

ORDINANCE NO. 2023-04c
AN ORDINANCE TO AMEND CHAPTER 150 WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM OF THE VILLAGE CODE FOR THE VILLAGE OF BLISSFIELD.

WHEREAS, the Village Council has established council goals and objectives with one of them being to update ordinances; and

WHEREAS, the following ordinance amendments would clean up the ordinances; and

WHEREAS, the following ordinance amendments would provide staff the ability to use their judgement when it comes to fee waivers in special circumstances; and

NOW, THEREFORE, be it ordained by the governing body of the Village of Blissfield, Michigan that Chapter 150 be adopted following passage and publication to adopt hereinafter specified:

150.000 - WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM

150.001 - Necessity.

Sec. 1. It is hereby determined to be necessary for the public health, benefit and welfare of the Village of Blissfield, Lenawee County, Michigan, to separate the Water Supply System and the Sewage Disposal System of said Village into two systems, to be known as the Water Supply System and the Sewage Disposal System, and to be operated on a separated rate basis, under the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

150.002 - Two system; separated rate basis.

Sec. 2. From and after the effective date of this Ordinance, the Water Supply and Sewage Disposal System of said Village shall be operated and maintained as two systems. One system shall be known as the Water Supply System, which shall include water treatment plant, all water mains and laterals, pumping stations, water tower, and all attendant facilities and equipment which are used or useful in the operation and maintenance of the Water Supply System.

The other system shall be known as the Sewage Disposal System, which shall include sanitary sewers, sewage treatment plant, pumping stations, sewage lift stations, and all attendant facilities and equipment which are used or useful in the operation and maintenance of the Sewage Disposal System.

150.003- Definitions.

Sec. 3. In the interpretation of this Ordinance, the following definitions shall apply unless the context clearly indicates otherwise:

- A. "Living unit" means the building space that is ordinarily occupied by a single-family unit.**
- B. "Business Unit" means a business that is operated independently, which, if required, has a separate tax license from the state or a tax identification number issued by the Internal Revenue Service, or separate ownership, regardless of the space that is occupied by the business in a building.**

150.009 - Operation and management.

Sec. 9. The operation, repair and management of the Systems, and the acquiring of the public improvements herein authorized shall be under the immediate supervision and control of the Village Council, the Village Council may make such rules, orders, and regulations as they deem necessary to assure the efficient management and operation of the System.

150.010 - Rates and charges.

Section 10. The rates to be charged for water and sewer service shall be as adopted annually by the Village of Blissfield Schedule of Fees.

I WATER RATES

The following monthly charges shall be made against each premises connected to the water supply system:

Premises may, with the consent of the Village of Blissfield Council have in addition to the primary water connection, which shall be accompanied by a connection to the Sewage Disposal System, a connection to the water only system. This additional connection shall be subject to only the above monthly charges shall be made against each and every premises and/or system connected to the water system only. The premise/system owner must show evidence that the water will not be discharged into the Village sewer system. In addition, the owner of the premises/system shall install a separate water meter for the applicable water-only system.

Any increase in the adopted rates shall be in direct proportion to increases in all other water rates.

The adopted rates continue to apply to the operation of air conditioners, filling of swimming pools, watering lawns and similar uses.

For those water meters which provide water service to more than one (1) **living unit** ~~residence, apartment, business or rental~~ **business** unit the monthly charges assessed to the water meter, and person, corporation, partnership or organization in whose name the water usage is billed, shall be assessed as if each ~~residence, apartment, business or rental~~ unit connected to the water meter had its own separate/individual five-eighths inch water meter. The assessment/bill shall reflect; the minimum monthly usage fee for five-eighths inch water meters for each ~~residence, apartment, business, or rental~~ unit connected to the water meter, and the consumption fee for five-eighths inch water meters for water metered as used for each ~~residence, apartment, business, or rental~~ unit connected to the water meter. All charges under this provision shall be the responsibility of the person, corporation, partnership, or organization to whom the water usage is billed/in whose name the water meter is listed by the Village of Blissfield.

Any and all repairs to the water service line between the Village of Blissfield curb box/water main and a water meter shall be the responsibility of the person, corporation, partnership, or organization owning the lands through which the water service line travels. Any and all repairs to the water service line between a water meter and a residence, apartment, business, or rental unit shall be the responsibility of the owner and/or occupant of the residence, apartment, business, or rental unit.

II SEWER RATES

The following monthly charges shall be made against each premises connected to the sewage disposal system:

Any increase in the adopted rates shall be in direct proportion to increases in all other sewer rates.

For those water meters located on properties for which sewer service to more than one (1) **living unit** ~~residence, apartment, business or rental~~ **business** unit is provided, the monthly charges assessed to person, corporation, partnership or organization in whose name the water usage is billed, shall be assessed as if each ~~residence, apartment, business or rental~~ unit connected to the water meter had its own separate/individual five-eighths inch water meter. The assessment/bill shall reflect; the minimum monthly usage fee for five-eighths inch water meters for each ~~residence, apartment, business, or rental~~ unit connected to the water meter, and the consumption fee for five-eighths inch water meters for water metered as used for each ~~residence, apartment, business, or rental~~ unit connected to the water meter. All charges under this provision shall be the responsibility of the person, corporation, partnership, or organization to whom the water usage is billed/in whose name the water meter is listed by the Village of Blissfield.

