



**CITY OF PONTIAC**  
**OFFICE OF THE EMERGENCY MANAGER**  
**LOUIS H. SCHIMMEL**

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**Dated:** August 12, 2013

**ORDER NO.** S-316

**RE:** Adopt ordinance to amend various sections of Chapter 118 of the Code of Ordinances regulating utilities.

**TO:** Sherikia Hawkins, City Clerk  
Oakland County Water Resources Commission

The Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) in Section 10 empowers an Emergency Manager to issue orders to the appropriate local elected and appointed officials and employees, agents, and contractors of the local government a Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local elected and appointed officials and employees, agents, and contractors of the local government to whom they are issued.

Section 12(1) of the Act provides that “[a]n emergency manager may take 1 or more of the following additional actions with respect to a local government that is in receivership, notwithstanding any charter provision to the contrary: (dd) [e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances....”

WHEREAS, Emergency Manager Schimmel introduced the attached ordinance at a public meeting on August 1, 2013; and,

WHEREAS, the proposed ordinance was distributed to each member of the Council and the Mayor by the Clerk; and,

WHEREAS, a summary of the proposed ordinance and time and place of consideration by the Emergency Manager was published in the Oakland Press on August 9, 2013; and,

WHEREAS, the Emergency Manager at a public meeting on August 12, 2013 announced that he is adopting the proposed ordinance.

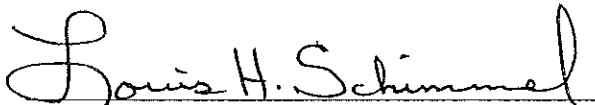
**It is hereby ordered:**

1. That the attached Ordinance No. 2309, an ordinance to amend various sections of Chapter 118 of the Code of Ordinances regulating utilities, is adopted.
2. That the City Clerk shall take all actions required under the law to reflect the attached ordinance changes on the City books and records, including publication of the adopted ordinance.

The Order shall have immediate effect.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (Public Act 442 of 1976, MCL 15.231, et. seq.).

This order is effective as indicated and is necessary to carry out the duties and responsibilities required of the Emergency Manager as set forth in the Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) and the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager.

A handwritten signature in cursive script that reads "Louis H. Schimmel". The signature is written in black ink and is positioned above a horizontal line.

Louis H. Schimmel  
City of Pontiac  
Emergency Manager

cc: State of Michigan Department of Treasury  
Mayor Leon B. Jukowski  
Pontiac City Council

## Ordinance No. 2309

An ordinance to amend certain sections of the Chapter 118 of the Code of Ordinances regulating utilities.

The City of Pontiac ordains:

### **Section 1. Amendments.**

- a. Section 118-25 shall be deleted in its entirety.
- b. Section 118-29 shall be amended to read as follows:

#### **118-29 Rules and regulations; notice.**

The superintendent is authorized to issue any rules and regulations governing the restriction or regulation of water usage when he deems a sufficient emergency exists in the City with reference to the water supply.

- c. Section 118-37(a) shall be amended to read as follows:

#### **118-37 Opening hydrants; obstructions.**

(a) Fire hydrants are provided for the sole purpose of extinguishing fires and are to be opened and used only by the Department and Fire Department of the City or by persons authorized by the Department. In no case shall any person use a wrench or tool on any fire hydrant other than a regulation Fire Department hydrant wrench.

- d. Section 118-147 shall be amended to read as follows:

#### **118-147 Water rates; minimum requirements.**

(a) The rates to be charged for water service in effect in the city on the date of the adoption of this section shall remain in effect until changed by the department from time to time pursuant to the City of Pontiac Water Supply System Contract, dated April 19, 2012.

(b) Copies of current rate schedules shall be kept on file at the offices of the Department for public inspection and distribution.

(c) Charges for water service to premises outside of the City shall not be less than the charges for comparable service to premises within the City.

e. Section 118-327 shall be amended to read as follows:

**118-327 User charges and fees.**

(a) There is levied and assessed upon each lot, parcel of land, building or premises having any sewer connection with the sanitary sewer system of the City or otherwise discharging sewage, industrial wastes, water or other liquids either directly or indirectly into the City wastewater treatment system, a charge for use of the system.

