

CHAPTER 21

WASTEWATER TREATMENT CHARGES

21.01 PURPOSE

The Board of Commissioners, determines and declares that it is necessary and conducive for the protection of public health, safety and welfare of the people of the City to regulate and control the disposal of human and industrial waste within the City to the end that public health, safety and welfare of the people of the City will be protected and enhanced and to prevent the indiscriminate and uncontrolled disposal of human and industrial waste in violation of recognized public health standards and so herein to provide for the establishment of rates and charges for the use of the service rendered by the City of Lapeer Wastewater Treatment Facilities; to provide for the collection of said rates and charges; to provide for management of the City of Lapeer Wastewater Treatment Facilities; and to provide for penalties for violations hereof.

History: (Amnd 07-24-08;-)

21.02 MANAGEMENT OF WASTEWATER TREATMENT FACILITIES

The complete Wastewater Treatment Facilities of the City of Lapeer shall be under the management, supervision and control of the City Manager. The City Manager may employ or designate a person or persons to whatever position he deems advisable to carry out the efficient management and operations of the sewer system. The City Manager may make such rules, orders, or regulations as he deems advisable and necessary to assure the efficient management and operation of the system, subject to the rights, powers, and duties reserved by law to the City Commission. All such rules, orders or regulations made by the City Manager shall be consistent with state and federal requirements.

History: (Amnd 07-24-08;-)

21.03 DEFINITIONS

Definitions contained in Chapter 5, Plumbing, Water and Sewers, shall also apply to this Chapter and are incorporated herein.

History: (Amnd 07-24-08;-)

21.04 APPLICATION

- (A) Every person owning or occupying any building or portion thereof, in which plumbing fixtures are installed, and every person owning or occupying any parcel of real estate or portion thereof, having drainage piping thereon, shall connect such drainage pipe or building to a

sewer, if available.

History: (Amnd 07-24-08;-)

- (B)** The rates and charges hereinafter established shall be payable by the owners and/or occupants of each and every lot, other parcel of real estate, or building, that is connected to and using the City of Lapeer Sanitary Sewer System.

History: (Amnd 07-24-08;-)

- (C)** The rates and charges hereinafter established shall also be payable by the owners and/or occupants of any lot, other parcel of real estate, or any building, from which there is a discharge of sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the Sanitary Sewer System of the City of Lapeer.

History: (Amnd 07-24-08;-)

- (D)** The rates and charges hereinafter established shall be payable by the owners and/or occupants of any lot, other parcel of real estate, or building, situated so that a sanitary sewer is available for an extension to service neighboring parcels and shall be required to connect to the City sewer system by statute, ordinance or agreement. Unless varied by agreement between the City and any owners and/or occupants, an available public sanitary sewer system means a public sanitary sewer system located in a right of way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the property and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.

History: (Amnd 07-24-08;-)

21.05

RATES AND CHARGES

(A) LATERAL INSTALLATION

"Lateral" means a tap made to the public sewer when said sewer is originally installed, for the purposes of enabling future sewer connections to be made. Lateral installation is the responsibility of the property owner and is subject to inspection fees as listed in the City of Lapeer fee schedule.

History: (Amnd 07-24-08;-)

(B) CHARGES OUTSIDE THE CITY

The charges for sewer services furnished outside the corporate limits of the City of Lapeer shall be as follows:

History: (Amnd 07-24-08;-)

(1) MONTHLY CHARGES

The monthly charges for sewer services furnished outside of the corporate limits of the City of Lapeer shall be the same as those for users of the sewer services inside the corporate limits of the City of Lapeer.

History: (Amnd 07-24-08;-)

(2) CAPITAL CHARGES

Except as provided in the Mayfield Township Land Transfer Agreement dated September 5, 2001, and the Lapeer Township Land Transfer Agreement dated December 4, 2006, users outside the corporate limits of the City Of Lapeer, in addition to regular monthly charges shall pay a "capital charge." This capital charge shall be comprised of the following amounts: (a) a sum equal to one-half (1/2) the total sewer monthly charges for those premises and billed on the monthly water bill, (b) a sum equal to the City Of Lapeer's operating millage multiplied by the Taxable Value of the property served by the sewer as appears on the tax roll of the township in which said property is located, and (c) the City authorized administration fee per the City of Lapeer Fee Schedule for such service. This capital charge shall be billed annually and shall be due and payable on July 1st of each year.

