

CHAPTER 2061

RATES FOR WATER, SEWAGE AND GARBAGE SERVICE

BE IT ORDAINED AND ENACTED BY THE
COUNCIL OF THE VILLAGE OF ELBERTA
AS FOLLOWS:

2061.0 Chapter 2061 is hereby amended by deleting the provisions thereunder and in their place the following sections are adopted. All resolutions regarding rates shall remain in effect, except as otherwise established by the following provisions, and shall continue until changed by resolution of the Village Council.

2061.1 INTENT TO OPERATE WATER DISTRIBUTION, SEWAGE DISPOSAL AND GARBAGE COLLECTION ON RATE BASIS

It is hereby determined to be desireable and necessary for the public health, safety and welfare of the Village of Elberta that the operation of water distribution, sewage disposal and garbage collection for all premises and establishments in the Village of Elberta shall be charged the rates and charges, when applicable, as established in this Chapter 2061.

2061.2 DEFINITIONS

Unless the context specifically indicates otherwise, the following definitions shall apply in the interpretation of this Chapter:

"Shall" is mandatory.

"May" is permissive.

A. Benefit Charge. A charge assessed against all new construction or connections of a building sewer to a riser, public sewer, or connection leading thereto.

B. Building Sewer. Shall mean the extension from the building drain to the owner's property line at the riser.

C. Department. Shall mean the Village Department of Public Works.

D. Establishment. An establishment is defined as follows:

1. Each separate residential unit is a separate establishment, regardless of whether it is in a connected structure, such as a duplex, flat or apartment.
2. Each lot in a mobile home park, where permanent trailers are stationed, is an establishment. Transient lots are not separate establishments for the purpose of this Ordinance.
3. A group of cabins, rooming houses, hotel or motel rooms operated as a transient facility is a single establishment and shall be charged a commercial rate. Should the use of a single cabin or group of cabins change to permanent residential, then each such residence will become a separate establishment to be charged as a residential unit.

A combination of transient cabins and a residence which is used by the manager or owner constitutes two establishments.

For the purposes of this Ordinance, any unit rented on a daily or weekly basis is a "transient facility".

4. Each individual business, institution, or industrial entity is a separate establishment, even though it might be housed along with one or more other businesses, institution or industrial, in a single structure with a common landlord.
5. Combinations of any of the above are each a separate establishment.

E. Laboratory Determination. Shall mean the measurements, tests, and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurement, test, or analysis, of "Standard Methods for Examination of Water and Wastewater", a joint publication of the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation or in accordance with any other method prescribed by applicable State or Federal regulations.

F. pH. Shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution; neutral water, for

example, has a pH value of seven and hydrogen ion concentration of 10,000,000.

G. Premises. Shall mean a lot or parcel of land in the Village of Elberta.

H. Person. Shall mean any individual, firm, association, partnership, public or private corporation.

I. Public Sewer. Shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

J. Riser. The connection from the public sewer to the building sewer at the property line of the premises.

K. Riser Fee. The cost for constructing the riser from the public sewer, fronting the premises, to the property line, and inspecting the connection between said riser and the building sewer.

L. Sewage. As defined in Chapter 2026 of the Village Ordinance Code.

M. Sewer Ready to Serve Fee. That fee charged to each building located on all premises which have a building sewer constructed, after the building has once been connected to a riser or public sewer.

N. Sewer Permit. Shall mean when any person desires to make any connection with or opening into, use, alter, or disturb any building sewer, riser or public sewer or appurtenances thereof.

O. Sewage Works. Means all facilities for collecting, pumping, treating and disposing of sewage.

P. Sewer User Fee. Means that fee charged to establishments which are being supplied water by the Village or have a sewage flow.

Q. Surcharge. The additional charge which the Village may require any user discharging water or waste with any of the characteristics described in 2026.17 of the Village Ordinance Code.

R. Utility Bill. Shall mean a combined bill to include a base charge for water, sewer ready to serve charge, sewer user fee, and garbage pickup to a premises. This bill shall be

considered one bill and shall not be broken down separately for partial payment.

2061.3 SUPERVISION AND CONTROL OF SYSTEM

The operation, maintenance, alteration, repair and management of the water distribution, sewage disposal and garbage collection service shall be under the supervision and control of the Village of Elberta. Said Village may employ or contract with such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the water distribution, sewage disposal and garbage collection services, and may make such resolutions, rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the services.

