

ORDINANCE NO. 202

AN ORDINANCE TO ADMINISTER, REGULATE AND PROVIDE FOR CONNECTION TO AND USE OF THE SPRINGPORT WATER SYSTEM, INSTALLATION OF SERVICE CONNECTIONS, RATES AND CHARGES FOR WATER SERVICES, CROSS CONNECTION CONTROL, AND PENALTIES FOR VIOLATION THEREOF IN THE VILLAGE OF SPRINGPORT, COUNTY OF JACKSON, MICHIGAN.

THE VILLAGE OF SPRINGPORT ORDAINS:

**ARTICLE 1
SHORT TITLE; FINDINGS**

Section 101. Short Title. This Ordinance shall be known as the ‘Water Connection, Use and Rate Ordinance’ and may be cited as such.

Section 102. Finding Re: Measure of Water Use by Metering of Water Supply. The Village hereby finds that the metering of domestic water supply is the best available technology and preferred method for measuring with relative precision the use of the Water System. The Village declares, as its goal, the eventual use of metering of domestic water supply for all users of the Water System at that time when (a) all or substantially all Customers of the Water System are connected to a public water supply system and/or (b) in the opinion of the Village, the costs for using and maintaining the metering technology is practical and cost effective for residential users of the Water System. In the interim, the Village finds that the use of a flat-rate Readiness to Serve Fee and Commodity Fee based upon Units is a valid, cost effective, and practical method for measuring use of the Water System, particularly with respect to detached single family residential users.

**ARTICLE 2
DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning for the terms used in this Ordinance shall be as follows:

Section 201. ‘Approved’ means approved by the Village.

Section 202. ‘Backflow’ is the flow of water or other liquids, mixtures or substances into the Water System from any source other than its intended source, due to either back pressure or back siphonage.

Section 203. ‘Backflow Preventer’ is a device to prevent Backflow.

Section 204. ‘Commercial Customer’ means a Customer whose Premises are used to offer services and/or products such as retail and wholesale stores, gasoline stations, restaurants, schools, churches, hotels, motels, nursing homes, hospitals, warehouses, private clubs, theaters, and governmental buildings.

Section 205. "Commodity Fee" is a periodic charge levied on Customers for use of the System on the basis of water consumption. The charge represents a portion of (a) that Customer's proportionate share of the Operation, Maintenance and Replacement Costs of the System and (b) the benefit to that Customer derived from the use of the System.

Section 206. "Connection Charge" is the charge imposed by the Village to regulate the connection of a Service Line to a Service Connection. This fee represents (a) the proportional cost attributable to each Premises which requires the use of Potable Water to regulate access to the Water System and ensures that sufficient capacity exists to accommodate the additional use without overburdening the Water System or adversely affecting the Village's ability to provide service to the Water System's existing customers and (b) the benefit to the owner of a Premises which requires the use of Potable Water derived from the connection to the Water System including, but not limited to, eliminating or reducing the risk of failure of private water wells and the contamination of ground water accessed by private water wells.

Section 207. "Connection Fee" means a charge for a portion of the cost allocable to such Premises for the water mains made directly available to the Premises for connection thereto, fire hydrants, valves, and related costs.

Section 208. "Contamination" means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to pollute or degrade the quality of the water so as to constitute a Health Hazard or to render the water Nonpotable.

Section 209. "Cross Connection" is any physical connection between the Water System and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system. Furthermore, it is any Potable water supply outlet which is submerged or can be submerged in wastewater and/or any other source of Contamination. See "Backflow."

Section 210. "Customer" means each Person who owns or, subject to the limitations of Section 1112 below, leases any Premises which are connected to the Water System.

Section 211. "Fire Hydrant Fee" is the charge made by the Village to an applicant for use of Public Water from a fire hydrant. Such use, for example, would include the filling of a swimming pool.

Section 212. "Health Hazard" is any condition, device or practice in the Water System and its operation which creates, or, in the judgment of the Village, may create by Contamination or otherwise, a danger to the health and well-being of any Person. An example of a Health Hazard is a structural defect in the Water System, whether of location, design or construction, that regularly or occasionally may prevent satisfactory purification of the water supply or cause it to be Contaminated.

Section 213. "Industrial Customer" means a Customer whose Premises are used for a manufacturing or process facility which is engaged in producing a product, and facilities related thereto including offices, warehousing and research and development.

Section 214. "Inspection Fee" means the amount charged to each applicant by the Village at the time an application is made to the Village for connection to the System to cover the routine cost

of inspecting the installation of a Service Connection, Service Line and Meter, approving the physical connection of a Service Line to a Service Connection and the issuance of a connection permit.

Section 215. ‘Inspector’ means a person authorized by the Village to inspect connection of Service Lines to Service Connections.

Section 216. ‘May’ is permissive.

Section 217. ‘Meter’ means an instrument for measuring the rate of flow of Public Water.

Section 218. ‘Meter Fee’ means the fee charged to cover the cost of the Public Water Meter and its installation.

Section 219. ‘Miscellaneous Customer Fee’ means an amount charged to Customers for miscellaneous services and related administrative costs associated with the Water System and not covered by the Water Supply Rates and charges, including additional fees for inspections required by the Village, expenses of plan review, damages caused by violation of this Ordinance, unauthorized connections, reimbursement for unauthorized water usage, and professional fees related to such matters, and similar expenses authorized by this Ordinance.

Section 220. ‘Nonpotable’ refers to water that is not safe for human consumption or that is of questionable potability.

