

## Chapter 34

### UTILITIES\*

#### Article I. In General

Secs. 34-1—34-18. Reserved.

#### Article II. Water

##### Division 1. Generally

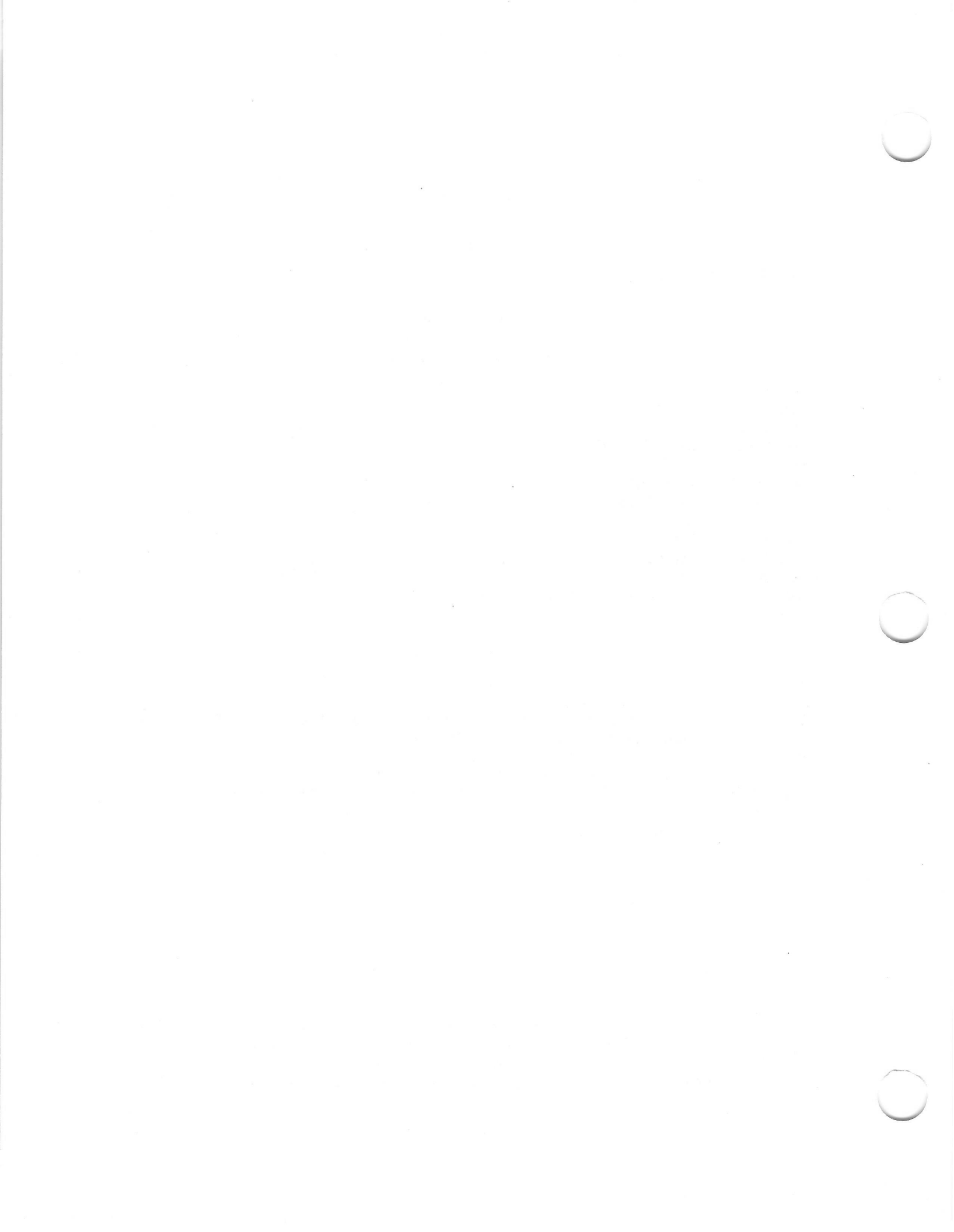
- Sec. 34-19. Finding.
- Sec. 34-20. Definitions.
- Sec. 34-21. Administration.
- Sec. 34-22. Rates and charges.
- Sec. 34-23. No free service.
- Sec. 34-24. Fixed rates.
- Sec. 34-25. Operations.
- Sec. 34-26. Receiving funds.
- Sec. 34-27. Insufficient moneys.
- Sec. 34-28. Investments.
- Sec. 34-29. Exceptions.
- Sec. 34-30. Equivalent user table.
- Secs. 34-31—34-48. Reserved.