Each individual **living unit or business unit** ~~residence, apartment, business, or rental~~ unit which is provided sewer service to more than one ~~residence, apartment, business or rental~~ unit and which is connected to the Village of Blissfield Sewage System shall be assessed/billed for sewage disposal rates as if said ~~residence, apartment, business or rental~~ unit was connected to its own individual, five-eighths inch water meter. All charges for sewage disposal shall be the responsibility of the person, corporation, partnership or organization in whose name water usage is billed/in whose name the water meter is listed by the Village of Blissfield. Any and all repairs to the sewer service line between the individual ~~residence, apartment, business or rental~~ unit and the main sewer line of the Village of Blissfield shall be the responsibility of and paid for by the property owner through whose land said line travels.

III RESERVED

IV SPECIAL RATES

For miscellaneous services for which a special rate shall be established, such rates shall be fixed by the Village Council. Where a user uses a large amount of water which is not discharged into the sanitary sewer system, a special rate for sewer service to such user may be established.

- A. In the event that a user requests that water/sewer service be discontinued, a fee in an amount equal to the turn on fee shall be assessed and there will be no water or sewer consumption charges assessed during the time that the water/sewer service is turned off. However, availability charges will be assessed during the time that the water/sewer system is turned off. Provided, however, that the availability charges shall not apply to mobile homes parks located within the Village of Blissfield in the process of selling mobile homes where the meter has been pulled/removed from the mobile home. When service is re-established, there shall be a turn on fee during DPW office hours, and a turn on fee after DPW office hours both as adopted annually by the Village of Blissfield Schedule of Fees. At the time service is discontinued, a final reading of the water meter shall occur, and the billing shall be based on the actual amount of water used. Surcharges: Whenever a user of the System shall discharge any water or waste other than normal strength wastewater, as determined by the Village, the following surcharges shall be paid on the excess loadings in addition to the rates specified above:
 - a. B.O.D. 0.285/lb.
 - b. Suspended Solids 0.254/lb.
 - c. Phosphorus 1.851/lb.

- B. Annual Audit. The rates hereby fixed are established to be sufficient to provide for the expenses of operation, maintenance and replacement of the systems as are necessary to preserve the same in good repair and working order. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts. An annual audit shall be prepared. Based on said audit, rates for water and sewage services shall be reviewed annually and revised as necessary to meet system expenses to ensure that all user classes pay their proportionate share of operation, maintenance, and equipment replacement costs.
- C. Free service prohibited. No free water or sewage disposal service shall be furnished to any user.

V
BILLING

- A. Billing for water and sewer charges shall be made monthly and shall be due and payable on the 25th day of each month. For all bills not paid when due, a penalty of ten (10) percent of the amount of such bill shall be added. In addition, if such bill shall remain due and unpaid for 30 days or more, interest shall be charged at the rate of one and one-half (1½) percent per month retroactive to the due date on the whole amount due including the penalty described above. In the event the water service is terminated by the Village, a turn on fee during DPW office hours, and a turn off fee after DPW office hours, shall be added to the water/sewer service bill and shall bear interest at the same rate of interest as described above both as adopted annually by the Village of Blissfield Schedule of Fees. Should any form of payment made to the Village of Blissfield for water/sewer service (i.e., check, ACH, credit card, etc.) be returned, rejected, or otherwise not honored, a \$25.00 charge shall be assessed, and shall be added to the water/sewer bill and shall bear interest at the same rate of interest as described above effective October 15, 2019. If the bill and penalty are not paid by the 15th day of the following month, a final notice shall be sent, providing that payment shall be made within ten (10) days or the water service shall be terminated with the exception of a customer's pursuant to a Memorandum of Understanding between the Village, Community Action Agency and the Michigan Department of Health and Human Services, then in effect.
- B. *Utility Repair Program: Under this program an eligible customer can have the sewer portion of their bill waived if the Village personnel can confirm that leaking water did not go into the sewer system.*
 - a. *In order to initiate a waiver, the customer must have the damaged item repaired. Village staff reserve the right to request invoices for related repairs and services.*
 - b. *To determine the credit, billed usage from the last 12 months will be averaged and the amount above the average will be waived for the sewer portion only.*
 - c. *If this process cannot be used, the credit amount would be capped at no more than 50% of the sewer portion on the bill being credited.*
 - d. *Any credit in excess of \$300 require two employee's review and approval.*
 - e. *Any credit in excess of \$1,000 require Village Council approval.*
 - f. *Any penalties accrued on the customer account when a credit is being determined, shall be waived.*
- C. *Billing Adjustments: In the event that a customer has a unique situation that is no fault of their own or the Village, they may request a one-time waiver of the penalty fee only. The waiver may be granted by staff if they are provided information from the customer indicating the issue that caused the penalty. Staff may approve a one-time waiver of penalty fees with the following conditions:*
 - a. *The customer has not been delinquent in the last 12-month period.*

- b. The customer has had no other waiver within the last 12-month period.*
- c. The customer signs up for email to receive their bills electronically in the future.*
- d. Any one-time waivers in excess of \$50 must be approved by the Village Council.*

VI
CONNECTION CHARGES

For water connections to the System, the availability charge to the user so connecting shall be as adopted annually by the Village of Blissfield Schedule of Fees. Water meters shall be furnished by the Village of Blissfield, and shall remain the property of the Village of Blissfield. All water meters one and one-half (1½) inch or greater, installed from and after the date of this Amendment to the Water and Sewer Ordinance, shall include all test fee fittings necessary to allow the proper testing of said meters without removal of said meter.

