

ORDINANCE NO. 2011-01

An Ordinance to Update Article III. [Water Utility] of the Code of Ordinances for the Village of Ontonagon.

The Village of Ontonagon hereby Ordains, that Article III (Water Utility) of Chapter 54 (Utilities) be updated, to read as follows:

Article III. Water Utility

Sec. 54-100. Operation of System on Public Utility Rate Basis

Sec. 54-101. Charges; Rate Sufficiency

Sec. 54-102. Charges; Separate Agreements

Sec. 54-103 Reserved

Sec. 54-125. Reserved.

Sec. 54-126. Definitions.

Sec. 54-127. Penalty for violation.

Sec. 54-128. Control of public water mains

Sec. 54-129. Extensions of public water mains; application; conditions of installation

Sec. 54-130. Application for service; fees and costs; installation and maintenance of water service laterals and connections

Sec. 54-131. Water service laterals; placement and specifications; maintenance.

Sec. 54-132 Meter pits

Sec. 54-133 Application for disconnection of service; fees and costs; removal of water service laterals and connections

Sec. 54-134. Required use of the public water system

Sec. 54-135. Private wells

Sec. 54-136. Water meters

Sec. 54-137. Rates; billing and collection for water service

Sec. 54-138 Reserved

Sec. 54-139. Service provided to premises located outside the Village; application; conditions; rates

Sec. 54-140. Reserved

Sec. 54-141. Use and obstruction of fire hydrants

Sec. 54-142. Complaints to Council

Sec. 54-143. Limitation of liability for discontinuance of service

Sec. 54-144. Cross connections

Sec. 54-145. Water service termination procedure

Sec. 54-146. Savings clause; severability

Sec. 54-147B 54-155. Reserved

Sec. 54-100 Operation of System on Public Utility Rate Basis

It is determined to be desirable and necessary for the public health, safety, and welfare of the Village of Ontonagon that the Village of Ontonagon Water System is operated by such Village on a public utility rate basis in accordance with the provisions of Public Act No. 94 of 1933 (MCL 141.01 et seq.), as amended.

Sec. 54-101 Charges; Rate Sufficiency

It is declared necessary for the protection of the health, welfare and convenience of the citizens of the Village to levy and collect charges upon the premises served by the municipal water system. The proceeds of such charges are to be used for the benefit and maintenance of the system, for the retirements of bond indebtedness incurred therefore, for operation and maintenance, and for the construction of replacement water facilities. The rates hereby adopted by resolution of the Village Council are estimated to be sufficient to provide for the payment of the system=s expenses and shall be revised as may be necessary to produce sufficient amounts.

Sec. 54-102 Charges; Separate Agreements

The Village Council shall, from time to time, set the rates for water service by resolution. The rates and charges established by resolution do not preclude or prevent the Village from entering into separate agreements that would be in the best interests of the Village.

Sec. 54-103 – 54-125. Reserved.

Sec. 54-126. Definitions.

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

Classes of users means the division of water utility customers into classes by similar process or size of water service lateral as follows:

- (1) Residential user means any home or dwelling unit including mobile homes, condominiums or multifamily dwellings commonly utilizing a 1" service lateral.
- (2) Commercial user means any retail or wholesale business engaged in selling merchandise or a service.
- (3) Institutional user means any educational, religious or social organization such as a school, church, nursing home, hospital or other institutional user.
- (4) Governmental user means any federal, state, local government office or government service facility.
- (5) Industrial user means any nongovernmental user of a publicly owned water supply system with a service lateral size 2" or larger.

Council means the Village Council of the Village of Ontonagon.

Customer or user means a consumer of water from the village water system, or the owner of premises to which water is readily available through a continuous physical connection from the Village water system to the premises, OR

In the case where a meter pit exists, customer or user means a consumer of water from the village water system, or the owner of premises to which water is readily available through a continuous physical connection from the Village water system, through the meter pit, and onto the premises.

A customer (user) as defined exists whether or not the service lateral turned is off or on and whether or not water is actually drawn from the main. Customer as defined will be subject to rates and charges as determined herein.

Long Term Debt Fee means the charge levied on all users of the water supply system for the cost of operation and maintenance, including replacement, of such system; and it means the cost of any bonded indebtedness of which debt repayment is to be made from the revenues of such system.

Main means any pipe, other than a service lateral, used for conveying or distributing water.

