

JAMESTOWN CHARTER TOWNSHIP**ORDINANCE NO. 130****WATER SYSTEM RATE AND ADMINISTRATION ORDINANCE**

AN ORDINANCE to provide for connection to the Jamestown Charter Township water system; to provide for the imposition, collection and enforcement of charges and fees for connection to the water system and the receipt of services therefrom; to provide for other matters relative to the operation, maintenance, repair and use of the water system; and to provide for the adoption of rules and regulations, for penalties for the violation of this Ordinance, administrative liability and the repeal of conflicting ordinances.

THE CHARTER TOWNSHIP OF JAMESTOWN, COUNTY OF OTTAWA, STATE OF MICHIGAN, ORDAINS:

SECTION 1. TITLE: This Ordinance shall be known as and may be cited as the "**Jamestown Charter Township Water System Rate and Administration Ordinance.**"

SECTION 2. DEFINITIONS: For purposes of this Ordinance, the words defined in subsections (a), (b) and (c) shall have the meanings ascribed to them in those subsections. These definitions, unless the context requires otherwise, apply to the use of these defined words in this Ordinance.

(a) "**System**" means all water mains, water supply facilities and their appurtenances which the Township has or shall have possession of and operating responsibility for (whether owned by the Township or not), either now in existence in the Township or hereafter acquired or constructed in the Township, together with all works, plants, instrumentalities and properties used or useful in connection therewith in the obtaining of a water supply or in the treatment or distribution of water, including water supply system facilities owned by the County of Ottawa and/or the City of Hudsonville, and all extensions, enlargements and improvements thereto in the Township.

(b) **"Township"** means the Charter Township of Jamestown, Ottawa County, Michigan.

(c) **"Township Board"** means the Charter Township of Jamestown Township Board.

SECTION 3. CONNECTION TO THE SYSTEM: Connection to the System, directly or indirectly, and the use of water therefrom for any purpose, shall only be in compliance with this Ordinance, as amended, and in compliance with all rules and regulations of the Township applicable thereto, as amended.

SECTION 4. CHARGES: All premises connecting to the System shall pay a water connection charge. The water connection charge shall be the sum of the water service installation charge, availability charge and trunkage charge. The stub charge, availability charge and trunkage charge for each connection to the System shall be calculated and determined as provided in subsections (a) through (c) in this Section. Any premises that is already connected to the System which is expanded or altered shall pay an additional trunkage charge as is provided in subsection (c).

(a) **Stub Charge:** All premises connecting to the System shall pay a stub charge. The stub charge is for the installation of a water service line from the water main to the property line and for the installation and use of a water meter and other necessary appurtenances, as well as all necessary inspection. If the water service line has already been provided or is constructed as part of a special assessment district or by a third party without cost to the Township, then the stub charge shall be reduced to cover just the water meter and inspection. The stub charge shall be established and adjusted from time to time by Township Board resolution.

(b) **Availability Charge:** All premises connecting to the System shall pay an availability charge unless:

(1) the premises have been included in a special assessment district and were assessed for the cost of the water main frontage which will provide the water service; or

(2) the System main adjacent to the premises was constructed as part of a development or project in which the connecting party or the connecting party's predecessor or the Township, on behalf of and at the expense of the connecting party or the connecting party's predecessor, constructed such main subject, however, to an exception that if the development or project itself has frontage on a System main not constructed as part of such development or

project, then an availability charge for such frontage on the System main shall nevertheless be paid by the development or project for such frontage.

The availability charge shall be established and adjusted from time to time by Township Board resolution.

(c) **Trunkage Charge:** All premises connecting to the System shall pay a trunkage charge based on the residential equivalent units of the premises unless the premises have been included in a special assessment district to pay the cost of the water main providing service which included a trunkage charge as part of the special assessment. Those premises included in a special assessment district where the special assessment was determined based on a fewer number of residential equivalent units then will be served by the connection, such as if the assessment was based on an unimproved parcel, shall pay a trunkage charge based on the increased number of residential equivalent units to be served.

Those premises which have previously paid a trunkage charge as part of a special assessment, or in full or on an installment basis as part of a charge in lieu of assessment, but which are later expanded, or where the use thereof is altered so as to increase the amount of water use, shall pay an additional trunkage charge for such expansion or alteration of use at the time a building permit is issued for such expansion or alteration, or if no building permit is required, at such time as the premises are expanded or the use thereof is altered.

