

ORDINANCE NO. 1165

ORDINANCE AMENDING THE VILLAGE OF PINCKNEY CODE OF ORDINANCES BY AMENDING TITLE V, PUBLIC WORKS, CHAPTER 52, SEWERS, §52.01, § 52.03, § 52.28, § 52.29, AND §52.35

The Village of Pinckney ordains:

**Section 1.** TITLE V, *Public Works*, Chapter 52, *Sewers*, §52.01, *DEFINITIONS AND ABBREVIATIONS* of the Village of Pinckney Code of Ordinances is hereby amended add the following definition to read as follows:

**DEBT SERVICE CHARGE** or **DEBT RETIREMENT** means the charge that users of the sanitary sewage disposal system shall be required to pay, including principal, interest, and administrative costs, for retiring local debt incurred for the construction of the village sanitary sewage disposal system. Debt service charges shall be in addition to the user charges.

**Section 2.** TITLE V, *Public Works*, Chapter 52, *Sewers*, § 52.03, *FINDINGS*, Subsection (B), *Method of measuring use of Sewage Disposal System*, of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(B) *Method of measuring use of Sewage Disposal System.* The Village Council finds that the most practical, cost-effective and accurate method, given available technology, of measuring the use of the Sewage Disposal System by all nonresidential users and by all residential users that receive water service from the Village's Water Supply System is by a meter or meters installed to measure water usage by the user. The Village Council further finds that, with respect to residential users not served by the village's Water Supply System, it would be impractical and cost-prohibitive to require already-established users to install a meter to measure water use from a well or other private water source. Therefore, in the case of residential users that do not receive water service from the Village's Water Supply System, the Village Council determines that use of the Sewage Disposal shall be estimated based on a Meter Equivalency Unit established by the village, which the Village Council finds to be a fair and reasonable estimate of the variable costs of the sewer and wastewater treatment services provided by the Sewage Disposal System to the users. However, new residential construction in areas not served by the village's Water Supply System will be required to install a meter to measure water usage for determination of sewer usage.

**Section 3.** TITLE V, *Public Works*, Chapter 52, *Sewers*, § 52.03, *FINDINGS*, Subsection (F), *Sewer service charges*, of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(F) *Sewer service charges.* The village has investigated several methods of apportioning the costs of the sewer service provided by the Sewage Disposal System. Based on its investigation, the Village Council has previously found and currently reaffirms that to ensure the stability and viability of the Sewage Disposal System for the benefit of

its users, the most fair and accurate way to apportion the costs of operation, maintenance, replacement and improvement of the Sewage Disposal System is to charge each user:

(1) A commodity charge for sewer usage which is based on the user's actual metered use of water supplied by the Village's Water Supply System (or, in the case of residential users, not served by the Village's Water Supply System based on actual metered water use from a private water supply or the be estimated based on a Meter Equivalency Unit established by the village);

(2) A readiness-to-serve charge for sewer usage based on meter size, which fee reflects each user's proportionate share of the fixed costs of operating and maintaining the sewage disposal system;

(3) A capital connection fee to be paid by persons connecting to the Sewage Disposal System or changing their user classification in order to defray certain capital costs incurred to provide sufficient capacity to all users;

(4) A debt service charge assessed users of the system which is used to pay principal, interest, and administrative costs of retiring the debt incurred for the construction of the sewage disposal system, and construction of improvements of, and extensions to, the sewage disposal system; and

(5) The other fees and costs for services as authorized by this subchapter.

**Section 4.** TITLE V, *Public Works*, Chapter 52, *Sewers*, § 52.28, *MEASURING SEWER USAGE; WATER METERS REQUIRED FOR ALL NONRESIDENTIAL USERS*, Subsection (B), of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(B) All new users of Sewage Disposal System, who or which are not served by the Village Water Supply System, shall be required to purchase and install a water meter or meters for the purpose of measuring the amount of water supplied to the premises by river water or from private wells or other private sources. The meter or meters shall be purchased by the owner of the property served by the Sewage Disposal System and shall be maintained at the expense of the owner. The purchase and installation of a water meter as described in this section shall be required as a condition to the connection to and use of the Sewage Disposal System.

**Section 5.** TITLE V, *Public Works*, Chapter 52, *Sewers*, § 52.28, *MEASURING SEWER USAGE; WATER METERS REQUIRED FOR ALL NONRESIDENTIAL USERS*, Subsection (C), of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(C) Residential users not served by the Village's Water Supply System are encouraged, but shall not be required to purchase and install a water meter for the purpose of measuring the amount of water supplied to the premises by private well or other private source. A meter described in this section shall be purchased by the residential user from the village and shall be maintained at the expense of the user. A residential user electing to purchase and install a water meter as described in this section shall be assessed a commodity charge

on the basis of metered water consumption as described in § 52.29(C)(4)(a)1. in lieu of the commodity charge calculated in accordance with § 52.29(C)(4)(a)2.

