

ORDINANCE NO. 2015-1

CITY OF EVART
OSCEOLA COUNTY, MICHIGAN

AN ORDINANCE TO AMEND EVART CITY CODE, CHAPTER 1044 – USER FEES AND CHARGES

THE CITY OF EVART, OSCEOLA COUNTY, MICHIGAN, ORDAINS

SECTION 1: PURPOSE AND INTENT

The purpose of this Ordinance is to amend Evert City Code, Chapter 1044, as it relates to User Fees and Charges.

SECTION 1: Chapter 1044 of the Evert City Code, is amended to read as follows:

**CHAPTER 1044
USER FEES AND CHARGES**

1044.01 Purpose

It is the purpose of this chapter to provide for the payment of Water and Sewer System User Service fees, to compensate the City of Evert Water and Sewer Systems for the cost of administration, operation and maintenance of the Sewer and Water Systems.

1044.02 General

- (1) User charges shall be established by resolution of the City of Evert. User charges shall be based on the principle of imposing the cost of the Sewer and Water System directly upon the Users. This is to be accomplished by keeping accurate records and reports of the two systems.

1044.03 Sanitary Sewage Work Rate Structure

- (1) Property tax revenues may be used for supporting sewage works costs only for the construction of new collector sewers and where specifically obligated by the citizens of the City of Evert.
- (2) To determine the sanitary sewage flow from any establishment, the Superintendent may use one of the following methods:
 - a) The amount of water supplied to the premises by the city or a private water supply as shown upon the water meter if the premises are metered, or

- b) If the premises are supplied with river water or water from private wells, the amount of water supplied from such sources as estimated by the Superintendent from the water, gas or electric supply, or from averages of similar users, or
 - c) If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the Superintendent from the water, gas or electric supply, or
 - d) The number of gallons of sewage discharged into the sewer system as determined by the measurements and samples taken at a monitoring station installed by the owner of the property served by the sewer system at his own expense.
- (3) The transportation and treatment costs for sewage originating outside of the City of Evert will be borne by the users in that area. Individual agreements will be established to provide sufficient income to cover the actual costs of the service.
- (4) Where surveillance of sewage discharges is required to determine the quantity and strength of sewage flows to insure compliance with this regulation, the user shall be billed for the actual cost of this surveillance incurred by the City.

1044.04 Water System Rates, Charges and Fees

The rates shall be established by the City Council, by resolution, and shall be sufficient to provide for the payment of all expenses for the administration, operation and maintenance of the water system as may be necessary to preserve the same in good repair and working order; to provide for the payment of the interest upon and the principal of all bonds or loans payable therefrom, as and when the same shall become due and payable, and for the creation of a reserve as required and necessary to build up a fund for replacement of the water system or any portion thereof. Rates shall be fixed and revised from time to time by the City Council so as to produce the foregoing amounts and the City shall maintain at all times such rates for services furnished by the water system as shall be sufficient to provide for the foregoing. Current Water System Charges and Fees shall be kept on file at the City of Evert offices.

1044.05 Sanitary Sewer System Rates, Charges and Fees

The rates shall be established by the City Council by resolution and shall be sufficient to provide for the payment of all expenses for the administration, operation and maintenance of the sanitary sewer system as may be necessary to preserve the same in good repair and working order; to provide for the payment of the interest upon and the principle of all bonds or loans payable therefrom, as and when the same shall become due and payable, and for the creation of a reserve as required and necessary to build up a fund for replacement of the sanitary sewer system or any portion thereof. Rates shall be fixed and revised from time to time by the City Council so as to produce the foregoing amounts and the City shall maintain at all

times such rates for services furnished by the sewer system as shall be sufficient to provide for the foregoing. Current Sanitary Sewer System Chargers and Fees shall be kept on file at the city of Evert offices.

1044.06 Other Charges and Fees

The City shall adopt other charges and fees administering the water and sewer systems by resolution. No free water shall be furnished to any person, firm or corporation, public or private, or to a public agency or instrumentality.

These damages and fees may include:

- a) Fees for monitoring, inspections, and surveillance procedures*
- b) Fees for permit applications (permits only)
- c) Fees for filing appeals
- d) Fees for reviewing accidental discharge procedures and construction
- e) Fees for review of plans for additions or connections to municipal systems
- f) Fees for review of pretreatment plans, specifications, and construction
- g) Fees for special studies or continuous studies to evaluate pretreatment systems

h) **Illegal Disconnection, Connection or Tampering With a Water Meter.** For illegally disconnecting, connecting or tampering with a water meter, the property owner shall be charged two times the cost of the last monthly billing. No service shall be provided until such bill is paid in full. If not paid, such cost shall be added to the property taxes and collected as delinquent.

