

VILLAGE OF MUIR  
COUNTY OF IONIA  
STATE OF MICHIGAN

ORDINANCE NO. 45

An Ordinance to repeal Ordinance No. 22 of 1952 and to regulate the use of the water supply system and rules relating to rates and charges to the customers of the water supply system.

WHEREAS, the Village has established a water supply system (the "System") of the Village pursuant to ordinance No. 22 of 1952, dated June 9, 1952 ("Water Supply Ordinance") for the residents and businesses of the Village, and hereby repeals the Water Supply Ordinance and replaces it with this ordinance relating to the System and the charges, rates and fees for services of the System in amounts sufficient to pay: (i) the expenses of administration and the costs of operation and maintenance of the System; and (ii) the cost of replacement, repairs and improvements to the System; and

WHEREAS, the Village's administrative staff have advised the Village Council that the rates, charges and fees authorized by this Ordinance and the method of allocating those rates, charges and fees to customers of the System are proportionate to the necessary costs of providing the service at the levels demanded by the customers.

**THE VILLAGE OF MUIR ORDAINS:**

**Section 1. Findings.**

(a) Potable Water. The Village Council has previously found, and currently reaffirms that the businesses, industries, governmental and charitable agencies and residents located in the Village need to have potable and otherwise usable water.

(b) Availability of Potable Water. The Village Council further has previously found, and currently reaffirms, that the supply of potable water available from private wells within the Village is insufficient to assure that all businesses, industries, governmental and charitable agencies, and residents will have sufficient potable water available for their use and other water necessary for industrial and fire prevention and control unless the Village offers water to all properties located within the Village.

(c) Method of Measuring Use. Based on advice of its administrative staff, the Village Council has previously found and currently affirms, that the most precise method of measuring for use of the

water service provided by the System by any customer is by a meter or meters installed and controlled by the Village.

(d) Continuation of Service. The Village Council has previously found, and further currently reaffirms that, in order to provide and continue to provide clean potable and other usable water to all customers of the System, in quantities necessary for all varieties of use, it is necessary from time to time to install improvements, enlargements, extensions and repairs to the System.

(e) Purpose of Charges. The charges and fees for the use of and connection to the System are hereby established for the purpose of recovering the cost of construction, reconstruction, maintenance, repair, and operation of the System and to comply with Federal and State Safe Drinking Water Acts and related regulations, to provide for the payment principal of and interest on any bonds authorized to be issued as and when the same become due and payable, to create a bond and interest redemption fund therefor and to provide a fund for reasonable and necessary improvements to the System. Such charges and fees shall be made against all customers of the System in a fair and equitable manner and based on the level of service provided.

(f) Proportionality, Fairness, and Benefits of Charges, Rates and Fees. The Village Council has previously found and further currently reaffirms that the fairest and most reasonable method of providing for the operation, maintenance, repair, replacement and improvement of the System is to charge each customer, based in all cases on amount of use, for the costs of: (i) retiring debt secured by the net revenues of the System issued to pay for improvements and replacements to the System; (ii) ongoing repair, replacement and improvement and budgeted as part of the annual costs of the System; and (iii) operation, administration and maintenance costs of the System.

(g) Water Service Charges. The Village has investigated several methods of apportioning the costs of the water service provided by the System. Based on its investigation and on the advice of its financial advisors, engineers and administrative staff, the Village Council finds that a flat rate monthly fee charged to each user is the fairest method for allocating the fixed and variable costs of the System among users during the first two years after the installation water meters (the "Initial Measurement Period").<sup>7</sup> The Village Council further finds, based on the advice of its financial advisors, engineers and administrative staff, that it would be unreasonable, before the end of the Initial Measurement Period, to charge users based on meter readings because no reliable billable flow data exists and establishing rates without two years of billable flow data using the newly installed meters would jeopardize the financial has

viability of the System and risk default on debt obligations. Based on its investigation and the advice of its financial advisors, engineers and administrative staff, the Village Council further finds that, after the Initial Measurement Period, to ensure the stability and viability of the System for the benefit of its customers, the fairest and most accurate way to apportion the costs of operation, maintenance, replacement and improvement of the water service provided by the Systems is to charge each customer; (i) a capital connection charge when such customer's property is first connected to the System; (ii) a monthly customer charge for administrative, operation, maintenance and replacement costs of the System as set forth herein; (iii) a commodity charge for water usage using water meters at rates determined by Village Council resolution; and (iv) such other fees and costs for services as determined by the Village Council.

The Village Council further has previously found, and currently reaffirms that the charges, rates and fees set forth herein and by resolution fairly and accurately apportion the fixed and variable costs of providing water service among the customers of the System and that flat monthly charges imposed during the Initial Period, the capital connection charge, the monthly customer service charge, the commodity charges, and other fees for service provide actual benefits to such customers in the form of ready access to water services that would be unavailable if such charge was not charged. In addition, the Village Council has previously found and currently reaffirms that the capital connection charge required prior to connection to the System reflects the proportional capital costs of the System, previously paid by the Village and the System, attributable to each new customer and that the connection to the System provides actual benefits to each new customer equal to or greater than the amount of such charges. The Village Council has previously found and currently reaffirms that the capital charge represents the actual cost of connecting each customer to the System.

