

ORDINANCE. NO. 129

AN ORDINANCE ESTABLISHING CHARGES FOR USERS OF THE VILLAGE OF CALUMET WASTE-WATER DISPOSAL SYSTEM FACILITIES.

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The Village Council of the Village of Calumet, Houghton County, Michigan hereby ORDAINS:

SECTION 100 - PREAMBLE

**VILLAGE OF CALUMET
WASTEWATER DISPOSAL SYSTEM FACILITIES**

The fees, rates and charges for using the Village of Calumet wastewater disposal system facilities shall be upon the conditions and in the amounts set forth in Section 100 et. seq., except where this ordinance is declared inapplicable for a particular user by a written contract providing for alternative charges between such user and the Village.

SECTION 105 - DEFINITIONS

For the purpose of this ordinance, the following words, terms and abbreviations shall have the meaning set out below, unless the context specifically indicates otherwise.

Subdivision 1051 - ADMINISTRATIVE COST means the cost to administer the wastewater disposal system, including billing and collecting charges, audits of accounts, and insurance.

Subdivision 1052 - BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees C., expressed in milligrams per liter, as determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

Subdivision 1053 - CAPITAL COST means all reasonable and necessary costs and expenses incurred by the Village in planning, designing, financing and constructing disposal system facilities, including, but not limited to costs and expenses for obtaining necessary permits, licenses, approvals, and grants for design and construction costs; fees for legal and consulting services; and acquisition.

Subdivision 1054 - COMMERCIAL USER means those commercial establishments, business establishments, or establishments seeking profit which contribute normal domestic sewage strength waste to the treatment facility.

Subdivision 1055 - DEBT SERVICE means the principal and/or interest necessary to pay bonded or other indebtedness related to capital costs.

Subdivision 1056 - DEBT SERVICE CHARGE means the charge related to the principal and interest necessary to pay bonded or other indebtedness related to capital costs for facilities owned or operated by the Village.

Subdivision 1057 - DOMESTIC USER or RESIDENTIAL USER means that discharge coming from domiciles in the service area which contribute that strength equal to or less than normal domestic waste.

Subdivision 1058 - FLOW means the quantity of sewage expressed in gallons or cubic feet per twenty-four (24) hours.

Subdivision 1059 - GENERAL MUNICIPAL FLOW means the total sewage flow discharged to the wastewater disposal system facilities, minus the flows from industrial users, other municipalities, and contract users and therefore, includes sanitary wastes and infiltration. General municipal flow includes flow from domestic users, commercial users, institutional users and government users.

Subdivision 1060 - GENERAL MUNICIPAL USER means any user discharging sewage to the general municipal flow other than industrial users and other contract users.

This category of user includes as subcategories: domestic users, commercial users, institutional users, and governmental users, which are not contract users.

Subdivision 1061 - GOVERNMENTAL USER includes those establishments who function in the administration and/or execution of governmental programs as well as the office of executives, legislative bodies and agencies which provide general support services for government.

Subdivision 1062 - INDUSTRIAL USER means a user who discharges to the municipal wastewater disposal system liquid wastes resulting from the processes employed in industry, manufacturing or from the development of any natural resource. Industrial wastewater discharges are typically more concentrated than normal domestic strength wastewaters.

Subdivision 1063 - INSTITUTIONAL USER means those establishments engaged in activities of a non-economic nature, frequently being the performance of services for the general public (health, educational, social), and not classified as a governmental or commercial user in this ordinance.

Subdivision 1064 - LOAD means quantities of sewage characteristics such as BOD, SS, and other constituents as expressed in milligrams per liter (mg/l) or pounds per twenty-four (24) hours (lbs./24 hours).

Subdivision 1065 - NORMAL DOMESTIC STRENGTH WASTE shall mean a liquid waste that is generated by a typical residence, with an assumed concentration of 200 mg/l BOD, 240 mg/l suspended solids, and 30 mg/l ammonia.

Subdivision 1066 - OPERATION AND MAINTENANCE COSTS (O & M COSTS) means the expense related to the costs of the operation, maintenance, and replacement of the wastewater disposal system facilities.

Subdivision 1067 - REPLACEMENT COSTS means costs related to the expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the useful life of the wastewater disposal system facilities for which such facilities were designed and constructed. The term "operation and maintenance" includes replacement.

Subdivision 1068 - RESIDENTIAL USER means a user of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons including dwelling units such as detached, semi-detached, rural houses, mobile homes, and multiple family dwellings.

Subdivision 1069 - SANITARY WASTES means the liquid and water carried wastes discharged from sanitary plumbing facilities.

Subdivision 1070 - SEWAGE means the liquid carried waste products from whatever source derived, together with such groundwater infiltration and surface water as may be present.

Subdivision 1071 - SEWER means a pipe or conduit for carrying sewage, industrial waste and other waste liquids.

