

SEWER RATE AND CONNECTION ORDINANCE  
-VILLAGE OF NASHVILLE-  
ORDINANCE NO. 2-14-1980-B  
Revised 3-10-16  
Effective 1-1-2017

AN ORDINANCE establishing and providing for the collection of rates and charges for sewage disposal service and providing penalties for violation of sections thereof, in the Village of Nashville, Barry County, Michigan, as follows:

ARTICLE I - DEFINITIONS

Unless the context specifically indicates otherwise, the meanings of terms used in this ordinance shall be as defined in the Village Sewer Use Ordinance, Ordinance No. 2-14-80 or as defined below.

SECTION 1. "Connection Charge" shall mean the amount charged at the time, and in the amount hereinafter provided, to each premise in the Village which must connect to the system. The new charge is based upon the proportionate cost allocable to such premises of the trunkage and availability costs associated with providing sanitary sewers and sewage treatment.

SECTION 2. "Customer Service Charge" shall mean the charge levied to all customers for customer-related administrative costs associated with the System.

SECTION 3. "Debt Retirement Charge" shall mean the charge levied to all users for retirement of bonded indebtedness associated with the System.

SECTION 4. "Industrial Cost Recovery" shall mean the recovery from each eligible industrial user that portion of US Environmental Protection Agency grants which are allocable to the collection and treatment of industrial wastes from said users.

SECTION 5. "O, M & R Charge" shall mean the charge levied to all users for operation, maintenance and replacement costs associated with the System.

SECTION 6. "Operation and Maintenance Costs" shall mean all costs, direct and indirect, necessary to provide adequate wastewater collection and treatment on a continuing basis, to conform with all federal, state and local wastewater management requirements, and to assure optimum long-term management of the Sewage Works. Operation and Maintenance Costs shall include replacement costs.

SECTION 7. "Replacement Costs" shall mean expenditures made during the service life of the System to replace equipment and appurtenances necessary to maintain the intended performance of the System.

SECTION 8. "Residential Equivalent Unit," as relected in Exhibit B. shall be related to the quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a

single family of ordinary size and the benefit derived there from, and shall be defined or determined from time to time by the Village.

SECTION 9. "Revenues" and "Net Revenues" shall have the meanings as defined in Section 3. Act 94, Public Acts of Michigan, 1933, as amended.

SECTION 10. "System" shall mean all facilities of the Village and all subsequent additions, including all sewers, pumps, lift stations, 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.

## ARTICLE II - OPERATION

SECTION 1. The operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the Village. The Village may employ such person or persons in such capacity or capacities as it deems advisable to carry out the efficient management and operations 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.

## ARTICLE III - SEWER USER CHARGE SYSTEM (revised 3-10-2016)

SECTION 1. All premises connected directly or indirectly to the sanitary sewers of the Village, except as hereinafter provided, shall be charged and shall make monthly payments to the Village in amounts computed on the basis of this Article and Exhibit B to this Ordinance as applicable.

SECTION 2. Rates to be charged for service furnished by the system shall be as described below and shown in Exhibit A to this Ordinance.

(a) Readiness to Serve (RTS): Each user of the System shall pay a monthly readiness to serve charge. Users that are also metered customers of the Village water supply system shall be charged in accordance to the nominal size of the user's water meter, as shown in Exhibit A. Multiple family units on a single master water meter shall be charged the debt retirement charge shown for the 5/8 inch water meter, per family dwelling unit. Users that are not metered water customers of the Village shall be charged an amount in proportion to the number of residential equivalent units assigned to the user's premises, as reflected in Exhibit B and shown in Exhibit A.

(b) O, M & R: Each user of the system shall pay a monthly O, M & R charge in proportion to the user's wastewater contributions to the System. Users that are also metered customers of the Village water system shall be charged as shown in Exhibit A. Users that are not metered water customers shall be charged a flat amount per residential equivalent unit assigned to the user's premise, as reflected in Exhibit B and as shown in Exhibit A.

(c) Surcharges: Each user that discharges wastewater strengths, exceeding "normal strength sewage", as defined, shall pay appropriate surcharges for treatment of excess waste strengths as shown in Exhibit A.