(h) Useful Life of Improvements. Based on the advice of its administrative staff, the Village Council has previously found and currently reaffirms that any improvements to or capital expenditures for the System did not, at the time such improvements were constructed and financed, have an expected useful or design life that would exceed the term of the respective bonds issue to finance such improvements or capital expenditures and paid for by rates and charges.

(i) Service to Non-Residents. The Village has previously found and currently affirms that the total direct and indirect costs of providing service to users outside the Village jurisdiction, where no other contract exists with the governmental units where those users are located, equals at least 1.5 times the rates and charges imposed on users located in the Village. Indirect costs include payment for capital improvements, extraordinary repairs and replacements for the System and paid for by users served within the corporate limits of the Village or the corporate limits of other municipalities which have entered into the contracts with the Village for such costs, funding depreciation

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of the improvements comprising the System, and fire and police or other protection for the System paid by Village taxpayers or by the governmental units with which has contracts for water service.

**Section 2.     Establishment of the System.**

Based on the above findings and for the purposes set forth above, and pursuant to the authority granted to the Village under Act 94, Michigan Public Acts of 1933, as amended; and Article 7, Section 24 of the 1963 Constitution, the Village has previously established and hereby re-establishes the System consisting of all of the wells, pumps, main, hydrants, storage tanks, service connections, meters, manholes, vaults, pump stations, facilities and all other appurtenances thereto used or useful in distribution of public water.

**Section 3.     Definitions**

Unless the context indicates otherwise, the meanings of the terms used in this Ordinance shall be as follows:

*Approved* means approved by the Village and the Michigan Department of Environmental Quality.

*Backflow* is the flow of water or other liquids, mixtures or substances into the Water Supply System from any source than its intended source, due to either back-pressure or back siphon age.

*Backflow preventer* is a device to prevent backflow.

*Village* means the Village of Muir, Ionia County, Michigan, as represented by the Muir Village Council.

*Village Manager* means the Village Clerk, unless the Village Council specifically provides otherwise, or his or her authorized representative.

*System* means all wells, pumps, mains, hydrants, storage tanks, service connections meters, manholes, vaults, pump stations, blowers, and all other facilities used or useful in pumping and distribution of public water, including all subsequent additions and improvements thereto.

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all other facilities used or useful in pumping and distribution of public water, including all subsequent additions and improvements thereto.

*Capital Connection Charge* means the amount charged the first time a premises is connected to the System and represents the capital investment previously paid by the Village and the System attributable to such premises.

*Commodity Charge* means the amount charged for the purchase of water from the System and represents the actual incremental cost to the System of producing such water.

*Contamination* means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to pollute or degrade the quality of the water so as to constitute a health hazard or to render the water nonpotable.

*Cross connection* is any physical connection between the System and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system. Furthermore, it is any potable water supply outlet that is submerged or can be submerged in wastewater and/or any other source of contamination. See "backflow".

*Customer* means the person who owns or leases any home or dwelling, retail or wholesale business, multifamily dwelling, manufacturing establishment, educational, religious or social establishment, or any federal, state or local government office or service facility that are served by the System.

*Fixed Monthly Charge* means the flat rate established by Village Council resolution charged to each user of the System during the Initial Measurement Period.

*Health hazard* is any condition, device or practice in the System and its operation which creates, or, in the judgment of the Village, may create by contamination or otherwise, a danger to the health and well-being of the customer. An example of a health hazard is a structural defect in the System, whether of location, design or construction, that regularly or occasionally may prevent satisfactory purification of the water supply or cause it to be contaminated.

*Initial Measurement Period* means the period beginning on June 20, 2001 and ending on the second anniversary of such date.

*Meter* means an instrument for measuring the rate of flow of water.

*Monthly customer service charge* means the charge levied to all customers for administrative costs associated with the operation, maintenance, administrative and replacement costs of the System. The monthly customer service charge is a means of distributing these costs proportionally to all utility customers.

*Operation, maintenance, administrative and replacement costs* means all costs, direct and indirect, necessary to provide adequate water supply on a continuing basis to conform with federal, state and local water management requirements and to assure optimum long-term management of the System, including the funding of a capital reserve fund which fund, on an annual basis, shall be equivalent to the average annual depreciation of the capital components of the System.

*Person* means any individual, firm company association, society, corporation, or group.

*Premises* means a parcel of property or lot and includes appurtenant land and improvements.

*Reduced pressure principal backflow preventer* is an assembly of differential valves and check valves, including an automatically opened spillage port to the atmosphere designed to prevent backflow under conditions or pressure reversal.

