

VILLAGE OF DECATUR

ORDINANCE NO. 2020-001

AN ORDINANCE TO REGULATE THE USE OF THE PUBLIC WATER SYSTEM; THE INSTALLATION AND CONNECTION OF BUILDING SERVICE LINES TO THE PUBLIC WATER SYSTEM; THE ESTABLISHMENT AND COLLECTION OF RATES AND CHARGES FOR CONNECTION TO AND USE OF THE PUBLIC WATER SYSTEM; THE ADMINISTRATION OF THE SYSTEM; AND TO PROVIDE FOR ORDINANCE VIOLATIONS AND OTHER MATTERS PERTAINING THERETO

THE VILLAGE OF DECATUR ORDAINS:

1. ARTICLE I: DEFINITIONS

- 1.1 Definitions.** In the interpretation of this ordinance, the following definitions shall apply unless the context clearly indicates otherwise:
- (a) "Backflow" means water of questionable quality, wastes or other contaminants entering a public water supply system due to a reversal of flow.
 - (b) "Commercial User" means a person whose premises are used to offer services and/or products such as, for example, retail and wholesale stores, gasoline stations, restaurants, schools, churches, hotels, motels, nursing homes, private clubs, theaters, and governmental buildings.
 - (c) "Commodity Charge". A periodic charge levied on Users for use of the Public Water System on the basis of water consumption. The charge represents a portion of (a) that User's proportionate share of the fixed and variable Cost of Operation and Maintenance and (b) the benefit to that User derived from the use of the Public Water System. The charge may include a debt service component, as necessary, to pay all or a portion of the principal, interest and administrative costs of retiring Public Water System indebtedness.
 - (d) "Connection Fee". The charge imposed by the Village to regulate the connection of a Water Service connection, either directly or indirectly, to the Public Water System. This fee represents (a) the proportional cost attributable to each Structure in which Water Service is provided to regulate access to the Public Water System and ensures that sufficient capacity exists to accommodate the additional use without overburdening the Public Water System or adversely affecting the ability of the Village to provide service to the Public Water System's existing and future customers; and (b) the benefit to the owner of a Structure to which Water Service is provided derived from the connection to the Public Water System. See also Direct Connection and Indirect Connection.
 - (e) "Cross-Connection" means a connection or arrangement of piping or appurtenances through which a backflow could occur.
 - (f) "Designated Agent" means person or persons that have been designated by the Village Council to act on behalf of the Village in enforcing and/or monitoring this Ordinance.
 - (g) "Domestic User" means a person whose premises are domiciles for single or multiple family use.
 - (h) "Industrial User" means a person who operates a manufacturing or process facility that is engaged in producing a product.
 - (i) "Local Distribution Lines" means those pipes that serve only the abutting property within only one local service area.
 - (j) "Potable Water" means water intended for human consumption or prolonged bodily contact that 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 Van Buren County Health Department and the Michigan Department of Environment, Great Lakes, and Energy.