The number of residential equivalent units shall be determined based on a table of residential equivalent unit factors which will be adopted and amended from time to time by Township Board resolution. The trunkage charge per residential equivalent unit shall be established and adjusted from time to time by Township Board resolution. The amount of the trunkage charge shall be determined by multiplying the residential equivalent unit rate times the number of residential equivalent units applicable to the particular premises improvement, use, expansion or alteration.

SECTION 5. WATER SYSTEM CONNECTION CHARGE PAYMENT TERMS:

At the time application is made to connect to the System, an election shall be made by the applicant as to whether to pay the water system connection charge in full or in installments provided, however, if the only component of the water system connection charge is the water meter and inspection charge, then the water system connection charge shall be paid in full at the

time of application. If an election is made by the applicant to pay the water system connection charge in installments, the number of installments permitted shall be determined based on the following table.

<u>Year Application to Connect is Made</u>	<u>Number of Installments</u>
1997	19
1998	18
1999	17
2000	16
2001	15
2002	14
2003	13
2004	12
2005	11
2006 and thereafter	10

The number of installments shall be determined based on the date on which the application to connect to the system is received by the Township.

The first installment shall be paid at the time application is made to connect to the installments. The second installment shall be billed on the first December 1 following the date on which application to connect to the System is made, except that if application is made after October 31 and before December 1, the second installment shall be billed on the second December 1 following the date on which application to connect to the System is made. All subsequent installments shall be billed on each December 1 thereafter. Each installment shall be paid in full no later than the following February 14.

With respect to any additional trunkage charges payable pursuant to Section 4(c) above, the same payment terms as provided in the immediately preceding paragraph shall be applicable. For all purposes in this Section, the date on which the trunkage charge first becomes payable shall be treated as equivalent to the date on which application is made to connect to the System.

Accrued interest on the unpaid balance shall be due and payable on each principal installment date. Interest shall commence on the first day of the month following the month in which the application to connect is received by the Township. The interest rate shall be established and adjusted from time to time by Township Board resolution.

If an election is made to pay the water connection charge in installments, the charge may be paid in full at any time with interest accrued through the month in which payment is made. Partial prepayments are also permitted but only if a full principal installment(s) are prepaid and if all interest accrued on the installment(s) being prepaid through the month in which the prepayment is made, is paid at the same time. All prepayments shall be applied to the installments payable in inverse order of their due date.

If any installment or any interest due is not paid in a timely manner, then a penalty shall be charged at the rate of one percent (1%) for each month or fraction of a month that any amount remains delinquent.

If any water connection charge or any additional trunkage charge is paid in installments, then the unpaid balance, together with any unpaid interest and penalties, shall be a lien on the premises served.

On or before September 1 of each year the Township Treasurer shall deliver to the Township Supervisor a certified statement of all water connection charges and all interest and penalties thereon then six (6) months or more past due and unpaid. The Township Supervisor shall then place such charges on the next tax roll and the same shall be collected and such lien shall be enforced in the same manner as is provided for general Township taxes.

At the time of each application to connect to the System, or at the time any additional trunkage charges are payable pursuant to Section 4(c) above, if any portion of the water connection charge or additional trunkage charge, as the case may be, will be paid in installments, as a condition precedent to connection and/or the privilege to pay the additional trunkage charge in installments, the owner of the premises served shall sign an agreement with the Township in recordable form stating the amount owed, the interest rate and other payment terms, and that the unpaid charges and all interest and penalties thereon shall constitute a lien on the premises served.

If any installment of a water connection charge or trunkage charge or any interest or penalties thereon is not paid in a timely manner, the Township shall have the right, in addition to any other remedies available to it, to turn off the Township water service to the premises and water service shall not be restored until all amounts then due and payable are paid in full.

SECTION 6. OTHER CHARGES: The charges for filling a swimming pool, providing water for a construction project, fire hydrant use, meter test charge, or making a service call for such items as seasonable turn on, seasonable turn off, meter removal, meter re-installation, turn off for nonpayment of water bill, turn on after delinquent water bill paid and cross connection enforcement/turn off, shall all be established and adjusted from time to time by Township Board resolution. The mention in this Section 6 of charges for filling a swimming pool, providing water for a construction project or fire hydrant use shall not be deemed to require that these services be provided and, further, the provision of any or all of such services shall be in the discretion of the Township. All such charges shall be paid in full at the time the service is provided. If any amount is not paid when due, then a penalty shall be charged; the amount of this penalty shall be established and adjusted from time to time by Township Board resolution and may, if another unit of government is to provide billing and collection services for the above charges, be specified in the agreement between the Township and such other unit of government providing for such billing and collection services.