Operation and maintenance costs mean all costs, direct and indirect, other than debt service that are necessary to ensure water treatment and distribution on a continuing basis, that conform with all related federal, state and local requirements and that ensure optimal long term facility management (These O & M costs include depreciation and replacement costs.)

Owner means any person or legal entity holding title of record to any premises supplied or to be supplied with Village water or the duly authorized agent of such person or legal entity.

Premises means a single, continuous parcel of land of record upon which is located a structure used for residential, commercial or industrial purposes, together with any accessory buildings or, in the case of vacant land, used for temporary (less than 6 months) occupation by a camper, motor home or trailer.

Replacement means necessary expenditures made during the service life of the water system to replace equipment and plant appurtenances required to maintain the intended performance of the water system.

Shall is mandatory; may is permissive.

Significant industry means any industry which draws greater than ten percent of the design flow or design loading of the water treatment plant.

Water service lateral (or water service pipe) means the pipe tapped into the curb stop and extending from such point onto the premises of the abutting property.

Sec. 54-127. Penalty for violation.

Any person upon conviction for violation of any provision of this article shall be fined as prescribed in section 1-10 of the Code of Ordinances of the Village of Ontonagon. Each day or fraction of a day in which such violation is committed or suffered to continue shall be deemed a separate offense. The penalties provided in this section shall not be in derogation of the right of the Village to restitution for any expense, loss or damage to the Village caused by the violation of any of the provisions of this article.

Sec. 54-128. Control of public water mains.

The water mains of the Village water system are under the exclusive control of the Council, and no person other than authorized Village agents or employees shall disturb, tap, change, obstruct or interfere with them in any way.

Sec. 54-129. Extensions of public water mains; application; conditions of installation

The requirements of this article shall govern additions to the municipal water system of the Village by extension of its mains and appurtenances.

(a) Proposal for Extension. A proposal to extend a municipal water system may be initiated by the Village Council or by written petition signed by a developer/proprietor, or property owner and filed with the Village Manager. The petition shall be reviewed by the Village Manager for completeness. The Village Manager shall inform the petitioner whether or not the content of the petition is appropriate for action by the Village Council. The Village Manager shall make recommendations to the Village Council with regard to the project when sufficient project data is received.

(b) Project Description and Costs. The petition shall describe the project in full and shall set forth all anticipated development costs, including engineering, labor, material, construction, acquisition, financing charges, legal fees, advertisement expenses and all other costs related to the project.

(c) Other Requirements. All projects proposed under this article shall comply with other existing Village ordinances and state and federal statutory and regulatory requirements.

(d) Project Materials. All materials to be used in the construction of municipal improvements must first be approved by the Village Manager in consultation with a qualified engineer.

(e) Location of Mains. All extensions of the municipal water system shall be located in the public street right of way, on other municipal property or within easements granted for that purpose.

(f) Water Mains. All mains added to the Village water supply system shall be constructed pursuant to the construction standards and established rules and regulations of the Village of Ontonagon.

(g) Payment of Project Costs. The developer/proprietor or property owner requesting extension of mains shall pay all costs required to extend from the present locations to service the exterior and interior of lots or buildings in the property development. Costs shall include all fees for plan preparation and engineering plan review. All installation inspections will be provided by the Village. The costs shall be paid by the developer/proprietor or property owner.

(h) Plans and Fees. The developer/proprietor shall furnish the Village Manager detailed construction plans and shall pay for plan review, construction inspection and other fees related to construction of the project in an amount determined by resolution of the Village Council on a case-by-case basis. Payment shall be in the form of cash, cashier's check or certified check payable to the Village of Ontonagon Water Service. Payment shall be furnished when the detailed plans are filed. The developer/proprietor shall prepare and furnish the Village with a complete set of certified As-built plans on mylar after the project is complete. The certified plans shall become permanent utility records of the Village and shall be no cost to the Village.

(i) Security for Performance. Prior to the commencement of work on the project, the developer/proprietor shall furnish security to the village for the satisfactory completion of the municipal improvements described in this article. Security shall be in the form of performance and payment bonds, bank letters of credit or cash. Security shall be in amounts considered adequate by the Village to complete the project.

(j) Qualified Contractors. Only qualified contractors skilled in the particular municipal improvement involved may be engaged to work on municipal utility systems. All contractors are required to furnish proof of insurance to the Village in such amounts and for such coverage's as are acceptable to the Village. The Village reserves the right to approve or disapprove all persons and firms working on municipal systems.