**Section 6.** TITLE V, *Public Works*, Chapter 52, *Sewers*, § 52.29, *ESTABLISHMENT OF RATES; RATES AND CHARGES*, Subsection (B), *Allocation of cost of service; user classification*, subsections (5) and (6), of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(5) For meters of the following sizes, the following meter equivalency ratios shall be used for purposes of allocating the amount of the indirect costs of service and determining the relative demand on capacity of the Sewage Disposal System per meter size:

<i>Meter Size (Inches)</i>	<i>AWWA</i>
<i>Meter Capacity Ratio</i>	
5/8 and 3/4	1
1	2.5
1-1/2	5
2	8
3	17.5
4	30
6	62.5

(6) Un-metered single-family residential properties shall be assigned a meter capacity ratio of one for purposes of calculating the rates and charges prescribed by this subchapter.

**Section 7.** TITLE V, *Public Works*, Chapter 52, *Sewers*, § 52.29, *ESTABLISHMENT OF RATES; RATES AND CHARGES*, Subsection (C), *Specific rates and charges*, subsection (1), of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(1) *Commodity charge.* Every user of the Sewage Disposal System shall pay a commodity charge for all sewer and wastewater treatment services furnished by the Sewage Disposal System:

(a) Except as otherwise provided in this subchapter, commodity charges for all sewer and wastewater treatment services shall be calculated on the basis of metered gallons of water consumed (excluding water consumed for irrigation purposes as measured by a secondary irrigation meter installed in accordance with § 52.28(D)) at rates determined by resolution of the Village Council and which fairly apportion the variable costs of providing sewer and wastewater treatment services to users of the Sewage Disposal System.

(b) Single-family residential users not served by the village's Water Supply System and which have not elected to install a water meter in accordance with § 52.28(C) shall be assessed a commodity charge calculated based on an estimated a Meter Equivalency Unit established by the village as determined by resolution of the Village Council and which the

Village Council finds to be a fair and reasonable estimate of the variable costs of the sewer and wastewater treatment services provided by the Sewage Disposal System to the users.

**Section 8.** TITLE V, *Public Works*, Chapter 52, *Sewers*, § 52.29, *ESTABLISHMENT OF RATES; RATES AND CHARGES*, Subsection (C), *Specific rates and charges*, subsection (2), of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(2) *Readiness-to-serve charge.* Every user shall pay a readiness-to-serve charge for sewer service on the basis of meter size in an amount and in the manner determined by resolution of the Village Council and which fairly apportions the fixed costs of providing sewer service for users of the sewage disposal system and may include periodic depreciation expenses to allocate the original cost of the system's assets over the life of those assets.

**Section 9.** TITLE V, *Public Works*, Chapter 52, *Sewers*, § 52.29, *ESTABLISHMENT OF RATES; RATES AND CHARGES*, Subsection (C), *Specific rates and charges*, to amend subsection (7) and add new subsections (8) and (9), of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(7) *Debt service charge.* The charge assessed users of the system which is used to pay principal, interest, and administrative costs of retiring the debt incurred for the construction of the sewage disposal system, and construction of improvements of, and extensions to, the sewage disposal system.

(8) *Equity buy-in.* This fee may include a component that represents the capital equity share within the system as established prior to the new or expanded user's connection or a user's increased use of the system's capacity.

(9) *Other fees.* The Village Council may, by resolution, establish certain additional fees as may be required to carry out the purposes of this subchapter.

**Section 10.** TITLE V, *Public Works*, Chapter 52, *Sewers*, § 52.35, *BILLING AND COLLECTIONS; TERMINATION OF WATER AND SEWER SERVICE BY VILLAGE*, Subsection (A), *Billing*, subsection (4), of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

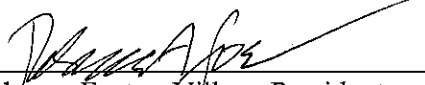
(4) If any billed charge for water service shall not be paid by day 30 following the mailing of the bill for which the charges were made, a delayed payment charge of 10% of the amount of the bill shall be added thereto, plus interest in an amount determined by the village Council resolution, and shall be collected therewith.

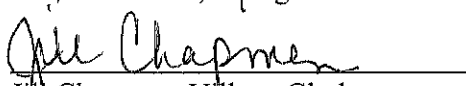
**Section 11. Repealer Clause.** Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 12. Savings Clause.** This ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any ordinance, resolution, order or parts thereof, hereby repealed, and this ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the Village, County or other person, either criminal or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, order or policy, or any part thereof, hereby repealed. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order or parts thereof, hereby repealed.

**Section 13. Validity and Severability.** Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

**Section 14. Effective Date.** This Ordinance shall be effective twenty (20) days after its passage, or from and after its publication, whichever is later.

  
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 Rebecca Foster, Village President

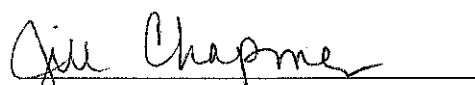
  
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 Jill Chapman, Village Clerk

Village Council Member Matson offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Village Council Member Lavey, and upon being put to a vote, the vote was as follows:

Rebecca Foster, President	<u>Abs</u>
Justin Bierman, Trustee	<u>y</u>
Ted Kinczkowski, Trustee	<u>y</u>
Linda E. Lavey, Trustee	<u>y</u>
Brian Matson, Trustee	<u>y</u>
Justin McInnes, Trustee	<u>Abs</u>
Scott Smith, Trustee	<u>y</u>

The President thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Pinckney this 24th day of October, 2022.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 165 adopted by the Village Council of the Village of Pinckney, County of Livingston, Michigan, at a regular meeting held on October 24, 2022.

  
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 Jill Chapman, Village Clerk