##### Division 2. Cross Connections

- Sec. 34-49. Rules of state department of environmental quality adopted.
- Sec. 34-50. Inspections—Duty of village.
- Sec. 34-51. Same—Right of village representative to enter property; compliance required; noncompliance evidence of cross connection.
- Sec. 34-52. Discontinuation of service.
- Sec. 34-53. Testing of backflow prevention devices.
- Sec. 34-54. Protection of potable water supply; nonpotable water warning label.
- Sec. 34-55. State plumbing code.
- Sec. 34-56. Violation a municipal civil infraction.

---

\***State law references**—Local government authority to provide and regulate water and sewer service, MCL 324.4301 et seq.; collection of water or sewer charges, MCL 123.161 et seq.; sewage disposal, water supply and solid waste management system, MCL 124.281 et seq.; rates charged for use of public improvement in order to pay bonds, MCL 141.121.



**ARTICLE I. IN GENERAL**

**Secs. 34-1—34-18. Reserved.**

**ARTICLE II. WATER****DIVISION 1. GENERALLY****Sec. 34-19. Finding.**

It is hereby determined to be desirable and necessary for the public health, safety and welfare of the village that the county water supply system be operated on a public utility rate basis in accordance with the provisions of Public Act No. 94 of 1933 (MCL 141.101 et seq.).

(Code 1988, § 7.101)

**Sec. 34-20. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Revenue* and *net revenues* mean the same as defined in section 3, Public Act No. 94 of 1933 (MCL 141.103).

*System* means the complete facilities of the county water supply system, including all wells, wellhouses, pumps, elevated water towers, and transmission lines, including all appurtenances thereto, which may hereafter be acquired.

(Code 1988, § 7.102)

**Sec. 34-21. Administration.**

The operation and maintenance of the system shall be under the general supervision and control of the village, subject to the terms of the contract dated April 14, 1981, between the county and the village. Pursuant to the terms of such contract, the village has retained the exclusive right to establish, maintain and collect rates and charges for water supply service, and in such capacity, the village council may employ such person in such capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to ensure the efficient establishment, maintenance and collection of such rates and charges.

(Code 1988, § 7.103)

**Sec. 34-22. Rates and charges.**

Rates to be charged for services furnished by the system shall be as follows:

- (1) *Water rates.* The monthly water rate for users of the system shall be determined by resolution. In addition, each user shall pay a monthly debt service charge as established by resolution.

- (2) *Connection charge.*
- a. *Direct connection.* For each direct connection to lines of the system, there shall be charged a fee as established by resolution per single-family residence equivalent; provided, however, that credit against such charge shall be given for each unit of benefit specially assessed, except that the amount of such credit shall not exceed the amount of the connection charge.
  - b. *Indirect connection.* For each indirect connection to the system, there shall be charged a fee as established by resolution for each single-family residence equivalent. The indirect connection should be defined as one made to lines added to the system after its original construction.
  - c. *Equivalent user factor.* Each premises shall pay either a direct or indirect connection charge multiplied by a factor representing a ratio of water use by such class of premises to normal single-family residential use, as reflected in section 34-30.
  - d. *Payment of connection charge.* Connection charges as set forth in this section shall be due and payable in cash upon application for connection to the system; provided, however, that premises existing and occupied or for which a construction permit was issued when service by the system became available shall have the option of paying such charges over a five-year period in six approximately equal installments, the first such installment to be due and payable upon application for connection to the system and the balance at yearly intervals thereafter, with interest on the unpaid balance payable with each installment at the rate of seven percent per annum.
- (3) *Special rates.* For miscellaneous or special services for which a special rate shall be established, such rates shall be fixed by the village council.
- (4) *Additional charges.* There will be imposed a charge as established by resolution whenever the village is requested to turn water services on or off; provided, however, that whenever the village is requested to provide turn-on or turn-off service at times other than during the regular business hours of the village, there will be imposed an additional charge of time and material plus ten percent. There will also be imposed a charge as established by resolution for each change of name and/or address.
- (5) *Billing.* Bills will be rendered quarterly on the first day of the month and payable without penalty within 15 days thereafter. Payments received after such period shall bear a penalty of five percent of the amount of the bill.
- (6) *Hydrant rental.* For water used through fire hydrants and otherwise, the village shall pay a charge of two mils per year, which shall be payable in quarterly installments from the current funds of the village, or from the proceeds of taxes which the village is hereby authorized and required to levy within constitutional and statutory tax limitations in amounts sufficient for that purpose.