The proceeds of such charges are to be used for the benefit and maintenance of the sanitary sewage collection system and treatment plant, for the retirement of bond indebtedness incurred therefore, for operation and maintenance, and for construction of replacement sewage works facilities. The rates hereby fixed are estimated to be sufficient to provide for the payment of the system's expenses and shall be revised from time to time as may be necessary to produce sufficient amounts.

2061.4 WATER METER

A water meter shall be required on all new construction, and on all non-residential premises and establishments, including those residential establishments that qualify for the commercial rate.

2061.5 METHODS OF DETERMINING SEWAGE USER FLOW

To determine the sewage flow from any establishment, the Superintendent may use one of the following methods:

A. The amount of water supplied to the establishment by the Village, or a private water supply as shown upon the water meter if the premises are metered, or

B. Flat rate for establishments with no water meter.

C. If the premises are supplied with river water or water from private wells, the amount of water supplied from such sources as estimated by the Superintendent from the water, gas or electrical supply, or

D. If such premises are used for an industrial or commercial purpose of such nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the system made by the Superintendent from the water, gas or electric supply, or

E. An estimate of infiltration and inflow from a premise, based on weir readings or television inspection of the sewer tap.

F. A figure determined by the Superintendent by any combination of the foregoing or by any other equitable method chosen by the Village.

2061.6 RATES

The rates in effect upon the adoption of this chapter and ordinance for water distribution, sewer disposal and garbage collection service shall continue in effect until changed or established by resolution of the Village Council. Rates may be established or changed by two-thirds vote of the Village Council. Rates may be reviewed and may be revised from time to time, unless otherwise provided by prior agreement or contract. A benefit charge is also established as set forth in 2061.7 of this Chapter.

The Village Council shall set rates and changes for the following water, sewage and garbage services provided to each establishment:

A. Water connection and meter installation fees for primary water services.

B. Water connection fees for meter on sewer intake water service or outside discharge of water not connected to building sewer.

C. Metered water fees; residential, commercial and industrial.

D. Unmetered water fees; residential, commercial and industrial.

E. Ready to Serve Sewer Fee; residential, commercial and industrial.

F. Sewer User Fee; residential, commercial and industrial. A customer may, at their costs, and as permitted by the Village, install a second water meter on an outside water discharge and thereafter receive a sewer user fee which deducts the water which flows through the second meter.

G. Riser Fee. The Riser Fee will be due and payable when the application for the building sewer permit is submitted.

The work shall be performed by Village personnel or contracted agents of the Village after it has been determined that the building sewer meets the code specifications.

H. Surcharge for commercial and industrial with high strength waste.

I. Sewer Permit and inspection fee.

J. Testing water meters.

K. Water turn-on charge.

L. Water turn-off charge.

M. Initial service charge for late payment.

N. Additional service charge for each month in addition to above Paragraph M.

O. Utility deposits.

P. Non-sufficient funds or account closed check charge.

Q. Garbage Services for specific materials.

R. Special Rates. Special rates for miscellaneous or special services for which a rate has not been established, shall be determined by the Village Council. No free service shall be furnished by the Village to any person, firm or corporation, public or private, to any public agency or instrumentality.

2061.7 BENEFIT CHARGE

A benefit charge will be assessed against all new construction or establishments and reconnections upon application for connection to the riser, public sewer, or connection leading thereto.

A. The benefit charge will provide for recovery of the principal and interest charges and maintenance expended to date by the present users of the sewage works, for that portion of the sewage works required by the new user.

B. The benefit charge will commence on 3-1-91. All premises or establishment connections after that date will be subject to the benefit charge.

Req Meet 11-16-95

-15-

review for the site plan and the granting of a special use.

Motion by Gatrell supported by Acre to hold a special meeting to review the Stenberg request. Yea - 6.

Mr. Berlin asked if it would be fair to set the special meeting now, so that all those present would have notice. Mr. Stenberg stated he would like to point out that the notice that was published stated a meeting would follow for the review. Mr. Berlin stated the public hearing has been held but if the time could be set now that would give Mr. Stenberg and the public notice to attend and there will be an eighteen hour notice for the special meeting.

Motion by Acre supported by Gatrell to set a ZBA meeting on the Stenberg request for a dimensional variance, a site plan review and review of the special use on November 30, 1995 at 7:00 p.m. Yeas - 6.

