

**STATE OF MICHIGAN  
COUNTY OF HILLSDALE  
VILLAGE OF WALDRON**

**ORDINANCE NO. 31-03**

AN ORDINANCE TO PROVIDE FOR THE OPERATION AND MAINTENANCE OF THE VILLAGE OF WALDRON SANITARY SEWAGE DISPOSAL SYSTEM ON A PUBLIC UTILITY BASIS UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED.

THE VILLAGE OF WALDRON HEREBY ORDAINS:

**Section 1.** It is hereby determined to be desirable and necessary for the public health, safety and welfare of the Village of Waldron that the Village of Waldron Sanitary Sewage Disposal system be operated by said Village on a public utility 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 Village of Waldron Sanitary Sewage Disposal System, 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 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, maintenance, alteration, repair and management of the system shall be under the supervision and control of the Village Council. 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 of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

**Section 4.** Rates to be charged for service furnished by the System shall be set by resolution of the Village Council.

**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.

**A)** The owners of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the boundaries served by the System and abutting any street, alley or right of way in

which there is now located or may in the future may be located a public sanitary sewer of the System are hereby required at their expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance within sixty days after date of official notice to do so.

**B)** All houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the Village of Waldron and located within 200 feet of the sewer System shall be required to connect to the sewer System.

**C)** At such time as a public sewer becomes available to a property served by a private wastewater disposal system, the building sewer shall be connected to said sewer within sixty days and the private wastewater disposal system shall be cleaned of sludge and filled with sand, gravel or similar material, or the system shall be completely removed. All costs for closeout of the private wastewater disposal system shall be borne by the owner of the property served.

**D)** No unauthorized person shall uncover, make any connections with or opening into, or use, alter or disturb any public sewer or appurtenances without first obtaining a written permit from the operator of the System.

**E)** Roof leaders, swimming pool drains, surface drains, ground water drains, foundation footing drains and other clear water drains shall be connected, wherever possible, with the storm sewer, but they shall not be connected to a building sewer which discharges into a sanitary sewer or private waste water treatment plant. All such connections existing at the time of passage of this ordinance shall thereafter be illegal. If storm water or clear water is being discharged into a sanitary sewer, the manager of the System shall give the offending person thirty days notice to disconnect. Failure to disconnect after such notice shall authorize the operator of the System to cause disconnection and assessment of costs of such disconnection against the property involved. The operator of the System may, in the alternative, institute action for violation of this sub-section against the property involved.

**Section 6.** The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and to preserve the same in good repair and working order, to provide for the payment of the obligations of the Village, 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 7.** The System shall be operated on the basis of a fiscal year commencing on March 1 and ending on the last day of February next following.

**Section 8.** The revenues of the System shall be set aside as collected and deposited in accordance with the flow of funds set forth in the conditions of the resolution authorizing the issuance of the Village Sewage Disposal System Revenue Bonds Series 2003 adopted by the Village Council on May 13, 2003, such resolution hereinafter referred to as the Bond Resolution.

**Section 9.** Grant/Loan funds shall be deposited and disbursed in accordance with the provisions of the Bond Resolution.

**Section 10.** Moneys 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 and in compliance with the Bond Resolution.

**Section 11. Sewer Use Charges.** Sewer use charges to each single-family residential premises served by the System shall have a flat rate of \$16.00 per month set by council. In addition to the ready to use charge a fee of \$2.00 per 1000 gal. as set by council.

**Section 12. Tap Charges.** Each premises tapping into the System and securing there from sewer services shall pay, in cash, at the time of application for the tap a charge in such amount as will compensate the Village for the cost of making and inspecting the tap.

**Section 13. Special Rates.** For miscellaneous or special services for which a special rate shall be established, such rates shall be fixed by the Village Council.

**Section 14. Billing.** Bills will be rendered monthly payable, without penalty, within fifteen days after the date thereon. Payments received after such period shall bear a penalty of 10% of the amount of the bill.

**Section 15. 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 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 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 \$150.00 shall have been made as security for payment of such charges and service. After 1 year of on time payments the deposit will be applied to future bills.

**Section 16.** 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 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 17. Penalty.** Any violation of the provisions of this ordinance shall constitute a misdemeanor punishable by a fine of up to \$100 and/or imprisonment in the county jail for up to ninety days. Each day a violation continues to exist shall constitute a separate offense. The foregoing fines and penalties shall be in addition to the right of termination of public water and/or sewer service to the violator and the right to obtain injunctive relief in a court of law.

**Section 18.** The Village clerk shall certify the adoption of this ordinance and cause the same to be published as required by law, and the same shall be recorded in the Ordinance Book of the Village and such recording authenticated by the signatures of the President and Village Clerk.

**Section 19.** All ordinances, resolutions or orders, of parts thereof, in conflict with the provisions of this ordinance are to the extent of such conflict, hereby repealed.

**Section 20.** 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 21.** This ordinance shall become effective: March 10, 2009

VILLAGE OF WALDRON;

By;

*Ruth Hotchkiss*

Ruth Hotchkiss, Village Clerk

*Richard Buck*

Richard Buck, Village President

This ordinance was adopted by a vote of 5 ayes, 0 nays, 2 absent.