

ORDINANCE NO. 193

**AN ORDINANCE RELATIVE TO THE ADMINISTRATION AND CONDUCT OF THE
WATER DEPARTMENT OF THE VILLAGE OF DECATUR.**

THE VILLAGE OF DECATUR ORDAINS:

Section 1. Administration.

- (a) The Water Superintendent, hereinafter called the Superintendent, shall have charge of the maintenance and operation of the water supply, treatment plant, pumping equipment, distribution system, fire hydrants, meters, and all other appurtenances of the waterworks system. The Superintendent shall supervise all extensions and alterations of the waterworks system as the Council may direct and shall also be responsible for the reading of all water meters.
- (b) The Village Utility Billing Clerk shall be responsible for the collection of water bills.
- (c) The Village Utility Billing Clerk shall deposit water revenues in the manner approved for other municipal deposits.
- (d) The Superintendent shall report monthly to the Council.

Section 2. Water Mains.

- (a) The water mains of the Village shall be under the exclusive control of the Superintendent and no person or persons other than agents or employees of the water department shall tap, change, obstruct, interfere with, or in any way disturb the system of water mains.
- (b) All extensions and alterations to the system of water mains shall be made under the supervision of the Superintendent who shall act only upon authorization of the Council and/or the Village Manager. Petitions for the extension of water mains shall be addressed to the Village Council, which will thereupon consider the same and advise the petitioners of their decision. (In case water mains are constructed by special assessment, reference should be made to the pertinent charter provisions.)
- (c) Any person, firm or corporation installing water mains at their own expense shall first submit plans and specifications for such work to the Council for its approval. After such plans and specifications have been approved by the Council, the work shall be done under the supervision of the Superintendent who shall require that such tests be made as he/she may consider necessary and no water shall be admitted into such mains until he/she accepts the installation on behalf of the Council and Village Manager.
- (d) No extension of water mains beyond the Village limits shall be made except in accordance with a resolution adopted by the Council, which resolution shall authorize the making and executing of a contract between the proposed user or

users and the Village, said contract to provide in detail for all of the specifications pertaining to said extension and for the posting of a bond in such amount as will insure the re-payment to the Village upon completion of said extension, or any and all costs incurred by it in connection therewith.

Section 3. Service Pipes.

- (a) All service pipes on either public or private property shall be laid on solid ground not less than four feet below the established grade of the street. Service pipe laid in the same trench with a sewer shall be at least 18 inches distant from the sewer horizontally, and if the sewer is laid at a greater depth, shall be shelved into the bank to a solid bottom. In no case shall a service be laid on a fill.
- (b) From the main to the water meter all service pipe shall be of lead, copper, or other materials of like nature, not less than 3/4 inch in diameter, approved by the Superintendent. Service cocks shall be of 3/4 inch, extra heavy round way stop and waste type, placed 12 inches outside the sidewalk line. The stop box shall be set so that the cover is one above the grade and must be set on a brick or concrete foundation to prevent settlement.
- (c) A separate stop and waste cock shall be placed on the service pipe just inside the building wall on the influent side of the water meter. Such stops shall be equal in quality to the service cock.
- (d) The corporation cock, the service pipe from the main to the service cock, the service cock and stop box will be provided in place and maintained by the water department after payment of the fee charged for a water permit, as provided in this section. The service pipe from the service cock to the building on private property shall be installed and properly maintained by the owner. The owner shall keep the stop box free from dirt, stones, or other substances that will prevent access to the service cock.
- (e) Before any connection is made to any water main, application for a permit must be made in writing by the owner of the premises to be served, or by his, her or their authorized representative at the office of the Village Clerk.
- (f) After the permit for a service connection has been granted, and before the connection is made, the owner shall pay the following permit fee for tapping the main, the installation of the service pipe from the main to the service cock, the service cock and the stop box, to-wit:

<u>SIZE OF TAP</u>	<u>AMOUNT</u>
UP TO AND INCLUDING 3/4 INCH-----	\$ 500.00
1 INCH TO 4 INCH, BOTH INCLUSIVE-----	\$ 600.00, PLUS COST OF METER WHERE TAP-IN IS IN EXCESS OF 1 INCH

Where connections larger than 4 inches are requested the permit fee shall be the actual cost of such tapping and installation as shall be determined by the Village Council of the Village of Decatur, Michigan.

The owner of said premises shall pay all costs to make physical connection from the premises to the water main. In addition the owner of said premises shall pay all costs for the extension of the water main, if necessary to serve said premises, unless said expense is waived by the Village Council of the Village of Decatur MI or an agreement to share the expense of same is executed between said Village and owner.

Section 4. Meters.

