

10/16/2018

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO CORRECT AND AMEND SECTIONS 102-26 AND 102-124 OF CHAPTER 102 UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO REPEAL AND DELETE ALL REFERENCES TO THE "MAINE FORMULA," FIRE SERVICE FEE AND QUARTERLY BILLING THEREOF, AND TO REPEAL CONFLICTING ORDINANCES.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 102-26 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended, as follows:

**Sec. 102-26. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning or otherwise defined for the particular purpose of an article of this chapter:

*Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in terms of mass and concentration (milligrams per liter (mg/l)) as measured by standard methods.

*Capacity charge* means a charge to each user of the water and sewer systems for having the systems in place and available to serve.

*Chemical oxygen demand (COD)* means the quantity of oxygen utilized from a chemical oxidant in a specific test.

*Chlorine demand* means the difference between the amount of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contact period.

*Commodity charge* means the charge related to the number of gallons of water used, in the case of the water supply system, or water and sewage received for treatment by the sewer system, including the cost of purchase by the city of water, sewage treatment, electricity and labor related thereto.

*Compatible pollutant* means a substance amenable to treatment at the Detroit Metro Wastewater Treatment Plant such as BOD, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the National Pollutant Discharge Elimination System permit for the Detroit Metro Wastewater Treatment Plant which is designed to treat such pollutants and in fact does remove such pollutants to an acceptable degree.

*Critical material* means the organic or inorganic substances, elements or compounds listed in the register compiled by the state department of natural resources.

*Customer charge* means a charge rendered to each customer of the water and sewer systems to cover the cost of servicing customers with such items as meters, connections, bills, meter reading, postage, etc.

*Daily average* shall be based upon a minimum of eight grab samples taken at one hour intervals.

*Debt service and debt service charge* means 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 local portion of the system.

*Detroit capital charge* means a charge for the City of Detroit capital expense as this city is required to pay pursuant to contract and law to pass on to the users of the system.

*DNR* means the state department of natural resources.

*Incompatible pollutant* means any pollutant which is not a compatible pollutant as defined in this section.

*Industrial user* means a person who contributes, causes or permits wastewater to be discharged into the POTW, including but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable but excludes single-family and multi-family residential dwellings with discharges consistent with domestic waste characteristics.

*Industrial waste* means any liquid, solid or gaseous waste or form of energy, or combination thereof, resulting from any processes of industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.

~~*Maine formula* means the fire service cost model developed by the Maine Water Utilities Association, for the Maine Public Services Commission, and referred to in American Water Works Manual M1, Water Rates (1991).~~

*Measurements, tests and analyses* means measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article which shall be determined in accordance with the current edition of Standard Methods For Examination of Water and Wastewater, published by the American Public Health Association, and in accordance with 40 CFR 136 entitled "Guidelines Establishing Test Procedures For Analysis of Pollutants," or as otherwise specified in this article.

*Natural outlet* means any outlet into a watercourse, pond, lake, or other body of water, either surface water or groundwater.

*Nonresidential* means a use of premises which is nonresidential, being institutional, commercial, industrial, etc., but does not include schools, churches, or government buildings.

*Operation, maintenance and replacement* means the expenditures required for operating, maintaining and replacement of the treatment works.

*Owner* means the owner of record of the freehold of the premises or the lesser estate therein, a mortgagor or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person in control of a building.

*pH* means the intensity of the acid or base condition of a solution, calculated by taking the negative base-ten logarithm of the hydrogen ion activity. Activity deemed to be equal to concentration in moles per liter.

*Premises making a direct line connection* means, for the purposes of section 102-188, a building, structure, or unit making a direct private service line connection to any public water and/or sanitary sewer line which has not been either privately constructed and paid for on behalf of the premises or publicly financed at least in part by means of special assessments levied against the property on which the premises are located. It shall not include a building, structure, or unit in a project or development which has an internal system of laterals, except a building, structure, or unit for which there is a direct private service line connection into the public water and/or sanitary sewer line as defined in section 102-188.

