

**BATES TOWNSHIP
PUBLIC WATER SERVICE
ORDINANCE NO. 506**

Revised Date: July 8, 2015

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PUBLIC WATER SERVICE ORDINANCE

AN ORDINANCE TO REGULATE AND CONTROL THE CONSTRUCTION, INSTALLATION, EXTENSION, SERVICE CONNECTION, AND OPERATION OF PUBLIC WATER MAINS AND PUBLIC WATER AND SEWER SERVICE WITHIN THE TOWNSHIP OF BATES; TO PRESCRIBE PROCEDURES FOR SECURING SUCH PUBLIC WATER SERVICE AND THE RATES AND CHARGES FOR THE SAME AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH ORDINANCE REGULATIONS.

THE TOWNSHIP OF BATES, IRON COUNTY, MICHIGAN ORDAINS:

SECTION 1: TITLE

1.1 TITLE

This ordinance shall be known and hereafter cited as the “Bates Township Public Water Service Ordinance”.

SECTION 2: DEFINITIONS

2.1 CONSUMER

Any person, persons, firm, corporation (public or private) or any other legal entity owning property served by the system, adjacent to the system or making or having made application for such service or who has tapped onto any Township owned line for service by the system.

2.2 REVENUES

Means the income derived from the rates charged for the services, facilities, and commodities furnished by the System. Revenues shall include earnings or investment of funds of the System and other revenues derived from or pledged to operation of the System.

2.3 SYSTEM

The complete Bates Township Public Water System, including all water mains and sewer lines, hydrants in the Township streets, alleys and easements and all service connections from the main to the consumer’s property line, the shut off and the shut off box or service box and same hereby determined to be owned and controlled by Bates Township.

2.4 TOWNSHIP

The Township of Bates, Iron County, Michigan.

SECTION 3: GENERAL PROVISIONS

3.1 SUPERVISION AND CONTROL

The operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the Township Board. The Township may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System and may make such rules, orders, and regulations as it deems advisable and necessary to assure the efficient management and operation of the system.

3.2 AUTHORIZATION

Water service from the system shall be turned on only by authorized employees, representatives, or agents of the Township Board.

3.3 ACCESS

Any employee or official authorized by the Township Board, when properly identified shall be permitted to have access, at any reasonable hour, to any building or premises served by the System for the purpose of inspecting, repairing or replacing water lines or meters. A refusal to grant such permission by the landowner, tenant or other occupant of the building or premises, shall be sufficient grounds for the Township to discontinue water service to the building or premises concerned.

3.4 TERMINATION OF SERVICE

The Township shall have the right to terminate any water service to any premises within the Township when any delinquency exists with respect to any sewer or water payments due under this ordinance or otherwise, or where any premises does not comply with all the plumbing codes of the Township and with any and all restrictions on the use of the particular water service by the Township Board.

3.5 CROSS CONECTIONS

No cross-connections between any private water system and the Township water system shall be allowed and no plumbing shall, at any time, be connected to the public system, which is in any manner connected or a part of any private system.

3.6 PLANS AND PERMITS

No public water or sewer construction shall be commenced until all plans and specifications therefor have been submitted to and approved by the Township and all required state, county and municipal permits have been obtained.

3.7 UTILITY BOARD

The Township Board shall act as a water utility board for the Township with authority in either to decide all questions which might arise in the interpretation, enforcement, and application of the within ordinance and to grant variances from the requirements thereof where, in its opinion, the health, safety, and general welfare of the Township would not be thereby impaired and the spirit and purposes of the within ordinance would not be compromised.

3.8 OWNER RESPONSIBILITY

The owner of the property is responsible for all water bills incurred by his tenants, employees or agents. Water bills shall be sent to the property owner.

3.9 APPLICATION NEEDED FOR RESALE AND DISTRIBUTION

No water will be resold or distributed by the recipient thereof from the Township water supply to any premises other than that for which application has been made and the meter installed, except in case of emergency.

3.10 UNLAWFUL TAMPERING, ALTERING OR INJURY

It shall be unlawful for any person not authorized by the Township, to tamper with, alter or injure any part of the Township waterworks or System.

3.11 METERS

All water service to any premises or facility shall be metered. Meters shall be installed to cover any and all extensions or buildings and the cost of said meters shall be the responsibility of the property owner.

