids which either float on the surface of or are in suspension in water, sewage or other liquid discharged to the treatment works which are removable by laboratory filtration and is expressed in milligrams per liter (mg/l). Quantitative determinations shall be made in accordance with procedures set forth in Standard Methods.
4. Standard Methods – Shall mean the examination and analytical procedures set forth in the most recent edition of “Standard Methods for the Examination of Water and Wastewater,” published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation and as set forth in Federal Register Reprint 40 CFR 136, “Guidelines Establishing Test Procedures for Analysis of Pollutants”.
5. Users – Shall mean each recipient of wastewater treatment services provided by the Village as classified in Section 2 of this Ordinance.
6. Segregated Domestic Wastes – Shall mean wastes from users which are generated from activities of a domestic nature and which are measurable and/or set apart from industrial discharges.
7. User Charges – Shall mean a system of charges levied on users of a treatment works for the cost of operation and maintenance, including replacement, of such works.
8. Operation and Maintenance Costs – Shall mean the total annual cost of operating and maintaining the waste treatment facilities.
9. Replacement Costs – Shall mean expenditures for obtaining and installing equipment, accessories and appurtenances which are necessary during the service life of the treatment works to maintain capacity and performance for which such works were designed and constructed in includes the replacement costs.
10. Surcharges – Shall mean a charge levied on users of a treatment works for the cost of handling wastewaters which are discharged in concentrations greater than normal domestic strengths.
11. Normal Domestic Strengths – Shall mean wastewater discharged at concentration levels typical of normal human activity. These levels are: 200 mg/l for B.O.D. and 200 mg/l for Suspended Solids
12. Shall is mandatory; May is permissive.
13. Wastewater – Shall mean the spent water of the community. It may be a combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.
14. Treatment Works – Shall mean an arrangement of devices and structures for collecting, conveying and treating wastewater.
15. Premise – Shall mean each lot or parcel of land, building or household having a connection to the authority sewer system.
16. Person – Shall mean any individual, firm, company, municipality, association, society, corporation or group.

Sec. 2. USER CLASSES SUBJECT TO CHARGES

1. Charges shall be levied for wastewater treatment services rendered to each lot, parcel of real estate or building having a connection with the Village treatment facilities or otherwise being provided with service, either directly or indirectly. Charges shall be based upon a flat rate user charge.
2. All rates and charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency under PL 92-500, published in the Federal Register and implemented on February 11, 1974 (39CFR5252).
3. For purposes of this ordinance, users of the treatment works shall be classified as follows:
 - a. Residential – A user of the treatment works whose premises or building is used primarily as a domicile for one or more persons and whose wastes originate from normal living activities of its inhabitants.
 - b. Commercial – A user of the treatment works engaged in the purchase or sale of goods, transaction of business or otherwise rendering a service.
 - c. Institutional – A user of the treatment works involved in a social, charitable, religious, educational or other special purpose activities.
 - d. Governmental – A Federal, State or local government user of the treatment works which has executive, legislative, judicial, administrative or regulatory activities.
 - e. Industrial – A manufacturing or process facility which is engaged in a productive or profit-making venture.

Sec. 3. ADMINISTRATION

1. During the fiscal year, the Village shall collect data from the treatment facilities, accounting for flows and loadings received at the treatment plant attributable to each user class. In addition, the cost data associated with the treatment of each user class's wastes shall also be collected and retained for future reference.
2. Prior to the close of each fiscal year, the Village shall prepare an estimate of anticipated costs of operation and maintenance, including replacement, for the forthcoming fiscal year. Such estimates shall be prepared in accordance with generally accepted accounting principals. Based upon the anticipated budget and data from the previous fiscal year, the rates will be reviewed and adjusted periodically with the following criteria applied.
 - a. Revenues to offset the cost of operation and maintenance costs, including replacement, of the treatment works shall be generated by each user class in proportion to each user's contribution to the total wastewater loadings and cost to treat each user's wastes.
 - b. The rates shall generate sufficient revenues to offset the costs of all treatment works operation and maintenance costs, including replacement, and such other expenditures authorized by this ordinance.
 - c. Replacement cost needs shall be determined by an evaluation of treatment facilities assets utilizing asset values of the treatment facilities, service lives, salvage values, level of the replacement fund and other criteria determined appropriate.
3. Revenues generated by user charge rates shall be deposited in a separate account and used solely for purposes of operation and maintenance costs, including replacement of the treatment works.
4. There shall be no free service or discounts of the established rates provided any user.

