

ORDINANCE NO. 3

SEWER USE AND RATES

An ordinance to provide for the operation and maintenance of the Lenawee County Sanitary Sewage Disposal System No. 2 (Village of Deerfield) on a public utility basis under the provisions of Act 94. Public Acts of Michigan, 1933, as amended, and to repeal all prior sewer ordinances.

THE VILLAGE OF DEERFIELD HEREBY ORDAINS:

SECTION 1. STATEMENT OF PURPOSE

It is hereby determined to be desirable and necessary for the public health, and welfare of the Village of Deerfield that the Lenawee County Sanitary Sewage Disposal System No. 2 (Village of Deerfield) be operated by said Village as Lessee and agent of Lenawee County and the County Board of Public Works 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 Lenawee County Sanitary Sewage Disposal System No. 2 Village of Deerfield, 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 appurtenance 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. MANAGEMENT OF SYSTEM

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 June 8, 1970, between the County of Lenawee and the Village of Deerfield. 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 the system and may make such rules, order and regulations as it deems advisable and necessary to assure the efficient management and operation of the Systems.

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SECTION 4. SEWER RATES

Rates to be charged for service furnished by the System shall be as follows:

- a. *Commodity Charge.* All premises served by the System shall be charged a commodity charge of five and 75/100 (\$5.75) dollar per one thousand (1,000) gallons of water used. In the event the customer is not connected to the Village of Deerfield municipal water system, the commodity charge shall be a flat fee of twenty-one and 000/100 (\$21.00) dollars for all customers.

Notwithstanding the foregoing, in the event a customer has purchased and installed a "lawn irrigation water meter" from the Village, as that term is defined in Section 3 of the Village of Deerfield Water Use and Rate Ordinance, the commodity charge for sewer usage shall not be based upon the water usage metered through the lawn irrigation water meter.

- b. *Readiness to Serve Charge.* A readiness to serve charge is hereby established for each single family residential premises served by the system in the flat amount of thirty and 00/100 (\$30.00) dollars per quarter. Each premises other than a single-family residence shall pay a monthly service utility charge of thirty and 00/100 (\$30.00) dollars per quarter multiplied by a factor representing a ratio of sewage used by such class of premises to normal single-family residential sewage use. The Village Council shall adopt and revise from time to time a schedule of such single-family residence equivalents or ratios.

- c. *Tap Charge.*

- i. Each single family residence tapping into the System and securing therefrom sewer service shall pay in cash, at the time of making application for use of the facilities and prior to tapping into the System and receiving the service of the System, a tap fee in the amount of one thousand five hundred and 00/100 (\$1,500.00) Dollars.

- ii. Each premises other than a single-family residence shall pay a tap fee of one thousand five hundred and 00/100 (\$1,500.00) dollars multiplied by the same factor as is used to establish sewer use charges under the provisions of this Ordinance. This tap fee shall be assessed at such time as the as the non-single-family residential use is established.

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

- e. *Billing.* Sewer use charge bills will be rendered quarterly, payable without penalty within fifteen (15) days after the date thereon. The billing fee shall be three and

30/100 (\$3.30) dollars per quarter. Payments received after such period shall bear a penalty of ten percent (10%) of the amount of the bill.

- f. *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 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 March 1st of each year, to the tax assessing officer of the Village of 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.

In addition to the foregoing, the Village shall have the right to terminate sewer service to any premises for which charges for sewer service are more than three (3) months delinquent, and such service shall not be reestablished until all delinquent charges and penalties, together with termination and reestablishment charges to be specified by the Village Council, have been paid. Further, all such charges and penalties may be recovered by the Village by court action.

SECTION 5. SEWER CONNECTION REQUIRED

- a. *Connection Required.* The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the Village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities and other sanitary conveniences therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this Ordinance and regulatory supplements hereto, within ninety (90) days after date of official notice to do so; provided that said public sewer is within two hundred (200) feet of the property line.
- b. *Cost of Connection.* The cost of extending any sewer lines to the property to be connected shall be borne by the property owner.

SECTION 6. PRIVATE SEWERS

- a. *Private Sewers Prohibited.* Except as hereinafter provided, it shall be unlawful to construct or maintain any private sewage disposal facility in the Village of Deerfield, or in any area under the jurisdiction of said Village.
- b. *Public Sewer Unavailable.* Where a public sanitary sewer is not available under the provisions of Section 5, by virtue of the fact that the existing sewer line is

more than two hundred (200) feet from the property line, the building sewer shall be connected to a private sewage disposal facility constructed in compliance with State law, regulations of Lenawee County and the regulations of the Village Council. The owner shall operate and maintain the private sewage disposal facility in a sanitary manner at all times, at no expense to the Village.