(7) *Enforcement.*

- a. The charges for services which are under the provisions of section 21 of Public Act No. 94 of 1933 (MCL 141.121) and made a lien on all premises served thereby are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six months, the village official in charge of the collection thereof shall certify annually on April 1 of each year, to the tax-assessing officer of the village, the facts of such delinquency, whereupon such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced; provided, however, that where notice is given that a tenant is responsible for such charges and service as provided by section 21 of Public Act No. 94 of 1933, no further service shall be rendered for such premises until a cash deposit in an amount as established by resolution shall have been made as security for payment of such charges and service.
- b. In addition to the provisions of subsection (7)a of this section, the village shall have the right to shut off water service to any premises for which charges for water service are more than ~~three months~~<sup>30 days</sup> delinquent, and such service shall not be reestablished until all delinquent charges and penalties and a turn-on charge in an amount as established by resolution have been paid. Such charges and penalties may be recovered by the village by court action.

(Code 1988, § 7.104; Ord. No. 29, 7-17-1990)

**Sec. 34-23. No free service.**

No free service shall be furnished by the system to any person or to any public agency or instrumentality.

(Code 1988, § 7.105)

**Sec. 34-24. Fixed rates.**

The rates established by this article, which are hereby fixed, are estimated to be sufficient to provide for the payment of the expenses of administration, operation, and maintenance of the system as are necessary to preserve the system in good repair and working order, to provide for the payment of the debt service obligations of the village to the county pursuant to the contract cited in section 34-21 as the same become due, and to provide for such other expenditures and funds for the system as this article may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

(Code 1988, § 7.106)

**Sec. 34-25. Operations.**

The system shall be operated on the basis of an operating year commencing on April 1 and ending on March 31 of the following year.

(Code 1988, § 7.107)

\* See ord # 45

**Sec. 34-26. Receiving funds.**

The revenues of the system shall be set aside as collected and deposited in a separate depository account in Sturgis Bank and Trust, Climax, Michigan, a bank duly qualified to do business in the state, in an account to be designated as the water supply system receiving fund (hereinafter referred to as the "receiving fund"). Such revenues so deposited shall be transferred from the receiving fund periodically, in the manner and at the times hereafter specified.

- (1) *Operation and maintenance fund.* Out of the revenues in the receiving fund, there shall be first set aside quarterly into a depository account, designated as the operation and maintenance fund, a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the system and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and good working order.
- (2) *Contract payment fund.* There shall next be established and maintained a depository account, to be designated the contract payment fund, which shall be used solely for the payment of the village's obligations to the county pursuant to the contract cited in section 34-21. There shall be deposited into the contract payment fund quarterly, after requirements of the operation and maintenance fund have been met, such sums as shall be necessary to pay such obligations when due. The proceeds of special assessments, as collected, shall be deposited directly into the contract payment fund. Should the revenues of the system prove insufficient for this purpose, such revenues may be supplemented by any other funds of the village legally available for such purpose.
- (3) *Replacement fund.* There shall next be established and maintained a depository account, designated the replacement fund, which shall be used solely for the purpose of making major repairs and replacements to the system, if needed. There shall be set aside into the replacement fund, after provision has been made for the operation and maintenance fund and the contract payment fund, such revenues as the village council shall deem necessary for this purpose.
- (4) *Improvement fund.* There shall be established and maintained a depository account, designated as the improvement fund, for the purpose of making improvements, extensions and enlargements to the system. There shall be deposited into the improvement fund, after providing for the operation and maintenance, contract payment, and replacement funds, such revenues as the village council shall determine.
- (5) *Surplus moneys.* Moneys remaining in the receiving fund at the end of any operating year after full satisfaction of the requirements of the funds established by this section may, at the option of the village council, be transferred to the improvement fund or used in connection with any other project of the village reasonably related to purposes of the system.
- (6) *Bank accounts.* All moneys belonging to any of the funds established by this section or accounts may be kept in one bank account, in which event the

moneys shall be allocated on the books and records of the village within this single bank account in the manner set forth in this section. Any other public corporation acting as operating agent for the village shall be authorized to act for the village to establish, maintain and fund such accounts. Such public corporation may fix names for the various accounts different from those set out in this section as long as the essential purpose of such system of accounts is preserved.

