
CHAPTER 25. SANITARY SEWER SERVICE USER CHARGES

2.141. **Definitions.** Unless the context specifically indicates otherwise, the meanings of terms used in this Chapter shall be as follows:

- (1) **Biochemical Oxygen Demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees Celsius expressed in terms of weight and concentration (milligrams per liter).
- (2) **Department.** The City Wastewater Treatment Department.
- (3) **Normal Domestic Sewage (NDS).** Wastewater which has a daily average BOD concentration of not more than two hundred (200) milligrams per liter, and a daily average concentration of suspended solids of not more than two hundred (200) milligrams per liter.
- (4) **Operation and Maintenance.** All work, materials, equipment, utilities and other efforts required to operate and maintain the wastewater transportation and treatment system in compliance with the City's NPDES Permit and other applicable state and federal regulations, and includes replacement costs.
- (5) **Replacement.** The replacement in whole or in part of any equipment, appurtenances and accessories in the wastewater transportation or treatment systems to insure continuous treatment of wastewater in accordance with the NPDES Permit and other applicable state and federal regulations.
- (6) **Person** shall mean any individual, firm, association, public or private corporation, public agency or instrumentality.
- (7) **Sanitary Sewer Service.** The provision of wastewater treatment service.
- (8) **Shall** is mandatory; **May** is permissive.
- (9) **Superintendent.** The Superintendent of the Department.
- (10) **Suspended Solids (SS).** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
- (11) **User Charge.** The charge levied on the users of a treatment works for the cost of operation and maintenance of sewage works pursuant to section 204(d) of PL 92-500 and includes the cost of replacement, depreciation and debt service.
- (12) **User Class.** The type of user connected to sanitary sewers, including residential, industrial, major commercial, commercial, institutional and governmental.

Residential User: Shall mean any contributor to the City's wastewater treatment system whose lot, parcel, real estate or building is used for domestic dwelling purposes only.

Industrial User: Shall mean any contributor to the City's wastewater treatment system which discharges wastewater from industrial, manufacturing, trade or business processes or from any structure with these characteristics, or distinct from their employees' domestic wastes or wastes from sanitary conveniences.

Major Commercial User: Shall mean all retail stores, restaurants, office buildings, laundries, and other private business and service establishments which contribute more than five percent (5%) of the average daily flow of the City's wastewater treatment services.

Commercial User: Shall mean all retail stores, restaurants, office buildings, laundries, and other private business and service establishments which contribute less than five percent (5%) of the average daily flow of the City's wastewater treatment system.

Institutional User: Shall include social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users of the City's wastewater treatment system.

Governmental User: Shall mean any federal, state, or local governmental user of the City's wastewater treatment system.

(Ordinance No. 1987-10, 09-01-1987)

2.142. Rates and Charges for Services. Rates and charges for the use of the wastewater system of the City of Frankenmuth are hereby established. The rates are to be established by resolution by the City Council of the City of Frankenmuth, which may be enacted apart from the published ordinances as necessary to insure sufficiency of revenues for the operation, maintenance, replacement costs, depreciation and debt service related to the City of Frankenmuth Publicly Owned Treatment Works. Such resolution may be adopted only after a public hearing has been held affording all persons an opportunity to comment on the proposed charges. The City Clerk shall cause notice of the time and place of such hearing to be published once in a newspaper published and circulated within the City not less than ten (10) days prior to the date of said hearing.

(Ordinance No. 1987-10, 09-01-1987)

2.143. Amounts of Billings. The rates and charges for operation, maintenance and replacement furnished by the City's wastewater treatment system shall be levied upon each lot or parcel of land, building or premises having any sewer connection with such system on the following basis:

- (1) Residential Users shall be charged on the basis of actual potable water meter readings for the months of October through June, and the months of July through September will be based on the average water meter readings of the previous nine months, with the strength of the wastewater being that of Normal Domestic Sewage.
- (2) Industrial Users shall be charged on the basis of wastewater flow meter readings and daily composite samples to determine actual flow, BOD and SS contributions to the wastewater treatment system. Where this methodology is impractical, in the judgment of the City, the user may be charged on the basis of water meter readings and less frequent sampling.
- (3) Major Commercial Users shall be charged on the basis of water meter readings and historical data which establishes the BOD and SS strength of their wastewaters. Sampling shall be conducted from time to time to adjust values used in billing these users.
- (4) Commercial Users shall be charged on the basis of water meter readings, with the strength of the wastewater to be that of Normal Domestic Sewage.

