

# ORDINANCE NO. 34 RATE AND MANDATORY CONNECTION ORDINANCE

**An Ordinance to Provide for the Operation of Allegan County Sewage Disposal System (Village of Martin) on a Public Utility Basis under the Provisions of Act 94, Public Acts of Michigan, 1933, as amended, and to Prescribe the Rates to be Charged for the Use of Said Facilities; To Provide for Mandatory Connection to Said Facilities, and to Provide for Other Matters Relative to Said System.**

**The Village of Martin Hereby Ordains:**

**SECTION 1.** It is hereby determined to be desirable and necessary for the public health, safety and welfare of the Village of Martin that the Allegan County Sewage Disposal System (Village of Martin) be operated on a public utility rate basis 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 facilities of the Allegan County Sewage Disposal System (Village of Martin), including all sewers, pumps, lift stations, and all other facilities used or useful in the collection 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 and maintenance of the System shall be under the general supervision and control of the Village subject to the terms of the contract dated April 23, 1980, between the County of Allegan and the Village. Pursuant to the terms of such contract the Village has retained the exclusive right to establish, maintain and collect rates and charges for sewer collection and disposal service, and in such capacity the Village Council may employ such person or persons in such capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient establishment, maintenance and collection of such rates and charges.

**SECTION 4.** Rates to be charged for service furnished by the System shall be as follows:

#### SEWER USE CHARGES

Sewer use charges to each single-family residential premises shall be in the flat amount of \$11.25 per month, such charge being composed of the following elements:

1. Ready to serve portion - \$2.30
2. Commodity portion - 6.80
3. Debt service portion - 1.15
4. Administrative portion - 1.00

Each user other than a single-family residence shall pay a monthly charge of \$11.25 increased by multiplying elements 2. and 3. above by a factor representing a ratio of sewage use by such class of users to normal single-family residential sewage use, as reflected in Appendix A, with a minimum monthly charge of \$11.25.

#### CONNECTION CHARGE

**A. Direct Connection:** For each direct connection to lines of the System there shall be charged a fee of \$1,800 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 \$900.00 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 cost of which is paid from special assessments or private funds.

**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, as reflected in Appendix A.

**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 monthly on the 1st day of each month payable without penalty within fifteen (15) 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 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 the charge of the collection thereof shall certify annually on April 1 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 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 reestablished 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.

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# ORDINANCE NO. 34 RATE AND MANDATORY CONNECTION ORDINANCE

(Continued from Page 16.)

## An Ordinance to Provide for the Operation of Allegan County Sewage Disposal System (Village of Martin)

**SECTION 6.** It is hereby determined and declared that public sanitary sewers are essential to the health safety and welfare of the people of the Village and that all structures in which sanitary sewage originates 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 Village. Therefore, all structures in which sanitary sewage originates and to which sewer services of the System shall be available shall connect to said System with ninety (90) days after the mailing or posting of notice to such premises by the appropriate Village official that such services are available. Said notification enforcement of this section shall be in conformity with Act 288 of the Public Acts of Michigan of 1972.

**SECTION 7.** 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 debt service obligations of the Village to the County of Allegan pursuant to the aforesaid contract 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.

**SECTION 8.** The System shall be operated on the basis of an operating year commencing on July 1 and ending on the last day of June next following.

**SECTION 9.** The revenues of the System shall be set aside as collected and deposited in a separate depository account in First Nat'l Bank & Trust Co. of Mi., Martin, Michigan, a bank duly qualified to do business in Michigan, in an account to be designated SEWER 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 hereafter 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 expenses 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) BOND PAYMENT FUND:

There shall next be established and maintained a depository account, to be designated BOND PAYMENT FUND, which shall be used solely for the payment of the Village's obligations to the County of Allegan 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 obligations when due. Should the revenues of the System prove insufficient for this purpose, such revenues may be supplemented by any 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 Bond 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 fund such revenues as the Village Council shall determine.

### (E) SURPLUS MONEYS:

Moneys remaining in the Receiving Fund at the end of any operating year after full satisfaction of the requirements 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 moneys belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the Village within this single bank account, in the manner above set forth. Any other public corporation acting as operating agent for the Village shall be authorized to act for the Village to establish, maintain and fund the aforesaid accounts. Such public corporation may fix names for the various accounts different from those set out above, so long as the essential purpose of the aforesaid system of accounts is preserved.

**SECTION 10.** In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any moneys and/or securities in other funds of the System, except sums in the Bond Payment Fund derived from tax levies or special assessments, shall be transferred to the Operation and Maintenance Fund to the extent of any deficit therein.

**SECTION 11.** Moneys in any fund or account established by the provisions of the 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 12.** 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

Tues., May 6, 1980--The Wa



## IN THE SERVICE

Navy Boiler Technician Fireman Apprentice Dennis R. Atwood, son of John G. and Georgia Atwood of 12726 Park Road Wayland, has completed the Basic Boiler Technician Course.

During the course at the Naval Training Center, Great Lakes, Illinois, students received instruction in the use of hand tools, the operation and maintenance of shipboard pumps, and the operation of boilers and other engineering machinery. In addition, they were introduced to the types of engineering duty watches that Boiler Technicians stand aboard ships.

A 1979 graduate of Wayland Union High School, he joined the Navy in July 1979.

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Navy Seaman Recruit Anthony T. Inverso, son of Elias J. and Kay M. Inverso of 410 W. Elm, Wayland, has completed the Basic Enlisted Course at the Naval Submarine School, Groton, Conn.

During the six-week course, he was introduced to the basic theory, construction and operation of nuclear-powered and diesel submarines. In preparation for his first assignment, he studied shipboard organization, damage control, and submarine safety and escape procedures.

He joined the Navy in October 1979.

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Navy Aviation Structural Mechanic Airman Jeffery L. Truckey, whose wife, Vanessa, is the daughter of Keith Correll of Martin, has been selected as the Plane Captain of the Month for Attack Squadron 128, Whidbey Island Naval Air Station, Oak Harbor, Wash.

Truckey was chosen from among all the enlisted personnel assigned to the command, and was cited for his outstanding performance of duty, proficiency, leadership, initiative and military bearing during February 1980.

A 1978 graduate of Vicksburg High School, Vicksburg, Mich., he joined the Navy in December 1978.

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Navy Seaman Recruit Douglas J. Hood, whose wife, Paula, is the daughter of Roger and Irene Wieland of Route 2, Lakeside Drive, Wayland, has completed recruit training at the Naval Training Center, Great Lakes, Illinois.

During the eight-week training cycle, he January 1980.

granted shall be self-terminating upon the occurrence of any one of the following events:

(1) A change in the financial status of any applicant 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 changes 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 costs of installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this ordinance.

**SECTION 13.** 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 14.** 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 15.** This ordinance shall be published once, in full, in the Wayland Globe, 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 President and the Village Clerk.

**SECTION 16.** This ordinance shall become effective immediately upon its adoption.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 33 duly adopted by the Village Council of the Village of Martin, County of Allegan, Michigan, at a Special meeting held on April 23, 1980, at which all Members were present except Pauline Levett, 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 Member Porter moved adoption of said ordinance and that Member VanDenBerg supported said motion.

I further certify that the following Members voted for adoption of said ordinance D. Antles, D. Flower, B. Brandon, R. VanDenBerg and Mr. Porter and that the following Members 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 the Village Clerk.

Mary Beth Porter  
Village Clerk