*Property abutting a water or sewer line* means for purposes of computing the lateral benefit charge for both water and sanitary sewer for acreage parcels not involving a freestanding single-family residence, that part of the property abutting which is part of the area to be or reasonably expected to be occupied and/or used by the occupants of the premises in more than an incidental way, taking into consideration the area for parking, the area to be landscaped and/or maintained, the area sectioned off or delineated in order to obtain a building permit and such other relevant factors as may appear. (Examples would be the dividing of a development into phases and the lateral charge being assessed only against the first phase, or an industrial factory only actually utilizing four of 50 acres.)

*Public sewer* means a sewer of any type which is controlled by a governmental entity.

*Replacement costs* means the expenditures for obtaining and installing equipment, accessories or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which such works are designed and constructed.

*Residential unit or unit* means a freestanding single-family residence, each residence in a townhouse or cluster house, each apartment in an apartment building, each half of a duplex house, each trailer or mobile home in a mobile home park, and includes schools, churches, or government buildings.

*Revenues or net revenues* means as defined in section 3 of Public Act No. 94 of 1933 (MCL 141.103).

*Sanitary sewage* means any liquid wastes discharged from residences, business buildings and institutions, as distinct from industrial wastes, and not exceeding the parameters specified in subdivision IV of division 2 of this article.

*Sanitary sewer* means a sewer which carries sewage and to which stormwaters and surface waters are not intentionally admitted.

*Sewage treatment charge* means the charge for treatment of sewage accepted by the system, including charges for operation, maintenance and replacement of the system, debt service and the Detroit capital charge, and any surcharges.

*Slug* means discharge of water or wastewater, which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flow during normal operation.

*Storm sewer* means a sewer which carries stormwaters and surface waters and drainage, but which excludes sewage and polluted industrial wastes.

*Surcharge* means the additional charge that a user discharging wastewater having strength in excess of the limits set by the city for transmission and treatment within the sanitary sewer system will be required to pay to meet the cost of treating such excessively strong wastewater.

*Suspended solids* means the solids that either float on the surface of or are suspended in the water, sewage or other liquids and which are removable by laboratory filtering or as measured by standard methods.

*User* means any water or sewer service customer and the owner of the premises served by water or sewer service, and includes any person who, directly or indirectly, contributes, causes, or permits the discharge of wastewater into the publicly owned treatment works, as defined in this section.

*Watercourse* means a channel in which a flow of water occurs, either continuously or intermittently.

Section 2. Section 102-124 of Chapter 102 of the Code of Ordinances of the City of Rochester Hills shall be amended, as follows:

**Sec. 102-124. Service to city.**

(a) *Normal use rate.* The city shall pay for all water used by it at the rates established in section 54-741.

~~(b) *Fire service fee.* As a fire service fee for providing a water system with extra capacity available for fighting fires and protecting property in the city, the city shall be charged based on a base extra capacity approach attributing to fire protection the difference between total system capacity and capacity required by other customer classes. The fire service fee shall be reviewed and adjusted annually to reflect actual versus budgeted revenue requirement for the water fund for the previous year.~~

~~(c) *Quarterly billing.* Charges against the city shall be payable in quarterly installments from the current city's fire fund or from the proceeds of taxes which the city, within~~

~~constitutional limitations, is authorized and required to levy in an amount sufficient for this purpose.~~

- (db) *City park drinking fountains.* The city shall not be required to pay charges for water consumption attributable to freestanding drinking fountains located at city-operated parks.

Section 3. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 4. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on \_\_\_\_\_, 2018 following its publication in the *Oakland Press* on \_\_\_\_\_, 2018.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on \_\_\_\_\_, 2018.

---

Bryan K. Barnett, Mayor  
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON \_\_\_\_\_, 2018.

---

Tina Barton, Clerk  
City of Rochester Hills