Mr. Berlin stated this was done because of ten other items on the agenda. Mr. Stenberg thanked the Council for their consideration.

2. D/A AARR PROPERTY.

Mr. Gilbert stated there were some letters in their packets. No action taken.

3. D/A FEES FOR WATER/SEWER HOOK-UP APPLICATIONS.

Mr. Gilbert asked the Clerk what the difficulties were on this. The Clerk stated that according to the ordinance there fees that can be charged and no fees were ever established and so two forms were drafted for review; one for separate fees for materials, equipment, labor and the benefit fee or one combined fee of \$500.00 for time, equipment, and materials or whichever is larger plus the benefit fee.

Motion by Acre supported by Gatrell to approve the combined fee of \$500.00 for time, equipment and labor or whichever is larger plus the benefit fee. Yeas - 6.

4. D/A PREPAY BILLS FOR DECEMBER.

The Clerk stated that because of the way the holidays are falling this year the office will be closed the day after the regular meeting in December and the Treasurer would like to prepare all the bills for the computer and print them to be sent in the mail after the holidays and if there are any the council does not approve, those checks would be voided.

Motion by Kirbach supported by Gatrell to permit the Treasurer to prepay all the bills for December. Yeas - 6.

18. SCOUT BUILDING.

Parsons asked Charles Thompson if they had finished work on the scout building because it doesn't look any better. Thompson replied "no". Parsons stated she did not understand why they did not scrape and painted over peeling wood. The area is a park and yet there are cars parked every night and loud music. Thompson stated that because it's a park, apparently they aren't wanted there. If that is the case, after putting in 100 hours of work, and the building is taken away from them, he is done. They are still a long way from being finished. Thompson stated he could put an end to the music...that is no problem and apologized if she was disrupted. Gilbert stated it is an old building and can't be changed overnight.

19. WATER/SEWER HOOK UP FEES.

Motion by Kidder supported by McClellan to establish a charge for all property owners requesting upgrading of water and or sewer system to be set at the costs of time, equipment and materials effective 08/20/92. Yeas - 6. Nays - 0.

McClellan asked Gilbert if Narrow St. sidewalk would be finished as the motion was to do all of Narrow St. He replied it would be completed this year; that something will be done each year on the north end of the village since it has been neglected for years.

Motion for adjournment by Parsons and Kidder accepted at 10:20 p.m.

Barbara Harju
Village Clerk

Req. Meet 8-20-92

C. There shall be paid on behalf of each single family residence, or equivalent unit as established in Table 1, in cash at the time of application for the building sewer permit or permit to reconnect the following charges:

Residential or Equivalent Unit
Benefit Charge

March 1, 1991 to March 1, 1992	\$500.00	after March 1, 1999	\$1800.00
		after March 1, 2000	1900.00
after March 1, 1992	900.00	after March 1, 2001	2000.00
after March 1, 1993	1200.00	after March 1, 2002	2100.00
after March 1, 1994	1300.00	after March 1, 2003	2200.00
after March 1, 1995	1400.00	after March 1, 2004	2300.00
after March 1, 1996	1500.00	after March 1, 2005	2400.00
after March 1, 1997	1600.00	after March 1, 2006	2500.00
after March 1, 1998	1700.00		

Subsequent changes in the character of the use or type of occupancy of any premises may place said premises in a higher ratio-factor category. The Village Council may, in its discretion, increase the number of units assigned to said premises. Thereupon any additional charges occasioned by such increase shall be payable, in cash, at the time a construction permit or other permit issued by the Village for such changes, or at the time such changes occur if no permit is issued or required.

2061.8 TERMINATION OR DECERTIFICATION OF ESTABLISHMENT.

Owners of premises, who have permanently terminated the ability to use a structure on their premises or an establishment thereon, or who have permanently merged, for a minimum of twelve months, into another establishment as to become one establishment or structure which does not require a connection to a public sewer, in compliance with Chapters 2026, 2046 and 2061, as amended, may apply to the Village Council to have their riser disconnected or the establishment decertified as an establishment, if there is another establishment which will continue to use the riser.

All such termination applications shall be made on forms provided by the Village, signed, in the presence of two witnesses and a notary public, by all the owners of the premises where the affected establishments are located, and showing the identity of the draftsman of the application so that such application and any subsequent approval may be recorded in compliance with the recordation statutes for the Register of Deeds for the County of Benzie. The application shall include therewith the fee as established by Chapter 2061.6(S), as amended. The application shall be complete and shall set forth all facts in support thereof.

