

ARTICLE R 4

SECTION R 4.01 WATER RATE ORDINANCE

SECTION R 4.02 PURPOSE

It is hereby determined to be desirable and necessary for the public health, safety and welfare of this Township that the Muskegon County Regional Water System be operated on a public utility rate basis in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended, being MCL 141.101 *et. seq.*

SECTION R 4.03 DEFINITIONS

Whenever the words "the System" are referred to in this ordinance, they shall be understood to mean the complete facilities of the Muskegon County Regional Water System including all pump stations, pumps, mains, laterals, service lines and transmission lines, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired.

Whenever the words "D.P.W. Board" are used in this ordinance, they shall be understood to mean the Muskegon County Board of Public Works.

Whenever the words "the Contract" are used in this ordinance, they shall be understood to mean the Muskegon County Regional Water System Management Contract ("Contract") dated April 14, 2005, as amended from time to time, between the County of Muskegon and the Townships of Dalton, Fruitland, Laketon and Muskegon.

Whenever the words "the Policy Board" are used in this ordinance, they shall be understood to mean the Muskegon County Regional Water System Policy Board as established by the Contract.

Whenever the words "revenues" and "net revenues" are used in this ordinance, they shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

SECTION R 4.04 SYSTEM OPERATION

The operation and maintenance of the System shall be under the general supervision and control of the D.P.W. Board, subject to the terms of the Contract. Pursuant to the terms of the Contract, this Township has retained the exclusive right to establish, maintain and collect rates and charges for water supply service to its residents and in such capacity this Township Board may employ such person or persons in such capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient establishment, maintenance and collection of such rates and charges.

The D.P.W. Board shall conduct the above duties under policies formulated by the Policy Board established by the Contract. The Policy Board shall make such rules, regulations and by-laws governing the operation of the Water System, the collection of the charges therefore, and for the management and protection of the Water System as it may deem necessary. Such rules, regulations and by-laws shall have the same force and effect as ordinances once they are approved by the Townships and the Muskegon County Board of Public Works. The System Rules and Regulations are as stated in Appendix C.

SECTION R 4.05 RATES AND CHARGES

Rates and charges to be charged for service furnished by the System shall be as provided in Appendices attached to and made a part of this ordinance. Rates and charges may be changed from time to time by resolution of the various municipalities based on the needs of the system and recommendation of the Policy Board.

Water Rates

Quarterly water rates for users of the System are as stated in Appendix B. The quarterly ready-to-serve charge for water use shall be based upon meter size as stated in Appendix B. A commodity charge is imposed for all water used in excess of the minimum quantities as set forth in the schedule based on the applicable meter size as stated in Appendix B.

Connection Charge

- A. Direct Connection: For each direct connection to lines of the System there shall be charged a fee as stated in Appendix B per single family residential equivalent unit (REU); provided, however, that credit against such charge shall be given for each unit of benefit specially assessed by law or contract, except the amount of such credit shall not exceed the amount of the connection charge.
- B. Indirect Connection: In order to defray the proportional share of the necessary over sizing of trunk lines and appurtenances, for each indirect connection to the System there shall be charged a fee of one-half the direct connection charge for each single family residential equivalent unit (REU). The indirect connection is defined as one made to lines added to the System after its original construction, the cost of which is paid for by private funds.
- C. Equivalent User Factor: Each premises other than a single family residence 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 stated in Appendix A.

The Equivalent User Factor shall be calculated for any establishment based on the use of the property at the time of original application for water service. Whenever the use of this property, from that stated in the original application, is changed, modified or enlarged, the Township shall charge an additional connection charge, based on the current connection charge schedule as listed in Section 4, subparagraph A, for the additional equivalent user units over the number originally purchased with the initial application. However, the Equivalent User Factor Charge shall not be revised below that for the initial application.

- D. Payment of Connection Charge: Connection charges as set forth above 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 fifteen (15) year period in fifteen (15) approximately equal installments, the first such installment to be due and payable upon application for connection to System and the balance at yearly intervals thereafter, with each installment bearing interest at the rate established from time to time and stated in Appendix B.

Special Rates

For miscellaneous or special services for which a special rate shall be established, such rates shall be fixed by the Township Board in consultation with the System Policy Board.

Billing

Bills will be rendered quarterly, payable without penalty within fifteen (15) days after the date thereon. Payments received after such period shall bear a penalty of ten percent (10%) of the amount of the bill. Large users may be billed monthly.

Enforcement

The charges for services which are pursuant to Section 21 of Act 94 of the Public Acts of 1933, being MCL 141.121, are hereby made a lien on all the premises served whenever such charges are delinquent for a period of six months. The Township official or officials in charge of the collection thereof shall certify annually on October 1 of each year such delinquencies to the tax assessing officer of the Township, and said assessing officer shall enter such charges on the tax roll, and said amount shall be collected in the same manner as real estate taxes are collected on the premises.

In addition to the foregoing, this Township shall have the right to shut off water service to any premises for which charges for water service are more than three (3) months delinquent, and such service shall not be re-established until all delinquent charges and penalties and a turn on charge, to be specified by this Township Board, have been paid. Further, such charges and penalties may be recovered by the Township by court action.