Section 221. ‘Operation, Maintenance and Replacement Costs’ means all costs, direct and indirect, necessary to provide adequate water supply on a continuing basis to conform with all federal, state and local water management requirements and to assure optimum long-term management of the Water System and shall include an amount for the replacement of the equipment and appurtenances necessary to maintain the intended performance of the Water System.

Section 222. ‘Person’ means any individual, firm, company, association, society, corporation, or group.

Section 223. ‘Plumbing System’ includes the water supply and distribution pipes, plumbing fixtures, and traps; soil, waste and vent pipes; Service Line, including their respective connections, devices and appurtenances and water-treating or water-using equipment; all as located within the property lines of the Premises.

Section 224. ‘Potable’ refers to water intended for human consumption or prolonged bodily contact which is free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the applicable requirements of the Federal Drinking Water Standards and to the regulations of the Jackson County Health Department and the Michigan Department of Environmental Quality.

Section 225. ‘Premises’ means the lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the Village as a single taxable item in the name of the taxpayer or taxpayers at one address but in the case of platted lots shall be limited to a single platted lot unless an existing building or structure is so located on more than one

lot as to make the same a single description for purposes of assessment or conveyance now or hereafter.

Section 226. ‘Public Water’ is water provided by the Water System.

Section 227. ‘Readiness to Serve Fee’ is a periodic charge levied on Customers based upon the size of a Customer’s Meter and represents a portion of (a) that Customer’s proportionate share of the Operation, Maintenance and Replacement Costs of the System, (b) the benefit to that Customer derived from the availability of the System, and (c) debt service on debt incurred to pay for the System.

Section 228. ‘Receiving Fund’ means that certain depository account designated as the ‘WATER SUPPLY SYSTEM RECEIVING FUND’ established pursuant to Ordinance No. __ for the deposit of all Water Rates and Charges imposed in accordance with this Ordinance.

Section 229. ‘Reduced Pressure Principle Backflow Preventer’ is an assembly of differential valves and check valves, including an automatically opened spillage port to the atmosphere designed to prevent Backflow under conditions of pressure reversal.

Section 230. ‘Safe Air Gap’ or ‘Air Gap’ means the minimum distance of a water inlet or opening above the maximum high water level or overflow rim in a fixture, device or container to which Public Water is furnished which must be at least two times the inside diameter of the water inlet pipe but must not be less than one inch and need not be more than twelve inches.

Section 231. ‘Secondary Water Supply’ means a water supply system maintained in addition to the Water System, including water systems from ground or surface sources or water from a Public Water supply system which, in any way, has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility.

Section 232. ‘Service Connection’ means the corporation cock, service lateral, and curb stop that conveys Public Water from the Village mains to the property line.

Section 233. ‘Service Connection Fee’ shall mean the amount charged by the Village to an applicant for water service to cover the cost of the installation of a Service Connection.

Section 234. ‘Service District’ shall mean those portions of the Village which may be reasonably serviced by the Water System taking into account the capacity of the System and the System’s components, engineering feasibility and other factors determined in the discretion of the Village pertinent to providing public water supply service to specific lands.

Section 235. ‘Service Line’ means a pipe connected to the Service Connection and extending from said connection into the Premises supplied with Public Water.

Section 236. ‘Shall’ is mandatory.

Section 237. ‘Submerged Inlet’ means a Service Line or extension thereto from the Water System terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against Backflow.

Section 238. "Treasurer" means the Village Treasurer or his or her authorized deputies, assistants or agents.

Section 239. "Unmetered Fire Protection Connection" is a pipe extending from the Water System to supply a sprinkler, yard main, or other fire protection system, which does not pass through a Meter.

Section 240. "Unmetered Fire Protection Fee" is the periodic charge to a Customer for an Unmetered Fire Protection Connection to the System.

Section 241. "Unit or Units" shall mean a standard basis of measuring the relative quantity of Potable water typically used in conjunction with the occupancy of a freestanding single-family residential dwelling (but such term shall not necessarily be related to actual use arising from any particular dwelling). A table of Unit factors listing the relative relationship between the various Users of the System shall be adopted by resolution of the Village Council. The assignment of Unit(s) to a particular User shall be determined from time to time by the Village, based upon available information and investigation of the use to which the User's property is put. In the assignment of Units, the number of Units shall be rounded to the nearest whole number. The assignment of Unit(s) for any use not enumerated in the table of Unit factors adopted by the Village Council shall, in the sole discretion of the Village, be based upon the most similar use enumerated.

Section 242. "Village" means the Village of Springport or its authorized employees or agents.

Section 243. "Water Supply Rates and Charges" shall include the Connection Fee, Service Connection Fee, Meter Fee, Inspection Fee, Readiness to Serve Fee, Unmetered Fire Protection Fee, Fire Hydrant Fee, Commodity Fee and Miscellaneous Customer Fee and interest and penalties thereon.

Section 244. "Water System" or "System" means all facilities and all subsequent additions and expansions, including wells, pumps, water treatment facilities, transmission and distribution mains, hydrants, storage tanks, Meters, Service Connections and all other facilities used or useful in the pumping, treatment, and distribution of Public Water and which in the aggregate constitute the Springport Water System.

ARTICLE 3 OPERATION AND MAINTENANCE; SERVICE DISTRICT

Section 301. Ownership; Operation and Maintenance of System. The Water System is owned, operated, maintained and managed by the Village in accordance with the terms of the Ordinance. The Village may employ such Person or Persons in such capacity or capacities as it deems advisable to carry out the efficient management and operation of the Water System and may make such rules, orders and regulations as the Village deems advisable and necessary to assure the efficient management and operation of the Water System.