SECTION 4: PROCEDURE FOR SERVICE

4.1 WATER SERVICE CONNECTION

A. GENERAL

Where public water service is within 500 feet and reasonably accessible to a particular building, no new private wells shall be drilled to provide such water supply and such buildings shall be connected to the public water system, either at the time of construction, when the existing private well, if any, requires re-drilling, or at any time, in the determination of the Township Board or the Iron County Health Department, a health hazard exists or is fairly imminent from the existing water supply. Every main line tap shall have a shut off within two (2) feet of the main line. Specific locations for same shall be determined by the Water Superintendent. The service line from the mains to the consumer's premises shall be laid and maintained by the owner of the property at his own

cost. The line shall be of ample size, of standard weight and quality, and all cutoffs, valves, fixtures and appliances furnished by such owner or applicant shall be maintained in good order and condition. Such installation shall be subject to the inspection of the building inspector and the water department of the Township. The expenses of such connections, including labor and materials, shall be charged to the owner as set forth in this ordinance.

B. RESOPONSIBILITIES

The township shall be in no event be responsible for maintaining any service line owned by the consumer, nor for damages done by water escaping therefrom nor for defects in lines or fixtures, on the property of the consumer. Township shall not be responsible to any consumer for any damage caused through the Township's inability or refusal to furnish water service. The consumer shall at all times comply with all regulations of the Township and the water department, and shall make all changes in consumer's line required on account of change in grade or otherwise.

All injury to service pipes or street mains caused by careless or negligent work, or improper filling at excavations, shall be chargeable to the persons causing such injury, and the expense of repairing the same shall be recovered from such persons.

C. REPAIRS

All repairs for service pipes and plumbing systems of buildings shall be made by and at the expense of the owners of the premises served. The Township may, in case of emergency, repair an owner's pipes or system. Repair work shall be repaid to the Township by the owner of the premises served.

D. RIGHTS

Any authorized employee or official of the Township shall have the right to shut off supply of the water system if leaks or damage should occur in lines from mains to consumer's premises if said leaks or damage are not corrected by the consumer within thirty (30) days of notice to consumer by the Township.

E. EXCAVATIONS

Excavations for installing service pipes or repairing the same shall be made in compliance with the Township provisions relating to making excavations in streets. Provided, further, that it shall be unlawful to place any service pipe in the same excavation with, or directly over, any drain pipe or sewer pipe.

F. CARELESSNESS OR NEGLIGENCE

All injury to shut offs or shut off boxes caused by carelessness or negligence of the consumer, his employees, agents or representatives shall be chargeable to the owner of the premises and the expense of the repairing the same shall be recovered from same. Replacement shall be at the discretion of the Township.

G. METERS

All water furnished to a consumer shall be metered. It shall be unlawful for any consumer to tap on to any water main or disturb any existing water connections, except in strict compliance with this ordinance.

All meters shall be installed on the consumer's premises by the consumer or his contractor. The cost of the meters and the associated hardware shall be charged to and paid for by the consumer as a condition of the beginning of water service.

H. INSTALLATION OF METERS

Meters shall be installed within the building served where suitable space is available. Meters must be accessible for reading and repairs and be protected from damage due to freezing. Such space shall be provided by the owner.

I. USE OF FIRE HYDRANTS

No fire hydrant shall be used for the purpose other than fire protection without the prior approval of the Township.

J. ROAD CROSSING (AMENDMENT)

The Township, at its discretion, may provide boring service under roadways for new waterlines and for repairs or replacement of existing waterlines. The cost of boring service, materials and supplies used shall be chargeable to the consumer or owner of the premises.

4.2 WATER SERVICE PERMANENT SHUT OFF

If a water consumer/user who is removing a structure requests a permanent shut off, the consumer will be required to hire a private contractor to dig up the line at the shut off or point to be determined by the Bates Township Water Superintendent. The line must be cut off and capped under the supervision of the Bates Township Water Superintendent. If the water consumer/user decides to re-hookup to the Township system the consumer will be required to pay the "New Structure Hook-up Fee" that is in force at that time.

Any consumer/user that has had their water service discontinued and has not been paying the monthly fee (beginning with the date of the official approval of this water ordinance):

As such if the consumer chooses to continue with a permanent shut off Bates Township will provide the man power to provide and install a lock system on the shut off at the curb stop. If the water consumer/user decides to re-connect to the Township system the consumer will be required to pay the "New Structure Hook-up Fee" that is in force at that time.

SECTION 5: RATES AND CHARGES

5.1 APPLICATIONS FOR CONNECTIONS

Applications for connections must be completed and returned to the Township Treasurer or Water Superintendent along with the required "New Structure Hook-up Fee" that is in force at that time.

5.2 SHUT OFF/TURN ON WATER SUPPLY FOR NON-PAYMENT

There shall be a charge of \$25 for shutting off the water supply and a further charge of \$25 for turning on the water for resumption of the water supply when consumer is delinquent with payment on account.

5.3 SHUT OFF/TURN ON WATER SUPPLY FOR EMERGENCY AND/OR MAINTENANCE

There shall be no charge to the consumer for shutting off or turning on the water supply for emergency or general maintenance of service lines when requested by the consumer. In the event that any shutting off or turning on the water supply at any time required by a consumer is required to be done outside the regular working hours of the water department employees, including holidays and weekends, the consumer, in such event or events, shall pay, in addition to the \$25 standard charge, all of the actual cost of such work in excess of \$25 for each shutting off or turning on the water supply.