*Safe air gap or air gap* means the minimum distance of a water inlet or opening above the maximum high water level or overflow rim in a future device or container to which public water is furnished which must be at least two (2) times the inside diameter of the water inlet pipe but must not be less than one (1) inch and need not be more than twelve (12) inches.

*Secondary water supply* means a water supply system maintained in addition to the System, including water systems from ground or surface sources or water from a public water supply system which, in any way, has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility.

*Service pipe* means the corporation cock, service lateral, and curb stop that convey public water from the Village mains to approximately eight (8) feet from the property line and is considered Village property.

*Service line* means the pipe extending from the curb stop into the premises supplied with public water and is considered the property of the customer.

*Service line inspection fee* means the amount charged to perform inspections to ensure the all service line installation materials and techniques conform to ordinance requirements. The fee is established to recover equipment, labor, and administrative costs associated with the inspection of the service line.

*Submerged inlet* means a service line or extension thereto from the System terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against backflow.

*Turn-on/turn-off fee* means the amount charged to reinstate service because of violations of the provisions of this Ordinance, or any request for this service. The charge is based on the average cost to accomplish a turn on or turn off a water service curb stop, and includes labor, vehicle rental and administrative expenses.

*Unmetered fire protection connection* is a pipe extending from the System to supply a sprinkler, yard main, or other fire protection system.

*Water, nonpotable* is water that is not safe for human consumption or is of questionable potability.

*Water, potable* is water free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the Federal Drinking Water Standards or to the regulations of the Michigan Department of Environmental Quality.

#### **Section 4. Liability of Village for interruption of service.**

Should it become necessary to shut off the water from any section of the Village because of any accident or for the purpose of making repairs or extensions, the water department shall endeavor to give timely notice to the consumers affected thereby and shall, so far as practicable, use its best efforts to prevent inconvenience and damage arising from any such causes, but the failure to give such notice shall not render the water department responsible or liable in damages for any inconvenience, injury, or loss which may result therefrom.

#### **Section 5. Water Mains.**

(a) The water mains of the Village shall be under the general control of the Village Manager, and no person other than agents or

employees of the Village Manager, shall uncover, tap, change, obstruct, interfere with, or in any way disturb the system of water mains.

(b) All extensions and alterations of the system of water mains, except as provided in subsection (c), shall be constructed under the supervision of the Village Manager who shall act only upon authorization by the Village Council, the same become necessary or proper, in the judgment of the Village Council. A petition for the extension of water mains may be addressed to the Village Council, and the Village Council shall consider the same and advise the petitioners of their decision. The cost of all improvements to, and extensions of, the System shall be at the expense of the person or properties benefited by the improvements or extension, reasonably proportioned to the benefits received, or at the expense of the general fund of the Village. Notwithstanding the foregoing, the cost of improvements to the System whose benefit cannot be attributed to particular customers or groups of customers of the System may be allocated proportionally among all customers of the System.

(c) Any person, being the owner of property within the Village proposed to be dedicated to the Village of highway purposes, installing water mains within the area so proposed to be dedicated, at his or her own expense, shall first submit plans and specifications for such work to the Village Council for its approval. After the plans and specifications have been approved by the Village Council, as consistent with the general water distribution and engineering plans and specifications for water distribution in the Village, the work shall be done under the supervision of the Village Manager who shall require that such tests be made as the Village Manager may consider necessary to determine that the water mains meet the standards of other water mains in the Village, and no water shall be admitted into such mains until the Village Manager accepts the installation on behalf of the Village Council. The provisions of this subsection shall also apply to any installation of water mains outside of the Village where permission has been granted by the Village Council to connect such mains to the System.

(d) No steam or hot water boiler shall be directly connected to any service pipe, unless the owner shall provide such boiler with a minimum of an approved double check valve assembly for untreated boilers or a reduced pressure principle backflow preventer for chemically treated boilers and a relief valve on the cold water pipe connected to the boiler to prevent back pressure on the service pipe, and the owner shall further make any other provisions therefor required by the Village Manager.

**Section 6. Regulation of Connections to the System.**



(a) Before any connection is made to a Village water main, application for a service pipe connection permit to do so must be made in writing by the owner of the premises to be served, or by his or her authorized representative at the utility billing office. The application shall be made on forms provided by the water department, and shall contain such information as the Village Council and the Village Manager may require. Advance notice shall be given to the Village prior to backfilling any construction trench for water service lines, to allow inspection during normal business hours. The service line shall not be covered until it is inspected and approved by the Village or its authorized representatives.

(b) No corporation cock of a size greater than one (1) inch inside diameter shall be inserted in any water main, unless the permit therefor is granted on condition that the parties securing the permit shall bear the expense of making the connection in such a way approved by the Village Manager, as will preserve the full strength of the main feeding the pipe.

(c) After the service pipe connection permit has been granted, and before the connection is made, the owner shall pay the capital connection charge established by Village Council as set forth herein.