(d) Sewer Capital Improvement Fund Charge: Each user of the system shall pay a monthly Capital Improvement Charge for the repair, replacement, or extension of the sewer system as shown in Exhibit A. Users that are also metered customers of the Village water supply system shall be charged in accordance to the nominal size of the user's water meter, as shown in Exhibit A. Multiple family units on a single master water meter shall be charged the Sewer Capital Improvement Fund charge shown for the 5/8 inch water meter, per family dwelling unit. Users that are not metered water customers of the Village shall be charged an amount in proportion to the number of residential equivalent units assigned to the user's premises, as reflected in Exhibit B and shown in Exhibit A.

SECTION 3. For miscellaneous services or where a premises receives sewer service for which a special rate shall be established, such rates shall be fixed by the Village by resolution under the same regulations as for the passing of ordinances.

SECTION 4. 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, and are hereby recognized to constitute 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 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 notice is given that a tenant is responsible for such charges and service as provided by solid Section 21, no further service shall be rendered such premises until a cash deposit shall have been made as security for payment of such charges and service.

SECTION 5. The Village shall have the right to adjust the user charge rates based on an audit review of the System's Operation and Maintenance costs. Such an audit review shall be conducted annually by the Village.

SECTION 6. All customers of the Sewage Works will be included in a user class and each user class will pay for its proportionate use of the System in terms of volume and pollutant loading. Sewer user charges are levied to defray the cost of operation, maintenance (including replacement) and debt retirement of the System. The classes of users of the System, for the purpose of determining the user charges, shall be as defined in the Sewer Use Ordinance.

SECTION 7. Each industrial user, shall pay the proportionate share of the operation, maintenance and replacement depreciation costs of the System that are allocable to the treatment of said user's industrial wastes.

SECTION 8. Each industrial user that discharges process wastewater which does not exceed the limits of "normal strength sewage" shall be charged and shall make payments to the Village in amounts based on the actual waste volume and strength from such premises.

SECTION 9. Each user that proposes to discharge wastewater to the System which exceeds the limits of "normal strength sewage" will be required to either: (a) provide satisfactory pretreatment to reduce the strength of the wastewater to "normal strength sewage"; or (b) pay a surcharge determined by the relative concentration of BOD, suspended solids, or other pollutant as compared to "normal strength sewage."

#### ARTICLE IV - INDUSTRIAL COST RECOVERY SYSTEM

SECTION 1. Industrial users which are liable for industrial Cost Recovery, as defined, shall include the following:

(a) Any non governmental, nonresidential user of a publicly owned treatment works which discharges process wastes which are more than the equivalent of 25,000 gallons per day (gpd) of normal strength sewage wastes, as defined, and which is identified in the Standard Industrial Classification manual, 1972, Office of Management and Budget, as amended, and supplemented, under one of the following divisions;

Division A. Agriculture, Forestry, and Fishing

Division B. Mining

Division D. Manufacturing

Division E. Transportation, Communications, Electric, Gas, and Sanitary Services

Division I. Services

(b) Any non governmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure, or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in, or has an adverse effect on, the waters receiving any discharge from the treatment works.

SECTION 2. For purposes of industrial cost recovery charge calculations, computations of amounts of industrial wastes shall exclude amounts of domestic wastes and/or wastes from human sanitary conveniences, normally a part of a given industrial waste stream.

SECTION 3. Each industrial user which is subject to Industrial Cost Recovery, will be assessed an industrial cost recovery charge for use of Village Sewage Works. The charge will be levied in accordance with Federal Regulations in force after July 1, 1980 and will be based on waste volume, delivery flow rate, and pollutant loadings as they may affect the capacity of eligible Sewage Works. The Village shall reserve the right to adjust said industrial cost recovery charges to any sewer user that significantly alters its waste volume or delivery flow rate. Affected users shall only be required to pay charges for those years that they use the system and only at an annual rate in proportion to the length of the entire recovery period. The industrial cost recovery period is the time period that is provided to allow industrial users to pay their total industrial cost recovery charge and shall be equal to thirty (30) years.