Transfer of Connection Charge Lien

When a parcel of property which is subject to a lien agreement for the payment of the connection charge in installments is acquired by a new owner, such owner has the right to assume the lien agreement under the following terms and conditions:

- A. The new owner pays a fee as stated in Appendix B to cover the cost of executing and recording of the necessary documents.
- B. The new owner signs a new lien agreement for the balance of the payments due and owing.
- C. The new owner shall provide the Township Clerk with the necessary documents showing the transfer of ownership.

Annual Rate Adjustment

Annually, the D.P.W. Board shall submit an Operations and Maintenance budget to the System Policy Board. On approval by that Board, the budget shall be submitted to each jurisdiction's legislative branch for formal approval as necessary.

The approval of the budget shall incorporate any necessary rate and fee schedules so as to provide sufficient funds to operate the System.

SECTION R 4.06 MANDATORY CONNECTION

The water distribution system of any building in which plumbing fixtures are installed shall be connected to a public water supply if available. Where a public water supply is not available, an individual water supply system shall be provided.

A public water supply system shall be deemed available to existing premises used for human occupancy if such premises are within 200 feet of a street, alley, or easement containing a public water supply, and a connection conforming with the standards set forth by the plumbing code and by local regulation shall be made thereto. A public water supply system shall be deemed available to any proposed premises used for human occupancy where the property on which the premises is to be located is adjacent to any street, alley, or easement containing a public water supply, and a connection conforming with the standards set forth by the plumbing code and by local regulation shall be made thereto.

It shall be mandatory for that residence or establishment to connect to the System whenever any one of the following occurs;

- A. Sale of a residence or establishment by deed, land contract, or other conveyance, said connection upon such
- B. New construction.
- C. New well or replacement.
- D. Alterations to the following extent which require a permit according to the Plumbing or Building Code adopted by the Township:
 - 1. Plumbing - 50% change or alteration in existing plumbing system.
 - 2. Building - 25% of the then current state equalized value of the structure.

SECTION R 4.07 FREE SERVICE

No free service shall be furnished by said System to any person, firm or corporation, public or private, or to any public agency or instrumentality.

SECTION R 4.08 EXPENSES

The rates established hereby are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the said System as are necessary to preserve the same in good repair and working order, to provide for the payment of the debt service obligations, and to provide for such other expenditures and funds for said System as this ordinance may require. Such rates shall be fixed and revised by resolution of the Township board from time to time as may be necessary to produce these amounts.

SECTION 4.09 OPERATING YEAR

The System shall be operated on the basis of an operating year commencing on October 1 and ending on the last day of September next following.

SECTION 4.10 SYSTEM REVENUE

The revenues of the System shall be set aside as collected and deposited in a depository account in the Township's duly designated depository of Muskegon, Michigan, a bank duly qualified to do business in Michigan, in an account to be designated MUSKEGON COUNTY REGIONAL WATER SYSTEM RECEIVING FUND (hereinafter, for brevity, referred to as the "Receiving Fund"), and said revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the times specified in the Contract to the Muskegon County Regional Water System Pooled Account.

- A. Operation, Maintenance and Debt Service. The D.P.W. Board shall pay from and charge to the said Pooled Account, first, all costs of operation, maintenance and management of the System and second, debt service costs of the bonds to be issued by the County to finance construction of the System. Operation, maintenance and management costs shall include but not be limited to costs of water purchased, wages and salaries for labor and administration related to the System, materials expense, supplies, utility charges and insurance.
- B. Surplus Monies. Any surplus monies remaining from time to time in the Pooled Account shall be retained by the D.P.W. Board to pay other System costs, such as repair, replacement or extension and improvement of the System and as a debt service reserve.
- C. Township Remittances. The Township treasurer shall remit to the Pooled Account all monthly collections of rates and charges other than charges for inspections of connections in the manner and at the times specified in the Contract following such collection.
- D. Bank Account. All moneys belonging to the Receiving Fund may be kept in one bank account, in which event the moneys shall be allocated on the books and records of this Township within this single bank account, in the manner above set forth. Any other public corporation acting as operating agent for this Township shall be authorized to act for this Township to establish, maintain and fund the aforesaid account.

SECTION R 4.11 HARDSHIP

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

- A. The owners of the premises shall, under oath, complete a hardship application provided by this Township Board and file said application, together with all other information and

documentation reasonable required by this Township, with this Township Board not less than sixty (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, excepting financial institutions having security interests in the premises.

- B. Hardship applications shall be reviewed by this Township Board, and after due deliberation of hardship applications, this Township Board shall determine in each case whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicants of said determination.
- C. An applicant aggrieved by the determination of this Township Board may request the opportunity to appear before this Township Board in person for the purposes of showing hardship and presenting any argument for additional evidence. A denial of hardship following such a personal appearance before this Township Board shall be final and conclusive.
- D. In the event that the Township Board makes a finding of hardship, the Township Board 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, providing that upon a material change of financial status of an applicant, said applicant shall immediately notify the Clerk of this Township so that a further review of the matter may be made by this Township Board, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:
 - 1. A change in the financial status of any applicant which removes the basis for financial hardship.
 - 2. 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.
 - 3. A death of any of the applicants.
- E. Upon a determination of this Township Board deferring all or part of the charges imposed, the owners of the premises shall, within one (1) month after such determination, execute and deliver to this Township, 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. Said 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 ordinance.

