

**AN ORDINANCE TO AMEND THE BROWN CITY CODE BY
REPEALING SECTIONS 52.07(A)(2); 52.07(B); 52.07(B)(1)(b);
52.07(B)(2); and 52.07(D); TABLE 1 AND TABLE 2, AND ADDING NEW
SECTIONS WHICH SHALL BE KNOWN AS SECTIONS 52.07(A)(2);
52.07(B); 52.07(B)(1)(b); 52.07(B)(2); and 52.07(D); APPENDIX 1 AND
APPENDIX 2 OF CHAPTER 52 OF SAID CODE.**

THE CITY OF BROWN CITY HEREBY ORDAINS:

52.07 RATES.

- (A) (2) Commencing April 1, 2010, utility bills shall be in the amount listed on Appendix 1 or Appendix 2 as appropriate, and provided to City customers not later than the first day of each month. Nothing in this Ordinance prevents the City from collecting at the current rates.
- (B) Payment is due within ten (10) days of the issue date of the bill. There shall be a ten percent (10%) penalty added to any bill if payment is not made prior to the due date shown on the bill. In the event any such bill is not paid within seven (7) days after its due date, the Deputy Clerk shall, following appropriate notice as detailed below to the owner, without further notice order the DPW to shut off all water on any premises delinquent in payment of utility service until the bills and the penalty are paid in accordance with the following process:
 - (B) (1) (b) For any bill not paid by or before the due date, a notice will be mailed to the customer stating that if the bill is not paid within seven (7) days of the mailing of the notice, and no request for hearing is made to the Deputy Clerk, service will be discontinued for nonpayment; and,
 - (B) (2) Requests for delays or waiver of payment, may be granted by the Deputy Clerk for cause. In the absence of payment of the bill rendered, or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least seven (7) days.
- (D) The owner of any premises shall be liable to the City for the payment of any utility service fees to the premises excepting those in compliance with MCL 141-121. In the event that any tenant of the premises should default in the payment of any utility service fees or penalties to the premises, the Deputy Clerk shall notify the owner and tenant thereof at least seven (7) days prior to shutting off service to the premises; and posted on the premises twenty-four (24) hours prior to shutoff.

APPENDIX 1 – CITY UTILITY RATE TABLE – NON-METERED CUSTOMERS.

	<i>garbage</i>	<i>water</i>	<i>tower/line maint.</i>	<i>arsenic project</i>	<i>sanitary sewer</i>	<i>storm WD</i>	TOTAL MONTHLY	
regular rate								
1 person	\$ 9.00	\$18.33	\$ 1.33	\$ 5.00	\$15.67	\$0.67	\$ 50.00	1 person
2 person	\$ 9.00	\$19.67	\$ 1.33	\$ 5.00	\$17.33	\$0.67	\$ 53.00	2 person
3 person	\$ 9.00	\$21.00	\$ 1.33	\$ 5.00	\$19.00	\$0.67	\$ 56.00	3 person
4 person	\$ 9.00	\$22.33	\$ 1.33	\$ 5.00	\$20.67	\$0.67	\$ 59.00	4 person
5 person	\$ 9.00	\$23.67	\$ 1.33	\$ 5.00	\$22.33	\$0.67	\$ 62.00	5 person
6 person	\$ 9.00	\$25.00	\$ 1.33	\$ 5.00	\$24.00	\$0.67	\$ 65.00	6 person
no sewer	\$ 9.00	\$23.00	\$ 1.33	\$ 5.00		\$0.67	\$ 39.00	4 person
senior citizen rate (age 65 and over)								
1 person	\$ 7.00	\$16.33	\$ 1.33	\$ 5.00	\$13.67	\$0.67	\$ 44.00	1 person
2 person	\$ 7.00	\$17.67	\$ 1.33	\$ 5.00	\$14.33	\$0.67	\$ 46.00	2 person
3 person	\$ 7.00	\$18.67	\$ 1.33	\$ 5.00	\$15.33	\$0.67	\$ 48.00	3 person
4 person	\$ 7.00	\$20.00	\$ 1.33	\$ 5.00	\$16.00	\$0.67	\$ 50.00	4 person
5 person	\$ 7.00	\$21.00	\$ 1.33	\$ 5.00	\$17.00	\$0.67	\$ 52.00	5 person
6 person	\$ 7.00	\$22.33	\$ 1.33	\$ 5.00	\$17.67	\$0.67	\$ 54.00	6 person
no sewer	\$ 7.00	\$18.00	\$ 1.33	\$ 5.00		\$0.67	\$ 32.00	2 person
trailer park - regular rate less garbage								
1 person		\$18.33	\$ 1.33	\$ 5.00	\$15.67	\$0.67	\$ 41.00	1 person
2 person		\$19.67	\$ 1.33	\$ 5.00	\$17.33	\$0.67	\$ 44.00	2 person
3 person		\$21.00	\$ 1.33	\$ 5.00	\$19.00	\$0.67	\$ 47.00	3 person
4 person		\$22.33	\$ 1.33	\$ 5.00	\$20.67	\$0.67	\$ 50.00	4 person
5 person		\$23.67	\$ 1.33	\$ 5.00	\$22.33	\$0.67	\$ 53.00	5 person
6 person		\$25.00	\$ 1.33	\$ 5.00	\$24.00	\$0.67	\$ 56.00	6 person
trailer park - senior citizen rate (age 65 and over) less garbage								
1 person		\$16.33	\$ 1.33	\$ 5.00	\$13.67	\$0.67	\$ 37.00	1 person
2 person		\$17.67	\$ 1.33	\$ 5.00	\$14.33	\$0.67	\$ 39.00	2 person
3 person		\$18.67	\$ 1.33	\$ 5.00	\$15.33	\$0.67	\$ 41.00	3 person
4 person		\$20.00	\$ 1.33	\$ 5.00	\$16.00	\$0.67	\$ 43.00	4 person
5 person		\$21.00	\$ 1.33	\$ 5.00	\$17.00	\$0.67	\$ 45.00	5 person
6 person		\$22.33	\$ 1.33	\$ 5.00	\$17.67	\$0.67	\$ 47.00	6 person
comm rate-non meter		\$16.00	\$ 1.33	\$ 5.00	\$12.00	\$0.67	\$ 35.00	
comm rate- water only		\$16.00	\$ 1.33	\$ 5.00		\$0.67	\$ 23.00	
church rate	\$ 9.00	\$16.00	\$ 1.33	\$ 5.00	\$12.00	\$0.67	\$ 44.00	
flat rates - (vacant)								
No shut-off			\$ 1.33	\$ 5.00		\$0.67	\$ 7.00	
regular		\$11.00	\$ 1.33	\$ 5.00	\$ 9.00	\$0.67	\$ 27.00	
regular water only		\$11.00	\$ 1.33	\$ 5.00		\$0.67	\$ 18.00	
reg + garbage	\$ 9.00	\$11.00	\$ 1.33	\$ 5.00	\$ 9.00	\$0.67	\$ 36.00	