(Code 1988, § 7.108)

**Sec. 34-27. Insufficient moneys.**

In the event the moneys in the receiving fund are insufficient to provide for the current requirements of the operation and maintenance fund, any moneys and/or securities in other funds of the system, except sums in the contract payment fund derived from tax levies or special assessments, shall be transferred to the operation and maintenance fund to the extent of any deficit therein.

(Code 1988, § 7.109)

**Sec. 34-28. Investments.**

Moneys in any fund or account established by the provisions of this article may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Public Act No. 94 of 1933 (MCL 141.101 et seq.). In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

(Code 1988, § 7.110)

**Sec. 34-29. Exceptions.**

The owner of a single-family residence in which such owner resides and upon which a connection charge or special assessment has been imposed may submit a hardship application to the village seeking a deferment in the partial or total payment of the connection charge or special assessment provided for in this article based upon a showing of financial hardship, subject to and in accordance with the following:

- (1) The owner of the premises shall, under oath, complete a hardship application provided by the village council and file said application, together with all other information and documentation reasonably required by the village, with the village council not less than 60 days prior to the due date of such charge. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, with the exception of financial institutions having security interests in the premises.
- (2) Hardship applications shall be reviewed by the village council, and after due deliberation thereof, the village council shall determine in each case whether there has been an adequate showing of financial hardship and forthwith notify the applicants of such determination.

- (3) An applicant aggrieved by the determination of the village council may request the opportunity to appear before the village council in person for the purposes of showing hardship and presenting any argument or additional evidence. A denial of hardship following such a personal appearance before the village council shall be final and conclusive.
- (4) In the event that the village council makes a finding of hardship, the village council shall fix the amount of partial or total deferment of the charge so imposed, and in so doing, shall require an annual filing of financial status by each applicant; provided that, upon a material change of financial status of an applicant, such applicant shall immediately notify the clerk of the village so that a further review of the matter may be made by the village council; and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:
  - a. A change in the financial status of any applicant which removes the basis for financial hardship.
  - b. A conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest in the premises or extension thereof.
  - c. A death of any of the applicants.
- (5) Upon determination of the village council deferring all or part of the charges imposed, the owner of the premises shall, within one month after such determination, execute and deliver to the village, as the secured party, a recordable security instrument covering the premises guaranteeing payment of the deferred amounts on or before the death of any of the applicants or, in any event, upon the sale or transfer of the premises. Such security interest shall guarantee payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this article.

(Code 1988, § 7.111)

**Sec. 34-30. Equivalent user table.**

The following table shall be used in determining user equivalences for the purposes of this article:

<i>Occupation or Use</i>	<i>Units</i>	<i>Unit Factor</i>
Single-family residences	1.0	Per residence
Auto dealers, new and/or used	1.0	Per premises, plus 0.25 per 1,000 square feet of building, including service area



## UTILITIES

§ 34-30

<i>Occupation or Use</i>	<i>Units</i>	<i>Unit Factor</i>
Auto repair/collision	1.0	Per premises, plus 0.25 per 1,000 square feet of building in excess of 2,000 square feet
Auto wash (coin-operated, do-it-yourself, 10 gallons or less per car)	1.0	Per stall
Auto wash (mechanical, over 10 gallons per car, not recycled)	10.0	Per stall or production line, including approach and drying area
Auto wash (mechanical, over 10 gallons per car, recycled)	5.0	Per stall or production line, including approach and drying area
Barbershop	1.0	Per shop, plus 0.1 per chair after 2
Bar	4.0	Per 1,000 square feet
Beauty shops	1.0	Per shop, plus 0.1 per workstation sink
Bowling alleys (no bar)	1.0	Per premises, plus 0.2 per alley
Churches	0.25	Per 1,000 square feet, minimum of 1 unit
Cleaners (pick up only)	1.0	Per shop
Cleaners (cleaning and pressing facilities)	1.0	Per premises, plus 0.5 per 500 square feet
Clinics (medical or dental)	1.0	Per premises, plus 0.25 per exam room
Convalescent or boarding homes	1.0	Per premises, plus 0.25 per bedroom
Convents	1.0	Per premises, plus 0.25 per bedroom
Country clubs and athletic clubs	1.5	Per 1,000 square feet of clubhouse, plus restaurant and bar