The applicants shall further acknowledge that in the event the establishment's riser is disconnected or the establishment is decertified, that any future use of the establishment as set forth in Chapters 2026, 2046 and 2061 of the Village Ordinance, as amended, shall first require the payment of the full benefit charge for each new establishment as though such establishment were a new construction on vacant land, as set forth in this Chapter 2061, as amended.

All such applications, disconnections, terminations or decertifications shall give the Village the full right of inspection, from time to time, of the premises or establishments affected.

All disconnections, terminations or decertifications, as set forth herein, shall require the affirmative vote of two-thirds of the Council.

All disconnections shall be completed by the Department, or under their supervision, with all cost, as set by Village Council resolution, being paid by the applicant owners, when the application is presented.

2061.9 BILLING, COLLECTION, ACTIONS, LATE PAYMENTS,
DISCONNECTIONS

Charges for all utility bills shall be billed and collected monthly without penalty on or before the twenty-first day of the month. Payments received thereafter will bear a service charge as authorized by 2061.6(M) herein, and an additional amount as authorized by 2061.6(N) herein, shall be added to such bill on the first day of each additional month that the utility bill remains unpaid, to cover the administrative costs to maintain late accounts. *See 2015 Amendment*

If the utility bill, service charge, and other rates due and owing shall not be paid when due, the amount, plus any damages and cost, may be recovered by the municipality in an action at

See 2015 Amendment

law or the above amounts of the utility bill, service charges and other amounts due and owing may be certified to the tax assessor and assessed against the lot or parcel of land upon which is situated the premises served, and collected or returned in the same manner as municipal taxes against real estate are certified, assessed, collected and returned, and shall be a lien upon such lot or parcel of land coordinate with the lien of such municipal taxes from the time of certification to the tax assessor.

In addition to the foregoing, the Department shall have the right to shut off water service to any premises for which charges for the utility bill are delinquent, and such service shall not be re-established until all delinquent charges, service charges, the turn-off charge, the turn-on charge, and a deposit have been paid in full.

2061.10 NOTICE OF DISCONNECTION

See 2015 Amendment

When a person obligated to pay the utility bill becomes delinquent, they shall be sent a notice by regular mail, to the address where the utility bill is sent, that they will have seven (7) days to pay their utility bill and service fees, or their water service, sewer service and/or garbage service will be disconnected or discontinued.

Any case of hardship resulting from a disconnection may be submitted in writing to the Village President for approval, with notice to the Clerk and Treasurer. The person may appear at the next Council meeting, when the Council shall either affirm, revise, or reverse the holding of the President.

2061.11 DEPOSITS *- See 2015 Amendment*

In addition to the above, water and sewer service shall not be rendered and garbage service may not be rendered to delinquent premises, as stated hereinabove, until a cash deposit, in an amount set pursuant to 2016.6(O), shall have been paid as security for payment of future charges and services. The deposit shall not bear interest. All deposits may be applied against any delinquent utility bill, and the application thereof shall not affect the Department's duty to disconnect services for future unpaid utility bills. Deposits, or any remaining balance thereof, shall be returned to the person in whose name the premises or establishment is listed, when the non-rental premises is transferred or sold; except, tenant deposits shall, upon the completion of delinquency, be returned to them upon their request if all amounts owing are fully paid, or upon eighteen (18) months of timely payments, after all amounts owing are fully paid, whichever occurs first.

2061.12 RENTERS

In the case of renters, the property owner will be responsible for the payment of all utility bills to the Village.

2061.13 LIENS

The charges for utility bills and service charges made a lien on all premises served thereby, are hereby recognized to constitute such lien and whenever any such charge against any piece of property shall be delinquent for two (2) months, the Village official or officials in charge of the collection thereof shall certify annually on May 1st of each year, to the tax assessing officer of the Village, the fact of such delinquency, whereupon such charge shall be by him/her 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. However, the use of this lien provision shall not prevent other collection procedures or the requirement of a deposit.