Sec. 4 USER CHARGE RATES, VILLAGE OF FAIRGROVE

1. Sewer user charges for all classes of users, except industrial, shall be billed quarterly at rates shall be set by resolution by the Village Council.
2. Industrial users shall be billed quarterly with the billing based upon measured quantities of flow, BOD and suspended solids determined daily and totaled quarterly at the following unit charges:

	Operation & Maintenance	Debt Service	Total
Flow	.3320	.1223	.4543/1,000 gals
BOD	.0384	.0142	.0526/lb.
SS	.0384	.0142	.0526/lb.

Any industrial user discharging at or below normal domestic strength will be charged at the non-industrial user charge.

For such weak strength sewage, a charge will be based upon an equivalent residential user computed at a rate of 340 gallons per day. The above industrial rates may be changed by resolution by the Village Council.

3. Where a significant portion of the customer's water does not and cannot enter the treatment works, either directly or indirectly, and where the quantity of water entering the premises is estimated at more

than 5,000 gallons per month, the person having charge of the property may request permission from the Village to install at his own expense, an approved sewage measuring device or devices to determine the volume of sewage that actually enters the treatment works. The rates and charges will apply only to that portion of water or actual sewage entering the treatment works.

4. Each industrial or non-industrial user who discharges wastes into the treatment works shall be subject to a surcharge in addition to regular sewer charges, based on BOD and suspended solids, if the waste load contributed to the treatment works has a loading greater than normal domestic strength wastes. The magnitudes of such extra-strength wastes shall be determined in accordance with sampling and testing procedures established in the Sewer Use Ordinance.
5. The charges for treatment works service shall be billed to the owner of each lot, parcel of real estate or building having a connection with the Village treatment facilities. If a tenant is billed, the owner shall in no way be relieved of liability in the event payment is not made by the tenant as herein required. Such owner shall have the right to examine the Village's collection records to ascertain whether such charges have been paid.

Sec. 5. PENALTIES

1. Charges for treatment works service levied pursuant to this ordinance shall be due and payable on or before the due dates shown on the bills. Any service charge not paid by the due date shall be considered delinquent. Such delinquent charges together with any applied penalty shall be collectable as hereinafter set forth.
2. Delinquent treatment works service charges may be made in lien against the property service. In such case, delinquent service charges, together with mandatory interest of ten percent (10%), shall be placed on the tax rolls and be collected in the same manner as regular taxes and assessments are collected.
3. In addition to the foregoing remedies, the Village shall have the right to bring a civil action to recover any delinquent charges together with interest of ten percent (10%) and a reasonable attorney's fee. It shall also have the right to foreclose any lien established under the provisions of this ordinance with recovery of the charges, interest of ten percent (10%) and a reasonable attorney's fee.

Sec. 6. VALIDITY

1. If any section, paragraph, clause or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Sec. 7. ORDINANCE IN FORCE

1. This ordinance shall be in full force and effect from and after its passage and approval and publication as provided by law.

ADOPTED June 6, 2016.

THOMAS WASSA, PRESIDENT

HEIDI STARK, CLERK

I, the undersigned, Village Clerk of the Village of Fairgrove, Tuscola County, Michigan, do hereby certify that Ordinance No. 28, adopted by the Village Council of said village on JUNE 6, 2016, was recorded in full in the minutes of the meeting of said Village Council on said date and published in the Tuscola County Advertiser on June 15th, 2016.

HEIDI STARK, CLERK