

**CITY OF BAY CITY****ORDINANCE No. 644****AN ORDINANCE PROVIDING FOR METHODOLOGY FOR THE CITY'S SEWER AND WATER SYSTEMS DEVELOPMENT CHARGES AND DECLARING AN EMERGENCY.**

THE CITY OF BAY CITY ORDAINS AS FOLLOWS:

- 1.0 Repeal.** The City of Bay City hereby repeals Ordinance Nos. 578 and 579 in their entireties.
- 2.0 Purpose.** The purpose of this ordinance is to adopt a methodology for determining a fair and equitable charge to be assessed for both the reimbursement component and the improvement component of the City's Sewer System Development Charge and for the City's Water System Development Charge. The actual charges shall be set by way of Resolution adopted by the Council.
- 3.0 Methodology.** The City has approved the Sewer and Water Systems Development Charges Study, 3<sup>rd</sup> Draft, dated September 2008 and prepared by HBH Consulting Engineers. The City hereby incorporates Chapters 4 and 5 of said study, attached hereto as Exhibit A and B, as its methodology in calculating the Sewer and the Water Systems Development Charges.
- 4.0 Severability.** The provisions of this ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. In any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this ordinance shall be in full force and effect and be valid as is such invalid portion thereof had not been incorporated herein. It is hereby declared to be the City Council's intent that this ordinance would have been adopted had such an unconstitutional provision not been included herein.
- 5.0 Saving Clause.** Ordinance Nos. 578 and 579, repealed by this ordinance, shall remain in force and effect for any action, violation, collection, prosecution, conviction or punishment of persons or proceedings that accrued before the effective date of this ordinance.
- 6.0 Emergency.** The City declared an emergency to exist and finds that immediate adoption of the ordinance is necessary to protect the health, safety, and welfare of its residents. This ordinance shall become effective

immediately after its adoption by the City Council and approval of the Mayor.

PASSED and ADOPTED by the City Council of the City of Bay City on November 10, 2008 approved by the Mayor on this 10<sup>th</sup> day of November, 2008.

/s/ Shaena E. Peterson  
Shaena E. Peterson, Mayor

ATTEST:

/s/ Linda M Dvorak  
Linda M. Dvorak, City Recorder

First Reading: 11/10/08  
Second Reading: 11/10/08  
Adoption: 11/10/08

Ayes: 6  
Nays: 0  
Abstentions: 0