(k) Guarantee. The developer/proprietor or the construction contractor shall give the Village a written guarantee of the work included within the project, for a period of two years from and after the date of its acceptance by the Village. The guarantee shall include labor and materials and shall provide for the correction of any defect in the system caused by faulty work and/or materials. Correction shall be made within thirty (30) days of notification by the Village.

(l) Acceptance of Municipal Improvements Acceptance by the Village of dedicated extensions to the municipal water system shall occur when the Village Manager, in consultation with a qualified engineer, certifies that the improvements meet all municipal requirements and that payment of all project costs have been made.

Sec. 54-130. Application for service; fees and costs; installation and maintenance of water service laterals, and connections.

(a) No unauthorized use. No unauthorized person shall uncover, make any connection with, use, alter or disturb any public water mains or appurtenances thereof.

(b) Written application filed. The owner of such premises shall file a written application with the Village Manager on forms provided by the Village showing the location of the premises and the nature of the service desired.

(c) Fees and Costs. An application for connection with public water mains shall be accompanied by a connection fee. The fee is set from time to time by resolution of the Village council.

(d) Installation. In consideration for such payment, the Village will install water service lateral from the water main to a point not more than seven feet outside applicant=s property line, all within the Village right of way. A curb stop and valve shall also be installed and maintained by the Village at the terminus of such service lateral. The property owner shall be responsible for installing and maintaining, at the property owner=s expense, all service lateral and connections from the curb stop to and upon applicant=s premises, in a manner consistent with the terms of section 54-131.

Sec. 54-131. Water service laterals; placement and specifications; maintenance.

(a) Installation. All water service laterals on either public or private property shall be laid on a solid bottom not less than four feet, six inches below the established grade, subject to approval of the Village Manager or his or her designee. Water service pipe laid in the same trench with sewer service pipe shall be at least 18 inches from the sewer pipe and, if the sewer is laid at a greater depth, shall be shelved into the back to a solid bottom. All water service pipes shall be not less than one-inch diameter copper type K, extending from the main to the meter. Old water service pipe of any other material requiring repair shall be replaced by one inch diameter copper type K. However, the Village Manager may require, for either new or replaced service pipe the installation of a larger size and/or installation of a meter pit if it is deemed necessary. The stop or curb box shall be so placed that the

cover is not below grade and must be set on a firm foundation to prevent settling. A separate stop and waste cock or waste valve shall be placed on the water service pipe just inside the building wall and before the meter so that the water may be turned off and drained from the pipe if necessary.

(b) Maintenance of Service Lines. Maintenance of service lines by the property owner shall include, but not be limited to, thawing frozen lines. The Council or Village Manager may direct that water service to the premises be discontinued if, after due notice, the owner fails to properly maintain his service lateral. Water service that is discontinued under this section will be reported immediately to the Western Upper Peninsula Health Department

(c) Repairs to private laterals. In the event that Village personnel are called out to repair a leak in the area between the curb stop and the water main, and it is subsequently determined that the leak is in the property owner=s water service lateral, the property owner will be billed for all costs incurred for the repair of the leak. All costs billed under this section shall be collected in accordance with Section 54-136.

Sec 54-132. Meter Pits

In the event that the Village Manager or his or her designee determines that a meter pit will be required, the property owner shall be responsible for the purchase, installation and maintenance of the meter pit. All meter pits shall be installed at six (6) feet below grade, with an insulated cap. Pre-manufactured pits shall be installed per the manufacturer=s recommendation. All other pits and their methods of installation must be approved by the Village Manager or his or her designee prior to installation. All pits must be inspected and approved by Village personnel prior to being put into use.

Sec. 54-133. Application for disconnection of Service; fees and costs; removal of water service laterals and connections.

(a) No unauthorized use. No unauthorized person shall uncover, make any connection with, use, alter or disturb any public water mains or appurtenances thereof.

(b) Written application filed. The owner of such premises shall file a written application with the Village Manager on forms provided by the Village showing the location of the premises and the nature of the service desired. An application for disconnection from public water mains shall be accompanied by a disconnection inspection fee. The fee is set from time to time by resolution of the Village council.