- c. *Duty to Connect When Public Sewers Become Available.* At such time as a public sewer becomes available to any property from which sanitary sewage emanates, as provided in Section 6, the Village Council of the Village of Deerfield shall cause appropriate notice to be served upon the owner of such property that a public sewer is ready and available to receive connections thereto. If any property from which sanitary sewage emanates has not been connected to an available public sanitary sewer within six months from the date of said availability or from date of improvement of the property subsequent to said availability so as to become property from which sanitary sewage emanates, the Village Council shall cause a written demand to be sent by first class mail, postage paid to the owner of the property according to the last recorded deed of conveyance pertaining hereto, at the address of the property and posed beside an entrance to a building on the property, requiring a connection to be made forthwith. The demand shall give the approximate location of the sewer which is available for the connection of the property involved and shall advise the owner and occupant of the property of the requirements and of the enforcement provisions of this Ordinance. Said notice shall also state that the use of private sewage disposal facilities on said property shall be discontinued, the plumbing shall be disconnected therefrom, all cesspools and privy constructed from materials other than concrete, concrete blocks or cement shall be filled with fresh earth.

SECTION 7. FREE SERVICE PROHIBITED

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 8. ESTABLISHING RATES

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, to provide for the payment of the contractual obligations of the Village to the county of Lenawee pursuant to the aforesaid contract between said County and the Village of Deerfield 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.

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SECTION 9. FISCAL YEAR

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

SECTION 10. COLLECTION OF REVENUES

The revenues of the System shall be set aside, as collected and deposited in a separate depository account in the Deerfield State Bank, Deerfield, Michigan, a bank duly qualified to do business in Michigan, in an account to be designated SEWAGE DISPOSAL SYSTEM RECEIVING FUND (hereinafter, for brevity, referred to as the "Receiving Fund") and said revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the times hereinafter specified.

- a. *Operation and Maintenance Fund.* Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a depository account, designated OPERATION AND MAINTENANCE FUND, a sum sufficient to provide for the payment of the next quarter's current expense of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.
- b. *Contract Payment Fund.* There shall next be established and maintained a depository account, to be designated CONTRACT PAYMENT FUND, which shall be used solely for the payment of the Village's obligations to the County of Lenawee pursuant to the aforesaid contract. There shall be deposited in said fund quarterly, after requirements of the Operation and Maintenance Fund have been met, such sums as shall be necessary to pay said contractual obligations when due. should the revenues of the Systems prove insufficient for this purpose, such revenues may be supplemented by other funds of the Village legally available for such purpose.
- c. *Replacement Fund.* There shall next be established and maintained a depository account, designated REPLACEMENT FUND, which shall be used solely for the purpose of making major repairs and replacements to the System if needed. There shall be set aside into said fund, after provision has been made for the Operation and Maintenance fund and the contract Payment Fund, such revenues as the Village Council shall deem necessary for this purpose.
- d. *Improvement Fund.* There shall next be established and maintained an IMPROVEMENT FUND for the purpose of making improvements, extensions and enlargements to the System. There shall be deposited into said fund, after providing for the foregoing funds, such revenues as the Village council shall determine.

- e. *Surplus Monies.* Monies remaining in the Receiving fund at the end of any operating year, after full satisfaction of the requirement of the foregoing funds, may, at the option of the Village council, be transferred to the Improvement Fund or used in connection with any other project of the Village reasonably related to purposes of the System.
- f. *Bank Accounts.* All monies belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the monies shall be allocated on the books and records of the Village within this single bank account, in the manner above set forth.

SECTION 11. TRANSFER OF FUNDS TO COVER DEFICITS

In the event that the monies in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any monies and/or securities in other funds of the system, except sums in the Contract Payment Fund derived from tax levies, shall be transferred to the Operation and Maintenance fund, to the extent of any deficit therein.

SECTION 12. INVESTMENT OF FUNDS

Monies 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 13. PROHIBITED DISCHARGE

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run off, weep tile, subsurface drainage, cooling water, footer tile, sump pumps, downspouts or unpolluted industrial process waters into any sanitary sewer.

SECTION 14. STORM DRAINAGE

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated storm sewer or to an approved natural outlet. (If available).

SECTION 15. EXISTING CONSTRUCTION

Drainage from sump pumps, downspouts, footer tile weep tile, which discharge directly into any sanitary sewer shall be removed within 12 months after enactment of this

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ordinance so that said discharge is eliminated.

SECTION 16. DOWNSPOUTS

Must be removed and discharged upon the ground piped five feet away from foundation walls. No approval shall be given by the Village representative unless the method being used shall provide a positive slope of the ground surface away from the building foundation walls.