SECTION R 4.12 CRIMINAL VIOLATION

Any unauthorized person who shall take water from the System without payment therefore, or disturb, tap into, change, obstruct, or interfere with the System and any person who shall intentionally damage the System shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense.

SECTION R 4.13 SEVERABILITY

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

SECTION R 4.14 REPEAL

All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, repealed.

SECTION R 4.15 PUBLICATION

This ordinance shall be published, as necessary, in a newspaper of general circulation within the boundaries of the Township and qualified under State law to publish legal notices, promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Supervisor and the Township Clerk.

SECTION R 4.16 EFFECTIVE DATE

This ordinance shall become effective 30 days after its publication.

ADOPTED: October 17, 2005
AMENDED: September 11, 2012

AMENDED: July 16, 2012
PUBLISHED: August 12, 2012
EFFECTIVE: September 11, 2012

Muskegon County Regional Water System
APPENDIX A – USER CHARGE UNITS
 Effective March 1, 2010

Occupation Use	Units	Unit Factor
Single Family Residence	1.00	per residence
Amusement Park	0.02	per parking space plus other services listed in this appendix
Auto Dealers - New and/or Used	1.00	per premise plus 0.25 per 1000 sq. ft. of building including service area
Auto Repair/Collision	1.00	same as above
Auto Wash (Coin Operated, Do-it-Yourself) 10 gallons or less per vehicle	1.00	per stall
Auto Wash (Mechanical) Over 10 gallons per vehicle - not recycled	10.00	per stall or production line including approach and drying area
Auto Wash (Mechanical) Over 10 gallons per vehicle - recycled	5.00	per stall or production line including approach and drying area
Barber Shop	1.00	per shop plus 0.1 per chair after 2nd
Bar	2.50	per 1000 sq. ft. - includes all floor space
Beauty Shop	1.00	per shop plus 0.1 per booth after 2nd
Bowling Alley (no bar)	1.00	per premise plus 0.2 per alley
Campgrounds	0.14	per site with minimum of 1.00 unit, plus other services listed in the appendix
Churches	0.25	per 1000 sq. ft with minimum of 1 unit
Cleaners (pick up only)	1.00	per shop
Cleaners (cleaning and pressing facilities)	1.00	per premise plus 0.5 per 500 sq. ft.
Clinics (Medical or Dental)	1.00	per premise plus 0.5 per exam room
Condominiums	1.00	per individual living unit
Convalescent or Boarding Homes	1.00	per premise plus 0.25 per bedroom
Convents	1.00	per premise plus 0.25 per bedroom
Country Clubs and Athletic Clubs	1.50	per 1000 sq. ft. of clubhouse plus restaurant and bar
Day Care Center	1.00	per facility plus 0.1 up to 10 children and .01 for each additional child
Drug Stores	1.00	per premise plus snack bar computed as per schedule
Factories (office and production) Wet Process **	0.75	per 1000 sq. ft. ** Based on metered or designed flow
Funeral Home	1.50	per 1000 sq. ft. with residence to computed separately
Grocery Stores or Super Market	1.00	per premise plus 0.8 per 1000 sq. ft.

Hospitals	1.10	per bed
Hotels and Motels	0.40	per bedroom plus restaurant and bar as per schedule
Laundry	1.00	per premise plus 0.2 units per gallon per pound of laundry as rated by mfr.
Mobile Home (free standing)	1.00	per unit
Mobile Home (parks or subdivision)	1.00	per pad or site at indirect connection rate plus laundry, community building and office to be computed separately per schedule
Multiple Family Residences		
Duplex or Row Houses	1.00	per dwelling unit
Apartments	1.00	per dwelling unit
Fraternity or Sorority Houses	0.50	per dwelling unit
Professional Office	0.25	per 500 sq. ft. with minimum of 1 unit
Public Institutions	0.75	per 1000 sq. ft.
Restaurant	2.50	per 1000 sq. ft. - Auxiliary space 2.0 per 1000 sq. ft. ***
Schools	1.00	per classroom
Service Stations	1.50	per 1000 sq. ft. of building area
Snack Bars, Drive-Ins, etc.	2.50	per 1000 sq. ft.
Retail Store (other than listed)	1.00	per premise plus 0.1 per 1000 sq. ft.
Theaters (drive-in)	0.02	per car space
Theaters	0.01	per seat
Post Office	1.00	per 1000 sq. ft.
Warehouse and Storage	0.20	per 1000 sq. ft.
Veterinary Facility	1.50	per facility
Veterinary Facility with Kennel	1.50	per facility plus 0.5 per 5 kennels

* Minimum charge for any connection is to be one (1) unit.

** The unit to be charged to an industry (wet process) or any other business or use not specifically listed herein will be determined by Muskegon County.

*** Auxiliary space is defined as space used less than 20 hours per week.

Updated: March 1, 2010

Muskegon County Regional Water System
APPENDIX "B"
Rates and Charges
Effective October 23, 2005.

A. **Water Use Rate**

Water use rates shall be composed of a commodity charge plus a quarterly ready-to-serve (RTS) charge based upon meter size pursuant to the following schedule:

1. Dalton, Fruitland, Laketon and Muskegon Twp. north of Muskegon River:

<u>Meter Size</u>	<u>Quarterly RTS (minimum charge)</u>
3/4"	\$27.00
1"	\$45.09
1.5" all types	\$89.91
2" all types	\$143.91
3" all types	\$288.09
4" all types	\$450.09
6" all types	\$899.91
8" all types	\$1,439.91

A commodity charge is imposed for all water used at the rate of \$2.95 per 100 cubic feet.