SECTION 4. The industrial cost recovery charge for each affected industrial user shall be a portion of the Federal construction grant amount equal in proportion to said user's proportionate share of the total capacity of the System in terms of strength, volume and delivery flow rate. Specifically, the total industrial cost recovery charge shall be determined by the sum of the three following calculations:

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|----|--|---|
| a. | Industrial Volume Contribution<br>per unit of time<br>Plant design volume<br>per unit of time                              | (EPA grant portion allocable<br>to volume handling per unit<br>of time)           |
| b. | Industrial BOD contribution<br>per unit of time<br>Plant BOD design capacity<br>per unit of time                           | (EPA grant portion allocable<br>to BOD handling per unit<br>of time)              |
| c. | Industrial Suspended Solids<br>contribution per unit of time<br>Plant Suspended Solids design<br>Capacity per unit of time | (EPA grant portion allocable<br>to suspended solids handling<br>per unit of time) |

Industrial cost recovery charges shall be calculated and paid annually in an amount equal to the total industrial cost recovery charge for any industrial user divided by thirty (30) years.

SECTION 5. For purposes of industrial cost recovery calculations, the affected industrial user shall monitor its industrial waste stream(s) as directed by the Manager, and no less than quarterly and at the user's expense. The Manager shall reserve the right to request split samples from the user and analyze the wastes independently, the costs of which shall be borne by the user.

SECTION 6. Costs recovered from industrial users shall be deposited by the Village in a separate account unidentified as the "Industrial Cost Recovery Account". Funds shall be distributed from the "Industrial Cost Recovery Account" in accordance with US Environmental Protection Agency rules and in the following manner:

- a. The Village shall retain fifty percent of the total recovered amount. The remainder, together with any interest earned thereon, shall be returned to the US Treasury on an annual basis.
- b. Eighty percent of the retained amount, together with interest earned thereon, shall be used solely for the eligible costs of expansion or reconstruction of the treatment works and only upon written approval of the EPA Administrator, Region V. The remainder of the retained amount may be used as the Village so desires.
- c. Pending use, the Village shall invest the retained amounts for expansion and reconstruction in: (1) obligations of the US government; (2) obligations guaranteed as to principal and interest by the US Government or any agency thereof; or (3) shall deposit said amounts in accounts fully collateralized by obligations of the US Government or by

obligations fully guaranteed as to principal and interest by the US Government or any agency thereof.

## ARTICLE V - SEWER CONNECTION CHARGES

SECTION 1. Each person desiring to connect to the System shall pay a charge for the privilege of using the facilities and receiving the service of the System in the amounts given below:

- a. Initial Direct Connections: For each new direct connection constructed prior to January 1, 1983, to the lines of the System, there shall be charged a fee of \$600.00.
- b. Subsequent Direct Connections: For each direct connection constructed after January 1, 1983, to the lines of the System, there shall be charged a fee of \$600.00 plus six percent (6%) annual interest computed on the base fee of \$600.00 and beginning January 1, 1983.
- c. Subsequent Indirect Connections: For each indirect connection constructed after January 1, 1983, there shall be charged a fee of \$400.00 plus six percent (6%) annual interest computed on the base fee of \$400.00 and beginning January 1, 1983. An "indirect connection" is defined as one made to the lines of the System which were constructed with private funds or with special assessments.

SECTION 2. Connection charges as set forth above shall be due and payable in cash upon application for connection to the System unless as hereinafter provided.

- a. For each new initial direct connection to the lines of the System, the owner of premises to be served may elect to pay the connection charge in 5 equal annual payments calculated as the principal (connection charge) plus simple interest of 6 percent per annum on the unpaid balance.

## ARTICLE VI - PAYMENTS AND COLLECTIONS

SECTION 1. Bills for sewage disposal service are due and payable at the business office of the Village or to any designated agent on their date of issue and, if not paid by the 10th day thereafter, shall be deemed delinquent and shall be subject to a delayed payment charge of 10 percent thereof. Bills shall be dated and mailed monthly and shall cover one month's service. The Village may discontinue sewer service to the premises and take such other measures as are permitted by state law if it is not paid within thirty days (30) after date of issuance.

