

TOWNSHIP OF CHIKAMING  
BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. 74  
Adopted March 10th, 1994

AN ORDINANCE TO AMEND ORDINANCE NO. 13 OF CHIKAMING TOWNSHIP WHICH WAS ADOPTED ON MAY 6, 1965, AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH AND TO PROVIDE PENALTIES FOR VIOLATIONS HEREOF

THE TOWNSHIP OF CHIKAMING, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1. 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	\$ 19.50	\$ 39.00	\$ 26.00	\$ 52.00
1"	21.50	43.00	29.00	58.00
1½"	24.50	49.00	33.50	67.00
2"	27.50	55.00	38.00	76.00
3"	31.50	63.00	44.00	88.00
4"	36.50	73.00	51.50	103.00
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 \$2.00 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 \$50.00 and for all other parcels, lots or outlots, regardless of use, the deposit shall be \$125.00. 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 \$125.00 and for all other parcels, lots or outlots, regardless of use, the deposit shall be \$375.00. 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 2. 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. The shut off charge provided for herein shall be waived if water service is shut off due to the premises being rendered uninhabitable by fire.

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	\$130.00
1½"	\$150.00
2"	\$165.00
3"	\$190.00
4"	\$220.00

Section 3. 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 4. 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 5. Enactment. This ordinance was enacted on the 10th day of March, 1994, by the Chikaming Township Board and ordered to be published in the Southcounty Gazette on the 31st day of March, 1994, being within thirty (30) days of its enactment and ordered to be made effective on the 30th day of April, 1994, 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. 74, duly adopted by the Township Board of the Township of Chikaming, Berrien County, Michigan, at a regular meeting held on the 10th day of March, 1994. I further certify that Zimmerman moved the adoption of said ordinance and Simmons 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	<u>X</u>	_____	_____	_____
Zimmerman	<u>X</u>	_____	_____	_____
Simmons	<u>X</u>	_____	_____	_____
Dudeck	<u>X</u>	_____	_____	_____
Gilmore	<u>X</u>	_____	_____	_____

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for the Township of Chikaming on the 11th day of March, 1994, 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 31st day of March, 1994.

Dated: March 11, 1994, 1994

Jeanne Dudeck  
 Jeanne Dudeck, Clerk  
 Township of Chikaming