i) **Ready to Serve Charge.** The Ready to Serve Charge shall be charged against every premises connected to the Water Supply System and/or the Sanitary Sewer System whether the utility is used or not. This monthly charge is based on the size of each meter on the customer's premises. The charge is designed to recover costs that do not vary with consumption. These costs include those of meter reading and billing customers, a portion of the systems debt service costs, and maintenance and replacement of meters and service lines in the collection/distribution system. It also represents "an ability to serve" charge. This means that water will be supplied through public water lines large enough to meet the demands of each customer and the needs of a City-wide fire protection system. Additionally, the sanitary sewer collection/treatment/disposal system is of adequate size for the City-wide demand. The charge is in addition to the systems commodity charge, which is based on the amount of water consumed. In the case of multi-unit residences, each unit shall be charged a monthly Ready to Serve charge equivalent to a typical resident.

j) Fee for water Turn-On after Disconnection. If service is disconnected, a fee, as established by Council, shall be charged to turn the utilities back on. In the case of winter shut-offs, no charge shall be made to turn the utility off. However, a fee shall be charges to turn service back on.

k) Final Readings. At least seventy-two (72) hours' notice shall be given to the City for a final notice reading on a property. If such time limit cannot be given, a fee, as established by Council, shall be made to perform the work on an emergency basis.

l) Contracts for Service. No user shall receive service from the Water Supply System or the Sanitary Sewer System without first completing a contract application and providing evidence of ownership of the property to be served or, if the user rents or leases the property being served, until providing sufficient deposit with the City to be retained by the City until the renter leaves the property being served. No utility service will be activated without a signed contract, and no billings shall be made to "Occupant" or any person other than the property being served or tenant who has complied with the requirements of this Section, or such other persons as the City Manager approves.

m) Billing Cycle Collection. The City manager shall have charge of the reading of all meters and shall have all meters read periodically, but at least quarterly. Bills for water service shall be due and payable when rendered. The Treasurer shall be responsible for collecting all charges and crediting the proper account.

n) Non-payment of Bills. All bills not paid shall result in the termination of water service to the premises. No user who has paid his or her water shut off shall reactivate his or her service by their own action. The city may disable the service to prevent future reactivations.

o) Liens. By Section 21 of Act 94 of the public Acts of 1933, as amended, and by the terms of this chapter, the rates and charges for service furnished by the Water Supply System shall be liens on the property served. The City shall certify those rates and charges delinquent for six months or more to the City tax assessing officer, who shall enter the amount of the delinquent rates and charges on the tax roll against the premises to which the service was rendered, and who shall collect the rates and charges and enforce the lien in the same manner as provided for the collection of ad valorem property taxes assessed upon the same roll and the enforcement of the lien for taxes.

For premises equipped with a separate water shut-off, in all cases where a tenant represents to the City, by filing an affidavit evidencing the legal execution of a lease containing a provision that the lessor shall not be liable henceforth for the payment of water or sewage system bills, then the tenant shall pay to the City

a deposit as set by the resolution of the City Council from time to time as security for payment of future rates and charges. If the tenant fails to pay rates and charges the delinquent rates and charges shall not become a lien against the premises. The City shall, however, cease to provide water service to the tenant's premises until the tenant pays the delinquent charges in full.

*This fee can be changed pursuant to a specification in a permit or contract for administrative enforcement. It can optionally be included as an element of the Sewer Charge System.

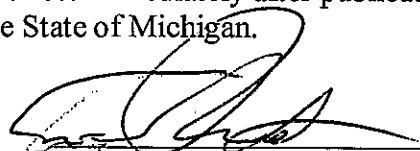
1044.07 Enforcement

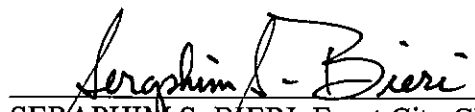
The charges for water and sewage disposal service which are, under the provisions of Section 21 of Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all premises served thereby, unless notice is given that a tenant is responsible, which notice shall include a true copy of the lease of the affected property, and hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six (6) months, the City Official or officials in charge of the collection thereof shall certify annually on April first of each year to the tax assessing officer of the City the fact of such delinquency, where upon such charge shall be by such tax assessing officer entered upon the next tax roll as a charge against said premises and shall be collected and the lien thereon enforced. In addition to other remedies provided, the City shall have the right to shut off and discontinue the supply of water to any premises for the non-payment of the rates when due. If such charges are not paid within thirty (30) days after the due date thereof the water shall not be restored until the sums then due and owing shall be paid, plus a turn-on charge, as determined from time to time, by resolution of the City Council.

All other Ordinances regulating user fees and charges are hereby repealed.

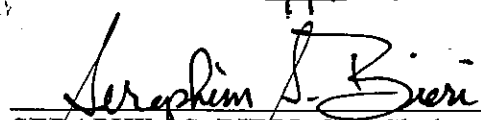
SECTION 2: This Ordinance shall take effect immediately after publication in the newspaper as provided by the laws of the State of Michigan.

Date: January 21, 2015


ERIC SCHMIDT, Mayor


SERAPHIM S. BIERI, Ewart City Clerk

I, Seraphim S. Bieri, City Clerk for the City of Ewart, hereby certify that the above Ordinance was adopted on the 19th day of January, 2015.


SERAPHIM S. BIERI, City Clerk