2. Muskegon Twp. south of Muskegon River:

<u>Meter Size</u>	<u>Quarterly RTS (minimum charge)</u>
5/8"	\$27.00
3/4"	\$27.00
1" all types	\$45.90
1.5" all types	\$89.10
2" all types	\$151.20
3" all types	\$270.00
4" all types	\$494.10
6" all types	\$1,109.70
8" all types	\$2,157.30

A commodity charge is imposed for all water used at the rate of \$2.70 per 100 cubic feet.

B. Connection Charge

1. Dalton, Fruitland, Laketon and Muskegon Twp. north of Muskegon River:

Direct connection charge: \$6,200 per single family residential equivalent.

Indirect connection charge: \$3,100, per single family residential equivalent.

2. Muskegon Twp. south of Muskegon River:

Direct connection charge: \$4,600 per single family residential equivalent.

Indirect connection charge: \$2,300 per single family residential equivalent.

NOTE: New service areas requiring a substantial extension of the System will be evaluated for connection charge costs based on the cost required to serve the new area as provided in the ordinance, and as approved by the Muskegon County Regional Water System Policy Board. Connection charges so determined shall be no less than those specified in paragraph B.

C. Interest Rate

Interest on the balance owed for deferred payment of connection fees or other charges shall be paid at the rate of six percent (6%) per annum.

D. Installation Charges

Charges for the System to provide piping and appurtenances from the main line to the property line are as follows:

1. **Stub Fee** - (main line to property line)

1" existing	\$ 700
1 1/2" existing	1,000
2" existing	1,200
New and/or larger	At time and materials *

2. **Meter Fee** - (includes remote readout) **

a. Dalton, Fruitland, Laketon and Muskegon Twp. north of Muskegon River:

3/4"	\$ 400
1"	500
1 1/2"	700
2" ***	1,100

b. Muskegon Twp. south of Muskegon River:

3/4"	\$ 275
1"	325
1 1/2"	375
2" ***	475

3. **Service Line** - (property line to structure)

All costs associated with design, permits, installation and scheduling are the sole responsibility of the owner.

4. **Transfer of lien** - \$35.

* Applicant shall provide a deposit in lieu of stub fee. Deposit shall be estimated by Muskegon County Department of Public Works. Any adjustments due to actual costs will be billed or credited to the customer's account. In no case shall actual charge be less than fixed cost for existing service.

** Meter pits either required or requested shall be paid by customer as described in (*) above.

*** Some applications of meters 2" and larger will require additional charges.

E. **Delinquent accounts**

Delinquent water accounts shall be forwarded to the Township for placement on property tax roll.

F. **Local Water Fund**

.05 dollars per hundred cubic feet of the commodity charge and \$100 per REU of each connection charge shall be placed in a local water fund by the collecting agency for the Township. If the collecting agency is the County of Muskegon, the funds shall be held in an interest bearing local fund and upon request shall be transferred to the Township's water enterprise fund.

ADOPTED: October 17, 2005 – Resolution 2005-15

Muskegon County Regional Water System

APPENDIX "C"
Rules and Regulations
Effective October 1, 2005

I N D E X

PREFIX	DEFINITIONS
SECTION I	APPLICATION FOR SERVICE
SECTION II	INSTALLATION OF WATER SERVICE
SECTION III	FEES AND CHARGES
SECTION IV	METERS
SECTION V	OWNERSHIP OF LINES
SECTION VI	HYDRANTS & UNMETERED USAGE
SECTION VII	LIMITATION OF SERVICE
SECTION VIII	COLLECTIONS
SECTION IX	DISCONTINUANCE OF SERVICE

PREFIX

DEFINITIONS

<u>APPLICATION</u> -	A form furnished by the townships to be filled out by anyone desiring water service.
<u>CONNECTION CHARGE</u> -	A fee paid by a property owner for the right to utilize water from the System.
<u>DPW BOARD</u> -	Muskegon County Department of Public Works.
<u>INSTALLATION OR HOOKUP</u> -	Includes the STUB SERVICE, SERVICE LINES, METER, REMOTE READING DEVICE AND INSPECTION necessary to complete the furnishing of water service to the property.
<u>MCDPW</u> -	Muskegon County Department of Public Works.

Whenever this term is used, it represents those persons designated by the DPW Board to carry out the operation and maintenance of the System with the concurrence of the Policy Board (Public Works personnel, township personnel, or any other specifically designated party).

POLICY BOARD -

Muskegon County Regional Water System Policy Board.

SERVICE LINES -

Refers to that part of the service on the property from the property line to the meter.

STUB SERVICE -

That part of a service from the mains to the property line, including necessary valves and boxes.

SYSTEM -

Muskegon County Regional Water System.

TOWNSHIP -

Township of Dalton or Fruitland or Laketon or Muskegon.

TRUNKS -

Mains used to carry water to large areas, usually over 6" in size.

UNMETERED SERVICE -

Those services where a meter is not used. Usually fire protection lines or temporary services furnished for special purposes.