- (a) All premises using water shall be metered and payment shall be made for water at rates as herein set forth. In no case will water be supplied at fixed or flat rates, except for temporary supplies as are herein provided, or in special cases, reviewed and approved by formal resolution of the Council.
- (b) Meters will be furnished by the water department which shall remain the property of the department, and will at all times be under its control.
- (c) For ordinary domestic consumption of water a 5/8" or 5/8" x 3/4" meter will be furnished. Where application is made for a meter larger than 5/8" or 5/8" x 3/4", the Superintendent shall determine whether a meter of such size is required. The water department will furnish meters in sizes up to and including 2". Where a meter larger than 2" is required, special arrangements must be made between the department and the customer.
- (d) Meters will be sealed by the department and no one except an authorized employee of the department may break or injure such seals. No person other than an authorized employee of the department may change the location of, alter, or interfere in any way with any meter.
- (e) The expense of installing and maintaining meters will be borne by the water department; provided, however, that where replacements, repairs, or adjustments of a meter are made necessary by the act, negligence, or carelessness of the owner or occupant of the premises, the expense to the department caused thereby shall be charged and collected from the owner of the premises.
- (f) The owner or occupant of the premises where a meter is installed will be held responsible for its care and protection from freezing (if installed inside of building) and from injury or interference by any person or persons. In case of injury to the meter, or in case of its stoppage or imperfect operation, the owner or occupant of the premises shall give immediate notice to the water department. All water furnished by the Village and used on any premises must pass through the meter. No by-pass or connection around the meter will

be permitted. If any meter gets out of order or fails to register, the consumer will be charged at the average, monthly consumption rate as shown by the meter over the period of the preceding twelve months when the meter was accurately registering.

- (g) The accuracy of the meter on any premises will be tested by the department upon written request of the owner, who shall pay in advance a fee of \$10.00 to cover the cost of the test. If, on such test, the meter shall be found to register over five percent more water than actually passes through it, another meter will be substituted therefor and the fee of \$10.00 will be refunded to the owner, and the water bill may be adjusted in such manner as may be fair and just.

Section 5. Use of Water.

- (a) When new service pipes are put into any premises, the service cock shall be left closed and will thereafter be opened only by authorized employee of the water department and only upon the request of the owner or his agent.
- (b) Where a building originally built as a single dwelling and fitted with one service pipe is thereafter subdivided or when a parcel of property is so subdivided, by sale or otherwise, each parcel as created must be connected to the water main by a separate service pipe within thirty days after such division.
- (c) Where the water has been turned off by the water department for any reason, no person or persons, except authorized employees or agents of the department, may turn it on again. Whenever this rule is violated, the water department may shut the water off at the corporation cock at the main and the owner shall pay in advance double the established rate for water used in violation of this provision, in addition to the entire expense incurred by the water department for doing this work before the water may be turned on again.
- (d) No steam boiler shall be directly connected to the service pipe. The owner shall make such provisions as may be required by the water department before the water may be supplied to such as installation.
- (e) The Water Superintendent or any of his authorized agents shall have free access at all reasonable hours to inspect any premises supplied with water. No person shall refuse to admit authorized agents of the water department to any premises for such purpose. In case any authorized employee be refused admittance, or is in any way hindered

in making the necessary inspection or examination, the water may be turned off from such premises after giving 24 hours' notice to the owner or occupant thereof.

- (f) No test of fire equipment may be conducted without prior knowledge of the Water Department.
- (g) Fire hydrants may be opened and used only by the water and fire departments of the Village or by such persons as may be specifically authorized by the water department. No person, firm or corporation shall in any manner obstruct or prevent free access to any fire hydrant by placing or storing temporarily or otherwise any object or materials of any kind within 20 feet of the same.

Section 6. WATER RATES.

- (a) Effective April 1, 2014, for the purpose of making and collecting charges for water used by consumers, the calendar year shall be divided into twelve (12) month periods. Bills for water used at premises located within the Village of Decatur Michigan Corporate Limits, shall be rendered monthly commencing May 1, 2014, at rates set in paragraph (f) of this section.
- (b) Payments received within twenty (20) days after the date of said bill shall be payable without penalty. Payments received after such period shall bear a penalty of \$2.00. If the charges for said water are not paid within fifty (50) days after the date of said bill then the water may be turned off for any premises against which such charges have not been paid, and the amount of the unpaid balance may be deducted from the deposit provided for in paragraph C of this Section. Any arrearage thereafter shall become a lien against the premises served, pursuant to Section 21 of "The Revenue Bond Act of 1933" (MCL 141.121), unless written notice has been previously given to the Village of Decatur that a tenant is responsible for said charges. When so turned off, the water shall not be turned on again until all delinquent charges have been paid, including the guaranteed deposit hereinafter provided in paragraph C of this Section and in addition a turn-on fee of \$20.00 has been paid to the Utility Billing Clerk.
- (c) Before the water may be turned on for any premises located within the Village of Decatur Corporate Limits the owner shall deposit with the Utility Billing Clerk a "guaranteed deposit" of \$50.00 for all those using meters under two (2) inches and the sum of \$100.00 for those using meters over two (2) inches. Where notice is given that a tenant is responsible for water