Section 302. Maintenance and Repair of Service Line. The owner of a Premises is responsible for the maintenance and repair of the Plumbing System and Service Line located on said Premises.

Section 303. Public Water. Only Public Water shall be used in the Water System. No other source of water, raw or otherwise, shall be tapped into, piped into or connected into, directly or indirectly, the Water System, unless permitted under Article 10.

Section 304. Right to Restrict Use of Public Water. The Village may, by resolution, regulate, limit or prohibit the use of Public Water for any purpose. Such regulations shall restrict less essential water use (e.g. lawn sprinkling and irrigation) to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for fire fighting.

Section 305. Abatement of Public Nuisance. This Ordinance shall not be construed to limit the power of the Village to order the immediate and complete abatement of a public nuisance or menace to the public health.

Section 306. Water Available Within Service District. Subject to the terms and conditions of this Ordinance, Public Water shall only be made available from the Water System to properties located within the Service District. The Village Council reserves the right to amend or expand the Service District to include additional lands, in the exercise in the sole discretion by the Village Council of the Village's police powers and such decision may, without limitation, be based upon any of the following considerations: the capacity of the Water System; the number of Customers currently connected to the Water System; the amount of vacant undeveloped lands contained within the Service District, the likelihood of its development and whether such lands are subject to a special assessment; the portion of remaining available capacity in the Water System needed to alleviate and avoid public health concerns in the Special Assessment District; the cost of the extension of the Water System; and the means of funding the cost of the extension of the Water System.

ARTICLE 4 USE OF PUBLIC WATER

Section 401. Connection to System. As a matter of public health, a connection to the Public Water System required hereunder, shall be completed with respect to existing improved Premises upon the failure of the existing water well. The existing water well shall be considered to have failed for this purpose if a new water well needs to be drilled in order to provide an adequate supply of Potable water to the Premises. Persons who fail to complete a required connection to the Public Water System shall be liable for a civil penalty equal in amount to the Readiness to Serve Fee and Commodity Fee that would have accrued based upon reasonably expected water usage and been payable had the connection been made when and as required. Public Water is deemed to be 'available' if an improved Premises within the Village is used for human occupancy, employment, recreation, or other purposes, requires the use of Potable Water and abuts any right-of-way, easement, highway, street, or public way in which there is now or hereafter located a public water main.

Section 402. Enforcement in the Event of a Failure to Connect. In the event a required connection to the Water System is not made at the time required by Section 401, the Village shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the available Water

System and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Village Ordinance. In the event the required connection is not made within 30 days after the date of mailing or posting of the written notice, the Village may bring an action in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property to the Water System.

Section 403. Voluntary Extension of and Connection to Water System in Service District. The owner of an improved Premises, now situated or hereafter constructed within the Service District, but not located adjacent to a public water main (within the meaning of Section 401), may elect to extend the Water System with respect to the affected property in accordance with Section 801 and connect thereto. The owner of the property in this circumstance shall, in addition to all requirements imposed by this Ordinance, pay all expenses of the extension of the Water System. The owner of an improved Premises, now situated or hereafter constructed within the Service District and located more than 200 feet from a public water main located in a right of way, easement, highway, street or public way which crosses, adjoins or abuts upon the property, may elect to connect said structure to the Water System in compliance with this Ordinance.

Section 404. Private Water Wells. A property owner that is not connected to the Water System or is not required to connect to the Water System as required by Section 401 shall install and maintain a private water well on the Premises. After a Premises is connected to the Water System, the existing private water well shall either (i) be capped and abandoned in accordance with applicable county and state requirements or (ii) maintained for Nonpotable use. For purposes of this section, permissible Nonpotable uses include lawn watering, irrigation, automobile or equipment washing, use in a building's heating or cooling system and similar uses not involving human consumption or prolonged bodily contact. All fixtures connected to a private water well maintained for Nonpotable use shall be located outside of structures intended for human occupancy, employment, recreation or similar purposes. In addition, piping connected to a private water well shall be physically and completely separated from all plumbing used for Public Water in accordance with Article 10 of this Ordinance.

ARTICLE 5 CONNECTION PROCEDURES

Section 501. Permit. Service Connections shall be installed only at the Customer's expense by the Village or by an Approved contractor and only after approval of the permit application by the Village. Prior to the installation of a new Service Connection or construction in the public right-of-way by an Approved contractor, a surety bond shall be filed with the Village in form acceptable to the Village in the amount of \$5,000 which indemnifies the Village and its authorized representatives from any loss resulting from said installation or construction. Provision of such surety bond shall not limit liability for damage to the System or other public or private property.

Section 502. Application for Permit; Payment of Fees. Prior to the connection of a Service Line to a Service Connection, a prospective Customer must file a permit application on a form to be supplied by the Village. The application must be accompanied by payment in full of the fees set forth in Section 1104 and such other charges or deposits required by this Ordinance.

Section 503. Installation of Service Lines. All Service Lines shall be installed in an approved manner at the Customer's expense. The Plumbing System in or on the Premises in connection therewith must conform in character, design and quality to the law of the State of Michigan and the State Plumbing Code.

Section 504. Specifications. All Service Connections and Service Lines shall be of Type "K" copper. All underground fittings and connections shall be Approved. No Service Connection or Service Line of less than 1 inch diameter will be permitted.

Section 505. Minimum Depth. All Service Connections and Service Lines must be laid on solid ground not less than six feet below finished grade and all components of the Service Connection and the Service Line must be left uncovered until the installation is inspected by the Village or its authorized representative.