SECTION 2. All bills and notices relating to the conduct of the business of the Village and of the Sewage Works will be mailed to the customer at the address listed on the application for the connection permit, unless a change of address has been filed in writing at the business office of the Village; it shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.

SECTION 3. Applications for connection permits may be canceled and/or sewer service disconnected by the Village for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

- a. Misrepresentation in the permit application as to the property or residential equivalents to be serviced by the Sewage Works.
- b. Nonpayment of bills.
- c. Improper or imperfect and/or failure to keep building sewers in a suitable state of repair.

SECTION 4. Where the sewer service supplied to a customer has been discontinued for nonpayment of delinquent bill, the Village reserves the right to request a nominal sum be placed on deposit with the Village for the purpose of establishing or maintaining any customer's credit. Service shall not be reestablished until all delinquent charges and penalties, and a turn -charge to be specified by the Village, have been paid. Further, such charges and penalties may be recovered by the Village by court action.

SECTION 5. The Village shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for the purpose of working on the Sewage Works, all customers affected by such interruption will be notified in advance whenever it is possible to do so.

SECTION 6. Any customer has the right to appeal the basis for any charges developed in accordance with this Ordinance. Appeals shall be directed to the Village Clerk along with any supporting documentation for amendment of the charges in question. Any additional information that may be required to resolve the appeal, as directed by the Village Clerk, shall be obtained by the customer at his expense. Resolution of appeals shall be made within 30 days by the Village Clerk in accordance with best available data and the formulations presented in this Ordinance. In no event shall appeals be accepted which would require a variance in the methods of charges calculations established and in force by this Ordinance. All bills for sewage service, outstanding during the appeals process, including all penalties or delinquency charges, shall be due and payable. Pending resolution of the appeal, the Village shall adjust said charges accordingly, including any refunds due. Refunds shall be retroactive to the previous four quarters' billings only.

## ARTICLE VII - VALIDITY

SECTION 1. This Ordinance supersedes all previous ordinances and amendments pertaining to sewer rates and connections. Previous ordinances and amendments thereto are hereby repealed.

SECTION 2. If any section, clause, sentence or provision of this ordinance is determined to be invalid, said invalidity shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

## ARTICLE VIII - ORDINANCE IN FORCE

SECTION 1. This ordinance is to be in full force and effect from and after its passage, approval and publication according to the law of the State of Michigan.

SECTION 2. This ordinance shall be published once, in full, in the Maple Valley News, a newspaper of general circulation within the boundaries of the Village under State law to publish legal notices, within two (2) weeks 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 Officers so required.

SECTION 3. This ordinance shall become effective immediately upon its adoption. Rates shall become effective on the dates specified on Exhibit A to this Ordinance.

#### CERTIFICATE

I hereby certify that the foregoing is true and complete copy of Ordinance No. 2-28-1980 duly adopted by the Village Council of the Village of Nashville, County of Barry, State of Michigan, at a Public meeting held on February 28, 1980, 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 the following Members were present at said meeting - Curtis, Kohfeldt, Hinckley, Spoelstra, Babcock and Kienutske and that the following Members were absent - None.

I further certify that Member Lonny Keinutske moved adoption of said Ordinance No. 2-28-1980 and that Member Sandra Kohfeldt supported said motion.

I further certify that the following Members voted for adoption of said - Curtis, Kohfeldt, Hinckley, Spoelstra, Babcock and Kienutske and that the following Members voted against adoption of said - none.

Moved by Council member Wheeler seconded by council member Bracy that the foregoing Ordinance No. 2-14-1980-B be adopted as amended.

AYES: Bracy, Seaton, Kenyon, Wheeler, Wolff, Coll, Dunham

NAYS: none

ABSENT: none

Ordinance No. 2-14-1980-B as amended declared adopted at a regular meeting of the Nashville Village Council held on December 11, 2003.

Frank Dunham,

Cathy Lentz,



Village President

Village Clerk

I hereby certify that the foregoing is a true and exact copy of the ordinance adopted by the Nashville Village Council at a regular meeting held on December 11, 2003, and a notice of its adoption was published in the Maple Valley News on December 16, 2003.

Cathy Lentz, Village Clerk