<i>Occupation or Use</i>	<i>Units</i>	<i>Unit Factor</i>
Drugstores	1.0	Per premises, plus snack bar
Factories (office and production), wet process	0.75	Per 1,000 square feet
Funeral home	1.5	Plus residence to be computed separately
Grocery store and supermarket	1.0	Per premises, plus 1,000 square feet in excess if 2,000 square feet
Hospitals	1.1	Per bed
Hotels and motels	0.40	Per bedroom, plus restaurant and bar
Laundry (self-service)	1.0	Per premises, plus 0.5 per washer
Two-family residence	1.5	
Mobile homes (parks or subdivisions)	0.75	Per pad or site at indirect connection rate, plus laundry, community buildings and office, to be computed separately per schedule
Multiple-family residence, duplex	1.5	
Multiple-family residence, apartments	1.0	Plus 0.5 per dwelling unit in excess of one
Professional office	0.25	Per 500 square feet, minimum of 1 unit
Public institutions	0.75	Per 1,000 square feet
Restaurants (meals only)	2.0	For first 2,000 square feet, plus 0.5 for each additional 1,000 square feet
Restaurants (meals and drinks)	3.0	Same as above
Schools	1.0	Per classroom

UTILITIES

§ 34-50

<i>Occupation or Use</i>	<i>Units</i>	<i>Unit Factor</i>
Service stations	1.5	Per 1,000 square feet of building area
Snack bars, drive-ins, etc.	1.5	Per 1,000 square feet
Retail stores (other than listed)	1.0	Per premises, plus 0.1 per 1,000 square feet
Theaters (drive-in)	0.04	Per car space
Theaters	0.04	Per seat
Post office	1.0	Per 1,000 square feet
Warehouse and storage	0.2	Per 1,000 square feet
Veterinary facility	1.5	Per facility
Veterinary facility with kennel	1.5	Per facility, plus 0.5 per 5 kennels

(Code 1988, § 7.116)

**Secs. 34-31—34-48. Reserved.**

DIVISION 2. CROSS CONNECTIONS

**Sec. 34-49. Rules of state department of environmental quality adopted.**

The water supply cross connection rules of the state department of environmental quality, being R 325.11401 to R 325.11407 of the Michigan Administrative Code, are hereby adopted by reference as if fully set forth in this division.  
(Ord. No. 39, § 1, 2-5-2002)

**Sec. 34-50. Inspections—Duty of village.**

It shall be the duty of the village to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the village and as approved by the state department of environmental quality.  
(Ord. No. 39, § 2, 2-5-2002)

**Sec. 34-51. Same—Right of village representative to enter property; compliance required; noncompliance evidence of cross connection.**

A representative of the village shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the village for the purpose of inspecting the piping system 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 on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection.

(Ord. No. 39, § 3, 2-5-2002)

**Sec. 34-52. Discontinuation of service.**

The village may discontinue water service after reasonable notice to any property wherein any connection in violation of this division exists and shall take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this division.

(Ord. No. 39, § 4, 2-5-2002)

**Sec. 34-53. Testing of backflow prevention devices.**

Testable backflow prevention devices shall be tested initially upon installation to be sure that such devices are working properly. Subsequent testing of devices shall be conducted at a time interval specified by the village and in accordance with state department of environmental quality's requirements. Only individuals approved by the village shall be qualified to perform such testing, and every such individual shall certify the results of his testing.