~~2061.14 Not Used Ordinance 29~~

~~2061.14 ANNUAL REVIEW; ADJUSTMENTS IN RATES AND CHARGES~~ Repealed

~~An annual review will be performed on a fiscal year basis to determine the actual cost of water, sewer and garbage services, including bond retirement, maintenance of an operational and maintenance fund, and a replacement fund. A review of this material by the Superintendent of the Department, Village Treasurer and the Village Clerk will establish whether revenue receipts are sufficient to cover costs and funds, and also whether the distribution of charges is equitable.~~ See Ord 29

~~If adjustments are necessary in the charges or distribution, as outlined in Chapters 2026, 2046 and this Chapter, rates will be established, amended or enacted to provide sufficient revenue for the new fiscal year budget.~~

2061.15 SEVERABILITY

The provisions of this Ordinance are severable. 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.

2061.16 REPEALER

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.

2061.17 EFFECTIVE DATE

This Ordinance shall take effect on 4-18-1991.

TABLE 1

SCHEDULE OF RESIDENTIAL EQUIVALENTS
FOR BENEFIT CHARGE

<u>Use</u>	<u>Single Family Residential Equivalent</u>
Apartments	1.0 per unit
Auto Dealers	.30 per service stall
Banks	.50 per 1000 sq. ft.
Barber Shops	1.0 per shop plus .10 per chair
Bar	.166 per seat
Beauty Shops	1.0 per shop plus .10 per chair
Car Wash	Attendant-operated 12.0 per lane Coin-operated 1.0 per stall
Churches	1.0 plus .10 per 1000 sq. ft.
Cleaners	1.5 per 1000 sq. ft. plus 2.0 per pres
Clothing or Shoe Stores, Men's or Women's	.50 per 1000 sq. ft.
Clinics, Medical or Dental	1.0 per doctor
Convalescent or Nursing Homes	.22 per bed
Drapery or Fabric Retail Store	.50 per 1000 sq. ft.
Drug Store	.75 per 1000 sq. ft.
Factories (exclusive of industrial waste)	.50 per 1000 sq. ft. plus industrial process waste
Fraternal Organizations	1.0 per 1000 sq. ft.
Furniture Store	.25 per 1000 sq. ft.
Gift Shop	.75 per 1000 sq. ft.
Grocery Store	1.0 per 1000 sq. ft.

(continued on following page)

<u>Use</u>	<u>Single Family Residential Equivalent</u>
Meat Markets or Produce Markets	2.5 per 1000 sq. ft.
Hotels or Motels	.25 per unit plus restaurant, bar and meeting facilities at respective unit factors
Laundry, Self-service	.50 per washer
Mobile Home Park	1.0 per trailer space
Office Building	.50 per 1000 sq. ft.
Restaurants, Food and Beverage	.125 per seat
Restaurants, Food only	.10 per seat
Schools	.67 per classroom
Service Stations	.40 per pump
Snack Bars, Drive-In Restaurants	.10 per seat and/or stall
Stores, other than listed	.50 per 1000 sq. ft.
Theatres, Drive-In	.008 per car space
Warehouse	.10 per residence
Single-Family Residence	1.0 per residence
Two-Family Residence	1.0 per residence
Motel Units, with complete kitchen facilities	.50 per unit

RESOLUTION

SEWER AND WATER LATE FEES

Be it resolved that at a Regular Meeting of the Elberta Village Council held on January 16, 1997 the Council did move to amend the late charges on Sewer and Water Utility Billings from two dollars each month to five dollars each and every month commencing ten days after the due date.

Motion by D.Jenks supported by Poyner to accept the above resolution. Yeas - 7. Motion carried.

Sharyn Bower

Sharyn Bower
Village Clerk

RESOLUTION
DECERTIFICATION FEES

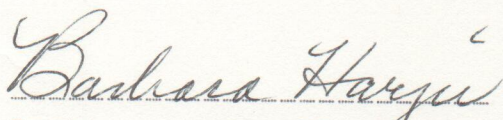
Be it resolved that at a regular meeting of the Elberta Village Council on April 18, 1991 the Council did move to set decertification fees at \$1,000.00 plus labor and materials for commercial and \$400.00 plus labor and materials for residential.

Moved by: Joyce Gatrell Supported by: Charles Thompson

Yeas - Noffsinger, Gatrell, McClellan, Keillor, Thompson and Kidder. Nay - Gene Lovegrove.

Motion carried.

I, Barbara Harju, Clerk of the Village of Elberta do hereby certify this to be a true and accurate resolution passed at a regular meeting of the Elberta Village Council on April 18, 1991.