(d) When a permit is requested for service to a building under construction, the owner shall pay to the water department, in addition to the fee provided in subsection (c), a fee for water used during construction. This fee shall be estimated by the Village Manager in accordance with the size of the building and class of construction. It shall in no case be less than ten dollars (\$10.00). In case the owner is not satisfied with the estimate made by the Village Manager, the Village Manager shall install a meter temporarily on the line and measure the consumption of water during construction, and the owner shall pay for water used at the current per unit rate. The owner shall be responsible for the meter and any damage to it shall be repaired at his or her expense. The rental fee for fire hydrant usage shall be as established by the Village Council as summarized in the current fee schedule.

(e) A separate and independent water service pipe and service line shall be provided for every building.

(f) Old water service pipes may be used in connection with the new building only when they are found on examination and test to meet all requirements of this Ordinance.

(g) The Village is responsible for the operation, maintenance, and repair of the System up to the stop box. The customer is responsible for maintenance and repair of the service line as defined. Any service

rendered by the Village that is not the direct responsibility of the Village shall be billed to the customer at a rate designed to recover actual costs for labor, supplies, vehicle rent, and administration.

**Section 7. Cross Connections.**

(a) The Village of Muir adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality being 1979 AACRS R 325.11401 through 325.11407 of the Michigan Administrative Code.

(b) It shall be the duty of the Village Manager to cause inspections to be made of all properties served by the public water supply where cross connection with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the System and as approved by the Michigan Department of Environmental Quality.

(c) The representative or the Village Manager shall have the right to enter at any reasonable time any property serviced by a connection to the System of the Village of Muir for the purpose of inspecting the piping system or systems thereof for cross connections. On request the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

(d) The Village Manager is hereby authorized and directed to discontinue water service after twenty-four (24) hours notice or in emergency, hazardous situations, immediately, as provided for by the local cross connection control program of the Village of Muir, as approved by the Michigan Department of Environmental Quality, to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the System. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this section.

(e) The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this section and by the state plumbing code as adopted and amended by the Village of Muir Ordinance Code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE  
FOR DRINKING

(f) This section does not supersede the state plumbing code as adopted and amended by Ordinance of the Village Council but is supplementary to it.

(g) Any person or customer found guilty of violation any of the provisions of this section, or any written order of the Village Manager or his or her authorized agent, in pursuance thereof, shall be guilty of a misdemeanor, continuing for each and every day that said violation exists, and upon conviction thereof, shall be punished as provided by Ordinance of the Village of Muir for each and every day that said violation exists. Each day upon which a violation of the provisions of this division shall occur shall be deemed a separate and additional violation for the purpose of this section.

(h) Testing of reduced pressure principal backflow preventers shall be performed at least once every three years at the customers expense and a copy of the test results and repairs sent to the Village. All other backflow preventor devices shall be tested as required to protect the public water supply five-year maximum, annual recommended.

**Section 8. Service pipes and service lines**

(a) All service pipes and service lines, on either public or private property, as permitted in this Ordinance, shall be laid on solid ground not less than five (5) feet below the established grade of the street or six (6) feet below pavement grade. Service lines laid in the trench with a sewer connection shall be at least eighteen (18) inches distant horizontally from such sewer connection, and, if the sewer is laid at a greater depth, shall be laid on a shelf or solid earth so as to be supported independently of the support of such sewer connection.

(b) That portion of the service pipe from the main to the water meter shall be of copper, or some other material of like corrosion resistant nature, not less than three-fourths (3/4) inch in diameter approved by the Village Manager. All service pipe two (2) inches and less in diameter shall be laid five (5) feet, or more beneath the surface of the ground. All service pipe shall be brought to the required depth as soon as possible after leaving the tap. All joints in copper pipe shall be a least three-fourths (3/4) inch, extra heavy round way service pipe, and shall be flare joints. Service cocks shall be stop type or ball valve types and shall be placed between the curb and sidewalk line. The stop box shall be set so that the cover is level with the surrounding sidewalk or lawn, and must be set on a

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brick or concrete foundation to prevent settlement. The lid of the box shall be marked with the word "water". No service pipe shall be laid on a fill unless supported in such a manner that the settlement of such fill will not affect such pipe.

(c) A separate ball valve cock shall be placed on the service pipe just inside the building wall on both side of the water meter; such stops shall be equal to the service cock.

(d) The corporation cock, the service pipe from the main to the service cock, the service cock, and stop box, eight (8) feet off the property line, will be provided in place and maintained by the water department after payment of the connection fee. The service line from the service cock to the building on private property shall be installed and properly maintained by the owner and shall be inspected by the utility at the time of installation. The owner shall keep the stop box free from dirt, stones, or other substances that will prevent access to the service cock.

(e) All service lines on private property and all water piping in all premises shall be installed by the property owner or a plumber licensed under law. Licensed plumbers shall not interfere in any way with service pipes installed by the water department and shall not be permitted to turn water on or off at the service cock, except for the purpose of testing their work, in which case, after the test is made, the service cock shall be left in the same condition and position as they found it. Any plumber called upon to shut off water and drain pipes in any premises shall do so inside the building only.

