

ORDINANCE NO. 105

AN ORDINANCE TO PROVIDE FOR THE OPERATION AND MAINTENANCE OF PORTIONS OF THE GRATIOT COUNTY SANITARY SEWAGE DISPOSAL SYSTEM NO. 3 (PERRINTON- FULTON) ON A PUBLIC UTILITY BASIS UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED.

THE VILLAGE OF PERRINTON HEREBY ORDAINS;

Section 1. It is hereby determined to be desirable and necessary, for the public health, safety and welfare of the Village of Perrinton, that those portions of the Gratiot County Sanitary Sewage Disposal System No. 3 (Perrinton - Fulton) which are the responsibility of the Village of Perrinton 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 those portions of the Gratiot County Sanitary sewage Disposal System No. 3 (Perrinton - Fulton) which lie within the boundaries of the Village, 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, subject to the terms of the contract dated april 3, 1972 1972, between the County of Gratiot and the Village of Perrinton and the Township of Fulton. Said Council may employ such person, firms or corporations, public or private, 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 as follows;

Sewer Use Charges

Sewer use charges to each single-family residential premises served by the System shall be in the flat amount of \$8.50 per month. Each premises other than a single-family residence shall pay a monthly charge of \$8.50 multiplied by a factor representing a ratio of sewage use by such class of premises to normal single-family residential sewage use. The Village Council shall adopt and revise from time to time a schedule of such single-family residence equivalents or ratios: Provided, however, that the minimum monthly charge to any premises shall be \$8.50.

Special Service and Rates

For miscellaneous or special services involving other than domestic wastes, a special permit shall be secured from the Village Council and a special rate shall be established, if appropriate, by the Village Council.

Billing

Bills will be rendered quarterly, payable without penalty within fifteen (15) days' after the date thereon. Payments received after such period shall bear a penalty of ten per cent (10%) 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 peice of prperty shall be delinquent for six (6) months, the Village official or officials in charge of the collection thereof shall certify annually, on September 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 \$25.00 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 re-established 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.

Section 6. All premises to which services of the system shall be available shall connect to the System within sixty (60) days' after the mailing of a notice to such premises by appropriate officials of the System stating that such services are available.

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 contractual obligations of the Village to the County of Gratiot pursuant to the aforesaid contract between said County and the Village of Perrinton 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 commercial national bank, Middleton, Michigan, a bank duly qualified to do business in Michigan, in an account to be designated SEWAGE DISPOSAL 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 hereinafter 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) CONTRACT PAYMENT FUND:

There shall next be established and maintained a depository account, to be designated CONTRACT PAYMENT FUND, which shall be used solely for the payment of the Village's obligations to the County of Gratiot 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 contractual 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 Contract 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.

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 Contract Payment Fund derived from tax levies, 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 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.

Section 12. 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 13. 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 14. This Ordinance shall published once, in full in the Gratiot County Herald, 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 Village President and Village Clerk,

Section 15. This Ordinance shall become effective immediately upon its adoption.