Barbara Harju, Clerk

RESOLUTION

DECERTIFICATION FEES


Be it resolved that at a regular meeting of the Elberta Village Council on April 18, 1991 the Council did move to set decertification fees at \$1,000.00 plus labor and materials for commercial and \$400.00 plus labor and materials for residential.

Moved by: Joyce Gatrell Supported by: Charles Thompson

Yeas - Noffsinger, Gatrell, McClellan, Keillor, Thompson and Kidder. Nay - Gene Lovegrove.

Motion carried.

I, Barbara Harju, Clerk of the Village of Elberta do hereby certify this to be a true and accurate resolution passed at a regular meeting of the Elberta Village Council on April 18, 1991.


Barbara Harju

Barbara Harju, Clerk

BE IT RESOLVED that, according to the Elberta Village Water,
Sewer and Garbage Rate Ordinance, Chapter 2061, Section 4,
an annual charge per fire hydrant shall be prescribed by
the Elberta Village Council:

Whereas, the Elberta Village Council does establish that a
charge of \$840.00 be placed on the rental of fire hydrants;
in their entirety, and,

FURTHER, that \$70.00 will be paid to the Water Fund for the
rental of hydrants, on a monthly basis.

Resolution offered by: Charles Thompson
Supported by: Joyce Gatrell
Absent: Rommell and Kidder
Yeas - Noffsinger, McClellan, Gatrell, Keillor, Thompson.
Nays - None.


CERTIFICATION

Elberta, Michigan

STATE OF MICHIGAN)
) ss.
COUNTY OF BENZIE)

I, Barbara Harju, Clerk of the Village of Elberta, do
hereby certify that the above is a true and accurate copy
of a resolution passed by the Village Council, at a special
meeting on this 21st day of February, 1990.

IN WITNESS WHEREOF, I have hereunto
set my hand this 22nd day of
February, 1990.


Barbara Harju
Barbara Harju
Village Clerk

~~Proposed~~ Resolution Adopting Water Rates in Q3 of FY2014
August 21, 2014

WHEREAS, Chapter 2061 Section 14 of the Village of Elberta By-Laws provides for an annual review of the water rates and charges along with recommendations for the rates and charges; and

WHEREAS the Village, with assistance from the Michigan Rural Water Association, has completed their review of the water system assets and rates; and

WHEREAS it has been determined that the Village Water system does not generate sufficient revenue to cover the cost of operations, maintenance, and repairs of the Water Service; and

WHEREAS Chapter 2061 Section 6C of the Village By-Laws authorizes the Village Council to set rates and charges for the Water Service.

BE IT RESOLVED that beginning October 1, 2014 water rates shall be as follows:

	ELBERTA WATER	APARTMENTS
PER 1,000 GAL	\$4.67	\$0.00
METER SIZE	BASE RATE PER MONTH	
"3/4	\$16.25	\$16.25
1"	\$22.75	
1.25"	\$30.88	
1.5"	\$40.63	
2"	\$66.63	
3"	\$138.14	
4"	\$242.15	
6"	\$528.18	

Motion: 1st: *Helms* 2nd: *Genies*
Vote: Yeas: ~~4~~ 5 Nays: 0 Absent: 2

Resolution Adopted

March 19 2015
Regular Council
Meeting

- 1 Fire Ordinance Issued tabled until April Regular Council Meeting
2 3. FIVE PERSON COUNCIL Motion to adopt Ordinance No 30. 1st Soper, 2nd O'Dwyer. Roll
3 call: Gatrell – Aye, Holmes – Aye, Jenks – Aye, O'Dwyer – Aye, Soper – Aye. Motion Carried.
4 Public hearing to be scheduled for April Regular Council Meeting. Need to post Ordinance in
5 Record Eagle, in its entirety.
6 4, RESIGNATION OF CLERK – Motion to Accept Resignation 1st Gatrell, 2nd O'Dwyer. All
7 Ayes. ,Motion Carried.
8 5. GARAGE AT 755 FRANKFORT AVE.. Business is in violation of zoning land use. Need
9 zoning administrator to address. Furthermore, O'Dwyer requested that the Village Council send
10 a letter to the County Building Department inquiring on the status of the business building
11 code/permits.
12 6. DEPOSIT FOR WATER AND SEWER. Current Village law under 2061 requires a deposit
13 to restore service that has been turned off for delinquent payments. Motion to set deposit at \$50
14 1st O'Dwyer, 2nd Gatrell. All Ayes. Motion Carried