History: (Amnd 06-26-02; Amnd 07-24-08;-)

(C) MONTHLY RATED, MINIMUM CHARGES, AND TAP-IN FEES

(1) The charges for sewer service to each premise within the City connected to the City of Lapeer Wastewater Treatment System for each monthly period shall be as listed in the City of Lapeer Fee Schedule as may be amended from time to time.

History: (Amnd 07-24-08;-)

(2) Tap-in fees shall be the rate, by category, as listed in the City of Lapeer Fee Schedule.

History: (Amnd 07-01-02; Amnd 06-28-07; Amnd 07-24-08;-)

(D) BASIS OF RATES AND EXTENSION

The rates and charges provided for herein shall be based on the actual amount of water supplied by the municipal waterworks system as shown by the water meter readings.

History: (Amnd 07-24-08;-)

(E) The minimum charge for any service where the user is a metered water consumer shall be determined by means and methods satisfactory to the City.

(F) Deduct water meters are not permitted within the City of Lapeer. Water used in the process of manufacture or any other purpose, which does not discharge into the public sanitary sewer system may be exempt from sewer charges. A separate water meter and an in-house plumbing alteration are required for this exemption; thus, the property owner shall procure a water meter for this purpose from the City at his, her or its expense. Any such meter obtained from the City shall be used to measure the amount to water to be billed. Before approval of said meter, a schematic of the plumbing alteration must be submitted to the Water/Sewer Superintendent for review. Before granting approval of a separate meter and plumbing changes, the City must be satisfied that such approval would be in the best interest of the City, and not in any way be detrimental to the health, safety and welfare of the public.

History: (Amnd 07-01-02; Amnd 11-12-03; Amnd 07-24-08;-)

(G) In the event a lot, parcel of real estate, or building which is discharging sanitary wastes, water or other liquid into the public sanitary sewer of the City, either directly or indirectly, is not a user of water supplied by the City and the water used thereon or therein is not measured by a City meter or by a meter acceptable to the city, then the amount of water used shall be otherwise measured or determined by the City in order to arrive at the rate or charge as provided in the City of Lapeer Fee Schedule. Provided, however that the owner or other interested party, at his own expense, shall, at the request of the City, install and maintain a water meter of a type and size and in a location acceptable to the City, and the quantity of water used as measured by said meter shall be used to determine the Wastewater Treatment Facilities charges.

History: (Amnd 07-24-08;-)

(H) In the event a lot, parcel of real estate, or building is discharging sewage in the form of industrial waste, either directly or indirectly, into the public sanitary sewer system of the City, and the City finds it is not practicable to attempt to measure such wastes by meter, it shall measure the same in such a manner and by such method as it may find reasonable in order to determine the appropriate rates and charges for said property. If the City finds that it is practicable to attempt to measure such wastes by meter than the owner of the property shall install a meter acceptable to the City on ten (10) days notice.

History: (Amnd 07-24-08;-)

(I) SURCHARGES

If, after proper analysis of the industrial waste to be discharges, where pretreatment to the degree required is not provided, the City may treat

the excessive strength wastewater by special constriction, operation, or maintenance, then and in that event a surcharge shall be imposed to any such user of the City's sanitary sewage system for the treatment of the excessive strength wastewater. The City may accept such excessive strength wastewater upon such conditions and for such period of times as it shall deem to be reasonable, considering the other requirements of the City.

The surcharge to any such user shall be an amount equal to the actual, prorated share of that user of the annual costs of operation and maintenance, including replacement, attributable to the treatment of the excessive strength wastewater. Unit charge to compute the surcharges are as follows:

$$\text{Biochemical Oxygen Demand (BOD) Unit Rate} = \frac{\text{Annual Cost Allocated to BOD}}{\text{Total Annual Weight of BOD in Raw Sewage}}$$

$$\text{Suspended Solids (SS) Unit Rate} = \frac{\text{Annual Cost Allocated to Suspended Solids (SS)}}{\text{Total Annual Weight of Suspended Solids in Raw Sewage}}$$

$$\text{Phosphorus (P) Unit Rate} = \frac{\text{Annual Cost Allocated to Phosphorus (P)}}{\text{Total Annual Weight of Phosphorous (P) in Raw Sewage}}$$

$$\text{Ammonia Nitrogen Unit Rate} = \frac{\text{Annual Cost Allocated to Ammonia Nitrogen}}{\text{Total Annual Weight of Ammonia Nitrogen in Raw Sewage}}$$

The calculated rates for these surcharges as listed in the City of Lapeer Fee Schedule.