(f) If water service pipe is introduced into the premises to supply fire hydrants, automatic sprinklers, or other fixtures to be used for the suppression of fires, a valve shall be placed on such connections as specified in subsection (b) of this section and no connections will be permitted on such pipes whereby water may be used for any other purpose on the premises. Private fire hydrants shall be sealed and treated as sealed valves. Sealed valves shall be opened in case of fire only, and when so opened, the water office shall be notified within twenty-four (24) hours and the valve shall then be sealed by an employee of the Village. A sealed valve shall not be required when an approved indicator check or fire service meter is installed.

(g) One (1) meter only shall be allowed on a single water service pipe.

(h) In the case of a leaking water service line between the curb stop and the meter, notice shall be given based on the volume of leakage,

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and if not corrected, water service shall be terminated until repairs are completed.

(i) Freezing problems between the curb stop and the meter, and including the meter, shall be the responsibility of the customer/owner. All services rendered by System employees to thaw a frozen service will be billed to the customer/owner. Charges will be based on actual costs for labor, supplies, equipment, and administration.

(j) When a service has been out of service more than twelve (12) months, a new tap fee shall be charged to re-establish service, unless otherwise determined by the Village Manager.

### **Section 9. Meters.**

(a) All premises using water shall be metered and, after the Initial Measurement Period, payment shall be made for water that passes through any given meter at the rate to be authorized by resolution of the Village Council. ~~No~~ After the Initial Measurement Period, no water will be supplied at fixed or flat rates.

(b) All meters shall be the property of the Village and shall, at all times, be under its control.

(c) Where application is made for a meter larger than five-eighths (5/8) inch or five eighths (5/8) inch by three-fourths (3/4) inch, the Village Manager shall determine whether a meter of such size is required.

(d) All meters shall be located just within the foundation walls of the building supplied, or if the building has no basement, in a place within the building which is easily accessible to the meter reader. Clearance shall be eight (8) inches from the floor, six (6) inches from the wall. The remote reader shall be placed near the electrical meter or on the front wall.

(e) Each consumer shall notify the Village Manager of any injury to, or of the non-working of any meter through which the customer uses water. In case of a disputed account involving the accuracy of the registration or a meter, the meter shall be tested by the Village, and if the meter over registers, or under-registers, in accordance with current A.W.W.A. standards, the registration shall be re-adjusted to correspond, and the bill corrected accordingly.

(f) The meter reading shall be conclusive evidence of the quantity of water used, except when the meter is found to have been registering incorrectly or has ceased to register. In the latter case, The

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quantity shall be determined by the average registration of another meter after it has been repaired and tested or replaced; or the quantity used during the previous corresponding period may be used as a basis for settlement.

(g) The accuracy of the meter on any premises will be tested by the Village upon written request of the owner who shall pay in advance a fee as established by the Village. If, on the test, the meter shall be found to register water flowing through it, than the amount of variance allowed by current A.W.W.A. standards, the meter will be repaired and the water bill for the last preceding month may be adjusted in such manner as may be fair and just. If the meter is found to be accurate, an additional fee as established by the Village shall be paid.

(h) All water furnished by the Village and used on any premises must pass through the meter placed on such premises or installed for the purpose of measuring the water supplied to such premises. No bypass or connection around the meter will be permitted except meters one (1) inch or more in size, and then only upon written consent of the Village Manager, in accordance with the rules established by him. In such case the by-pass valve shall be sealed shut by the Village, and no person shall break the seal without authorization from the Village.

(i) Meters of sizes two-inch and larger shall be provided with reasonable access to the exterior of the building or three-inch piping to the exterior for the purpose of testing the meters on a regular basis.

(j) Meter damage caused by carelessness or the negligent acts of the customer/owner shall be paid for by the owner.

**Piping installation; place of metering; cut off valve.**

(k) Piping on the premises of a customer must be so installed that connections are conveniently located with the respect to the municipal lines and mains. Place of metering shall be approved by the municipality water operator prior to installation. The customer shall provide a place of metering, which is unobstructed and accessible at all times. The customer shall furnish and maintain a shut-off valve on his/her side of the meter and the municipality will provide a like valve on its side of meter.

**Service line.**

(l) The customer's service line shall be installed and maintained by the customers at his own expense in a safe and efficient manner and in accordance with the municipal rules and regulation and with the regulations of the State of Michigan. All material and fittings for service line to be pre-approved by the municipality water operator. Service line from the main to the property line curb stop shall be "TYPE K" annealed seamless copper meeting ASTM B-88-62 or CTS polyethylene pipe (PE3406, 160 psi, SDR9). Joints for service shall be flare or three part compression where copper is used and three part compression where polyethylene is used.