charges, no water service shall be rendered to such premises until a cash deposit of \$80.00 shall have been made. For owners of premises located outside the Village of Decatur Corporate Limits the “guaranteed deposit” shall be the sum of \$80.00 unless notice is given that a tenant is responsible for water charges as hereinbefore set forth, then no water service shall be rendered to such premises until a cash deposit of \$300.00 shall have been made. No interest shall be paid to depositors on said deposits. Said deposits shall be held by the Village of Decatur, Michigan as a guaranty of payment for water used and for the protection of the Village of Decatur against any damage to the service pipe, service cock, stop box and water meter by the owner or occupant. Such guaranteed deposit shall be refunded to the depositor upon final termination of the water service and upon payment of all charges for water or damage by said depositor.

- (d) Upon the vacancy of any premises, the water will be turned off at the service cock and the meter may be removed by the Decatur Water Department only upon the written request of the owner of said premises addressed to the Decatur Water Department, 114 N. Phelps Street, Decatur, MI 49045. The water will be turned on again and the meter reinstalled upon the written request of the owner of said premises and upon payment of the aforesaid turn-on fee of \$20.00 and the restoration of the aforesaid guaranteed deposit. In the event said premises are left unoccupied and the owner does not request the Water Department to turn off the water no allowance will be made for any water registered by the water meter that may leak or waste through the plumbing or fixtures of said premises.
- (e) A unit for the purposes of the “water use charges” is hereby defined as follows:
 - 1. Single family residential premises - one unit.
 - 2. Multi-family or multiple use premises - one unit for each apartment or dwelling unit located in said building, and one unit for each business or other entity located in said building.
 - 3. Commercial, Decatur Public Schools or Industrial premises - each eighteen (18) employees or fraction thereof shall be considered a unit. All individuals employed for eighty (80) or more hours per month and students of Decatur Public Schools shall be considered an employee for the purpose of this Section.

(f) For premises located within the Village of Decatur, Michigan corporate limits the water rates hereinafter set forth are hereby established and shall be charged for water supplied to each unit by the Village of Decatur Water Department, for each month aforesaid.

1. Water charges for a single unit building consumer shall be:
 - a. Ready to Serve Charge - \$16.00 per month.
 - b. Usage Charge - \$1.37 per 1,000 gallons.
2. Water charges for all multiple unit consumers shall be:
 - a. Ready to Serve Charge - \$16.00 per month.
 - b. Subsequent units --Each subsequent unit shall be charged at 60% of the Ready to Serve Charge.
 - c. Usage Charge - \$1.37 per 1,000 gallons.

(g) For premises located outside the Village of Decatur, Michigan corporate limits, the water charges shall be as follows:

- a. Ready to Serve Charge - \$27.00 per month
- b. Subsequent units - Each subsequent unit shall be charged at 60% of the Ready to Serve Charge.
- c. Water Usage Charge - \$1.37 per 1,000 gallons.

(h) The water charges provided in Section 2 hereof may be subsequently amended by Resolution adopted by a majority of the Village Council of the Village of Decatur, Michigan. Said charges shall be reasonable and just, taking into consideration the cost and value of the water supply system and the cost of maintaining, repairing and operating same and the amounts necessary for the retirement of all water supply system revenue bonds and interest thereon.

Section. 8. Violations

Any person, firm, or corporation violating any of the provisions of this Ordinance, upon conviction thereof before a court of competent jurisdiction shall be fined a sum of not less than \$50.00 and not to exceed \$100.00.

Section. 9. Severability.

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section. 10. Repeal

Ordinance No. 20 and Ordinance No. 144, as well as any and all previous ordinances or parts of ordinances inconsistent with any of the provisions of this ordinance are hereby repealed.

Section . 11. Effective Date

The Village Clerk of the Village of Decatur, Van Buren County, Michigan shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect the 1st day of May, 2014.

Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan on this 7th day of April, 2014.

Carl A. Wickett, Village President

Lou Ann Conklin, Village Clerk

I, Lou Ann Conklin, Village Clerk of the Village of Decatur, Van Buren County, Michigan, do hereby certify that Trustee A. Elwaer moved for the adoption of Ordinance No. 193 and that Trustee N. Strickler seconded said motion. I further certify that the following Trustees voted for adoption of said Ordinance No. 193: Ali Elwaer, Norma Strickler, Tom Creagan, Mike Heflin, and Carl Wickett. Absent: Greg Cole and Harold Magee.

STATE OF MICHIGAN)
) ss.
COUNTY OF VAN BUREN)

I, the undersigned, the duly qualified and acting Clerk of the Village of Decatur, Van Buren County, Michigan, do hereby certify that the foregoing Ordinance was adopted by Village of Decatur at a regular Village Council meeting duly held on the 7th day of April 2014, and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance in the Decatur Republican on the ____ day of _____, 2014.

Lou Ann Conklin, Village Clerk