

TOWNSHIP OF CHIKAMING
BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. 71
Adopted March 18, 1993

AN ORDINANCE TO AMEND ORDINANCE NO. 13 OF CHIKAMING TOWNSHIP WHICH WAS ADOPTED ON MAY 6, 1965, AND TO REPEAL ORDINANCE NOS. 51, 54, 59 and 69 AND ALL OTHER ORDINANCES IN CONFLICT HERewith AND TO PROVIDE PENALTIES FOR VIOLATIONS HEREOF

THE TOWNSHIP OF CHIKAMING, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1. Section 10 of Ordinance No. 13 of Chikaming Township which was adopted on May 6, 1965, is hereby amended to read as follows:

Section 10. (a) The operation, maintenance and management of the system shall be under the immediate supervision and control of the Township Board or of such officers as shall be designated or created by the Township Board and subject to its control.

(b) It shall be unlawful for any person, firm, corporation or other legal entity to turn on or turn off the water to any premises, parcel, lot or outlot served by the system or to remove, replace or in any way interfere with any water meter in the system or in any other way to interfere with any property of the water system. Employees of the Chikaming Township Water System are the only individuals authorized to turn on and turn off any water service or to remove or replace any water meter. The user who seeks to have water turned on or turned off to any premises or wants a water meter installed or removed shall make such applications directly to the Clerk of the Water System. The Clerk, after collecting all required charges, penalties and deposits, if any, shall give a written order to the water department personnel authorizing the service to be performed as requested by the user.

(c) As provided for above, before any connection to the water system may be made, a written application for connection shall be submitted to the Water Clerk by the owner of the premises or by his or her authorized agent. The application shall be made on forms provided by the Water Department. The applicant for connection to the system, by such application, expressly agrees to abide by all ordinances, rules and regulations governing or pertaining to the water system.

(d) Water shall be taken only through service pipes approved by the Water Department. No connection through which water may pass from one premises, parcel, lot or outlot to another shall be permitted, even if owned by the same person.

(e) All water service shall be installed with shut off valves on either side of the water meter. The shut off valves shall be located outside of the meter pit. The shut off valve located on the customer's side of the meter shall be located at the point where the service pipe enters the structure served. The water meter shall be installed at the property line or as close thereto as physically possible.

(f) All service stubs from the water main to the lot line, property line or edge of road right-of-way, shall be installed only by employees of the Water Department. Before a service connection shall be made all fees must be paid in full, in advance.

(g) The water service stub, from the water main to the water meter shall be maintained by and be under the control of the Water Department. The service pipe from the water meter to the premises shall be considered private plumbing and shall be maintained by the owner of the premises, at his expense.

(h) No person shall interfere or tamper in any way with the service stub (connection) installed by the Water Department. All water supplied by the system to a premises, parcel, lot or outlot or structure where a water meter is installed must pass through the meter and no by-pass of a meter shall be permitted.

(i) No person shall take or use water from premises other than his own, or of which he has possession. Where one ownership of property (premises, parcel, lot or outlot) is occupied by two or more families, places of business, or a combination thereof, it shall be serviced by one water meter for each living unit, family, place of business or combination thereof located on the property. In multiple meter installations no master meter shall be allowed. When more than one meter is served by one water service connection all meters served by the service must be operated from a manifold type of arrangement. Failure of one user in a manifold arrangement to pay for water service received will result in the shut off of water to that meter. In the event a separate meter was not provided as required above for each living unit, family, business or combination thereof occupying the property at the time the property was connected to the water system, then the monthly water charge shall be computed as if separate meters were provided and the amount of water provided shall be adjusted accordingly.

(j) Where water has been turned off by the Water Department for any reason, only the Water Department personnel may turn it on again.

If this rule is violated, the Water Department shall shut off the service and it shall not be turned on until amounts then due including turn off and turn on charges, interest and penalties, are paid in full in advance.

(k) Each lot, outlot or parcel of land on which there is a structure receiving water through the system shall be served by a separate meter specifically for that parcel or lot. Any lot or parcel not so served, upon discovery thereof, shall have the water service to such lot, outlot or parcel shut off until a meter for each such lot, outlot or parcel is installed. If two or more lots or parcels of land are receiving water through a single meter, upon discovery thereof by the Water Department, water service shall be shut off and not turned on until separate meters are provided for each lot or parcel and all fees therefore paid in full, in advance, or until arrangements are made so that only one lot or parcel is served by one meter.

(l) For the purposes of this section the following definitions shall apply:

1. "Main" and "Water Main" means those pipes other than service pipes, used for conveying or distributing water.
2. "Service Stubs" means a pipe tapped into a main and extending thence to and including the water meter and valve at the property line. In the event the water meter is not located at the property line but is located on private property, the service stub shall end at the property line.
3. "Service Pipe" means a pipe extending from the water meter into a lot, parcel or outlot supplied with water. In the event the water meter is not located at the property line but on private property, the service pipe shall start at the property line and extend into the lot, parcel or outlot.