**Liability, municipal property loss or damage.**

(m) If any loss or damage to property of the municipality or any accident injury to persons or property is caused by or results from the negligence or wrongful act of the customer, to the municipality and any liability otherwise resulting shall be that of the customer.

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**Section 10. Rules governing the use of water.**

(a) When new service pipes are put into any premises, the service cock shall be left closed and may thereafter be opened only by an authorized employee of the water department and only upon the request of the owner or the owners agent; however, a licensed plumber may open and close a service cock to test his or her work, as provided in subsection (e) of section 8.

(b) In case a permit is issued as provided in subsection (d) of Section 6 and a water meter has been installed for the temporary use of water, the owner or occupant of the premises shall notify the Village Manager upon the completion of his or her work so that the water meter may be read and the connection shut off.

(c) No person shall take or use Village water from premises other than his or her own, and no person shall sell water from his or her own premises for any purpose.

(d) No connection through which water may pass from on lot or parcel of land to another shall be constructed, notwithstanding that the ownership of both properties may be the same, except by the Village upon an easement therefore. Separate water services must be established upon the division and sale of such property, with a new connection fee paid.

(e) Where the water has been turned off by the Village for any reason, no person, except authorized employees or agent of the Village may turn it on again. Whenever this subsection is violated, the Village may shut the water off at the corporation cock and the owner shall pay in advance the entire expense incurred by the water department for so doing, before the water may be turned on again.

(f) The Village Manager, or any of his or her authorized agents, shall have free access at all reasonable hours to inspect any premises supplied with water, and the fact that the owner or occupant of such premises accepts and uses water supplied by the System shall constitute consent to the making of such inspection. No persons shall refuse to admit authorized agents of the Village to any premises for such purpose. In case any authorized agent of the Village be refused admittance to any premises using Village water, or is in any way hindered in making any necessary inspection or examination, the water may be turned off from such premises, after giving twenty-four (24) hours notice to the owner or occupant thereof.

(g) Where pipes are provided for fire protection on any premises, or where hose connections for fire apparatus are provided, each such connection or opening of the service pipes shall have not less than twenty-five (25) feet of fire hose constantly attached thereto, and except for the purpose of testing such fire equipment, no water shall be taken through the opening or hose for any purpose other than for tests and for the extinguishing of fires. No test of fire equipment may be conducted, unless a special permit is first secured therefore from the Village Manager.

(h) The superintendent of water maintenance and distribution department, and the employees of that department, and such persons as the Village Manager shall

designate, are hereby deemed agents of the Village, and are given authority to turn on or shut off all hydrants and water supplies, when absolutely necessary and when action in their official or employee capacities.

(i) It shall be unlawful to construct private wells within the Village of Muir for the use of potable water. All property served by the village water system, shall be a direct connection to the system.

Effective July 6, 2004



**Section 11. Rates generally.**

All premises connected directly or indirectly to the System except as hereinafter provided, shall be charged and shall make payments to the Village in amounts computed on the basis of this Ordinance.

(a) The rates to be charged for water service furnished by the System shall be charged to all buildings or premises having any connection with the System.

(b) No free water service shall be furnished to any person, public, or private, or to any public agency or institution..

(c) The Village Council shall establish appropriate rates and fees to be charged for water service furnished by the System so as to adequately provide for ordained bond requirements and to preserve the financial soundness of the System. Said rates and fees shall be established by Village Council resolution based upon the recommendation of Village staff or designated parties and shall be consistent with the findings set forth in Section 1 of this Ordinance.

(d) The Village staff or designated parties shall periodically review rates, fees, rules and regulations of the System . Said review shall be completed not less than one (1) time per fiscal year. The review will define actual expenses associated with the operation, maintenance, administration, bond retirement, reconstruction, and equipment replacement. Results of said review shall be reported to the Village Council with respective recommendations for any adjustments.

(e) If water service is discontinued for any reason, said service shall not be reinstated until the customer shall pay to the Village all fees and charges owed and a turn-on fee, which shall be established in accordance with other sections of this Ordinance.

(f) Except as herein otherwise provided, water to be furnished by the System to each premises connected to the System shall be measured by a meter or meters installed by the Village system and shall be billed at the rate established by the Village.

(g) Users located outside the Village's corporate limits receiving water from the System shall pay for such service at rates, whether by wholesale contract or individually, sufficient to cover their proportion of all applicable operation, maintenance and replacement costs in accordance with the Clean Water Act as well as any additional indirect costs identified in Section 1 (8) above. Rates and fees charged to non-resident users of the System, where no other contract exists with the

governmental units where those users are located, shall be established by Village Council resolution and shall not exceed 1.5 times the corresponding rates and fees paid by resident users.

(h) New rates shall be effective on all billing on or after the effective date of the new rates.

(i) The charges, rates and fees for water service by the System are established herein to adequately provide for bond requirements and to ensure that the System does not operate at a deficit.