Section 506. No Obstruction of System Components. No Person shall obstruct or interfere in any way with any Service Connection or other appurtenance of the System, including Meters, by placing in, on or about said Service Connection, Meter, or other appurtenance, building materials, rubbish, shrubbery, flowers, or otherwise hindering the easy and free access thereto.

Section 507. Repair and Thawing of Service Lines. Service Lines shall be protected from damage of every nature and needed repairs shall be made by the Customer when notified by the Village. The expense of repairing or thawing the Service Line, if frozen, shall be borne by the Customer. The Service Line, as repaired or thawed, shall not be covered until inspected and approved by the Village or its authorized representatives.

Section 508. Discontinuation of Service. The Village may discontinue service if a Customer fails to maintain the Service Line in a leak-free condition or if the Customer makes an unauthorized plumbing connection which bypasses the Meter.

Section 509. No Multiple Connections. A single Service Connection shall not serve more than one (1) Premises unless approved by the Village, even though the ownership of the adjacent Premises may be the same.

Section 510. Excavation. All excavation for Service Connection installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village at the Customer's expense.

Section 511. Public Right of Way. It shall be the obligation of the Customer (or the Customer's approved contractor) to obtain all required permits from the Jackson County Road Commission or the Michigan Department of Transportation prior to working in a county road or state highway right of way.

ARTICLE 6 METERS

Section 601. Use and Installation of Meters. The Public Water used by a Customer shall be metered. Each Customer shall, at the Customer's expense, purchase and install a meter, readout, meter horn and valves. The Meter will be tested and maintained by the Village at the Customer's expense and shall remain the property of and under control of the Village.

Section 602. Size; Specification. Meters for ordinary domestic service shall be of 5/8 inch x 3/4 inch size. The Meter shall contain remote readouts. A separate valve the same size as the Service Line shall be installed on the Service Line on both sides of the Meter. Where application for a larger service is made, determination as to meter size shall be made by the Village. Larger sizes may be required for an Industrial Customer, a Commercial Customer or multiple dwelling use. All Meters shall comply with Village specifications.

Section 603. Accessible Location. Meters shall be set in an accessible location and in a manner approved by the Village. If due to unusual circumstances it is necessary to place the Meter in a pit, the pit shall be installed in accordance with Village standards at the expense of the Customer.

Section 604. Access to Meter. The Village shall have the right to shut off the Public Water to any Customer if access is not available to the Meter. Qualified employees of the Village shall at all reasonable hours have the right to enter the Premises where such Meters are installed, for the purpose of reading, testing, removing or inspecting same and no Person shall hinder, obstruct, or interfere with any such employee in the discharge of his or her duties.

Section 605. Damages to Meter. Any damages to a Meter resulting from carelessness or neglect of a Customer to properly secure and protect the Meter from damages caused by frost, hot water, steam or other misuse shall be paid for by the Customer as a Miscellaneous Customer Fee upon presentation of the bill therefore.

Section 606. Failure of Meter. If any Meter shall fail to register properly, the Village shall estimate the consumption of Public Water and bill accordingly.

Section 607. Accuracy of Meter. A Meter shall be considered accurate if when tested it registers neither 2% more than nor 2% less than the actual quantity of Public Water passing through it. If a Meter registers in excess of 2% more than the actual quantity of Public Water passing through it, it shall be considered "fast" to that extent. If a Meter registers in excess of 2% less than the actual quantity of Public Water passing through it, it shall be considered "slow" to that extent.

Section 608. Corrected Billings. If a Meter has been tested and is determined to register "fast" the Village shall credit the Customer with a sum equal to the percentage "fast" multiplied by the amount of the Commodity Fee incurred by said Customer within the six months prior to the test. If a Meter so tested is determined to register "slow" the Village may collect from the Customer a sum equal to the percentage found "slow" multiplied by the amount of the Commodity Fee incurred by the Customer within the six months prior to the test.

Section 609. Lockable By-Pass. An approved lockable by-pass shall be installed on each meter larger than 5/8 inch x 3/4 inch size.

ARTICLE 7 FIRE HYDRANTS

Section 701. Use of Fire Hydrants; Fire Hydrant Fee. No Person shall open or cause to be opened any fire hydrant except for authorized representatives of the Village, except in the case of an emergency, without first securing a 'Permit to Use Fire Hydrant' from the Village and paying a Fire Hydrant Fee in the amount established from time to time by resolution of the Village Council. Application for said permit shall be made on a form supplied by the Village. Authorized representatives of the Village shall turn the hydrant on and off and install a portable Meter and Backflow Preventer to measure the volume of water used. If the Fire Hydrant Fee is insufficient to cover the labor costs and the Commodity Fee charged for the metered volume, the permit holder shall pay the difference.

Section 702. Village Approval of Hydrant Specifications. The Village must approve the type, size of openings, and types of nozzle thread on all hydrants installed on private property serviced by the Water System.

Section 703. No Obstruction of Hydrants. No Person shall, in any manner, obstruct or prevent free access to or place or store temporarily or otherwise any object, material, snow, debris, automobile or structure of any kind within a distance of fifteen (15) feet of any fire hydrant. Upon the failure of said Person to remove said obstruction which shall be set forth in a notice which shall be mailed to said Person by the Village, the Village is hereby authorized and empowered to remove said obstruction and charge the cost of said removal to said Person as a Miscellaneous Customer Fee.

Section 704. Access Easements. All fire hydrants installed on private property shall be dedicated to the Village together with an access easement with a minimum width of 15 feet centered on the hydrant service lead.