(c) Fees and costs. The property owner shall be responsible for hiring a qualified contractor and paying all fees and costs in relation to the disconnection of the service lateral. Disconnection shall be made a minimum of three (3) feet after the shut off (or after the meter pit) by removing a three (3) foot section of service lateral within the owner=s property and by capping both cut ends of the service lateral, so that water is not readily available to the premises. The disconnection must be inspected/verified by Village personnel before any change is made in billing status. Disconnections made under this section shall be subject to a benefit charge as described in Section 54-136.

Sec. 54-134. Required Use of the Public Water System .

(a) Connection to System. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Village and abutting on any street, alley or right-of-way in which there is located a public water main of the village is required to be attached to such water main. The owner is required, at his expense, to install suitable plumbing facilities therein. The owner is required to connect such facilities directly with the proper public water main. These requirements shall be accomplished within 93 days after the date of written notice by the Village to do so, provided that such public water main is within 200 feet of the property line.

(b) Opening water service. When new water service laterals are put into any premises, the curb stop shall be left closed and will be opened by an authorized employee of the Village only when the meter and all other apparatus have been installed and upon request of the owner or his agent. No person other than an authorized employee of the Village is to interfere in any way with the water service pipe owned or installed by the Village. No unauthorized person is permitted to turn water on or off at the curb stop except for the purpose of testing his or her work, in which case the curb stop shall be left in the same condition and position as when he or she found it. Any person called upon to shut off water and drain pipes on any premises shall do so inside the building only.

(c) Multiple services prohibited. No person shall take or use Village water from premises other than his or her own premises or which he or she occupies. No person shall sell or give away Village water from his own premises for any purpose without written permission of the Council. When such permission is granted, the property owner shall be responsible for collecting any monies due him or her for water service. No connection may be made through which water may pass from one structure to another located on a separate and distinctly described lot or parcel of property without written permission of the Council, even though ownership of both parcels may be the same person or entity.

(d) Waste of water. Waste of water due to carelessness or by defective plumbing of fixtures on a premise is prohibited. In addition to the penalties prescribed for violation of the terms of this article, the Council may order water service discontinued for disregard of or reputed violation of this provision.

(e) Discontinuance and restoration of water service; fee. Except as otherwise provided in this article, only authorized Village employees may open or close water service at the curb stop. If for any reason water service is so discontinued, the party responsible for receiving and paying for water service shall be charged a water turn off fee as established from time to time by resolution of the Village Council. Prior to restoration of water service by the Village, an additional water turn on fee, as established from time to time by resolution of the Village Council, shall be paid to the Village. Customers requesting that water be turned on or off at the curb stop must give a minimum of twenty-four (24) hours notice Monday through Thursday to the Village.

(f) ACCESS TO PRIVATE PREMISES. Any officer, inspector or other authorized employee of the Village shall have scheduled access at all responsible hours to any private premises supplied with Village water to inspect and examine the entire water supply and plumbing system of such premises. The owner of the private premises, or his/her representative, shall be on the premises during the inspection period. The owner, or his/her representative, present during the inspection shall be 18 years of age or older. No person shall refuse scheduled inspection to admit the duly authorized

inspectors and employees of the village to any premises for a scheduled inspection. If scheduled access is denied, the water shall be turned off until resolved.

(g) Discharge to public sewer system. It shall be unlawful to connect to any water source other than the municipal water system that would result in the discharge of fluids into the city sanitary sewer system without prior approval of the Village Manager.

Sec. 54-135. Private Wells.

(a) Non-availability of water. Where village water service is not available under the provisions of this article, the building's potable water source may be furnished by a well— subject to provisions of this article, other Village ordinances, local health department regulations and state and federal regulations.

(b) Private well permit. No person shall construct or install a private well without first applying to the County Public Health Department for and obtaining a permit to construct and operate the well. A copy of this permit must be filed with the Village Manager.

(c) Required abandonment of private wells. At such time as the public water system becomes available to a property served by a private well, as provided by this article, a direct connection shall be made to the public water system in compliance with the provisions of this article. The private well shall be abandoned as specified by the public health department. If the property owner wishes to use the well for irrigation purposes only, arrangements must be made with the superintendent of public works to verify that such well is not within the areas restricted by the Village and does not pose any hazard to the community welfare.

Sec. 54-136 Water meters.