15

16 DEPARTMENT AND COMMITTEE REPORTS:

- 17 COUNTY COMMISSIONER Gary Sauer – This upcoming Monday will be a vendor
18 demonstration on websites to determine County website provider. The FOIA changes are in
19 effect July 1, County is trying to schedule training. If the Village does not have a fee schedule in
20 effect by July 1st, any FOIA request will be complied with for Free.
21 Put FOIA fee schedule on agenda for April
22 DPW - ZONING ADMINISTRATOR Ken Bonney: Issue with permit application for 1112
23 Valley. All notices have been sent to tenant and land owners; unpermitted shed needs to be
24 removed by March 26 or \$100/day fines will accrue. DPW will put mowing of Parks out for bid.
25 DPW will put out an ad for Seasonal Help. Kidder is looking a well alternating switch.
26 PRESIDENT - PLANNING COMMISSION Diane Jenks
27 BLUA - FIRE DEPT. Joyce Gatrell - Ken Holmes. No issues at BLUA. No meeting yet on Fire
28 Dept.
29 BFA - Holly O'Dwyer, Cathy Anderson, Diane Jenks. Written report submitted
30 PARKS & REC - MUNICIPAL BUILDINGS - BETSIE VALLEY TRAIL- Bill Soper. Chili
31 Cookoff made \$141. EDNA clean-up will be April 18th.
32 EMPLOYEE RELATIONS - Joyce Gatrell - Rosemary Tanner - Art Melendez. Committee met
33 with Dick Jenkins (former clerk) on March 1st. Mr Jenkins suggested that the Village hire a
34 Village Manager.
35 PPIC - Diane Jenks- Joyce Gatrell - Christine Walkons. Committee is working on assembling
36 all the codes and laws
37 PUBLIC COMMENT
38 Emily Votruba mentioned that she trained Mary Kalbach on the website administration
39 yesterday, so Mary can post to the village website

2061.9 BILLING, COLLECTION, ACTIONS, LATE PAYMENTS, DISCONNECTIONS

Charges for all utility bills shall be billed and collected monthly without penalty on or before the last day of the month. Payments received thereafter will bear a service charge as authorized by 2061.6 (M) herein, and an additional amount as authorized by 2061.6 (N) herein, shall be added to such bill on the first day of each additional month that the utility bill remains unpaid, to cover the administrative costs to maintain late accounts.

If the utility bill, service charge, and other rates due and owing shall not be paid when due, the amount, plus any damages and cost, may be recovered by the municipality in an action at law or the above amounts of the utility bill, service charges, and other amounts due and owing may be certified to the tax assessor and assessed against the lot or parcel of land upon which is situated the premises served, and collected or returned in the same manner as municipal taxes against real estate are certified, assessed, collected and returned, and shall be a lien upon such lot or parcel of land coordinate with the lien of such municipal taxes from the time of certification to the tax assessor.

In addition to the foregoing, the Department shall have the right to shut off water service to any premises for which charges for the utility bill are delinquent for sixty (60) days, and such service shall not be re-established until all delinquent charges, service charges, the turn-off charge, the turn-on charge, and a deposit have been paid in full.

2061.10 NOTICE OF DISCONNECTION

When a person obligated to pay the utility bill becomes sixty (60) days delinquent, they shall be sent a notice by regular mail to the address where the utility bill is sent, and a shut-off notice may be served to the premises where the utility bill is delinquent, as notification that they will have fourteen (14) days to pay their utility bill and service fees, or their water service and/or sewer service will be disconnected or discontinued.

2061.11 DEPOSITS

In addition to the above, water and sewer service shall not be rendered to delinquent premises, as stated hereinabove until a deposit, in an amount set pursuant to 2061.6 (O), shall have been paid as a security for payment of future charges and services. The deposit shall not bear interest. The deposit shall not affect the Department's duty to disconnect services for future unpaid utility bills. Deposits, or any remaining balance thereof, shall be returned to the person in whose name the premises or establishment is listed, when the non-rental premises is transferred or sold; except, tenant deposits shall, upon the completion of delinquency, be returned to them upon their request if all amounts owing are fully paid, or upon eighteen (18) months of timely payment, after all amounts owing are fully paid, whichever occurs first.

*Motion by O'Dwyer, supported by Holmes.
All Ayes. Motion Carried
November 19, 2015*

Catherine Anderson, Clerk