SECTION I

APPLICATION FOR SERVICE

- 1.1 Residents, or owners, desiring water service must file an application on appropriate forms with the Township. The application shall show the legal description, plate number, or street address of the property to be served, the size of service desired and any other pertinent data required.
- 1.2 The application must be accompanied by payment in cash of the required service charges. No action will be started to install or provide service until all necessary fees and charges are paid.
- 1.3 When the application is signed by the property owner, no guarantee deposit will be required. If the applicant is a tenant, the application must be accompanied by the required deposit to guarantee payment of the service bills.
- 1.4 An application will be required of each new customer even though water service may already be installed in the premises. Should the original application stipulate a billing address separate from the service address and a change in the billing address is desired, the request must be made in writing to MCDPW or the Township.
- 1.5 Every person who shall be supplied with water service shall be deemed to have

accepted and approved all of the Rules and Regulations as herein provided.

SECTION II

INSTALLATION OF WATER SERVICES

- 2.1 Connections to the water distribution lines shall be made only by duly authorized personnel or by a licensed plumber specially employed by the Muskegon County Department of Public Works. A plumber designated to make such connections shall be required to file a bond and furnish evidence of compensation and public liability insurance coverage before proceeding with any work as outlined herein.
- 2.2 No two (2) residences shall be placed on one water meter, nor shall the service pipe be run from one house to another but shall be run directly to the main adjacent to the premises served.
- 2.3 All service pipes between the main and the meter shall have a minimum internal diameter of 1 inch. Services up to 2 inch diameter shall be of annealed seamless copper tubing, type K (ASTM Spec. B88-45) or galvanized iron. Services larger than 2 inch shall be of standard cast iron, Class 150. Under certain ground conditions, Muskegon County Department of Public Works may specify the particular type of pipe to be used.
- 2.4 Services shall be laid a minimum of four feet below the surface of the ground or the established street grade. In areas of high water table, the Plumbing Inspector may permit a lesser depth, but no service shall be laid in any position where there is a danger of freezing or hazard of breakage. Such waiver of cover requirements must be so noted on the permit.
- 2.5 Every service shall be furnished with a valve on the influent side of the meter. On 2 inch or larger meters, a valve shall also be furnished for the effluent side of the meter.
- 2.6 Copper service tubing shall be connected by use of a flanged or furled or compression joint with the necessary coupling or fitting. Joints sweated in with solder will not be permitted.
- 2.7 If any application for service shall require a service pipe of a diameter of three (3) inches or larger, water shall not be turned on until the owner at his own cost and expense, shall have first furnished to the Plumbing Inspector the written results of tests conducted by qualified test operators certifying that the service pipe and all the owner's connections thereto have been hydrostatically tested and disinfected in accordance with the then existing rules and regulations of the System.
- 2.8 Service pipe laid in the same trench with a sewer shall be at least 18 inches distant from the sewer in a horizontal plane. The water service shall be shelved into the bank to a solid bottom at least 12" above the top of the sewer. In no case

shall the service pipe be laid on a fill.

- 2.9 Trenches shall remain open with service pipes exposed until inspection and testing for leakage by the Plumbing Inspector. All services shall be pressure tested under 100 pounds per square inch pressure. The curb cock or valve on any stub service shall not be opened, except to flush the valve at time of connection, and left open so that water may be supplied to the premises through the service unless and until the service pipes and installation has been inspected and tested.
- 2.10 Upon completion and inspection of service connections a meter will be installed by the MCDPW and the water will be turned on. All necessary fees and charges must be paid before this is done.
- 2.11 No person shall make any attachment or connection with the water distribution system or make any repairs, additions or alterations of any fixtures connected with the system except in accordance with the plumbing code approved by the Township. All work performed shall be subject to inspection by the Plumbing Inspector which will have the authority to order any part disconnected or changed if it does not comply with the code. No work will be performed on any part of the service between the main and the meter without written authorization of the MCDPW and the Plumbing Inspector.
- 2.12 Stand pipes or other pipes for the automatic suppression of fires in buildings, and intended only for such use, may be attached direct to the water supply system without a meter. A separate application accompanied by a plan of the proposed installation must be submitted with each application for approval. No changes will be made in the system after installation without prior approval. A special maintenance contract shall be written to cover service of this nature. A detector check must be installed.
- 2.13 Fire hydrants may be installed on private property to be used solely for fire purposes. Such installations must have prior written approval of the MCDPW and the Plumbing Inspector. Special rates will be negotiated for this service.
- 2.14 Water service may be installed beyond the end of an existing main when approved by the MCDPW and the Plumbing Inspector. A meter pit may be required. It is to be understood that such an extension does NOT eliminate such property from being assessed if the mains are extended past the property, if it is not already being assessed. When the mains are extended, a new stub service may be required. All expenses on such a connection, including a new stub, will be the responsibility of the property owner requesting service.
- 2.15 A private property owner shall be issued a permit only if the owner hires a licensed contractor or signs an affidavit, supplied by the Township, that the applicant is the owner and occupant, or eventual occupant of the structure where the work is to be performed, and the applicant will in fact, be doing the work without any help from a licensed contractor.
- 2.16 Any person, partnership, firm or corporation desiring to secure permits to perform the construction of service connections to structures of other persons, partnerships, firms, or corporations, shall prior to issuance of said permits,

provide the Township in which the work is to be performed, the following information:

- a. A satisfactory corporate surety bond, renewable yearly, in the amount of at least Two Thousand and No/100 (\$2,000.00) Dollars as security for the faithful performance of the work in accordance with the Township ordinances, these rules and regulations, and the plumbing code. The corporate surety bond shall be kept in full force and effect by the licensed contractor until said licensed contractor shall have given ten (10) days written notice to the Township of his intention to terminate said corporate surety bond and shall thereafter have received a written release from the Township.
- b. The corporate surety bond shall be continued in effect for a period of 1 year (12 months) or such shortened time as shall be allowed by the Township after a final inspection and approval of the Plumbing Inspector. Only upon final inspection and approval, the same corporate surety bond may be used toward the issuance of another permit, as a blanket bond. In this case, the corporate surety bond shall be in effect as to whatever permits the licensed contractor might have made within a period of 1 year (12 months), or such lesser period of time as may be allowed by the Township. The blanket corporate surety bond or combination of bonds shall include at least Two Thousand and No/100 (\$2,000.00) dollars for each and every permit that is outstanding and has not had final inspection and approval by the Township.
- c. The corporate surety bond shall be available to the Township Board for one or combination of, or all of the following:
 - (1) Repairs.
 - (2) Indemnity for damages.
 - (3) Deficiencies caused by the licensed contractor.
 - (4) Deficiencies caused by the property owner done with knowledge of the licensed contractor.
- d. A licensed contractor shall purchase and maintain such insurance as will protect himself and the Township and the County of Muskegon from claims under the State of Michigan Workmen's Compensation Laws, disability benefit laws or other similar employee benefit laws; from claims or damages because of bodily injury, occupational sickness or disease, or death of his employees, and claims insured by usual personal injury liability coverage; from claims for damages because of bodily injury, sickness or disease, or death of any person other than his employees including claims insured by usual personal injury liability coverage; and from claims for injury to or destruction of tangible property, including loss of use resulting therefrom any or all may rise out of or result from the licensed contractor's operations under the water connection permit, whether such operations were by himself or by any

subcontractor or anyone directly or indirectly employed by any of them or for whose acts any of them may be legally liable. This insurance shall include the specific coverage's and be written for not less than the limits listed below. This insurance shall have coverage against loss due to the perils of explosion, collapse and underground hazards, (XCU).

- e. A certificate of insurance indemnifying the Township and Muskegon County for Public Liability and Property Damage, with limits of at least Three Hundred Thousand and No/100 Dollars (\$300,000.00) for each person and Five Hundred Thousand and No/100 Dollars (\$500,000.00) for each occurrence, together with Workmen's Compensation insurance, shall be issued to the Township. The Township, Muskegon County, Township and County officials, employees and agents shall be additional named insured parties on the policy as shown in the certificate of insurance and the policy shall contain a provision that the coverage afforded under the policy will not be canceled or materially changed until at least ten (10) days written notice has been given to the Township.
 - f. After a licensed contractor has complied with all of the above requirements and other laws relating to licensing of businesses within the Township, he shall be called a licensed contractor and shall be allowed to perform construction of water service connections within the Township under the rules, regulations, specifications and ordinances of the Township.
 - g. A contractor's license may be suspended or revoked or both, upon noncompliance with the Township Ordinances, these rules and regulations, standards, rules and regulations or a finding by the Township that work is being done in less than a workmanlike manner or both, or that there are claims from faulty work or materials for which the licensed contractor has failed to promptly respond by making reparations or demonstrating the claims are unfounded or both.
- 2.17 All water connection permits shall expire one (1) year from the date of issuance.
- 2.18 With respect to written or oral agreements, contracts or transactions between property owners and licensed contractors herein, the Township and the County of Muskegon, notwithstanding any provisions contained in this ordinance, shall not be deemed to have knowledge of a contract between said parties, shall not be deemed a principal or master or the agent or servant of the licensed contractor. The Township and the County do not in any way act as guarantor or surety for any licensed contractor herein and does not extend warranties, expressed or implied for the licensed contractors performance other than duties and obligations assumed by the Township in the provisions of this ordinance.

Licensed contractors shall hold harmless the Township and the County from any and all actions and statements.

SECTION III

FEES AND CHARGES

3.1 INSTALLATION FEES:

- a. Stub Fee See Ordinance Appendix B
- b. Meter Fee See Ordinance Appendix B
- c. Service Lines:
Costs for installation and scheduling are applicant's responsibility.
- d. Other Fees:
Other fees are listed in Ordinance Appendix B and may also include, but are not limited to, estimates, detector checks, special meter pits, etc.
- e. All installation fees must be paid in full at time of application along with connection fees.

3.2 RE-SETTING OR REPLACING A METER

- a. A meter will be reset at the request of the property owner or after acts of the property owner necessitate resetting the meter. \$25.00
- b. A meter replaced due to damage caused by carelessness or neglect by the tenant or owner. Actual cost of meter plus reset charge.

3.3 TESTING METERS

At owner's request when not satisfied with readings. (Charge is refunded if meter is found defective.) \$25.00

3.4 TURN ON CHARGE

After service has been turned off for nonpayment. (Not required for new installations.)