(a) Installation of water meters. All premises using Village water shall have installed a water meter connection and a remote radio meter reading transmitter directly to the water service lines to determine the amount of water used. Water meters must be installed in a horizontal position, with a quarter turn ball valve installed both before and after the meter so that the meter can be isolated from the plumbing system. A building that provides for more than one dwelling unit or commercial enterprise shall provide a separate water meter and remote radio meter reading transmitter for each dwelling unit or enterprise. All Village water used must pass through the meter. A bypass or connection between the meter and the water main is prohibited.

(b) Temporary meter during construction. The Village Manager may require installation as provided in subsection (c) of this section of a meter for use of water service during construction of a structure on premises which does not otherwise have metered water service.

(c) Installation; cost. All residential water meters up to 1" in size shall be provided by the Village and shall be installed by a qualified plumber at the property owner's expense in accessible locations satisfactory to the Village Manager or his or her designee. All meters provided by the Village, including equipment for radio meter reading, remain the property of the Village of Ontonagon. Meters larger than 1" shall be provided by the owner and shall require written approval by the Village Manager prior to installation.

(d) Damage, care and maintenance of meters and remote radio meter reading equipment. No person except authorized Village employees shall change the location of, alter or interfere with any meter or

associated equipment in any way. Authorized employees of the Village shall perform maintenance of water meters. The person in control of premises shall immediately notify the Village Manager of any stoppage, damage or failure of a water meter. Any damage which a meter may sustain resulting from carelessness of the owner, agent or tenant who neglect to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water or steam backing from a boiler, shall be paid by the owner of the property to the Village of Ontonagon on presentation of a bill therefore. In cases where the bill is not paid, the water shall be shut off and shall not be turned on until all charges have been paid to the Village.

(e) Testing meters. The accuracy of a meter on any premises will be tested by the Village upon written request of the owner or occupant thereof, who shall pay in advance a meter testing fee, which shall be established from time to time by resolution of the Village Council, to cover the cost of such test. If such test shows the meter to register over three percent more water than actually passes through the meter, the meter will be repaired or replaced and the testing fee will be refunded to the party paying same. The bill for use of water and sewer service for the current billing period only will be adjusted, but shall in no case be less than the long term debt fee.

Sec. 54-137. Rates; billing and collection for water service.

(a) General rates, billing and collection. Except as otherwise provided in this section, rates payable for water service and the methods of billing and collection shall be established as follows:

Charges, Billing Procedure, and Enforcement

(1) The water charges to each customer of the Ontonagon Village Water System shall be set from time to time by resolution of the Ontonagon Village Council, and shall be reviewed, at a minimum, on an annual basis.

(2) It is the responsibility of the property owner to maintain their service line and plumbing. Adjustments to water bills will no longer be granted.

(3) The rates fixed for water charges are estimated to be sufficient to provide for the payment of the expenses for administration and operation, maintenance of said system as are necessary to preserve the same in preserve the same in good repair and working order, interest and principal on all bonds as and when the same become due and payable, creation of the reserve therefore required by this ordinance and such other expenditures and funds for said system as this ordinance may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts. It is hereby agreed at all times to fix and maintain such rates for services furnished by the system as shall be sufficient to provide for the foregoing.

(4) All customers will be billed monthly. All bills must be paid by the 20th of the succeeding month, and a penalty in an amount set from time to time by resolution of the Council will be added to the amount of the bill if not paid by the 20th of the succeeding month. Water shall be shut off if not paid within thirty (30) days of the due date. Water shut off under this section shall not be turned on again until a delinquent turn-on charge, as

set from time to time by resolution of the Council, has been paid and all sums due and owing are paid in full.

(5) All water utility charges which, under the provisions of Section 21 of the Revenue Bond Act, being Public Act No 94 of 1933 (Michigan Compiled Laws 141.121), as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute such lien. The Village treasurer shall, annually, on March 1, certify all unpaid charges for such services furnished to any premises which, on the last day of February preceding, have remained unpaid for a period of six months, to the Village assessor, who shall place the same on the next tax roll of the Village. Such charges, so assessed, shall be collected in the same manner as general Village taxes.

