

SEWER RATE AND MANDATORY CONNECTION ORDINANCE

ORDINANCE NO. 151

AN ORDINANCE ESTABLISHING RATES AND CHARGES AND PROVIDING FOR THE ENFORCEMENT THEREOF FOR THE USE AND SERVICE OF THE SANITARY SEWAGE DISPOSAL SYSTEM OF THE VILLAGE OF AUGUSTA, MICHIGAN, AND TO PROVIDE FOR THE MANDATORY CONNECTION TO SAID SYSTEM AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID SYSTEM.

THE VILLAGE OF AUGUSTA ORDAINS:

Section 1. It is hereby determined to be desirable and necessary, for the public health, safety and welfare of the Village of Augusta, that the Village's Sewage Disposal System be operated by said Village on a public utility rate bases in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

Section 2. Whenever the words "the System" are referred to in this Ordinance, they shall be understood to mean the complete Village of Augusta Sewage Disposal System, 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. The operation, maintenance, alteration, repair and managements of the System shall be under the supervision and control of the Village Council. Said Village 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 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 to be charged for service furnished by the Village shall be as follows:

SEWER CHARGES

Sewer use charges to each single-family residential premises or its equivalent shall be in the amount of \$3.67 per month plus \$1.45 per month for each 1,000 gallons (\$1.09 per 100 cubic feet) of water or fraction thereof used by such premises. Premises not connected to a public water system shall be charged the rate or \$12.75 per month per residential equivalent.

CONNECTION CHARGE

A. Direct Connection: For each direct connection to lines of the System there shall be charged a fee of \$621.09 per single-family residence equivalent; provided, however, that credit against such charge shall be given for each unit of benefit specially assessed.

B. Indirect Connection: In order to defray the proportional share of the cost of treatment facilities, trunks and pumping stations, for each indirect connection to the System there shall be charged a fee in the amount of \$312.50 for each single-family residence equivalent. An indirect connection shall be defined as one made to lines added to the System after its original construction, the entire cost of which is paid from special assessments or private funds other than the cost of over-sizing as approved by the Village.

C. Equivalent User Factor: Each premises other than a single-family residence shall pay either a direct or indirect connection charge multiplied by a factor representing a ratio of sewage use by such class of premises to normal single-family residential use which shall be determined by dividing the average yearly metered water flow for such premises for the last three years by 70,000 gallons (9358 cubic feet).

D. Payment of Connection Charge: Connection charges as set forth above shall be due and payable in cash upon application for connection to the System; provided, however, that premises existing and occupied or for

which a construction permit was issued when service by the System became available shall have the option of paying such charges over a five (5) year period in six (6) approximately equal installments, the first such installment to be due and payable upon application for connection to the System and the balance at yearly intervals thereafter, with interest on the unpaid balance payable with each installment at the rate of seven percent (7) per annum.

INDUSTRIAL COST RECOVERY CHARGE

The Village Council shall establish a system of industrial cost recovery charges applicable to any user of the System consistent with the terms and conditions of the federal grant financing portion of the cost of the System, which charges shall be collected, held and used in the manner required by said federal grant.

SPECIAL RATES

For miscellaneous or special services for which a special rate shall be established, such rates shall be fixed by the Village Council.

BILLING

Bills will be rendered quarterly on the first day of each January, April, July and October, payable without penalty within thirty (30) days after the date thereon. Payments received after such period shall bear a penalty of five percent (5%) of the amount of the bill.

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 such lien, and whenever any such charge against any piece of property shall be delinquent for six (6) months, the Village official or officials in charge of the collection thereof shall certify annual on May 1 of each year to the Treasurer of the Village the facts of such delinquency, whereupon such charge shall be by him/her 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 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 cash deposit in the amount of \$60.00 shall have been made as security for payment of such charges and service.

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 (3) months delinquent, and such service shall not be re-established until all delinquent charges and penalties and a turn-on charge, to be specified by the Village Council, have been paid. Further, such charges and penalties may be recovered by the Village by court action.

Section 5. 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. 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 the said System as are necessary to preserve the same in good repair and working order, 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 7. Applications for 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.

Section 8. It is hereby made the duty of the Village Treasurer to render bills for sewer service and all other charges in connection therewith and to collect all monies due therefrom.

Section 9. The System shall be operated on the basis of the Village's operating year.

Section 10. It is hereby determined and declared that public sanitary sewers are essential to the health, safety and welfare of the

people of the Village of Augusta; that all premises on which structures in which sanitary sewage originates are situated shall connect to the System at the earliest, reasonable date as a matter for the protection of the public health, safety and welfare of the people of the Village, and, therefore, all premises on which structures in which sanitary sewage originates are situated or become situated and to which sewer services of the System shall be available shall connect to said System within 120 days after the mailing or posting of notice to such premises by the appropriate Village official that such services are available. Said notification and enforcement of this Section shall be conformity with Act 288 of the Public Acts of Michigan of 1972.