**Section 12. Initial Measurement Period Fixed Monthly Charge; Capital Connection Charge; Monthly Customer Service Charge; Non-Resident Rates.**

(a) Initial Measurement Period Fixed Monthly Charge. The Village Council may establish a Fixed Monthly Charge to be charged to each premises connected to the System during the Initial Measurement Period.

~~(a)~~(b) Capital Connection Charge. The Village Council may establish a Capital Connection Charge, to be charged to an owner of a premises the first time such premises is connected to the System.

~~(b)~~(c) Monthly Customer Service Charge. The Village Council shall establish a Monthly Customer Service Charge for each customer of the System at rates which the Village Council determines to fairly apportion the fixed administrative, operation, maintenance and replacement costs of the System among the System's customers according to the approximate and anticipated demand for water of such customers.

~~(e)~~(d) Commodity Charge. The Village Council shall establish a Commodity Charge for metered water used at a rate determined by the Village Council that fairly apportions the variable costs of producing water for the users of the System.

~~(d)~~(e) Non-resident Rates. The Village Council shall establish rates for non-resident users of the System who are not covered by a wholesale contract with the System at 1.5 times the amounts charged to users of the System who reside within the corporate limits of the Village.

**Section 13. Fire hydrant charge.**

(a) The use of fire hydrants and unmetered water therefrom for fire fighting purposes shall be funded from current funds in the Village or from the proceeds of taxes which the Village, within constitutional limits,

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is hereby authorized and required to levy in an amount sufficient for the purposes, as established by the Village for each fire hydrant now or hereafter placed in used in the Village. The annual hydrant fee is intended to recover costs associated with the original construction, and routine operation, maintenance and replacement costs associated with placement of these fixtures.

(b) All fire hydrants, public or private, shall be approved by the Village of Muir Fire Department.

(c) Obstructions within twenty (20) feet of fire hydrants shall not be placed as to impede the use of the hydrant. Upon the failure of the customer/owner to remove such obstruction when notified, such obstruction shall be removed at the customer/owner's expense.

(d) The fee for the use of a fire hydrant for private purposes shall be established by the Village Council. The fire hydrant rental fee is determined by calculating a fair allowance for the original construction of the fixture, and expenses associated with maintaining the required hydrant meters. All water metered through the hydrant meter will be billed at the current rate for water only.

#### **Section 14. Fees for Services.**

Village Council shall, by resolution upon the recommendation of the Village Manager, establish rates for water services rendered, or any other water service furnished which is not covered by this Ordinance or a schedule of rates approved by Village Council. All rates approved by Village Council shall be consistent with the findings set forth in Section 1 of this Ordinance.

#### **Section 15. Lien and Enforcement.**

(a) The charges for water service which are, under the provisions of Section 21 of Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all premises served thereby, unless notice is given that the tenant is responsible, and whenever any such charge against any piece of property shall be delinquent for six (6) months, the Village official or officials in charge of the collection thereof shall certify on or before May first of each year, to the Village assessor the act of such delinquency, whereupon such charge shall be entered upon the next tax roll as a charge against such premises and lien thereof enforced in the same manner as general Village taxes against such premises are collected and the lien thereof enforced, provided however, where notice is given that a tenant is responsible for such charges and service as provided by said Section 21, no further service shall be rendered to such premises until

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a cash deposit, as established by the Village shall have been made as security of payment of such charges and services.

(b) In addition to other remedies provided herein or by applicable law or ordinance, the Village shall have the right to shut off and discontinue the supply of water to any premises for the nonpayment of water rates when due, subject to constitutional requirements.

(c) A charge, as established by the Village, shall be made when the use of service is discontinued for any reason except as a result of delinquent charges and the curb stop closed, and a similar charge shall be made for opening the stop for service. Actual cost will be charged when these services are required at any time other than regular working hours including labor, equipment rental, materials, and administration. Twenty-four (24) hours' notice shall be given for all service other than emergency service.

(d) Water service furnished by the System shall be billed on a ~~quarterly~~ monthly basis. Bills for the rates and charges shall be due and payable at the business office of the Village or to any designated agent on their date of issue. If not paid by the fifteenth day thereafter, there shall be an additional charge as established by the Village to reimburse the Village for the added administrative and interest costs associated with the failure of such customer to pay on time.

(e) If rates and charges are not paid on or before their respective due dates, the Village may:

(1) Discontinue the services provided by the System by disconnecting the service line from the service pipe, and the service so discontinued shall not be reinstated until all sums then due and owing, including late fees and all expenses incurred by the Village for shutting off and turning on the service, shall be paid to the Village:

(2) Institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including late fees, interest and reasonable attorney fees: or

(3) Enforce the lien created in paragraph (a) above.

These remedies shall be cumulative and shall be in addition to any other remedy provided in this Ordinance or, now or hereafter existing, at law or in equity. Under no circumstance shall action taken by the Village to collect unpaid rates and charges, late fees and interest, invalidate or waive the lien created by paragraph (a) above. Customers with a

delinquent account shall be entitled to a public hearing before the Village Clerk.