ARTICLE 8 WATER MAIN EXTENSIONS

Section 801. Requirements for Extensions. Extension of or changes in the Water System may be initiated by the Village or by written request, including petitions, from property owners. The Village may grant the petition, in its discretion, and prescribe the terms and conditions upon which the petition will be granted and may require the written acceptance of such terms and conditions by the petitioners. As a condition of granting the petition, the petitioners must pay, in addition to all other charges imposed on new connections under this Ordinance, a fee to cover the actual cost (or proportion of cost) of extending the water main along the entire frontage of the Premises, from property line to property line, improving the transmission and supply system, or making other changes necessary to accommodate the extension and new connection. All extensions of the Water System shall be dedicated to the Village, at no cost to the Village, following completion of the

extension in compliance with Village specifications. The specifications for materials and construction shall be approved by the Village engineer.

Section 802. Extension Agreements. The Village shall have the authority to negotiate agreements for extensions of the Water System with landowners, developers and other municipalities, which agreements may take into consideration questions of demand, benefit, capacity, necessity, timing and funding and may provide for construction advances, prepayment of rates and charges, pay back arrangements of up to 15 years and similar matters.

ARTICLE 9 SYSTEM USE

Section 901. Authorized Representatives. No Person other than an authorized representative of the Village shall turn on or off any Service Connection without the written permission of the Village.

Section 902. Prohibited Activities. It shall be unlawful for any Person to do any of the following:

- (a) Damage or destroy any portion of the Water System;
- (b) To do anything which will in any way contaminate the Water System; or
- (c) To connect any pipe to the Water System or take or run Public Water from the lines of the System without complying with all the provisions of this Ordinance.

Section 903. Village Right to Stop Service; Emergencies. The Village may stop service to any Customer at any time for any reason, including repairs to the System, construction of extensions or accident. All Customers which have facilities which depend upon pressure from the main to keep them filled are hereby put on notice of the danger of collapse. The Village shall give reasonable notice except during emergencies and conditions of imminent hazard and will, so far as practical, use reasonable efforts to prevent inconvenience and damage in the event of a stoppage of service. The Village shall not be responsible or liable in damage for any inconvenience, injury or loss caused by the failure of a Customer to receive Public Water for any reason, including the shutting off of such supply by the Village, nor shall the Village be liable for any damage caused by any change in the pressure of Public Water delivered to any Customer.

Section 904. Leaking Service Line. If the Service Line from the curb stop to the Meter is found to be deteriorated or leaking, the Village may condemn or discontinue the service to the Premises and require that the same be repaired or replaced at the expense of the Customer.

Section 905. No Tampering; Liability. No Person, except an authorized representative of the Village in the performance of his or her duties, shall uncover or tamper with any portion of the Water System. Any Person responsible for any injury or damage to the Water System shall reimburse the Village therefore and for the loss of Public Water caused thereby and shall be responsible for any damage caused by escaping water.

ARTICLE 10 CROSS CONNECTIONS

Section 1001. Rules. The Village adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality, being R 325.11401 to R 325.11407 of the Michigan Administrative Code, as now or hereafter amended.

Section 1002. Control Program. The Village shall develop a comprehensive control program for the prevention of all Cross Connections. The plan for the program shall be submitted to the Michigan Department of Environmental Quality for review and approval. After the plan has been approved by the Michigan Department of Environmental Quality, the Village shall implement the program for prevention of all future Cross Connections.

Section 1003. Cross Connection Devices. All devices for the prevention of Cross Connection shall be Approved. The devices shall be installed in good working condition at the Customer's expense. The Village will inspect, routinely, such devices and testing will be performed on regular intervals by a certified Back Flow prevention device technician at the Customer's expense. If found to be defective or inoperative, the Customer shall be responsible for the expense of replacement.

Section 1004. Village Approval Required. The Customer shall obtain prior written approval from the Village before taking or installing any proposed corrective action or protective device. The total time allowed for completion of corrections ordered by the Village shall take into account the degree of hazard involved and the time required to obtain and install necessary equipment. If the Cross Connection has not been removed within the time specified, the Village shall physically separate the Water System from the on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized Person, and charge the cost thereof as a Miscellaneous Customer Fee.

Section 1005. Secondary Water Supply. When a Secondary Water Supply is used in addition to the Water System, or in other high risk installations involving extensive plumbing, exposed Water System and Secondary Water Supply piping shall be identified by the American Water Works Association Standard Color Code and tags and so maintained that each pipe may be traced readily in its entirety. If piping is so installed that it is impossible to trace in its entirety, it shall be considered a Cross Connection.

Section 1006. Private Water Storage Tank. A private water storage tank supplied from the Water System shall be deemed a Secondary Water Supply unless it is Approved.

Section 1007. Maintenance. It shall be the responsibility of the Customer to maintain Cross Connection prevention devices in good working order and to make no piping or other arrangements for the purpose of altering or bypassing said devices.

Section 1008. Testing and Inspection. Periodic testing and inspection schedules shall be established by the Village for all Cross Connection prevention devices. The interval between such testing and inspections and overhauls of each device shall be established in accordance with the age and condition of the device. Inspection intervals should not exceed one year, and overhaul intervals

should not exceed five years. These devices should be inspected frequently after the initial installation to assure that they have been installed properly and that debris resulting from the installation has not interfered with the functioning of the device. The testing procedures shall be in accordance with the manufacturer's instructions when Approved. Certified testing of a Reduced Pressure Principle Back Flow Preventer is required by a licensed plumber at the Customer's expense on an approved frequency. Records of the test as well as records of repair shall be provided to the Village by the Customer.