5701A.1.1 Five dollars (\$ 5.00) for commercial customers that employ less than 25 employees.
 5701A.1.2 Ten dollars (\$10.00) for those commercial customers that employ 25+employees.

APPENDIX 2 – CITY UTILITY RATE TABLE – METERED CUSTOMERS.

Water rates. Customers who have functional and accessible water meters installed on the premises shall be billed at the following rate:

\$36.00	For 5,000 metered gallons or less, plus
.70	Per 1,000 gallons between 5,001 and 15,000 metered gallons, plus
.60	Per 1,000 gallons between 15,001 and 55,000 metered gallons, plus
.50	Per subsequent 1,000 metered gallons

Plus:

\$ 5.00	Arsenic Abatement Rate for households in trailer park
\$ 5.00	Arsenic Abatement Rate if less than 25 employees
\$10.00	Arsenic Abatement Fee if 25 or more employees

\$1.33 Water Tower Maintenance Fee

EXAMPLE A: 203,600 metered gallons of water

$$203,600 - 5,000 - 10,000 - 40,000 = 148,600$$

$$36.00 + (.70 \times 10) + (.60 \times 40) + (.50 \times 148.6) = 141.30 + (10.00 + 1.33) = \$152.33$$

$$36.00 + 7.00 + 24.00 + 74.30 = 141.30 + 11.33 = \$152.63$$

EXAMPLE B: 6,825 metered gallons of water

$$6,825 - 5,000 = 1,825$$

$$36.00 + (.70 \times 1.825) = 37.28 + (5.00 + 1.33) = \$43.61$$

Sewer rates. Customers who have functional and accessible water meters installed on the premises and are connected to the City sewer system shall be billed at the following rate:

\$28.80	Times the whole number resulting from gallons of water used divided by 21,000 gallons, but not less than 1
.50	Times the number of 1,000 gallons of water used

Plus:

\$0.67 Storm Sewer and Maintenance Fee

EXAMPLE A: 203,600 metered gallons of water

$$28.80 \times (203,600 / 21,000) = 278.50 + (.50 \times 203.6) + 0.67 = \$380.97$$

EXAMPLE B: 6,825 metered gallons of water

$$28.80 \times (6,825 / 21,000) = 9.51 + (.50 \times 6.825) + 0.67 = \$23.83$$

Effective Date Of Ordinance

This Ordinance shall take effect 30 days after adoption – December 24th, 2009.

INTRODUCTION:

This Ordinance was introduced by Councilmember Lee on November 23, 2009, during a Regular Meeting of the Brown City Council. The Public Hearing thereon was held on November 23, 2009.

MOTION AND VOTE:

Moved by Councilmember Brown seconded by Councilmember McIvor, to repeal Sections 52.07(A)(2); 52.07(B); 52.07(B)(1)(b); 52.07(B)(2); and 52.07(D); TABLE 1 and TABLE 2, and add new Sections which shall be known as Sections 52.07(A)(2); 52.07(B); 52.07(B)(1)(b); 52.07(B)(2); and 52.07(D); APPENDIX 1 and APPENDIX 2 of Chapter 52 of said Code.

Roll Call vote on this Ordinance, five (5) members being present, was as follows:

Yeas: _____	5	Nays: _____	0
Abstaining: _____	0	Absent: _____	1

CERTIFICATION:

I hereby certify that the foregoing constitutes a true and complete copy of Brown City Code Sections 52.07(A)(2); 52.07(B); 52.07(B)(1)(b); 52.07(B)(2); and 52.07(D); APPENDIX 1 and APPENDIX 2 of Chapter 52 of said Code, adopted as an Ordinance by the Brown City Council at a Regular Meeting of the City Council held at the City Hall on November 23, 2009.

I do hereby further certify that a summary of said Brown City Code Section 52.07 and Appendices 1 and 2 were published as required by the Brown City Charter in *The Banner*, a newspaper published and circulated in the City of Brown City, County of Sanilac, Michigan, on the 30th of November, 2009.

Witness my official signature this 30th day of November, 2009.

Kelly J. Pavel
City Clerk