For sewer connections to the System, the availability charge to the user shall be as adopted annually by the Village of Blissfield Schedule of Fees.

Should the property owner desire to contract with a third party to connect the property owner to the water or sewer system, said third party must be approved in advance by the Village Administrator. In the event a third party is employed to make the connection, the connection shall remain open and uncovered until the Village of Blissfield has inspected the connection. The actual costs of the inspection, including vehicle, as determined by the Village Administrator, shall be borne by the property owner, and shall be paid prior to the water and/or sewer service being turned on.

VII
ENFORCEMENT

The charges for water and sewer service 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 by the owner according to said statute, 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 May 25th of each year to the tax assessing officer of the Village, the fact of such delinquency, whereupon such charge shall be collected, and the lien thereof enforced. Provided, however, regardless of whether or not notice is given that a tenant is responsible for such charges and services as provided by said Section 21, [Act 94, Public Acts of Michigan, 1933, as amended,] no further service shall be rendered such premises until a cash deposit of not less than \$230.00 for residential renters, and an amount twice the estimated monthly consumption for industrial/commercial renters shall have been made as security for payment of such charges and service, and further provided that this sentence shall not apply to any residence/structure located within Coach Light Estates Mobile Home Park. In the event that a renter's unpaid charges exceed the deposit, service shall be terminated as provided in Section 10 [150.010], Subdivision IV. When service is re-established to the renter, all outstanding user charges for water/sewer use must be paid in full, and a \$90.00 turn on fee during DPW office hours, and a \$180.00 turn off fee after DPW office hours shall be assessed and a cash deposit in an amount determined by the Treasurer to be sufficient to ensure protection of the Village of Blissfield shall be first made, as security for payment of such charges and services.

The above rates for service outside the Village shall not apply to any Agreement regarding the providing of water and sewer service to any governmental unit by the Village of Blissfield.

150.011 - No free service.

Sec. 11. 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.

150.012 - Sewage imposing unreasonable burden upon System.

Sec. 12. If the character of sewage from any manufacturing or industrial plant or any other building or premises shall be such as to impose an unreasonable additional burden upon the sewers of the System, then an additional charge may be made over and above the regular rates, or it may be required that such sewage be treated by the person, firm or corporation responsible therefore before being emptied into the sewer, or the right to empty such sewage may be denied if necessary for the protection of the sewer and sewage disposal facilities of the System or the public health or safety.

150.012A - Water meters; use of revenues.

REPEALED.

~~Sec. 12A. All new, rehabilitated or converted residential structures shall have a water meter of the following size:~~

~~1—3 dwelling units: A five-eighths inch or three-quarter inch water meter.~~

~~4—7 dwelling units: A one inch water meter.~~

~~8—15 dwelling units: A one and one-half inch water meter.~~

~~16—31 dwelling units: A two inch water meter.~~

~~31—36 dwelling units: A three inch water meter.~~

~~64 or more dwelling units: A four inch water meter.~~

~~All revenue received under the Water and Sewer Ordinance of the Village of Blissfield shall be used for the operation, maintenance and replacement of the water supply and sewage disposal system of the Village of Blissfield, and repayment of all loans associated with the construction of the sewage disposal facility.~~

150.013 - Rate sufficiency.

Sec. 13. The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation and 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 interest upon and the principal of all the bonds as and when the same become due and payable, and the creation of the reserved therefore required by this Ordinance, 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, and it is hereby covenanted and agreed at all times to fix and maintain such rates for services furnished by the System as shall be sufficient to provide for the foregoing.

150.014 - Operating year.

Sec. 14. The system shall be operated on the basis of an operating year commencing on October 1 st and ending on September 30th .

150.024 - Validity.

Sec. 24. 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.

150.025 - Repeal.

Sec. 25. 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.

150.026 - Publication; recordation.

Sec. 26. This Ordinance shall be published in full in The Blissfield Advance, a newspaper of general circulation in the Village of Blissfield, qualified under the State law to publish legal notices, within ten days of its adoption and the same shall be recorded in the Ordinance Book of the Village and such recording authenticated by the signatures of the Village President and Village Clerk.

150.027 - Effective date.

Sec. 27. This Ordinance shall become effective immediately upon its **publication** adoption.

Yeas:

Nays:

Absent:

PASSED, APPROVED AND ADOPTED this 14th day of August, 2023.

Council Public Hearing Publication: July 26, 2023

Council Public Hearing: August 14, 2023

Ordinance Adoption Publication: August 23, 2023