(6) Rented or leased property. The renter or leasee shall complete a renter's application for water and sewer service if a residential property is rented or leased to another person. The renter's application and a cash security deposit of not less than one hundred fifty dollars (\$150) for water and sewer service shall be filed with the Village of Ontonagon before water service is rendered. All customers will be billed each month. All bills shall be paid by the 20th day of the succeeding month. Payment made after the 20th day of the succeeding month shall include a penalty. The Village Council shall set from the penalty time-to-time. Failure to receive your bill DOES NOT waive the penalty. The Village shall shut off the water and sewer if payment of the bill has not been made within 30 days of the due date. To restore water service following a shut off the customer shall pay the bill, the penalty and a delinquent charge. The Village Council shall set the delinquent charge from time to time. All unpaid charges for water and sewer service furnished to any premises (by property parcel number) shall become the responsibility of the property owner. Such charges, so assessed, shall become a lien on the property and shall be collected in the same manner as general Village taxes as detailed in Sec. 54-137 (5) of this article. The \$150.00 security deposit will be refunded when renter leaves premises provide all water debts are satisfied.

(b) Joint Billing. Each bill submitted for water and sewer service shall show the sum due and payable for both water service and sewer service combined, if applicable. The service components of such statement shall not be severable but shall be paid as one bill. All payments accepted on behalf of the Village shall be applied to the earliest existing amount unpaid and to any penalty thereon. Any partial payment shall be applied first to any penalty imposed and then to amounts due for service prorated over the water and sewage treatment service components of the bill in proportion to the amounts of each such component.

(c) Benefit Charge. A portion of the charge paid by customers or users each month for water service is a Long Term Debt Fee, which finances improvements to the Village water system. It may be applied to pay bonded indebtedness of the Village incurred to improve the Water System. Customers or users who commence to purchase water from the Village after improvements are newly constructed on their premises or after a new water service connection is made or after they reoccupy existing construction will not have paid their fair share of the costs of capital improvements to the Village water system. To remedy this discrepancy, a benefit charge shall be assessed on new construction, new water service connections and reoccupied existing construction (premises which have been disconnected from the system in accordance with Section 54-133). This benefit charge shall be due and payable to the Village prior to connection to the water system. The benefit charge shall apply to all new connections or reconnections, which occur after the effective date of this ordinance.

The benefit charge shall:

- 1) Provide for the recovery of capital improvement charges expended to date by the present users of the water system, for new construction, for new water service connections or for reoccupied existing construction.
- 2) Commence upon adoption of this Ordinance. All new water connections or reoccupied establishments after adoption date shall be subject to the benefit charge.
- 3) Be paid in cash at the time of application for the building water connection or application for reconnection of existing service.

The benefit charge shall be calculated as follows:

1) The basic benefit charge upon adoption of this ordinance shall be Three Hundred (\$300.00) dollars. On April 1, 2005, the above benefit charge shall increase to Six Hundred (\$600.00) dollars. Thereafter, it shall increase at the rate of Three Hundred (\$300.00) dollars each year commencing on April 1 of each succeeding year, until the basic benefit charge shall equal One Thousand Five Hundred (\$1,500.00) dollars. The Village Council may adjust the basic benefit charge from time to time so that the basic benefit properly and reasonably reflects the costs and debt service for capital improvements as they are made to the Village water system. The Village Council shall by resolution set benefit charges as may be necessary to produce sufficient amounts. The application date for connection to the system (or reconnection of an existing service) shall be the date upon which the amount of the benefit charge shall be determined. Customers or users shall be liable for a fraction or multiple, as the case may be, of the basic benefit charge calculated by multiplying the basic benefit charge by the total of all equivalent factors applicable to the customer or user as set forth in Table I.

Table I

Schedule of Basic Benefit Charge Equivalents

USE

BASIC BENEFIT EQUIVALENT

Apartments

1.0 per unit

Auto Dealers

0.30 per service stall

Banks

0.50 per 1000 square feet

Bars/Taverns

0.166 per seat

Barber/Beauty Shops

1.0 per shop plus 0.10 per chair

Car Wash-Attendant Operated

12.0 per lane

Car Wash-Coin Operated

1.0 per stall

Churches

1.0 plus 0.10 per 1000 square feet

Cleaners (Dry)