Section 1009. Discontinuation of Service Due to Cross Connection. The Village is hereby authorized to discontinue water service after reasonable notice to any Premises where a Cross Connection or unapproved Back Flow Preventer exists. The Village may take such other precautionary measures as necessary to eliminate any danger of Contamination of the Water System. Water service to such premises shall not be restored until such Cross Connection has been eliminated and the Customer pays a turn-on charge as a Miscellaneous Customer Fee.

Section 1010. Health Hazard. The Village shall immediately stop water service to any Customer discovered to have a Cross Connection which creates an imminent Health Hazard. Water service shall not be restored until the violation is permanently corrected.

ARTICLE 11

WATER SUPPLY RATES AND CHARGES

Section 1101. Public Utility Basis. The System shall, as far as possible, be operated by the Village on a public utility basis as authorized by state law, including Act 94 of the Public Acts of Michigan of 1933, as amended. The System shall be operated on the same fiscal year as the Village (March/February). The rates, charges and fees shall be fixed by resolution of the Village Council in amounts sufficient to provide for Operation, Maintenance and Replacement Costs of the Water System as are necessary to preserve the same in good repair and working order and to pay debt service on debt incurred to pay for the System. Such rates, charges and fees shall be fixed and revised from time to time as may be necessary to produce these amounts. An annual budget shall be prepared for the System. Based on this budget, rates for water services shall be reviewed annually and revised as necessary to meet Water System expenses.

Section 1102. Readiness to Serve Fee. Customers shall pay a Readiness to Serve Fee based on the size of the meter applicable to the Premises, to be paid periodically in arrears at the rate and frequency established by resolution of the Village Council from time to time. In lieu of the foregoing, the Village Council shall have the discretion to establish, by resolution from time to time, a Readiness to Serve Fee on a per Unit basis with a minimum assignment of one Unit per Customer.

Section 1103. Commodity Fee. Customers shall pay a Commodity Fee based on metered water service, to be paid periodically in arrears, at the rate and frequency established by resolution of the Village Council from time to time. At the discretion of the Village Council, the Commodity Fee may contain a separately itemized component for the cost of Village compliance with the Safe Drinking Water Act and other applicable governmental mandates. In lieu of the foregoing, the Village Council shall have the discretion to establish, by resolution from time to time, a Commodity Fee on a per Unit basis with a minimum assignment of one Unit per Customer.

Section 1104. Connection Charges. The owner of a Premises who applies for connection of the Service Line to the System shall pay the following fees at the time of filing a permit application in accordance with Section 502:

(a) Connection Fee. A Connection Fee which shall be a rate per Unit established from time to time by resolution of the Village Council, with a minimum assignment of one Unit per Premises.

(b) Service Connection Fee. A Service Connection Fee which shall be a rate per Service Connection installed by the Village, as established from time to time by resolution of the Village Council. If the Village does not install the Service Connection, no Service Connection Fee shall be payable and the applicant shall be responsible for all costs of installing a Service Connection in the manner provided by Article 5, including restoration.

(c) Meter Fee. The Meter Fee shall be established from time to time by resolution of the Village Council.

(d) Inspection Fee. A Inspection Fee which shall be established from time to time by resolution of the Village Council.

(e) Change in Use. The Village reserves the right to charge an additional Connection Fee for Premises for which there has been a lot split, a change in use of all or part of the Premises to a more intensive use (which results in the assignment of additional Units by the Village to the Premises).

(f) Repair and Replacement of Service Connection. In the event the connection of a Service Line to a Service Connection for a Premises for which a Connection Fee has been paid is repaired, revised or replaced, no additional Connection Fee shall be payable provided that an increase in the utilization by said Premises of the Water System does not occur as a result of said repair, revision or replacement. An additional Inspection Fee may be payable as a result of said repair, revision or replacement, depending upon the circumstances.

Section 1105. Unmetered Fire Protection Fee. Customers who have an Unmetered Fire Protection Connection shall pay a quarterly Unmetered Fire Protection Fee established by resolution of the Village Council from time to time.

Section 1106. Public Fire Hydrants Rental. Unmetered public fire hydrants will be maintained at the expense of the System. The Village shall pay from the Village's general fund an annual fee as established by resolution of the Village Council in accordance with this Ordinance for each hydrant for this service and the unrestricted right to use the hydrants to provide fire protection to the residents of the Village.

Section 1107. Miscellaneous Customer Fee. The Village shall, from time to time, charge a Miscellaneous Customer Fee, as necessary, for miscellaneous services, repairs and related administrative costs associated with the Water System, including without limitation, excessive inspection services not covered by the Inspection Fee, unauthorized connection to and use of the Water System, services to turn water service on and off, damages to the System, disconnection from

the System, costs and expenses incurred by the Village as a result of damage to other premises, attorney fees for enforcement of violation(s) of the Ordinance, and similar fees which are the result of an Ordinance violation, or a negligent or wrongful act of the Customer. The Customer shall be charged a fee established by resolution of the Village Council from time to time whenever the Village is requested by the Customer to turn on or off water service. Whenever the Village is requested to provide turn-on or off services at times other than regular business hours of the Village, there will be imposed an additional charge of labor and materials.

Section 1108. Billing and Collection. It shall be the duty of the Village Treasurer to bill and collect all Water Supply Rates and Charges. The Treasurer shall mail or cause to be mailed to each Customer a bill on or before the 1st day of the billing period. The bill shall separately itemize the Water Supply Rates and Charges payable. The frequency of the billing period and the due date of the bill shall be established by resolution of the Village Council from time to time. Payment of said bill shall be made at a location designated by the Village Council.