(b) The users of the City's sanitary sewer system shall be divided into classes. "Classes" shall consist of groups of users for which the wastewater characteristics are approximately equal and services provided are essentially the same. Initially, there shall be established three classes of users, as follows:

(1) Industrial users.

(2) Nonindustrial users (all dischargers to the system not described in subsection (b)(1) of this section).

(3) Outside-the-City contract users.

The Department may establish additional classes as determined to be necessary.

(c) Charges for wastewater treatment service shall be paid by each user connected to the system and shall be computed in accordance with probable demand a user places on the system and the quantity of water discharged to the system as measured by the City water meter installed thereon or by a sewage meter installed on the discharge pipe therefrom (or as estimated by the City).

(d) *Unscheduled charges.* Any system user who is responsible for damage to the system shall be charged the full cost of repair of the damage to the system. The cost shall include but is not limited to labor, equipment, materials, administrative expense, interest on borrowed funds, engineering, legal or other professional fees, and charges to the City by other utilities or departments.

(e) When a considerable amount of water delivered to any premises is not returned to the City's sewage disposal system, the director in such case may establish a special basis upon which the sewage disposal charges to such premises will be computed, or, upon a determination by either the director or the customer that the use of direct metering of sanitary sewage flow is necessary or is a more equitable method of determining sewage disposal charges, the director shall order the installation of wastewater meters.

(f) Wastewater meters installed or replaced after the effective date of this article shall be installed by the City and shall remain the property of the City. The normal maintenance and calibration will be the responsibility of the City. The City-owned meters will be sealed by the City and no person other than authorized City agents shall change the location of, alter, or interfere in any way with any meter. Any damage which the meter may sustain resulting from carelessness of the property owner, agent or tenant or from neglect of either of them to properly secure and protect the meter shall be paid by the owner upon presentation of a bill therefore. The property owner of any premises where a meter is installed will be held responsible for its care and protection. The capital cost of the meter and the operation and maintenance costs will be recovered by the City through meter charges.

(1) The building owner will keep the area in which the meters are located in a manner suitable for inspection or maintenance of the meter and will include but not be limited to lighting, ventilation and access, such as ladders.

(2) The building owner will be responsible for providing all utilities necessary for the operation of sewage meters.

(g) *Rate changes.* The rates to be charged for pretreatment fees, meter fees, and for wastewater treatment presently in effect in the City shall remain in effect until changed by the director from time to time pursuant to the City of Pontiac Sewerage Contract, dated April 19, 2012, entered into pursuant to Public Act 342.

(h) *High strength surcharges.* In addition to the minimum charge and the commodity charge, any user discharging wastewater containing BOD5 in excess of 200 mg/l (or COD in excess of 500 mg/l), suspended solids in excess of 250 mg/l, total phosphorus in excess of 15 mg/l, TKN in excess of 40 mg/l, FOG in excess of 100 mg/l, or chlorine-demand in excess of 30 mg/l shall pay additional charges,

as set by the director, and as changed by the director and publication as set forth in subsection (g) of this section.

(i) *Metering and monitoring fees.* In addition to the other charges provided in this section, each user shall pay for sampling and metering required by this article. A fee shall be charged for each set of samples collected and analyzed. Sampling periods shall not exceed a 24-hour day. If necessary to sample during more than one 24-hour day, multiple charges will be made. Charges for such services other than tests for BOD, COD, SS, phosphorus, chlorine-demand, FOG and TKN shall be at actual cost thereof as computed by the director. The cost of testing for BOD, COD, SS, phosphorus, chlorine-demand, FOG and TKN for high strength surcharges will be established by the director.

### **Section 2. Severability.**

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

### **Section 3. Saving Clause.**

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

### **Section 4. Repealer.**

All 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 5. Publication.**

The Clerk shall publish this Ordinance in a newspaper of general circulation.

### **Section 6. Effective Date.**

This Ordinance shall be effective ten days after date of adoption.