1.5 per 1000 square feet plus 2.0 per press

Clinics, Medical or Dental

1.0 per doctor

Clothing or Shoe Stores, Men=s or Women=s

0.50 per 1000 square feet

Convalescent/Nursing Homes/Assisted Living

0.22 per bed

Grocery Store

1.0 per 1000 square feet

Hotels/Motels

0.25 per unit plus restaurant & bar at respective unit factors

Laundry, self-service

0.50 per washer

Mobil Homes

1.0 per unit

Office Building

0.50 per 1000 square feet

Restaurant

0.125 per seat

Schools

0.67 per classroom

Service Stations

0.40 per pump

Single-Family Residence

1.0 per residence

Snack Bars/Drive-In Restaurants

0.10 per seat and/or stall

Stores, Other than Listed

0.50 per 1000 square feet

Theatres

0.10 per seat

Two-Family or Multi-Family Residence

1.0 per residence

Warehouse

0.10 per 1000 square feet

(d) Undetermined service during construction. The owner of premises upon which a building is being constructed where a temporary meter has not been installed but which receives water and/or sewer service during construction shall be charged the appropriate minimum rates for such service, as provided in the rate schedules, prorated on a monthly basis for the term of such use.

(d) Special Rates; No Free Service. Special rates for miscellaneous or special services for which a rate has not been established shall be determined by the Village Council. No free service shall be furnished by such system for any establishment, person, firm corporation (public or private), public agency or instrumentality.

Sec. 54-138 – Reserved

Sec. 54-139. Service provided to premises located outside the Village; application; conditions; rates.

The cost to supply water to areas outside the Village will be borne by the users in that area.

Agreements with the respective townships will be established to provide sufficient income to cover the actual cost of the service and to recover the capital investment made by the Village on that portion of the water system utilized by such users.

(a) No unauthorized person shall uncover, make any connection with, use, alter or disturb any public water mains or appurtenances thereof.

(b) Application. Upon application of the owner of premises located beyond the corporate limits of the Village, as provided in this section, the Village Manager may determine in his or her sole discretion whether such premises may be provided with Village water service or Village water and sewer services. Village sewer services alone shall not be provided to such premises. All provisions of this article shall be applicable to provision and use of such service, except as otherwise provided in this section. All previous actions of the Council regarding such service is hereby repealed, invalidated and supplanted by the terms of this article.

(c) Written application filed. The owner of such premises shall file a written application with the Village Manager on forms provided by the Village showing the location of this premises and the nature of the service desired. If the application receives the preliminary approval of the Village Manager, the applicant for himself, his heirs, successors and assigns, shall sign a statement to the effect that he shall abide by the provisions of this article; specifically, each of the provisions of this section, and any conditions to approval imposed by the Council. The conditions shall be set forth in the statement. The applicant shall further make a deposit with the Village to cover the actual costs of all labor and material. The deposit shall be based upon an estimate prepared by the Village Manager of the installation costs by the Village of all service lines, curb stops, valves and other apparatus

within the right-of-way of the Village water system. The applicant shall further submit to the Village proof that any easements required have been granted for the installation of all such service lines. Receipt of all of the foregoing documents and deposits shall be reported to the Council for its final approval.

(d) Service lines and meters. In consideration for such deposit, the Village will install water service pipe from the water main to a point not more than seven feet outside applicant=s property line, all within the Village right of way. A curb stop and valve will also be installed and maintained by the Village at the terminus of such service pipe. The property owner shall be responsible for installing and maintaining, at the property owner=s expense, all service lateral pipe and connections from the curb stop to and upon applicant=s premises, in a manner consistent with the terms of section 54-131. Maintenance of lines by the property owner shall include, but not to be limited to, thawing frozen lines. The council or Village Manager may direct that water service to the premises be discontinued if, after due notice, the owner fails to properly maintain his service lateral. Water service that is discontinued under this section will be reported immediately to the Western Upper Peninsula Health Department. The applicant shall pay the full cost of such installation as provided in the preceding subsection of this section. The applicant shall be solely responsible for installation of all service lines from the location of the meter and curb stop to and upon the applicant=s premises.

(e) Rates and charges. Premises receiving Village water service but not sewer service shall pay double the established rate for water service unless a different rate has been negotiated through an agreement with the respective township. Premises receiving both water and sewer service shall be charged the regular established Village rate for such services, plus an annual Payment in Lieu of Tax charge computed by multiplying the taxable valuation of the premises served by the Village millage levied during each year of service. The annual charge shall be prorated where such services are received during only a portion of a year.

Sec. 54-140 – Reserved

Sec. 54-141. Use and obstruction of fire hydrants.