Subdivision 1072 - SEWER SERVICE CHARGE means the aggregate of all the charges including the user charges, debt service charges and other sewer related charges that are billed periodically to users of the wastewater disposal system facilities.

Subdivision 1073 - SEWER SYSTEMS means pipelines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage.

Subdivision 1074 - SIGNIFICANT INDUSTRIAL USER means any industrial user who discharges sewage which constitutes greater than ten percent (10%) of the design flow or design pollutant loading of the wastewater treatment plant.

Subdivision 1075 - SS (DENOTING SUSPENDED SOLIDS) means solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering, in accordance with the latest edition of Standards for the Examination of Water and Wastewater.

Subdivision 1076 - USER means any person, firm, corporation, or other entity, whether municipal or otherwise, discharging sewage into the Village disposal system facilities.

Subdivision 1077 - USER CHARGE means a charge levied on users of wastewater disposal system facilities for the cost of operation and maintenance and replacement of such facilities.

Subdivision 1078 - USER CLASS refers to one of the following: residential user, commercial user, industrial user, institutional user and/or governmental user.

Subdivision 1079 - VILLAGE means the Village of Calumet, Houghton County, Michigan.

Subdivision 1080 - WASTEWATER DISPOSAL SYSTEM means any facility, appurtenant structures, or arrangement of devices used for the treatment of sewage, and includes the sewer system and any private disposal systems improved by federal funds obtained through the Village.

SECTION 110 - GENERAL

It is the purpose of this ordinance to recover from the users of the wastewater disposal system facilities, on an equitable and proportional basis, the overall share of the wastewater disposal system facilities costs attributed to such users, and to provide funds for the operation and maintenance, debt service, administration, replacement and improvements of the wastewater disposal system.

Subdivision 1101 - The Sewer service charges provided in this section are hereby levied and assessed upon each parcel of land, building or premises having any connection with, or having a discharge into, whether directly or indirectly, the sanitary sewer system. No free services will be granted. Equal rates of treatment for all users will be enforced based upon the user charge system.

Subdivision 1102 - The Village Council shall at least annually determine and fix by resolution, the unit costs for use of the wastewater disposal system facilities on the basis of number of users, flow, BOD, SS, ammonia and any other pollutant, taking into consideration the cost of treatment of sewage and may increase or decrease such cost as often and in such amounts as may reasonably be required to accomplish the purposes of this section based upon the user charge system.

Subdivision 1103 - The Village Council shall compute the amount due the Village for sewer user charges and render a statement thereof, at the intervals determined by resolution of the Village Council to the owner or occupant of any premises using the wastewater disposal system facilities or any component thereof. Such charges shall be pursuant to the most recent resolution establishing charges and rates in accordance with this ordinance. All amounts due hereunder shall be payable at the Village office or other designated locations. Equal rates for OM&R will be charged for all users of the system.

Subdivision 1104 - The Village shall each year provide an internal audit report that will address specific areas of concern including: the need to generate sufficient revenue through user charges to cover total O & M costs; debt service costs; the necessity of maintaining a proportionate system of user charges pursuant to current federal regulations; the need to review the replacement account to determine its proper level of funding.

SECTION 115 - BILLING PRACTICE

Subdivision 1151 - The debt service charge, administration charge, operation and maintenance charge, and any required surcharge provided in this ordinance shall be included as separate items on the periodic billing statement. The bill will be payable in accordance with the schedule established by the Village.

Subdivision 1152 - All portions of the sewer service charge shall be payable at the time the bill for same is issued.

Subdivision 1153 - Charges levied in accordance with this ordinance shall be a debt due to the Village and shall be a lien upon the property. If this debt is not paid within twenty (20) days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the Village against the property owner, the person or both. On all delinquent bills, the Village shall include a charge at the rate of three percent (3%) per month from date of billing. If full payment is not received prior to September 15, the delinquent bill will be forwarded to the County for placement on the succeeding tax roll.

In the event of failure to pay sewer service charges after they become delinquent, the Village shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purposes.

The expenses of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to the Village and lien upon the property and may be recovered by civil action in the name of the Village against the property owner, the person or both.

Sewer service shall not be restored until all charges, including the expense of service removal and restoration, shall have been paid.

Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

Subdivision 1154 - The Village shall annually notify each user in conjunction with a regular bill of the breakdown of the rates and user charges related to the wastewater disposal system.

SECTION 120 - FUNDS FROM SEWER SERVICE CHARGES

The funds received from the collection of the charges authorized by the ordinance shall be deposited as collected in the wastewater disposal system Operating Fund and shall be used for debt service, operation and maintenance, replacement, administration, and improvements to the wastewater disposal system except that the portion of any such funds which is limited to a particular use by applicable State and Federal rules or regulations shall be used in compliance with such restrictions. Separate accounts for each activity shall be maintained.

