

**CITY OF LUDINGTON**

**MASON COUNTY**

**ORDINANCE NO. 522 - 23**

**AN ORDINANCE TO AMEND DIVISION 4 OF ARTICLE III OF CHAPTER 62 OF THE CODE OF ORDINANCES OF THE CITY OF LUDINGTON TO ESTABLISH CERTAIN REQUIREMENTS AND RATE ADJUSTMENTS FOR DEPOSITS OF SEPTAGE AND LEACHATE WASTE AT THE WASTEWATER TREATMENT PLANT**

THE CITY OF LUDINGTON ORDAINS:

Section 1. Findings & Purpose.

The City Council of the City of Ludington hereby finds and determines that accepting septage and leachate waste at the city's waste water treatment plant protects the health, safety, and welfare of the citizens and the groundwater and surface waters of Ludington and Mason County by processing human waste for treatment, and that said treatment is important to the city and should be conducted in accordance with state law and with sound financial management practices such that the city is capable of sustaining said treatment over the long-term. The Council deems these provisions to be necessary in order to serve the interests of the City and to protect the health, safety, and general welfare of the City's residents, business owners, and the community as a whole.

Section 2. Amendment of Chapter 62. Division 4 ("Sewer Rates") of Article III ("Water and Sewer Rates and Charges") of Chapter 62 ("Utilities") of the Code of Ordinances of the City of Ludington is hereby amended by the addition of a new Section 62-172. – Septage Waste; Rates., which shall read in its entirety as follows:

Article III. – Water and Sewer Rates and Charges.

...

**Section 62-172. – Septage and Leachate Waste; Rates.**

The following requirements shall apply to the acceptance and treatment of septage waste at the waste water treatment plant:

- (a) The waste water treatment plant shall accept septage waste in accordance with the Septage Receiving Facility Operating Plan as approved by the State of Michigan under Part 117, Septage Waste Services, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
- (b) The rates to be charged for the receipt and acceptance of septage and leachate waste from waste servicers or waste vehicles:

- a. Shall be determined by the actual costs of operating the receiving facility including the reasonable cost of doing business as defined by common accounting practices; and
  - b. Shall be established by ordinance and subject to annual revision in the manner provided in Section 62-170.
- (c) 1.) Commencing as of January 1, 2023, the rates for the receipt and acceptance of waste at the waste water treatment plant shall be as follows:
- a. Fifty (\$50.00) dollars per one thousand gallons for septage;
  - b. Thirty-five dollars and seventy cents (\$35.70) per one thousand gallons for leachate.
- 2.) Commencing as of January 1, 2024, the rates for the receipt and acceptance of waste at the waste water treatment plant shall be as follows:
- a. Fifty-two dollars and forty-five cents (\$52.45) per one thousand gallons for septage;
  - b. Thirty-seven dollars and forty-five cents (\$37.45) per one thousand gallons for leachate.
- 3.) Commencing as of January 1, 2025, the rates for the receipt and acceptance of waste at the waste water treatment plant shall be as follows:
- a.) Fifty-five dollars and (\$55.00) per one thousand gallons for septage;
  - b.) Thirty-nine dollars and thirty cents (\$39.30) per one thousand gallons for leachate.
- 4.) Commencing as of January 1, 2026, the rates for the receipt and acceptance of waste at the waste water treatment plant shall be as follows:
- a.) Fifty-seven dollars and seventy cents (\$57.70) per one thousand gallons for septage;
  - c.) Forty-one dollars and twenty-five cents (\$41.25) per one thousand gallons for leachate.
- (d.) The city clerk shall post and maintain on the city website and at the city hall a copy of the latest approved Septage/Leachate Receiving Facility Operating Plan and the current rates for the receipt and acceptance of waste as determined in accordance with this section.

### Section 3. Severability.

If any section, clause or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such declaration shall not affect the remainder of the Ordinance. The City Council hereby declares that it would have adopted this

Ordinance and each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses is declared invalid.

Section 4. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 5. Effective Date.

This Ordinance shall become effective twenty (20) days following its introduction and publication as required by law.

At a regular meeting of the City Council of the City of Ludington, Mason County, Michigan, held on the 9 th day of OCTOBER, 2023, at 6:00 p.m., the votes on this proposed Ordinance were:

AYES: COUNCILORS CAIN, JOHNSON, WINCZEWSKI, BULGER, STIBITZ, TERZANO, MAY

NAYES: NONE

ABSTAINED: NONE

THE RESOLUTION IS DECLARED ADOPTED / REJECTED.

STATE OF MICHIGAN     )  
COUNTY OF MASON     )     ss.

I, Deborah L. Luskin, the duly qualified and acting Clerk of the City of Ludington, County of Mason, State of Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the Ludington City Council at a regular meeting held on the 9 th day of OCTOBER, 2023, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature, this 9th day of OCTOBER, 2023.

  
Deborah L. Luskin, City Clerk  
City of Ludington