(a) No unauthorized use. Except as otherwise provided in this section, fire hydrants shall be opened and used only by authorized personnel of the Village or of the Ontonagon Volunteer Fire Department. Any other person desiring to use fire hydrants of the Village must apply for such use, specifying the hydrants to be used and the purpose thereof. If the Council or Village Manager shall approve the proposed use, the applicable fee shall be deposited with the Village Manager prior to use of a hydrant. The applicable fee shall be set from time-to time by resolution of the Village Council. The applicant must further notify the Village Manager both upon the commencement and the termination of use. The Village Manager or his authorized agent shall immediately inspect the hydrant. Any necessary repairs to a hydrant will be charged to the applicant.

(b) Obstruction of hydrants prohibited. No person shall in any manner obstruct or prevent free access to any fire hydrant by placing or storing temporarily or otherwise any object, material, snow, debris or structure of any kind within a distance of 15 feet of the hydrant. Property owners adjacent to fire hydrants shall keep them free of snow, debris, obstructions, etc.

Sec. 54-142. Complaints to council.

Any person claiming to be overcharged for water service or otherwise claiming to be aggrieved by any action taken pursuant to this article shall first make a complaint in writing to the Village Manager. The complainant shall provide timely notice to the Village Clerk for placement of the matter upon the agenda for the next regular Village Council meeting. The complainants shall make full presentation at such meeting for consideration by the Council. Compliance with this procedure shall be a condition precedent to any other action upon the matter, which may be available to the complainant.

Sec. 54-143. Limitation of liability for discontinuance of service

If it should be necessary to discontinue water service to any section of the Village or to any premises because of an accident or for making repairs or extensions, the Village Manager or his or her authorized agent shall endeavor to give timely notice to the consumers affected thereby. The timely notice shall so far as practicable attempt to prevent inconvenience or damage resulting from such discontinuance of service. Failure to give such notice shall not render the Village liable for damages, which may result from such discontinuance of service. Discontinuance of service authorized by this article shall not render the Village liable for any damages or inconveniences.

Sec. 54-144. Cross connections.

A cross connection with and to the public water supply system, such that water of questionable quality, wastes or other contaminants could enter the system, upon any premises is strictly prohibited. Inspections of any premises by authorized Village personnel may be made for this purpose, as otherwise provided in this article. The Village Manager may immediately discontinue water supply to any premises where there is probable cause to believe such a prohibited cross connection exists, but the owner or occupant of such premises must be given prompt notice of such discontinuance of service.

Sec. 54-145. Water service termination procedure.

(a) Except when the immediate termination of water service is necessary, the provisions of this section shall govern all terminations of water service.

(b) In addition to the lien provided for in Sec. 54-137 (5), when any person shall fail or refuse to pay to the Village any sums due for water utility service, or charges in connection therewith, for a period of 30 days from the due date, the Village may shut off or discontinue any services as provided in subsection (c) of this section. Suit may be instituted by the Village for the collection of such sums in any court of competent jurisdiction. No services shall again be rendered to the premises involved until the indebtedness is paid in full, together with all costs in connection therewith.

(c) Water shutoff shall be preceded by a termination of service notice, which shall be sent by first class mail with proof-of-mailing. The notice shall inform the customer that failure to pay the past due amount, including any penalties, within ten days will result in termination of service. This notice will also inform the customer that the customer may request a hearing before the Village Manager prior to any termination of service.

(d) If payment is not received or satisfactory arrangements have not been made within ten days after the termination of service notice is mailed to the customer, the supply of water shall be

discontinued. No water service that has been discontinued for nonpayment shall be restored until all past due bills and a turn on charge and a deposit as specified by Council resolution, have been paid.

Sec. 54-146 Savings Clause; Severability.

All Ordinances, resolutions or part thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, repealed. 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.

Sec. 54-147B 54-155. Reserved.

Chapter 55

RESERVED

This Ordinance shall take effect immediately upon publication.

Ayes: President Johnson, Trustees: Daigneau, Banse, Cane, Marks, Kattelus, Hamm

Nays: None

Absent: None

Abstain: None

ORDINANCE DECLARED ADOPTED. DATE: 4/11/2011

BY: _____

Scott Frazer, Village President

ATTEST: _____

Marcia Aho-Black, Village Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Village Council of the Village of Ontonagon, County of Ontonagon, State of Michigan, at a regular meeting held on 4/11/2011, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Marcia Aho-Black Village Clerk