Name changes on accounts may be processed by the Village upon written request by a Customer. The Village may impose a charge for such changes to recover the Village's administrative costs associated with making the requested changes. The amount to be charged shall be established by resolution of the Village Council.

Section 1109. Late Payments. If Water Supply Rates and Charges are not paid on or before the due date then a penalty equal to 5% of the amount due shall be added to the unpaid balance.

Section 1110. Village Remedies. If Water Supply Rates and Charges are not paid on or before the due date, the Village, pursuant to Act 178 of the Public Acts of Michigan of 1939, as amended, may (i) discontinue the services provided by the Water System by disconnecting the Service Line from the Service Connection or by turning off the curb stop, and the service so discontinued shall not be reinstated until all sums then due and owing, including penalties, interest and all expenses incurred by the Village for shutting off and turning on the service, shall be paid to the Village; (ii) institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including time price differential, penalties, interest and reasonable attorney fees; or (iii) enforce the lien created in Section 1111 below. These remedies shall be cumulative and shall be in addition to any other remedy provided in this Ordinance or now or hereafter existing at law or in equity. Under no circumstances shall actions taken by the Village to collect unpaid Water Supply Rates and Charges, time price differential, penalties and interest, invalidate or waive the lien created by Section 1111 below.

Section 1111. Lien; Assessment of Delinquent Rates and Charges on Tax Roll. The Water Supply Rates and Charges shall be a lien on the respective Premises served by the System. Whenever Water Supply Rates and Charges shall be unpaid for ninety (90) days or more, they shall be considered delinquent. The Treasurer shall certify annually all Water Supply Rates and Charges delinquent as of July 1 and penalties thereon, together with an additional penalty equal to five percent (5%) of the total, on or before September 1, of each year, to the tax-assessing officer of the Village, who shall enter the delinquent Water Supply Rates and Charges, interest and penalties upon the next tax roll as a charge against the Premises affected and such charge shall be collected and the lien thereon enforced in the same manner as ad valorem property taxes levied against such Premises.

Section 1112. Leased Premises; Security Deposit. A lien shall not attach for Water Supply Rates and Charges to a Premises which is (a) separately metered and (b) subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the Premises or a dwelling unit thereon shall be liable for payment of Water Supply Rates and Charges, effective for services which accrue after the date an affidavit is filed by the landlord with the Village. This affidavit shall include the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the Village 20 days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit equal to the Readiness to Serve Fee and the Commodity Fee for the preceding twelve (12) months for a dwelling unit. A larger security deposit may be required by the Village Treasurer for Commercial Customers and Industrial Customers. Upon the failure of the tenant to pay the Water Supply Rates and Charges when due, the security deposit shall be applied by the Village against the unpaid balance, including interest and penalties. Upon notification by the Village, the tenant shall immediately make sufficient payment to the Village to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten (10) days of said notification, the penalties, rights and remedies set forth in Sections 1110 and 1111 of this Article shall be applicable with respect to the unpaid Water Supply Rates and Charges, including interest and penalties. The security deposit shall be held by the Village without interest and shall be returned to the landlord upon proof of termination of the lease.

Section 1113. No Free Service. No free service shall be furnished by the System to any Person, public or private, or to any public agency or instrumentality.

Section 1114. Cause for Disconnection. Applications for connection permits may be canceled or denied and/or water service disconnected by the Village for any violation of any part of this Ordinance, including, without limitation, any of the following reasons:

- (a) Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the System.
- (b) Nonpayment of Water Supply Rates and Charges.
- (c) Improper or imperfect connection and/or failure to keep Service Lines in a suitable state of repair.
- (d) Damage to any part of the Water System.
- (e) Existence of a Cross Connection.

Section 1115. Turn on Following Disconnection; Security Deposit. If the water service supplied to a Customer has been discontinued for nonpayment of Water Supply Rates and Charges, service shall not be reestablished until all delinquent Water Supply Rates and Charges, including interest and penalties, and the turn-on charge has been paid. The Village reserves the right as a condition to reconnect said service to request that a security deposit equal to the Readiness to Serve Fee and the Commodity Fee for the preceding twelve (12) months be placed on deposit with the Village for the purpose of establishing or maintaining any Customer's credit. A larger security deposit may be required by the Village Treasurer for Commercial Customers and Industrial Customers. Said deposit shall not be considered in lieu of any future billing for Water Supply Rates

and Charges. Upon the failure of the Customer to pay the Water Supply Rates and Charges when due, the security deposit shall be applied by the Village against the unpaid balance, including interest and penalties. Upon notification by the Village, the Customer shall immediately make sufficient payment to the Village to cover the amount of the security deposit so advanced. Upon the failure of the Customer to do so within ten (10) days of said notification, the penalties, rights and remedies set forth in Sections 1110 and 1111 of this Article shall be applicable with respect to the unpaid Water Supply Rates and Charges, including interest and penalties. The security deposit shall be held by the Village without interest and shall be returned at the Customer's request upon continued timely payments by the Customer of all Water Supply Rates and Charges as and when due, for a minimum of four successive quarterly billing periods.

Section 1116. Accrual Date. The Readiness to Serve Fee and Commodity Fee shall begin to accrue with respect to an existing structure as of the date of the connection of the Service Line to the Service Connection to the Water System in accordance with Article 5, above and with respect to a new structure upon the date of issue of an occupancy permit. If appropriate, the billing of said charges for the initial billing period shall be pro rated in arrears.