(f) Any rates and charges for service rendered prior to the effective date of this Ordinance are hereby ratified and the Village shall pursue all remedies pursuant set forth in this Ordinance upon failure of a customer to pay said rates and charges.

(g) All bills and notices relating to the conduct of the business of the Village and of the System will be mailed to the customer's address unless a change of address has been filed in writing at the business office of the Village. The Village shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice. Bills and notices shall only be sent to the customer signing for service.

(h) Applications for connection permits may be cancelled and/or water service disconnected by the Village for any violation of any part of this Ordinance including, without limitation, any of the following reasons:

(1) Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the System.

(2) Nonpayment of bills.

(3) Improper or imperfect and/or failure to keep service lines in a suitable state of repair.

(4) Damage to any component of the System.

(i) Service shall not be re-established until all delinquent charges and late fees may be recovered by the Village by court action.

(j) The Village shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions occur, will endeavor to re-establish service with the shortest possible delay. Whenever service is interrupted for the purpose of working on the System, all customers affected by such interruption will be notified in advance whenever it is possible to do so.

(k) Any customer has the right to appeal any rates or charges levied in accordance with this Ordinance. Appeals shall be directed to the Village within fifteen (15) days for the issue date of a billing, along with any supporting documentation for amendment of the charges in question. Any additional information that may be required to resolve the appeal, as

directed by the Village, shall be obtained by the customer at his or her expense. Resolution of appeals shall be made within sixty (60) days by the Village in accordance with the best available data and this Ordinance. All bills for rates and charges outstanding during the appeals process, including all late fees or delinquency charges, shall continue to be due and payable. Upon resolution of the appeal, the Village shall adjust said charges accordingly, including any refunds due. Adjustments shall be retroactive to the previous twelve (12) months' billings only.

**Section 16. Authority.**

The Village Manager is authorized to make appropriate decisions and judgements to preserve the intent of the provisions of this Ordinance. The Village may employ such person or persons in such capacity or capacities as it deems advisable to carry out the efficient management and operations of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operations of the System.

**Section 17. Disposition of revenues.**

(a) All revenues of the System derived from the collection of fees, rates and charges established by this Ordinance shall be received and deposited in an account designated the "Receiving Account" and disposed of in proportion to and in accordance with the designated purposes for the respective fees, rates and charges. The revenues of the System may be deposited in such bank accounts and with such depositories, or other investment as authorized by Village Council Policy.

(b) Out of the revenues in the Receiving Account, there shall be credited annually accounts hereby designated as "Operation and Maintenance Account," sums sufficient to provide for the yearly budget for the administration and operation of the System, including billing, accounting, postage and related costs, and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

(c) Out of the revenues in the Receiving Account, there shall be credited annually to an account hereby designated as the "Replacement Account" a sum equivalent to the annual depreciation of the capital components of the System. Funds in the Replacement Account shall be expended as and when needed to replace capital components of the System. The Replacement Account shall be reviewed annually and adjusted to ensure that the account has enough, but not more than enough, funds to provide for the anticipated costs of replacement of the capital components of the System.

(d) Out of the revenues in the Receiving Account, there shall be credited to an account hereby designated as the Debt Retirement Account sums sufficient to meet the Village's obligations to meet its obligations to pay principal of and interest on bonds of the System as are now or may hereafter be issued, except special assessment bonds. Any tax revenues designated for use in retiring such bonds shall likewise be credited to this account as and when received.

(e) In the event that any revenues remain in the Receiving Account at the end of any fiscal year after the requirements of the other accounts have been met, this fact shall be reported to the Village Council in connection with the annual review of rates and charges. Such surplus funds in the Receiving Account shall be used in accordance with the purposes established for rates, charges and fees herein.

**Section 18. Fiscal year for System.**

The System shall be operated on the basis of a fiscal year commencing on the first day of July and ending on the thirtieth day of June.

Section 2. The Village Clerk shall publish this ordinance in the <sup>Sentinel</sup>~~Standard~~ newspaper of general circulation in the Village, within ten (10) days of its enactment.

Section 3. Any ordinances or resolutions or parts of same conflicting with this ordinance are hereby repealed.

Section 4. Each section of this ordinance, and every paragraph of each section is hereby declared to be separable and the holding of any section or paragraph thereof to be void, ineffective or unconstitutional for any cause shall not affect any other section or part thereof.

Section 5. The provisions of this ordinance shall take effect ten (10) days after being adopted by the Municipal Council and duly published.

YEAS: Village Council Members: Walkington, Crooke, Stowell,  
Waterman, Schneider, Wolverton

NAYS: Village Council Members: - 0 -

Absent: Jones

"I hereby certify that the above ordinance was adopted by the Council of the Village of Muir, Michigan, at a ~~regular~~ <sup>special</sup> meeting held on the 20<sup>th</sup> day of

June  
2000-2001."

Leo Waterman  
Village, President

Laura Stewart  
Village, Clerk

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