SECTION 125 - UNIT COST CATEGORIES

The cost to be recovered pursuant to this ordinance and the costs to be fixed by the Village in Subsection 110, Subdivision 1102 shall be determined and allocated in each of the following categories:

Subdivision 1251 - "Category A," Debt Service for Wastewater Disposal System Facilities Project: This shall be the amount of the annual interest and principal cost necessary to retire the bond or bonds issued to pay for the local share of any necessary capital improvement projects along with any other interest and principal related to capital costs for facilities owned by this Village.

Subdivision 1252 - "Category B," Operation and Maintenance -- Wastewater Disposal System Facilities: This shall be the annual cost of operating and maintaining the wastewater disposal system facilities, including an amount for replacement costs of equipment, which shall be segregated in a separate fund.

Subdivision 1253 - "Category C," Administration of Wastewater Disposal System Facilities: This shall be the annual cost of administrating the wastewater disposal system, including billing and collecting charges, audits of accounts, and insurance.

SECTION 130 - DEBT SERVICE CHARGES

Subdivision 1301 - The debt service charges for capital improvement projects (Section 125, Subdivision 1251, Category A) shall be determined by the flow measured by the water meter at each user's premises. The unit cost for flow shall be calculated by dividing the Category A (Debt Service) cost by the total metered flow sold to users of the wastewater disposal system.

SECTION 135 - MEASUREMENTS OF STRENGTH AND VOLUME

Subdivision 1351 - When required by the Village, each wastewater system user who discharges abnormally high strength or high volume wastewater shall install suitable wastewater measuring, sampling and analyzing devices in compliance with the Sewer Use Ordinance.

Subdivision 1352 - The Village shall not require the installation of measuring devices where the Village determines that a user has a wastewater with concentrations of BOD and ammonia that are no greater than the constituents in normal domestic strength waste and a satisfactory method and location exists for sampling and determining the total daily sewage flow. In such cases, the charges to those users shall be based on the flow rates as determined and on BOD, suspended solids, and ammonia load equal to the average load of the normal domestic strength waste.

Subdivision 1353 - Each user required by the Village to install and maintain wastewater monitoring facilities, shall submit to the Village a monthly report of daily flow, BOD, suspended solids, and ammonia or other constituent on a form approved by the Village. This report shall be used for billing purposes and shall be submitted prior to the 15th day of the subsequent month.

Subdivision 1354 - The Village shall have the right to periodically or continuously inspect the monitoring facilities, to measure, sample and analyze the samples obtained by the user. The Village may, at its direction, charge the user for any monitoring service performed, such charges shall be at cost.

In the event of any discrepancy between the flows or loads determined by the Village and the user, the values determined by the Village shall be used for the billing purposes.

SECTION 140 - OPERATION AND MAINTENANCE CHARGES

Subdivision 1401 - The charge for operation and maintenance shall be determined by the flow measured by the water meter at each user's premises and in cases of use by other than general municipal users, by the pollutant concentrations of the sewage.

The unit cost for flow shall be calculated by dividing the Category B (Operation and Maintenance) Cost by the total metered flow sold to users of the wastewater disposal system.

Subdivision 1402 - Users discharging wastewater exceeding the BOD, suspended solids (SS) and/or ammonia parameters of the general municipal flow shall pay an additional charge pro rata. The unit cost for BOD, SS, and ammonia shall be calculated by apportioning the Category B (Operation and Maintenance) Cost to flow, BOD, SS, and ammonia; and then dividing each cost so apportioned by the total billable flow, BOD, SS, and ammonia received at the wastewater treatment facility in that year. The user charge shall be the sum of the products obtained by multiplying the unit costs as determined above by the user's actual flow, BOD, SS, and ammonia during the billing period.

Subdivision 1403 - In addition to the charges provided for herein, the Village must impose a surcharge on any user pursuant to the Sewer Use Ordinance or based on some other pollutant loading factor which requires special treatment at the wastewater treatment works.

Subdivision 1404 - Facilities not having a water supply that is metered or if the meter readings are not available, shall be charged based on the flow anticipated from a typical single family dwelling. The typical single family dwelling shall be assigned a flow value of 1 and shall pay for the wastewater disposal system use on a fixed monthly charge basis. Using this basic charge, sewer service charges for the other than residential dwellings shall be calculated by the Village as follows:

- a. Each unit of the townhouse shall have a value of 1.
- b. Condominiums, duplex units and apartments shall have a value of 1.0 for each living unit.
- c. Mobile homes shall have a value of 1.0.
- d. Commercial and industrial building units shall be assigned a minimum value of 1 living unit.
- e. Other buildings and structures not listed in the table below shall be assigned a value of 1 for each multiple of the estimated annual wastewater discharge anticipated from the typical single family dwelling.
- f. All non-family dwellings may be required to install and maintain water meters at no charge to the Village. The Village reserves the right to require annual tests to insure accurate flow.