SECTION 7. WATER RATES: Rates for water supplied to each premises connected to the System and, if imposed, any readiness-to-serve charge or standby fire line connection charge, shall be established and adjusted from time to time by Township Board resolution. Free water service shall not 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. The Township shall pay for water supplied to it or to any of its departments or agencies at the rates established pursuant to this Section from time to time. In addition, the Township shall pay for water used through fire hydrants for fire protection and other purposes an annual charge per hydrant as prescribed by resolution of the Township Board from time to time, such charge to be payable on July 1 of each year for the previous twelve (12) months and to be prorated in those instances where the hydrant has been in use for only a portion of the previous year.

SECTION 8. BILLING AND ENFORCEMENT: Charges for water service shall be billed quarterly. Bills shall be mailed by the fifteenth (15th) day of the month following the quarter or month for which the bills are rendered and shall be due and payable on or before the fifteenth (15th) day of the next month. Customers whose bills are not paid on or before the due date shall have a penalty charge, in an amount to be established and adjusted from time to time

by Township Board resolution, added thereto and shall then be mailed a reminder bill which shall include the penalty amount. If the reminder bill is not paid within ten (10) days after the date of mailing, a seventy-two (72) hour shut-off notice shall be sent by certified mail or personal delivery. If the bill is not paid within 72 hours after the date of the shut-off notice, then the customer's public water service shall be turned off immediately and without further notice. Water service shall not be restored until the entire amount of the water bill has been paid together with the penalty charge referred to above and a turn on charge, which shall be established and adjusted from time to time by Township Board resolution.

Charges for water shall constitute a lien on the property served. On or before September 1 of each year, the Township Treasurer shall deliver to the Township Supervisor a certified statement of all water charges and penalty charges thereon then six (6) months or more past due and unpaid. The Township Supervisor shall then place such charges on the next tax roll and the same shall be collected and such lien shall be enforced in the same manner as is provided for general Township taxes.

If the Township contracts with another unit of government to provide billing and collection services with respect to the System, the procedures for billing and collection shall be established by mutual agreement between the Township and such other unit of government.

SECTION 9. FISCAL YEAR: The System shall be operated on the basis of a fiscal year beginning January 1 of each year and ending December 31 of the next year.

SECTION 10. FINANCIAL RECORDS: The Township shall cause to be maintained and kept proper financial records relating to the operation of the System. These financial records shall be audited annually by a certified public accountant to be designated by the Township Board and a certified copy of such audit shall be filed with the Township Clerk. Such audit may be a part of the general Township audit.

SECTION 11. APPLICATION TO CONNECT: No connection shall be made to the System without obtaining a permit therefor. Application for such permit shall be made by the premises title holder or land contract purchaser and filed with the Township Supervisor or his/her representative. The Township Supervisor or his/her representative shall issue such permit when all prescribed conditions have been met. Such permit shall be issued subject to such regulations as may be established and amended by the Township Board from time to time.

SECTION 12. WATER SERVICE LINE: All premises connecting to the System shall be provided with a water service line from the water main to the edge of the public street or public easement within which the water main is located, as well as a curb stop and box and meter. The Township shall be the owner of the water service line, curb stop and box and meter.

SECTION 13. PROHIBITION OF CROSS CONNECTIONS: No cross connections which would violate the water supply cross connection rules of the Michigan Department of Health contained in the Michigan Administrative Code, as the same shall be amended, changed or supplemented from time to time, shall be made. The Township Supervisor or his/her representative shall have the right to enter at any reasonable time any premises connected to the System for the purpose of inspecting the piping system or systems related thereto for cross connections. On request, the owners, lessees or occupants of any premises served by the System shall furnish to the Township Supervisor or his/her representative any pertinent information relating to the piping system or systems on such premises. The Township Supervisor or his/her representative is authorized and directed to discontinue water service after reasonable notice to any premises where a cross connection has been made in violation of this Ordinance. In addition, the Township Supervisor or his/her representative is shall take such other precautionary measures as shall be necessary to eliminate any danger of contamination of the System. Water service which has been discontinued because of a cross connection shall not be restored until the cross connection has been eliminated and all charges payable pursuant to Section 6 have been paid to the Township.