(m) The Township Board, through the Township Supervisor, may impose temporary restrictions on the use of the public water system when the Water Superintendent, after consultation with the Township's Engineer, determines that the demand for water may exceed the sustained delivery capability of the water system. The Water Superintendent shall make the determination in writing and submit same to the Supervisor together with recommended restrictions. The Supervisor shall take all reasonable measures to inform the system's users of the temporary restrictions including the use of public announcements through the news media. Any water system user who fails to comply with the temporary restrictions, as imposed, upon notification of same, shall be subject to the imposition of a fine not to exceed \$100.00, and the Township shall have the right to shut off

water service to any premises that fails to comply with the restrictions.

Section 2. Section 11 of Ordinance No. 13 of Chikaming Township which was adopted on May 6, 1965, is hereby amended to read as follows:

Section 11. Except as hereinotherwise provided, water to be furnished by this system to each premises, lot, outlot, or parcel of land shall be measured by a meter installed and controlled by the Township, in accordance with the above Section 10. Charges for water service to each premises, lot, outlot, or parcel of land connected with the water supply system, shall be as follows:

(a) A minimum monthly charge depending on the size of meter used and whether the user is within Chikaming Township, as set forth below, which charge shall entitle one customer to use 4,000 gallons of water during the month, to-wit:

<u>Meter Size</u>	<u>Minimum Monthly Rate</u> <u>4,000 gallons or less</u> <u>User within Chikaming</u>	<u>Two Month Billing</u> <u>8,000 gallons or less</u> <u>User within Chikaming</u>	<u>Minimum Monthly Rate</u> <u>4,000 gallons or less</u> <u>User outside Chikaming</u>	<u>Two Month Billing</u> <u>8,000 gallons or less</u> <u>User outside Chikaming</u>
3/4 or less	\$ 13.00	\$ 26.00	\$ 19.50	\$ 39.00
1"	15.00	30.00	22.50	45.00
1½"	18.00	36.00	27.00	54.00
2"	21.00	42.00	31.50	63.00
3"	25.00	50.00	37.50	75.00
4"	30.00	60.00	45.00	90.00
6"	See Section 11(e) below			

For all water used during the monthly period in excess of 4,000 gallons the charge shall be at the rate of \$1.80 per 1000 gallons per month.

(b) The Township shall pay for all water service used by it at the foregoing rates, except that for fire hydrant service, the charges shall be \$30.00 per year for each hydrant in Chikaming Township. Charges against the Township shall be payable in monthly or quarterly installments, in the discretion of the Township, from the current funds of the Township or from the proceeds of taxes, which the Township, within constitutional limitations, is hereby authorized and required to levy in an amount sufficient for that purpose.

Townships adjoining Chikaming Township and using Chikaming Township water shall pay for all water used by them at the foregoing rates for users located outside of Chikaming Township, except that for fire hydrant service the charge shall be \$45.00 per year for each hydrant receiving water from Chikaming Township.

(c) A meter deposit, as partial cost of supplying and installing the meter, shall be made by each owner or land contract purchaser of a parcel, lot or outlot connected to the system. The meter deposit for a parcel, lot or outlot within Chikaming Township on which is located a single family dwelling, as defined in the Chikaming Township Zoning Ordinance, shall be \$25.00 and for all other parcels, lots or outlots, regardless of use, the deposit shall be \$100.00. The meter deposit for a parcel, lot or outlot outside of Chikaming Township on which is located a single family dwelling, as defined by the Chikaming Township Zoning Ordinance, shall be \$100.00 and for all other parcels, lots or outlots, regardless of use, the deposit shall be \$300.00. Such deposits, hereafter made, together with those previously made, shall be held in trust for the depositors by the Township, which shall not be required to pay interest thereon. In the event the depositor ceases to be the owner or land contract purchaser of the parcel, lot or outlot, the deposit shall be returned to that person after deducting any unpaid charges, including interest and penalties thereon, if any.

(d) On all new service connections (stubs) a service connection fee shall be paid to the Township at the time the application for water service is submitted to the Township Water Clerk. The service connection fee shall be set from time to time by Resolution of the Township Water Board and shall be based upon the cost to the Water Department of making a new connection to the system and a capital investment fee.

(e) The Township Board, by its Township Water Board, may authorize under certain conditions a water rate which shall be available only to private water systems, approved by the State of Michigan, which own their own distribution lines; install, maintain and repair their own water lines and appurtenances thereto; and bill and collect all fees in connection with its consumption of water. In such a case, the Township Water Board will provide water to such private system at current retail rates plus a special minimum charge to be established by the Township Water Board. Payments shall be made for all water which passes through the private water system's master water meter, including water to fire hydrants.