The following is a listing of standards used in assigning the flow value for various commercial, public and institutional facilities.

TYPE OF FACILITY	PARAMETER	FLOW VALUE
Arenas	100 seats	1
Automobile Service Center	2 service bays	1
Barber Shop	each	1
Bible Camp	5 campers (persons)	1
Boarding House	3 beds	1
Bowling Alleys	3 alleys	1
Cabins, Modern (rental units & part of a resort)	3 units	2
Campground w/Central Bath Facilities	2 sites	1
Car Wash	each	30
Car Wash (self service)	1 stall	1
Churches	250 seats	1
Club House (shower heads)	each	12
Cocktail Lounge	25 seats	1
General Office Building	2,400 sq.ft. Floor Space	1
Hospitals	1 bed	1
Laundromats or Laundry Rooms	1 machine	1
Motels and Hotels (assume 2 persons per room)	2 rooms	1
Recreational Vehicle Campground (with individual sewer hookups)	3 hookups	2
Resorts (with housekeeping)	3 units	2
Restaurant (drive-in)	9 parking spaces	1
Restaurant (24-hour service)	12 seats	1
Restaurant (w/cocktail lounge)	9 seats	1
Retail Stores	3,000 sq.ft. Floor Space	1
Rooming House	7 beds	1
Schools (Elementary)	20 students	1
Schools (Secondary)	15 students	1
Service Station (gas pumping only)	each	1
Service Station w/service center and car wash	each	8
Swimming Pools	27 swimmers	1
Theater	75 seats	1
Theater (drive-in)	55 parking spaces	1
Trailer Park or Campground w/central bathhouse	2 sites	1
Trailer Park or Campground w/flush toilets & no showers	3 sites	1
Warehouses	14 employees	1

Subdivision 1405 - There shall be a minimum monthly sewer service charge that shall be equal to the debt service charge based on the flow anticipated from a typical single family dwelling plus the administrative charge. The minimum charge shall be levied when no wastewater is discharged by a user during one complete billing period.

Subdivision 1406 - Unmetered users may install their own meter and be charged in the same manner as metered customers if the meter is installed and maintained pursuant to all Village rules and regulations.

Subdivision 1407 - If a substantial portion of the water utilized by any user is not discharged into the sewer system, the volume of such water shall be deducted in computing the sewer use charge, provided a separate meter is installed to measure such volume. The user desiring to install such separate meter shall make application and payment for the meter to the Village and engage, at their own expense, a plumber to affect the necessary piping changes and install the couplings so the meter can be set. The user may also make direct payment to the distributor for the necessary meter provided it is approved by the Village.

SECTION 142 - VALIDITY

Subdivision 1421 - REPEAL OF CONFLICTING ORDINANCE. All ordinances or parts of ordinances or regulations in conflict with this ordinance are hereby repealed.

Subdivision 1422 - INVALIDATION CLAUSE. Invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other section, clause, sentence, or provision of this ordinance which can be given effect without the invalid part or parts.

Subdivision 1423 - AMENDMENTS. Public Notice shall be given in accordance with applicable provisions of the State and Federal law prior to adoption of any amendments to this ordinance.

SECTION 145 - EFFECTIVE DATE

Subdivision 1451 - DATE EFFECTIVE. This ordinance shall take effect and be in force from and after the date of enactment.

Subdivision 1452 - DATE OF ENACTMENT. Passed and adopted by the Village Council of the Village of Calumet in the county of Houghton and the state of Michigan on this 19 day of May, 1992.

YES: 6

NO: 0

ABSENT: 1


President


Clerk

RESOLUTION ESTABLISHING RATES
AND CHARGES FOR SEWER USE


WHEREAS, the Village of Calumet has applied for state and federal assistance in the upgrading of wastewater facilities;

NOW, THEREFORE, BE IT RESOLVED, that the following rates and charges for sewer use shall be effective for the wastewater facilities proposed by EPA Project No. C26-3433-01.

- I. Debt Service Charge - \$0.95 per 1,000 gallons billable flow.
- II. Operation and Maintenance Costs - The combined unit cost based upon flow, biological oxygen demand (BOD) and ammonia shall be \$0.80 per 1,000 gallons billable flow.
- III. Administrative Charge = \$0.85 per user per month.
- IV. The minimum monthly charge shall be \$6.00 per month per user.
- V. Surcharge for pollutant loadings greater than the general municipal flow shall be:

BOD: \$0.038/lb.
Suspended Solids \$0.032/lb.
Ammonia: \$_____/lb.

Adopted this 19 day of May, 1992 by the Calumet Village Council.


President


Clerk