Section 11. The owner or owners of a single-family residence in which residence said owner or owners reside and upon which a connection charge has been imposed may submit a hardship application to the Village seeking a deferment in the partial or total payment of the connection charge provided for herein based upon a showing of financial hardship, subject to and in accordance with the following:

(a) The owners of the premises shall, under oath, complete a hardship application provided by the Village Council and file said application, together with all other information and documentation reasonably required by the Village, with the Village Council not less than sixty (60) days prior to the due date of such charge. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, excepting financial institutions having security interests in the premises.

(b) Hardship applications shall be reviewed by the Village Council, and after due deliberation of hardship applications, the Village Council shall determine in each case whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicants of said determination.

(c) An applicant aggrieved by the determination of the Village Council may request the opportunity to appear before the Village Council in person for the purpose of showing hardship and presenting any argument or additional evidence. A denial of hardship following such a personal

appearance before the Village Council shall be final and conclusive.

(d) In the event that the Village Council makes a finding of hardship, the Village Council shall fix the amount of partial or total deferment of the charge so imposed, and in so doing, shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status of an applicant said applicant shall immediately notify the Clerk of the Village so that a further review of the matter may be made by the Village Council, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:

(1) A change in the financial status of any application which removes the basis for financial hardship.

(2) A conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest in the premises or extension thereof.

(3) A death of any of the applicants.

(e) Upon a determination of the Village Council deferring all or part of the charges imposed, the owners of the premises shall, within one (1) month after such determination, execute and deliver to the Village, as the secured party, a recordable security instrument covering the premises guaranteeing payment of the deferred amounts on or before the death of any of the applicants or, in any event, upon the sale or transfer of the premises. Said security interest shall guarantee payment of an amount necessary to cover all fees and charges deferred and all costsof installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this Ordinance.

Section 12. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 13. 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. This Ordinance shall be published once, in full, in the Galesburg Argus, a newspaper of general circulation within the boundaries of the Village, and qualified under State law to publish legal notices, promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Village and such recording authenticated by the signatures of the Present and Village Clerk.

Section 15. This Ordinance is hereby determined to be immediately necessary for the preservation of the peace, health and safety of the Village and shall become effective immediately upon its adoption.

/s/ Thomas B. Conor
President

/s/ Eleanor W. Baxter
Clerk

I hereby certify that the foregoing is a true and complete copy of Sewer Rate and MANDATORY Connection Ordinance No. 151 duly adopted by

the Village Council of the Village of Augusta, State of Michigan, at a

Regular Meeting held on March 23, 1981, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that Councilman Bauserman moved adoption of said Ordinance and that Councilman Angell supported said motion.

I further certify that the following Councilmen

Angell, Bauserman, Eldridge, Makowski, McAlear, Tackett

voted for adoption of said Ordinance 151 and that the following Councilmen voted against adoption of said Ordinance None.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Village and that such recording has been authenticated by the signatures of the President and Village Clerk.

I further certify that said Ordinance has been duly published in the Galesburg Argus, a newspaper printed in Galesburg, Michigan, and circulated in the Village on March 25, 1981.

Eleanor W. Baxter
/s/ Eleanor W. Baxter
Clerk

CLERK'S CERTIFICATE

I, Eleanor Baxter, the Village Clerk of Augusta Village,
Kalamazoo County, Michigan, do hereby certify that in pursuance of law and
 statute provided, at a regular meeting of the Augusta Village Council held
 on the 13th day of July, 1981, at 7 o'clock P.M., at the
Augusta Village Hall, located within the Village of Augusta, at
 which the following members were present, the Council enacted and passed
 Ordinance No. 152, hereinbefore recorded, to become effective on the 30th
 day of August, 1981, and that the members of said Council present at
 said meeting voted on the adoption of said Ordinance as follows:

Angell	Aye
Bauserman	Aye
Eldridge	Aye
Makowski	Aye
McAlear	Aye
Tackett	Aye

I do further certify that said Ordinance No. 152 was duly published
 in the Kalamazoo Gazette, a newspaper printed in Kalamazoo,

Michigan, and circulated in Augusta Village on the 31st day of July,
 1981, and further that said Ordinance No. 152 was recorded in said
 Ordinance Book on the 17th day of August, 1981.

Dated: 8-24-81

Eleanor W. Baxter
 /s/ Eleanor W. Baxter
 Village Clerk