Section 1117. Interruption of Service; Claims. The Village shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the System, all Users affected by such interruption will be notified in advance whenever it is possible to do so. The Village shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

ARTICLE 12 REVENUES

Section 1201. Revenues; Depository. The revenues of the Water System derived from the collection of Water Supply Rates and Charges, including interest and penalties, shall be set aside as collected and deposited in the Receiving Fund.

ARTICLE 13 POWERS AND AUTHORITY OF VILLAGE EMPLOYEES AND REPRESENTATIVES

Section 1301. Village Representatives. Duly authorized employees or representatives of the Village, bearing proper credentials and identification, shall be permitted to enter upon all Premises at all reasonable hours served by the System for the purpose of meter reading, inspection, observation, measurement, sampling, testing and emergency repairs in accordance with the provisions of this Ordinance.

Section 1302. Inspection of Plumbing System. Duly authorized employees or representatives of the Village, bearing proper credentials and identification, shall be permitted to enter upon all Premises served by the System for the purpose of determining the presence of Cross

Connections and test or inspect devices preventing Cross Connections. On request, the Customer shall furnish to the Village all pertinent information regarding the Plumbing System of the Premises. Refusal of such access or information shall be prima facie evidence of the presence of Cross Connection.

Section 1303. Customer Safety Rules. While performing the duties in Sections 1301 and 1302 above, the duly authorized employees or representatives of the Village shall observe all reasonable safety rules applicable to the Premises established by the Customer.

Section 1304. Appeals. In order that the provisions of this Ordinance may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of this Ordinance, the Village Council shall consider appeals with respect to matters concerning the Water System and determine, in particular cases, whether any deviation from strict enforcement, will violate the intent of the Ordinance or jeopardize the public health or safety.

ARTICLE 14 PENALTIES

Section 1401. Destruction of System. No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the System or connect or disconnect any Service Line to any Service Connection.

Section 1402. Notice of Violation. Except for those violations provided in Section 1401 hereof, any Person found to be violating any provision of this Ordinance shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 1403. Civil Infraction. Any violation of Section 1401, or any violation beyond the time limit provided for in Section 1402, or any other violation of this Ordinance shall be a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses incurred by the Village including attorneys fees. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for the first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense. Any person violating any of the provisions of this Ordinance shall, in addition, become liable for any expense, loss, or damage occasioned by reason of such violation. The President is hereby authorized to issue citations for municipal civil infractions for violations of the Ordinance.

Section 1404. Nuisance. Any nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The Village, in the furtherance of the public health is hereby empowered to make all necessary repairs or may enforce the requirements of this Ordinance by injunction, or take other corrective action necessitated by such nuisance or violation, including but not limited to a civil action for damages and/or injunctive relief. The Person who violated the Ordinance or permitted such nuisance or violation to occur shall be responsible to the Village for the costs and expenses incurred by the Village in making such repairs or taking such action, including attorneys fees.

Section 1405. Liability for Ordinance Violations. Any Person violating any of the provisions of this Ordinance shall become liable to the Village and its representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the Village by reason of such violation.

Section 1406. Remedies Cumulative. The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive.

ARTICLE 15 VALIDITY

Section 1501. Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 1502. State or Federal Law. If any provision of applicable state or federal law imposes greater restrictions than are set forth in this Ordinance then the provisions of such state or federal law shall control.

ARTICLE 16 PUBLICATION AND EFFECTIVE DATE

Section 1601. Publication. This Ordinance or a summary thereof shall be published in the *Springport Signal*, a newspaper of general circulation in the Village qualified under State law to publish legal notices, within fifteen (15) days after its adoption, and shall be recorded in the Village Record of Ordinances and such recording authenticated by the signatures of the President and the Village Clerk.

Section 1602. Effective Date. This Ordinance shall become effective twenty (20) days following the publication of the Ordinance or a summary thereof.

ARTICLE 17 AMENDMENT

Section 1701. Amendments. Subject to the terms and conditions of the Contract, the Village specifically reserves the right to amend this Ordinance in whole or in part, at one or more

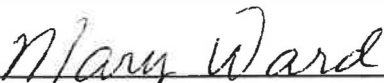
times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease or otherwise modify any of the fees, charges or rates herein provided.

Section 1702. Review of Water Supply Rates and Charges. The Village shall, as often as shall be necessary, and at least annually beginning in the Village's fiscal year ending February 28, 2004, review all Water Supply Rates and Charges and increase or decrease such Water Supply Rates and Charges, or any of them, so that such Water Supply Rates and Charges shall be adequate for expenses they are intended to defray, plus reasonable amounts for contingencies and reserves.

**ARTICLE 18
MISCELLANEOUS**

Section 1801. Repealer. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed, including but not limited to: (1) Ordinance No. 29, adopted December 9, 1952, and amended October 20, 1979 (by Ordinance Nos. 63 and 64), February 6, 1980 (by Ordinance Nos. 66 and 67), July 13, 1988 (by Ordinance No. 80), June 13, 1990 (by Ordinance No. 84), March 12, 1992 (by Ordinance No. 89), July 1, 1992 (by Ordinance No. 91), August 1, 1992 (by Ordinance No. 92), September 9, 1992 (by Ordinance No. 94), July 10, 1996 (by Ordinance No. 105), April 10, 1997 (by Ordinance No. 107), and April 11, 2002 (by Ordinance No. 105.1) and (2) Ordinance No. 46, effective March 1, 1974.

Passed and adopted by the Village Council of the Village of Springport, County of Jackson, Michigan, on February 12, 2004, and approved by me on February 12, 2004.



Mary Ward, Village President

ATTEST:



Lydia Yoder, Village Clerk