- a. During regular work hours. \$25.00

	b. After regular work hours and weekends.	\$35.00
3.5	<u>TEMPORARY SERVICE</u>	
	a. Service to new buildings where meter cannot be installed due to no heat and freezing weather. 30 day service, minimum.	\$25.00
	b. Service from hydrants:	
	Connection charge plus cost of water used, plus \$50 meter deposit. (All of water + such service to be approved in writing meter deposit before actual use starts.)	\$25.00 + cost
3.6	<u>SPECIAL WATER SERVICE</u>	
	Any service not specified above. Charges to be made according to the type of service desired and method of obtaining the service. Applications must be approved before the service will be granted. Charges will be covered by a deposit based on the estimate of the cost.	
3.7	<u>UNAUTHORIZED USE OF WATER</u>	
	Any use of water, from any source, by any means, from the water system without express permission of the MCDPW or in violation of these rules and regulations:	Per Ordinance
3.8	<u>RENTER'S DEPOSIT</u>	
	Required where owner refuses responsibility (refunded when service is discontinued and all bills are paid).	\$60.00
3.9	<u>GUARANTEE DEPOSIT</u>	
	Required when water is turned off for nonpayment of bills.	\$60.00
	(All bills must be paid in full, with interest and penalties, plus this deposit before service will be again turned on.)	

3.10 FIRE SPRINKLER DEMAND CHARGE

The property owner will be required to provide a detector check meter of a type approved by MCDPW on internal fire service lines. A demand charge for this service will be issued based on the minimum billing for an equivalent meter size equal to ½ the size of incoming fire lines (e.g. an 8" fire line will be charged at the minimum billing rate for a 4" meter).

SECTION IV

METERS

- 4.1 All permanent service connections with the water distribution system must be provided with an approved type of water meter. (See Section II, par. 2.12 for fire lines.)
- 4.2 All meters must be set in a horizontal position in a clean sanitary place which is easily accessible. They will not be installed in locked closets, coal bins, under toilet room floor, in pits below the basement floor, under buildings having no basement, under porches or in any other place difficult of access. Whenever practical, the meter will be installed in the basement where the service pipe enters the building.
- 4.3 All meters, when possible, will be equipped with an outside reading device and shall be of a type and design selected by the MCDPW. Services two inches or larger shall have a compound type meter, or type determined as best for the use intended and approved by the MCDPW. Meters shall be installed by the MCDPW after the property owner has provided an approved and inspected service from the stub line to the building and all fees and charges have been paid. If a meter pit is required for service greater than one inch, it will be provided by the property owner and approved by the MCDPW. All meters will remain the property of the MCDPW.
- 4.4 The MCDPW will maintain all meters and make all necessary replacements caused by normal wear. The consumer will be held responsible for care and protection of the meter from freezing or hot water and from damage by any person while installed on his property. Repairs to meters will be made only by the MCDPW or its designated agent. Any meter damaged by carelessness or neglect on the part of the tenant, owner or agent will be repaired by the MCDPW and the cost of such repair, plus resetting charge, will be assessed against the tenant, owner or agent.
- 4.5 Failure of a meter to register consistently, or in case a meter fails to register, the amount of quarterly consumption of water shall be estimated by the MCDPW. In making such estimate, the amount used in the previous quarter and the corresponding quarter of the previous year will be considered, but special circumstances, such as leaking fixtures, abnormal demands, etc., may also govern the determination. The MCDPW shall have the authority to adjust water bills in cases of faulty meters.
- 4.6 If a customer is not satisfied with his meter performance, he may request, in writing, that the MCDPW test the meter. Payment of the required testing charge must be made with

the request. If the meter is found to be defective, it will be replaced and the testing charge will be refunded. In case of a defective meter, an adjustment may be made in the water bill upon proper approval by the MCDPW.

- 4.7 A water meter shall be deemed accurate if, when subjected to a standard test, its register indicates a percentage of error not exceeding two (2) per cent more or less than the actual quantity of water passing through it. If its register indicates an error in excess of two (2) per cent more than the actual quantity of water passing through it, it shall be considered fast to that extent. If its register indicates less than ninety-eight (98) per cent of the actual water passing through it, it shall be deemed slow to the extent it is under one hundred (100) per cent correct.

Whenever the MCDPW makes a test of a water meter voluntarily and not pursuant to any request, the testing shall be done without cost to the property owner or consumer.

- 4.8 All persons, other than MCDPW employees, are forbidden to tamper with the meter or remove it from the line. No person shall break the seal, or permit others to break or remove or molest any seal which is placed on the meter by the MCDPW. Any meter which has the seal removed or shows indication of tampering may be assumed to have had the reading changed and the maximum water bill previously issued may be assessed against the customer.
- 4.9 Where the owner desires auxiliary meters installed at his own expense, permission may be granted upon written application and approval by the MCDPW.

SECTION V

OWNERSHIP OF WATER LINES

- 5.1 All water distribution lines, fire hydrants, and stub services, including the corporation cock, curb box and stop cock and all meters shall be and remain the property of the MCDPW and it shall have exclusive jurisdiction over their operation and maintenance.
- 5.2 All water distribution lines installed in subdivisions by the developer thereof shall become the property of the MCDPW when they are connected to the main.
- 5.3 It shall be unlawful for any person to disturb, remove, alter, or tamper with any water line or any municipality-owned attachment thereto, including the shut off cocks and meters. No person other than an employee of the MCDPW shall open or close any valve or gate in the water mains or open or shut any curb cock. No person other than a member of the Fire Department or MCDPW shall unlock or remove the cap or cover from any fire hydrant or open or close the valve thereof, except by written order from the MCDPW.
- 5.4 All water lines within the limits of the property line are the property of the owner of the premises. They must be maintained in proper condition at all times by the property owner.
- 5.5 Any extensions to the System shall meet the minimum standards for construction as shall be established by the MCDPW.