5.4 RATES

New Structure Hook-up-----\$600 + Boring expenses (Sec.4.1 J)

Rates for water furnished shall be determined according to the number of gallons used as indicated by the consumer's meter. The following rates per month shall be charged and are subject to change by action of the Township Board:

- Up to 4,000 gallons -----\$35.00 minimum
- Every 1,000 gallons over 4,000-----\$2.00

5.5 SEASONAL USE

Seasonal use consumers are subject to the meter requirement and the minimum monthly rate shall be charged. The seasonal use charge is subject to change at the discretion of the Township Board. Seasonal use charge shall include one (1) turning on and one (1) turning off of the water supply to the premises. Metered use that exceeds the minimum monthly rate shall be billed accordingly.

5.6 NO FREE SERVICE

No free service shall be furnished by said System to any person, firm or corporation, public or private, or to any public agency or instrumentality.

5.7 RATES SUFFICIENT FOR EXPENSES

The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operations, such expenses for maintenance of the said System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for said System as this ordinance may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

5.8 CONSTRUCTION – APPLICATION TO USE WATER SUPPLY

During the construction of any building and before any water is installed as herein provided, the contractor so constructing such building may be permitted to use the Township's water supply by making application therefore, and paying the minimum fee prescribed by the Township Board.

5.9 METERS AND BILLING

Meters will be read and bills rendered to consumers monthly and shall be payable without penalty within twenty-one (21) days after the date thereon. Payments received after such period shall bear a penalty of ten (10) percent of the amount of the bill, subject to a minimum charge of \$5.00. A consumer shall be allowed to prepay water service charges.

5.10 INABILITY TO COMPLY AND APPLICATION

Any owner of property who, by reason of hardship, is unable to comply with the provisions of this ordinance requiring payments for hook-up and/or inspection and/or monthly service charge and/or deposits or other charges herein, may have the fee payment deferred by application to the assessing officer therefore, provided that said application is made prior to the incurrance of a delinquency as provided herein.

Upon such application, the assessing officer shall refer same to the Township Board for determination on deferral. Upon referral, the Commissioners shall meet with the applicant and determine if such deferral shall be granted. In determining same, the Board shall consider the income of the applicant, the necessities of life and likelihood of eventual payment if deferral is granted. Based on said considerations, the Board may determine that a hardship will be imposed if the terms of this ordinance are enforced only if said enforcement would threaten the well-being of the applicant and then only if the Board is reasonably assured that payment will eventually be received. However, as a condition to the granting of the deferral, of payments, the board may require mortgage security on the real property payable and enforceable upon the death of the applicant or on the sale or transfer of the real property.

SECTION 6: ENFORCEMENT

6.1 WATER SUPPLY SHUT OFF FOR UNPAID BILLS

The water supply may be shut off from any premises for which the water and/or sewer bill remains unpaid for a period of ninety (90) days after the bill is rendered and mailed. When shut off, water shall not be turned on except upon payment of the usual fee for turning on water and a like charge for having turned off the water and after payment of said delinquent charges.

6.2 HOOK-UP FEES, INSPECTION FEES AND SERVICE CHARGE

Hook-up fees, inspection fees and the service charge as provided herein which are, under the provisions of Section 31, Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all premises service thereby, are hereby recognized to constitute such lien and whenever such charges against any piece of property shall be delinquent for six (6) months, the Township official or official in charge of the collection thereof shall certify annually, on December 1 and July 1 of each year to the Township Assessing Officer the fact of such delinquency, whereupon such delinquent charge shall be entered upon the next tax roll as a charge against such premises and the lien thereof enforced in the same manner as general Township taxes against such premises are collected and the lien thereof enforced.

SECTION 7: SAVING CLAUSE

If any section, paragraph, clause or provision of this ordinance shall be held invalid for any reason, the same shall not affect the validity of any of the other provisions of this ordinance, which shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE

This ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict are hereby repealed.

BATES TOWNSHIP WATER ORDINANCE NO. 506

Passed and adopted by the Township of Bates, Michigan, on

October 14, 2015, and approved by me on October 14, 2015.

Mant Helgemo

Supervisor

Township of Bates

Attest:

Barbara Benson Stafford

Township Clerk

Yeas Clerk Benson-Stafford

Trustee Wodzinski

Trustee Bobnock

Treasurer Nelson

Supervisor Helgemo

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I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Bates, County of Iron, State of Michigan, at a regular meeting held on 10/14/2015, and that public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and Township Clerk.

Barbara Benson Stafford

Township Clerk