(5) Institutional Users shall be charged on the basis of water meter readings, with the strength of the wastewater to be that of Normal Domestic Sewage.

(6) Governmental Users shall be charged on the basis of water meter readings, with the strength of the wastewater to be that of Normal Domestic Sewage.

Any charges require to pay principal, interest and administrative costs of retiring debt incurred for construction of the wastewater treatment system, and any readiness-to-serve charges used to fund depreciation of buildings and structures, shall be established by resolution by the City Council of the City of Frankenmuth.

(Ordinance No. 1987-10, 09-01-1987)

2.144. Billing. User charges for wastewater treatment shall be collected monthly. Bills shall become due when rendered. If unpaid on the due date shown on the billing card, a ten percent (10%) penalty charge shall be added thereto.

(Ordinance No. 1987-10, 09-01-1987)

2.145. No Free Service. No free service shall be furnished to any user of the City's wastewater treatment system.

(Ordinance No. 1987-10, 09-01-1987)

2.146. Termination of Service for Nonpayment. The City Manager is hereby authorized to enforce the payment of charges for sanitary sewer service to any premises by discontinuing either the water service or the sanitary sewer service to such premises, or both, and an action of assumpsit may be instituted by the City against the customer.

(Ordinance No. 1987-10, 09-01-1987)

2.147. Collection of Delinquent Accounts. The charges for sanitary sewer service, which, under the provisions of Act 94, Public Acts of 1933 of the State of Michigan, as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute such lien; and the City Treasurer shall, annually, on May 1, certify all unpaid charges for such service furnished to any premises which, on the 30th day of April preceding, have remained unpaid for a period of six (6) months, to the City Assessor, who shall place the same on the next tax roll of the City. Such charges so assessed shall be collected in the same manner as the general City taxes. In cases where the City is properly notified in accordance with said Act 94 of 1933, that a tenant is responsible for sanitary sewer service charges, no such service shall be commenced or continued to such premises until there has been deposited with the Department, a sum sufficient to cover two (2) times the average bill for such premises as estimated by the Superintendent. Such deposit shall in no case be less than twenty-five dollars (\$25.00). Where the sanitary sewer service to any premises is turned off to enforce the payment of sanitary sewer service charges, the sewer service shall not be recommenced until all delinquent charges have been paid and a deposit as in the case of tenants is made, and there shall be a sanitary sewer turn-off charge in an amount specified by Council resolution. In any other case where in the discretion of the City Manager, the collection of charges for sanitary sewer service may be difficult or uncertain, the City may require a similar deposit. Such deposits may be applied against any delinquent sanitary sewer service charges of the depositor, and the application thereof shall not affect the right of the Department to turn off the sanitary sewer service to any premises for any delinquency thereby satisfied. No such deposit shall bear interest and such deposit, or any remaining balance thereof, shall be returned to the customer when he shall discontinue receiving sanitary sewer service, or except as to tenants as to whom notice of

responsibility for such charges has been filed with the City, when any eight (8) successive monthly bills shall have been paid by said customer with no delinquency.

(Ordinance No. 1987-10, 09-01-1987)

2.148. Annual Audit. The rates hereby fixed are established to be sufficient to provide for the expenses of operation, maintenance and replacement of the system 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 sanitary sewer services shall be reviewed annually and revised as necessary to meet wastewater treatment system expenses and to insure that all user classes pay their proportionate share of operation, maintenance and equipment replacement costs.

(Ordinance No. 1987-10, 09-01-1987)

2.149. Annual Notification. All customers of the City of Frankenmuth wastewater treatment system will receive an annual notification either printed on the bill or enclosed in a separate letter, which will show the breakdown of the sanitary sewer service bill into its components for operation, maintenance and replacement and for debt retirement and depreciation of buildings and structures.

(Ordinance No. 1987-10, 09-01-1987)

2.150. Equal Rates. Rates based on normal domestic strength shall be charged for operation, maintenance and replacement and be equal for all users.

(Ordinance No. 1987-10, 09-01-1987)

2.151. Severability. If any provision, paragraph, word, section or article of this Chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

(Ordinance No. 1987-10, 09-01-1987)

2.152. Conflicts. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance, are hereby repealed to the extent of such inconsistency or conflict. This Chapter (Ordinance Number 87-10) shall take effect twenty (20) days after its adoption, as provided in the City Charter.

(Ordinance No. 1987-10, 09-01-1987)