SECTION 17. INSPECTION

The Village shall inspect the property of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Village or its representative ready to access at a reasonable time for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance.

SECTION 18. DECLARATION OF NUISANCE

Any property from which sanitary sewage emanates which is not connected to an available public sanitary sewer within ninety days of the date of mailing or posting of the written demand whichever occurs later, or any other violation of the terms and provisions of this Ordinance is hereby declared to be a threat to the health, safety and welfare of the residents of the Village of Deerfield and a nuisance per se.

SECTION 19. CIVIL ENFORCEMENT OF ORDINANCE

- a. In the event any property is not connected to an available sewer as required herein, the Village shall cause entry to be made upon said property for the purpose of installing, constructing and making such connections to abate the nuisance and serve the property, as is necessary or desirable in the sole discretion of the Village council and the rules and regulations of this Ordinance and the laws of the State of Michigan.
- b. The Village Council further is vested with the power to withhold the use of Village water from the municipal water system from any person who has refused or is unable to comply with the terms of this ordinance. Action to withhold the use of Village water may be taken by the Village Council on its own motion or upon recommendation of the Village Superintendent. There shall be a fee of five hundred (\$500) charged to reconnect any person from whom water service is withheld.

SECTION 20. PENALTIES AND REMEDIES FOR VIOLATIONS

a. *Civil Infraction.*

- i. Any person violating any provision of this Ordinance shall be deemed responsible for a civil infraction.
 - ii. Penalties may be imposed in fines as follows:
 - (1) first violation \$100.
 - (2) second violation within a 4-year period \$125.
 - (3) third violation within a 4-year period \$250.
 - (4) fourth or subsequent violation within a 4-year period \$500.
 - iii. In addition to the above prescribed civil fines, costs in the amount of \$10 shall be assessed by the bureau if the fine and costs are paid within 10 days of the date of service of the municipal ordinance violation notice. Otherwise, costs of \$20 shall be assessed by the bureau. Further, any person deemed responsible for a civil infraction shall also be liable to the Village for the actual attorney fees incurred by the Village in prosecute any such infraction.
- b. *Equitable Relief.* In addition to the foregoing, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Village Council, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief. Any person found by a court of competent jurisdiction to have created or maintained a nuisance per se shall be liable to the Village for the actual attorney fees incurred by the Village in bringing an action to abate the nuisance.

SECTION 21. SEVERABILITY

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 22. REPEALER

All other ordinances, resolutions or orders, or parts thereof, dealing with any of the matters herein above stated are repealed.

SECTION 23. PUBLICATION

This Ordinance shall be published once, in full, in the Blissfield Advance, Blissfield, Michigan, a newspaper of general circulation with the boundaries of the Village and qualified 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 Village President and Village Clerk.

SECTION 24. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its publication.

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UNIT FACTOR SCHEDULE

The following schedule are the unit factors for the various classes of sewer users within the Village of Deerfield:

Single residences	1.00
Bank	1.00
Bank community room.....	0.50
Barber shop.....	1.00
Bars or taverns	1.50
Beauty shops	1.00
Beauty shops in home - per booth	0.25
Bowling alleys -	
With bar or dining facility	1.50
Without bars or dining facilities	1.00
Car wash coin operated (manual) -	
First stall	1.00
Each additional stall.....	0.25
Churches -	
With kitchen facilities and/or hall.....	1.50
Without kitchen facilities and/or hall.....	1.00
Factories (exclusive of excessive industrial use) - per average of 15 employees	1.00
Fraternal organizations -	
Membership use only	1.00

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Other than member use.....	1.50
Grocery store	1.00
Laundry (self serve) - per washer.....	0.25
Mobile Homes - per unit	1.00
Multiple family residence -	
Minimum 2 bedroom, kitchen and bath.....	1.00
Minimum 1 bedroom, kitchen and bath.....	0.50
Office in commercial building	1.00
Post Office.....	1.00
Restaurant.....	1.00
School - per classroom or teaching station	1.50
Service station.....	1.00
Store (other than specifically listed)	1.00
Warehouse (with no sewer or water connection)	1.00

No facility shall be assigned a factor of less than 1.00. At such time as any sewer users within the Village of Deerfield changes the character of the use of their premises so as to fall within a category which is assigned an unit factor greater than the unit factor previously applied, such users shall pay to the Village of Deerfield sewer use charges using the higher unit factor, however, there shall be no additional tap charges assessed. In the event that the use of a facility changes so that the unit factor is reduced, then the sewer use charges shall also be reduced but there shall be no rebate of tap fees already paid nor shall any reduction be made in any installments unpaid at the time of change in use.