

ORDINANCE #691

AN ORDINANCE TO AMEND MARQUETTE CITY CODE CHAPTER 48 – UTILITIES BY REPEALING ARTICLE IV – WATER AND SEWAGE RATES AND ADOPTING A NEW ARTICLE IV – WATER AND SEWAGE RATES

The City of Marquette Ordains:

SECTION 1. Repeal.

Chapter 48 – Utilities, Article IV – Water and Sewage Rates is hereby repealed.

SECTION 2. Adoption.

New Chapter 48 – Utilities, Article IV – Water and Sewage Rates is hereby adopted as follows:

ARTICLE IV. - WATER AND SEWAGE RATES

Sec. 48-118. - Water rates - Service furnished by city water utility.

(a) The rates to be charged for water service furnished by the water utility of the city shall be established from time-to-time by resolution of the city commission, including, but not limited to, fixed and variable monthly charges for metered customers based on such factors and using such methodologies as determined appropriate by the city commission. User charges for operation, maintenance, and replacement shall be subject to annual review. The rates established shall be estimated 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.

(b) Permits for use of fire hydrants for metered temporary service must be obtained from the city water department. Water shall be invoiced at the rates established as provided by this section with a minimum monthly hydrant charge in the amount established from time-to-time by resolution of the city commission.

Sec. 48-119. – Same - Outside the city limits.

The rates charged users of water service furnished outside the corporate limits of the city shall be in accordance with contracts executed between the City of Marquette and the governmental units receiving water service. Water rates to any consumer outside the corporate city limits shall be established from time-to-time by resolution of the city commission.

Sec. 48-120. - Wastewater disposal rates.

Charges for wastewater treatment service shall be levied upon each lot, parcel of land, or premises having any sewer connection to the water and wastewater utility system. The charges made by the city shall be based on the water flowing through the water meter. If a

special wastewater meter is serving the land or premises, the wastewater charges shall be based on the amount registered on the wastewater meter.

(a) Metered service. For all metered customers, the monthly fixed charge, all of which relates to operation, maintenance, and replacement, and the monthly variable charge for wastewater treatment service, shall be established from time-to-time by resolution of the city commission, based on such factors and using such methodologies as determined appropriate by the city commission.

(b) Flat rate wastewater service. Unmetered service shall be based on estimated usage applied to existing metered rates.

(c) Special sewer rates. Special sewer rates may be established by the city commission to meet special circumstances or situations where, in its judgment, a special rate is deemed proper and advisable. These rates shall be calculated such that revenue generated is proportional to cost.

(d) Roof drains and stormwater. Roof drains or any other connections which permit stormwater to discharge into the sanitary sewer system are prohibited. In the event such a connection is discovered, it shall be corrected at the property owner's sole expense within 60 days after written notification. If after 60 days the correction has not been made, the property shall be surcharged at the rate and on the basis as established from time-to-time by resolution of the city commission.

Sec. 48-121. - Wastewater outside the city limits.

The rates charged users of wastewater service furnished outside the city corporate limits shall be in accordance with contracts executed between the City of Marquette and the governmental units receiving the wastewater service.

Sec. 48-122. - Lawn sprinkling meters.

(a) The city will install water meters for customers that desire a supply of water that will not be discharged into the city's sanitary sewer system.

(b) The city will charge the customer for the meter and its installation. The customer will pay the variable charges as provided for in section 48-118 for the combined total of water used by the house and on the lawn.

Sec. 48-123. - Billing.

(a) All water and wastewater billings are due upon receipt of said billing and are past due 21 days from billing date as shown on the bill. All past due bills shall be charged a late penalty at

the percentage rate per month and with a minimum payment in the amount as established from time-to-time by resolution of the city commission.

(b) Charges for water and wastewater services shall constitute a lien against the property served, and if not paid within three months after the same is due, the official in charge of the collection thereof shall, prior to April 1 and October 1, certify to the city assessor the facts of such delinquency, whereupon the city assessor shall enter such delinquent charges upon the next general city tax roll as a charge against such premises, and the lien thereof shall be enforced in the same manner as provided by law for delinquent and unpaid taxes.

Sec. 48-124. - Service shutoff.

The city shall have the right to shut off and discontinue the supply of water or wastewater treatment to any premises for nonpayment of water and/or wastewater billings after ten days notice in writing to the address shown on current billing records. Once service is discontinued, a turn-on charge shall be paid prior to reinstating service to the premises. This charge shall be in accordance with the fee schedule set by the city commission.

Sec. 48-125. - Appeals.

The city commission shall hear all appeals from water and sewer customers concerning rates, charges and single lot special assessments. Customers may appear in person or in writing at the time set by the board to consider the appeal. Appeals of the decisions of the city commission shall be by petition to a court of appropriate jurisdiction, the board of review, or the state tax tribunal.

SECTION 3. Severability.

Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 4. Saving Clause.

The amendment or repeal by this Ordinance of any ordinance or ordinance provision shall have no effect upon prosecutions commenced prior to the effective date of this Ordinance or prosecutions based upon actions taken by any person prior to the effective date of this Ordinance. Those prosecutions shall be conducted under the ordinance provisions in effect prior to the effective date of this Ordinance.

SECTION 5. Conflict.

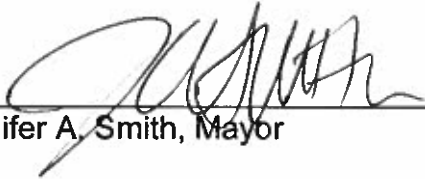
Except as otherwise expressly provided, the provisions of this Ordinance shall control in the event of any inconsistency or conflict between this Ordinance and any other provision of any other ordinance of the City.

SECTION 6. Publication.

This Ordinance shall be published by publishing a summary of the Ordinance in a newspaper of general circulation in the City of Marquette, including the designation in the publication of the location in the City where a true copy of the Ordinance can be inspected or obtained, as authorized by State law.

SECTION 7. Effective Date.

This Ordinance shall take effect ten days after adoption, but not before the date of publication of the notice of its adoption as provided in Section 6, above, and as certified by the Clerk, below.



Jennifer A. Smith, Mayor



Kyle Whitney, City Clerk

Adopted this 14TH day of SEPTEMBER, 2020, by the City Commission, City of Marquette, Michigan.

On roll call, the vote was:

Yeas: Mayor Smith, Mayor Pro Tem Hill. Commissioners: Bonsall, Davis, Frazar, Schloegel + Stonehouse.

Nays: None

Date Published: 9/17/2020

Certification

I, Kyle Whitney, Clerk of the City of Marquette, Michigan, do hereby certify that the foregoing is a true copy of the ordinance adopted by the City of Marquette City Commission at a regular meeting held on SEPT 14, 2020, at 6 p.m., and that it was published in Marquette Mining on 9/17, 2020.
Journal


_____, Clerk