Section 3. Section 12 of Ordinance No. 13, adopted May 6, 1965, is hereby amended to read as follows:

Section 12. No free service shall be furnished by the system to the Township or to any person, firm, or corporation, public or private, or to any public agency or instrumentality. Charges for

services rendered by the system shall be calculated on a monthly basis but billed and collected on either a monthly, bi-monthly, quarterly or annual pre-payment basis and payable as of the "Due Date" to be determined by the Township Water Board by Resolution.

If payment is not received by the Water Department by the "Due Date" shown on the water bill, such charges shall be deemed delinquent and a penalty of 10% shall be added thereto. If such a delinquency shall continue for thirty (30) days, then all services furnished by the system to such premises shall be shut off. Additionally, if any charges for sewage disposal services are not paid on or before the due date for such services, and such delinquency continues for thirty (30) days, then all water services furnished by the system to the premises shall be shut off. When service shall have been shut off, whether for non-payment of water charges or sewage disposal charges, or both, or any violation of this ordinance, a charge of \$50.00 shall be made for the final meter reading and turn off. Provided, however, when service shall have been shut off at the request of the owner, user, or his agent, a charge of \$10.00 shall be made for the final meter reading and turn off. Premises shut off at the request of the owner, user, or his agent, shall not be reconnected and water turned on unless all unpaid charges, for water service and sewage disposal service, including penalties and shut off charges, are paid in full, plus a turn on charge of \$10.00. Premises shut off for non-payment of water charges or sewage disposal charges, or both, or any violation of this ordinance, shall not be reconnected and water turned on unless all unpaid charges, for water service and sewage disposal service, including penalties and shut off charges, are paid in full, and in such instance there shall be no turn on charge.

If the owner requests the Water Department to remove the meter, there will be a charge as shown below depending on meter size. This charge must be prepaid before removal of the meter. The meter will be reinstalled by Water Department when so instructed by the Water Clerk pursuant to the owner's request and compliance with all provisions of this ordinance. There is no additional charge for reinstalling the meter.

<u>Meter Size</u>	<u>Meter Removal Charge</u>
1" or less	\$100.00
1½"	\$125.00
2"	\$150.00
3"	\$210.00
4"	\$220.00

Section 4. Section 13 of Ordinance No. 13, adopted May 6, 1965, is hereby amended to Read as follows:

Section 13. Charges for services furnished by the system to any premises shall be a lien thereon, and on September 1 of each year the person or agency charged with the management of said system, shall certify any such charges which have been delinquent ninety (90) days or more, to the Supervisor, who shall enter the same upon the next tax roll against the premises to which such services shall have been rendered, and said charges shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

Section 5. From and after the effective date of this ordinance it shall be unlawful for any unauthorized person to tamper with, disturb, adjust, turn off, turn on, remove, disassemble, destroy or damage any water shut off valve, water meter or any other appurtenance of said water system. Any person convicted of a violation of the section of this ordinance shall be deemed guilty of a misdemeanor punishable by a fine of \$100.00 and/or imprisonment in the County Jail for 90 days, or both.

Section 6. Validity. If any provision of this ordinance is found invalid by a court of competent jurisdiction, it shall not affect the validity of any other section or provision herein.

Section 7. Enactment. This ordinance was enacted on the 18th day of March 1993, by the Chikaming Township Board and ordered to be published in the Southcounty Gazette on the 25th day of March, 1993, being within ten (10) days of its enactment and ordered to be made effective on the 24th day of April, 1993, being thirty (30) days after publication thereof.

Jeanne S. Dudeck
Jeanne S. Dudeck, Clerk
Chikaming Township

Attest:

Harold J. Gilmore
Harold J. Gilmore, Supervisor
Chikaming Township.

CERTIFICATION

I do hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 71, duly adopted by the Township Board of the Township of Chikaming, Berrien County, Michigan, at a regular meeting held on the 18th day of March, 1993. I further certify that Simmons moved the adoption of said ordinance and Zimmerman supported said motion. The names and the members of the Township Board and their vote on the foregoing ordinance were as follows:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Gibson	_____	_____	_____	X
Zimmerman	X	_____	_____	_____
Simmons	X	_____	_____	_____
Dudeck	X	_____	_____	_____
Gilmore	X	_____	_____	_____

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for the Township of Chikaming on the 19th day of March, 1993, and such recording has been authenticated by the signatures of the Supervisor and Township Clerk. I further certify that the foregoing ordinance was published in full in the Southcounty Gazette, a newspaper circulated in the Township of Chikaming, Berrien County, Michigan, on the 25th day of March, 1993.

Dated: March 19, 1993

Jeanne Dudeck
 Jeanne Dudeck, Clerk
 Township of Chikaming