SECTION 14. WORK IN RIGHT OF WAY: All work in the street right-of-way or in public easements, including water service lines, shall be constructed and performed by the Township or its agents or independent third party contractors.

SECTION 15. METERS: The Township Supervisor or his/her representative shall have the right to enter at any reasonable time any premises connected to the System for the purpose of reading the water meter or otherwise inspecting the piping system or systems which are connected to the System. If any meter shall fail to register properly, the Township shall estimate the amount of water consumed based on prior billing periods and bill the water customer accordingly.

A water customer may request that a water meter be tested for accuracy. If the meter is found accurate within current American Waterworks Association standards, a charge established pursuant to Section 6 shall be made to the water customer. If the meter is found to be inaccurate within acceptable tolerances, the meter shall be repaired or a new meter shall be installed and no charge shall be made to the water customer either for the test or the meter repair or replacement.

SECTION 16. SERVICE LINE MAINTENANCE: The owner(s) of each premises served by water shall maintain the connection line, running from the termination of the water service line to the building, structure or other improvement served with water, in good condition with no leaks, breaks or other malfunction.

SECTION 17. ONE SERVICE LINE PER PREMISES: Unless otherwise authorized by the Township Supervisor or his/her representative in writing, each water service line shall serve one premises only.

SECTION 18. REPAIR OR REPLACEMENT OF METER OR CONNECTION: If the meter or water service line connection is damaged for any reason, all required repair and replacement shall be at the expense of the premises owner. If the meter or water service line connection malfunction or are defective, repair or replacement shall be at the expense of the Township.

SECTION 19. DAMAGE TO SYSTEM FACILITIES: No person, except an employee of the Township or other person duly authorized by the Township, shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the System.

SECTION 20. FIRE HYDRANT USE: No person, except an employee of the Township or other person duly authorized by the Township, shall open or use any fire hydrant except in the case of an emergency, without first securing written permission from the Township Supervisor or his/her representative and paying the charge provided for in Section 6. No tool, other than the prescribed Township Fire Department wrench, shall be used in operating any fire hydrant.

SECTION 21. WATER EMERGENCY ORDERS: The Township Supervisor or his/her representative may, by written order, subject to review and modification or reversal by

the Township Board, regulate, limit or prohibit the use of water. Such order may restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial water needs and for fire protection. Notice of the promulgation of any such order shall be published in a newspaper of general circulation in the Township as soon as reasonably possible after promulgation. Violation of such an order shall constitute a violation of this Ordinance and shall be subject to the penalties and other remedies hereinafter prescribed in this Ordinance.

SECTION 22. RULES AND REGULATIONS: The Township may from time to time adopt by resolution rules and regulations governing the type and quality of materials and accessories to be used for connection to the System, construction methods for connections to the System, and other operational and maintenance matters pertaining to the System. Violation of any such rule or regulation shall constitute a violation of this Ordinance and shall be subject to the penalties and other remedies hereinafter prescribed in this Ordinance.

SECTION 23. DISRUPTION OF SERVICE: The Township shall not be liable for any failure or deficiency in the supply of water to water customers whether occasioned by maintenance or repair of the System or any other cause.

SECTION 24. PENALTY: Any person who shall violate a provision of this Ordinance or shall fail to comply with any of the requirements thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred (\$500.00) dollars and costs of prosecution or by imprisonment in the Ottawa County Jail for a period not exceeding ninety (90) days, or both, such fine and imprisonment in the sole discretion of the Court.

SECTION 25. ADMINISTRATIVE LIABILITY: No officer, agent or employee of the Township shall render himself or herself personally liable for any damages that may accrue to any person as a result of any act required or permitted in the discharge of his duties under and in the enforcement of this Ordinance.

SECTION 26. SEVERABILITY AND CAPTIONS: This Ordinance and the various sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby.


4/16/97

Pronouns shall be read as masculine, feminine or neuter as may be appropriate. Captions appearing at the beginning of any Section shall not be deemed a part of this Ordinance and shall have no independent significance.

SECTION 27. REPEAL: All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance, are also hereby repealed to the extent of such conflict.

SECTION 28. EFFECTIVE DATE: This Ordinance was approved and adopted by the Township Board on April 28, 1997, after introduction and first reading on March 24, 1997 and April 28, 1997, and shall be effective on May 7, 1997.


Henry Edema, Supervisor


Ruth Pruis, Clerk