History: (Amnd 07-24-08;-)

21.06 COLLECTION, LIEN FOR UNPAID FEES, AFFIDAVITS

- (A) **Collection of unpaid fees.** No free service shall be furnished by the system to the City or to any person, firm or corporation, public or private, or to any public agency or instrumentality. Charges for services furnished by the system shall be billed and shall be due 15 days after the billing date indicated on the sewer bill. A penalty of ten percent (10%) of the bill shall be added by the City to those bills not paid on or before the due date. Within five (5) working days after the due date, a past due notice shall be mailed to those customers whose accounts are then delinquent. The past due notice shall inform the customer of the amount of the delinquency, including the ten percent (10%) penalty. Within five (5) working days after the expiration date on the past due notice, a shut-off notice shall be mailed to those customers whose accounts still remain delinquent. This shut-off notice

shall indicate the date that the sewer service will be shut-off, which date shall be ten (10) days from the date of the shut-off notice, unless the delinquent amount, including the ten percent (10%) penalty, is paid by the last business day prior to the scheduled shut-off date. Services so discontinued shall not be restored until all sums then due and owing, including the ten (10%) penalty, and an additional shut-off charge as listed in the City of Lapeer Fee Schedule for the amount owed are paid to the City in full. The shut-off charge shall consist of the following components:

1. A normal duty hour sewer division turn-on charge as listed in the City of Lapeer Fee Schedule, or
2. An after duty turn-on charge equal to the average cost of a sewer division employee's wage (a minimum of two hours (2) per union contract plus fringe benefits) plus the average cost of equipment utilized based on the State Schedule C rate for a minimum of two (2) hours.

History: (Amnd 07-10-02; Amnd 07-24-08;-)

(B) Lien

Charges for services furnished by the City's sewer department for sewer services to any premises shall be a lien thereon. On June 1st of each year the City Manager, or Manager's designee, shall certify any such charges which were delinquent as of May 15th to the City's Assessor. The Assessor shall enter the same upon the next tax roll against the premises to which such services shall have been rendered and such charges shall be collected and said lien enforced in the same manner as provided in respect to taxes assessed upon such roll.

History: (Amnd 07-24-08;-)

(C) Affidavit

Pursuant to M.C.L.A. 123.165, Paragraph (B) above shall not apply to property owner lessors who comply with the following provisions:

1. An affidavit is filed with the City verifying that a lease has been legally executed containing a provision that the lessor shall not be liable for payment of sewer bills accruing subsequent to the filing of said affidavit. The affidavit shall also contain a notation of the expiration date of the lease.

History: (Amnd 07-24-08;-)

2. A copy of the lease showing the name of tenant(s) responsible for the sewer bill shall also be filed with the City.

History: (Amnd 07-24-08;-)

3. The lessor shall give 20 days, written notice to the City of any cancellation, change in, or termination of the lease.

History: (Amnd 07-24-08;-)

4. A deposit as listed in the City of Lapeer Fee Schedule for each such lease shall be made to the City prior to having the sewer billing placed in the name of the tenant and/or commencing sewer service. Such deposit shall bear no interest and will be utilized to pay any delinquent billing for that premises or refunded upon payment of the final sewer bill.

History: (Amnd 07-24-08;-)

21.07 PENALTIES

- (A) Any person, firm or corporation found to be in violation of any provision of this Ordinance shall be served, by first class mail addressed to the place where bills are sent, with a written notice stating the nature of such violation and a time limit for required compliance. Failure to correct the violation within the time stated shall subject the offender to prosecution for a misdemeanor, punishable by ninety (90) days in jail and/or \$500.00 fine.

History: (Amnd 07-24-08;-)

- (B) The City, at its option, may also elect to enforce the terms of this Ordinance and/or collect damages for the violation thereof in any Court of competent jurisdiction, which said damages shall include all actual costs, court, attorney and other related legal fees plus an additional charge of one hundred percent (100%) of the total costs and/or penalties.

History: (Amnd 07-24-08;-)

21.08 EFFECTIVE DATE

This Ordinance shall become effective upon publication, September 29, 1982.