SECTION VI

HYDRANTS AND UNMETERED USAGE

- 6.1 Water hydrants are provided primarily for fire protection and no other use shall obstruct or cause delay in the attaching of fire lines. Hydrants shall not be operated by anyone other than employees of the MCDPW, members of the Fire Department or insurance inspectors on regular inspection, except as may be approved by special permit as outlined below.
- 6.2 Temporary permits may be issued for water service from a fire hydrant to contractors or other responsible persons. This service may be either metered or unmetered according to the need. The user must request in advance, and in writing, the service desired from MCDPW who will arrange for the necessary connections and/or meter and instruct the user in the proper procedures. Advance payment or a meter deposit for this service may be required and must then be paid before the service is furnished.
- 6.3 In using water from a hydrant, the main valve shall be opened full each morning and closed each night at the cessation of work. The small valve on the connector will be used to control the flow of water. A hydrant wrench must be used to operate the hydrant valve and any damage to the operating nut caused by the use of improper tools will be charged to the user. PIPE WRENCHES ARE NOT ALLOWED.
- 6.4 A separate application must be made for each unmetered or hydrant connection desired. No permit will be made during freezing weather unless adequate protection from freezing is made by the applicant.
- 6.5 A request for a temporary water connection must be made in writing to the MCDPW and accompanied by the required fee.
- 6.6 The Fire Department shall notify the maintenance agency immediately after the use of any hydrant in case that hydrant may need pumping after its use.

SECTION VII

LIMITATIONS OF SERVICE

- 7.1 The MCDPW reserves the right to limit the amount of water to any customer should circumstances seem to warrant such action.
- 7.2 In cases where new connections, new construction, repairs, leakage tests, or in case of fire, the right is reserved to shut off all or any number of mains or service connections. Advance notice will be given when possible, but no liability will be assumed for discontinuing water service in cases of emergency, or accident.
- 7.3 The MCDPW and the Townships shall not be liable for any damage or loss of any nature caused by any change in water pressure or the shutting off of water. Persons operating steam boilers, hot water tanks and other equipment supplied with water from the system are warned to provide such equipment with suitable safety valves or other devices to prevent damage from explosion or collapse and to install check valves to prevent the back flow of hot water or steam into the meter.

SECTION VIII

COLLECTIONS

- 8.1 Water charges will be computed quarterly based upon meter readings. Meter readings will be taken as nearly as possible on the same day of the month at or near the end of the quarter. Quarterly minimum billings are listed at the end of this section.
- 8.2 Bills will be mailed to the consumer at the address at which service is rendered unless special notification has been provided. Failure to receive a bill does not avoid penalty. It shall be the obligation of the occupant to pay such bills, or forward it to the owner.
- 8.3 Quarterly bills for water service are due and payable at the office of the Township Hall either in person or by mail on the due date. A penalty of 10% shall be added to all bills unpaid on the due date enforced against all consumers making payment after that date.
- 8.4 All water rates shall be chargeable to and payable by the owners of the property in or on which service is rendered, and such charges shall constitute a lien on the property served by such connection, and may be collected in the same manner as general taxes as outlined in the Uniform Rate Ordinance. Credit for water or water service beyond the regular quarterly period shall not be extended to any property owner or user.
- 8.5 The Township shall pay, out of the appropriate general funds of the Township, the reasonable cost and value of water furnished to the township by the system, based on the amount of water used by the several departments of the Township, including their respective fire departments unless fire hydrant assessment districts have been established which cover these costs.
- 8.6 Complaints regarding the meter readings or operation or the amount of the bill must be registered within ten days at the office of the MCDPW or the appropriate Township.

SECTION IX

DISCONTINUANCE OF SERVICE

- 9.1 The consumer will notify the MCDPW whenever they desire to discontinue service, either permanently or for a seasonal period. After the water is turned off, the minimum charge for water is discontinued although the connection charge is still applicable to the property. Failure to notify the MCDPW will result in minimum billing although the property may be unoccupied.
- 9.2 In cold weather when the water is turned off and the property will be unheated, the meter will be removed to prevent freezing. Owner of the property is responsible for any damage to the meter caused by freezing if the MCDPW was not advised that the property was to remain unoccupied.
- 9.3 Promptly after notice, the meter will be read and the service turned off. The final billing will be mailed to any address given. Reinstatement of service and reinstallation of the meter, if required, will be made upon request and payment of the fees required.
- 9.4 Change of tenancy or ownership requires the filing of a new application whether or not the service is turned off. Failure to notify the MCDPW of any change does not relieve a

tenant or owner whose application is on file from responsibility for charges even though he may have moved out.

- 9.5 Any of the above referenced changes must be requested in writing. No verbal requests will be honored except those requiring emergency status.

ADOPTED: October 17, 2005 – Resolution 2005-13

PUBLISHED: NOT in 2005

PUBLISHED: February 21, 2010 when Appendix A & B were amended

EFFECTIVE: March 23, 2010