(Ord. No. 39, § 5, 2-5-2002)

**Sec. 34-54. Protection of potable water supply; nonpotable water warning label.**

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 division and by the state plumbing 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

(Ord. No. 39, § 6, 2-5-2002)

**Sec. 34-55. State plumbing code.**

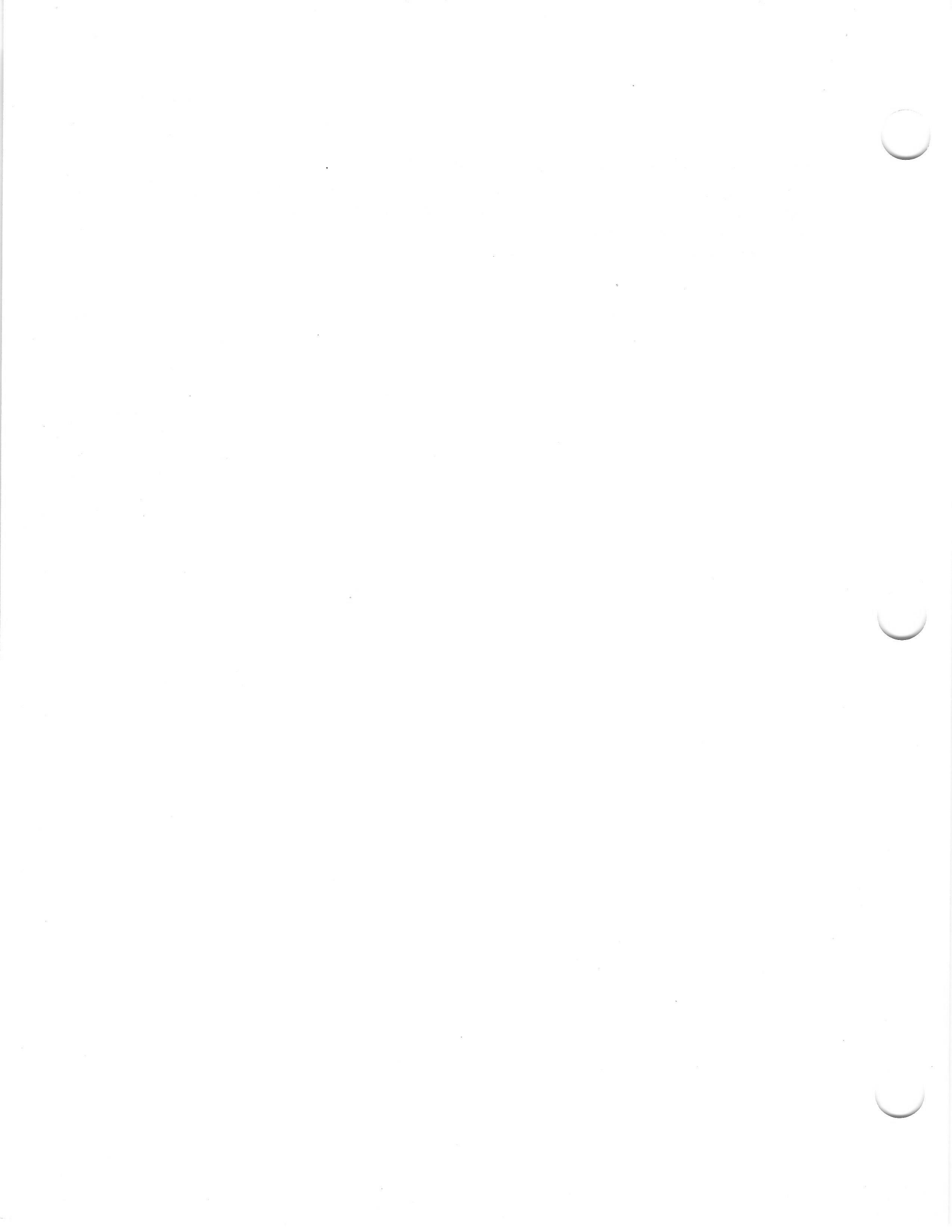
The provisions of this division shall not supersede those of the state plumbing code, but shall be considered supplementary to them.

(Ord. No. 39, § 7, 2-5-2002)

**Sec. 34-56. Violation a municipal civil infraction.**

Any person or customer found guilty of violating any of the provisions of this ordinance or any written order of the village, in pursuance thereof, shall be responsible for a municipal civil infraction.

(Ord. No. 39, § 8, 2-5-2002)



Chapter 35

**RESERVED**