- (k) "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 parcel of property, including all structures located thereon.
- (l) "Public Water System or Water System". All Village or other publicly owned facilities and all subsequent additions and expansions, including wells, pumps, water treatment facilities, transmission and distribution mains, hydrants, storage tanks, meters, and all other facilities used or useful in the pumping, treatment, and distribution of public water to properties in the Village.
- (m) "Readiness to Serve Charge". A periodic charge levied on a User based upon the size of the User's public water meter. The charge represents a portion of (a) that User's proportionate share of the fixed and variable cost of operation and maintenance of the Public Water System and (b) the benefit to that User derived from the availability of the Public Water System and the peak usage that User may demand from the Public Water System. The charge may include a debt service component, as necessary, to pay all or a portion of the principal, interest and administrative costs of retiring Public Water System indebtedness.
- (n) "Secondary Water Supply" means a water supply system maintained in addition to a public water supply, including but not limited to water systems from ground or surface sources not meeting the requirements of Act No. 98 of the Public Acts of 1913, as amended, being Sections 325.201 to 325.214 of the Compiled Laws of 1948, or water from a public water supply which in any way has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility.
- (o) "Service Connection". The portion of the Public Water System which extends either to or onto the parcel of land adjacent to the path of the Public Water System, and includes the tee, valve, connector pipes, shut off valve, meter, and appurtenances, but not including the water piping on private property between the shut-off valve and the structure served.
- (p) "Structure". A building in which toilet, kitchen, laundry, bathing, or other facilities which need or are required to have Potable water for use for domestic, commercial, industrial, or other purposes.
- (q) "Submerged Inlet" means a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminants and which is unprotected against backflow.
- (r) "System" or "Water Distribution System" means the Village water supply and distribution system to water service customers within the Village.
- (s) "Village" means the Village of Decatur, Van Buren County, Michigan.
- (t) "User" means the owner, lessee or occupant of any premises connected to or served by the System.
- (u) "Water Connection" means that part of the water distribution system connecting the water main at the curb stop with the premises served.
- (v) "Water Main" means the primary and intermediate transmission and local distribution lines of the water distribution system.

2. Article II: GENERAL PROVISIONS

2.1 Administration:

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

(d) The Superintendent shall report monthly to the Council.

3. ARTICLE III: CONNECTIONS

3.1 Water Connection Required:

- (a) Connection Required. As a matter of public health, the owners of all improved premises in the Village that are used for human occupancy, employment, recreation, or other purposes, which require or need the use of potable water and which abut any right-of-way, easement, highway, street, alley, or public way in which there is located, or in the future may be located, and available water main or local distribution line of the System, are hereby required, at the owners sole expense, to directly connect all buildings and structures on the premises used for said purpose(s) to the water distribution system, provided that said water main or local distribution line is within 200 feet from the nearest point of a premises using or requiring potable water.
- (1) A separate and independent Service Connection shall be provided for every building. Where, however, one building stands at the rear of another on an interior lot and no private water is available or can be constructed to the rear through an adjoining alley, court, yard, or driveway, the Service Connection from the front building may be extended to the rear building and the whole considered as one Building Service upon application to and approval by the Village. Other exceptions may be allowed only by special permission granted by the Village Council acting as the Board of Appeals in accordance with Article X of this Ordinance.
- (2) Existing Structures that are connected to the Public Water System at the time of adoption of this Ordinance will not be required to modify an existing Service Connection to comply with Section 3.1.a.1 unless the Structure undergoes a change in use, ownership, or as may be directed by the Village as required to protect public health.
- (b) Connection Deadline. When connection to an available water main or local distribution line is declared a necessity by the Village for the public health and welfare, or as required under this Ordinance, all such connections required hereunder shall be completed no later than 180 days after the last to occur of (i) the date the water main or local distribution line becomes available to the premises, or (ii) the modification of a building so as to become a building using or requiring potable water. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Notwithstanding the preceding, if the Village Council or Health Department requires completion of a connection within a shorter period of time for reasons of public health, such connection shall be so completed. Persons who fail to complete a required connection when required shall be liable for a penalty equal in amount to the Availability Charge and Commodity Charge that, based upon similarly situated Customers, the System would have accrued and been payable, effective upon the expiration of the connection period, had the connection been made as required.
- (c) Enforcement in the Event of Failure to Connect to System. In the event a required connection is not made within the time provided by Subsection (b), 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 main or local distribution line 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 90 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.
- (d) Private Wells Prohibited. Except as otherwise provided by Section 2.1 (e), private water wells are prohibited on premises connected to the System. Pre-existing private water wells located on premises that are to be subsequently connected to the System shall be abandoned prior to or upon physical connection of the premises to the System. Wells shall be abandoned in accordance with applicable state law and Van Buren County Health Department regulations. Residential premises serviced by a permitted private well shall be allowed to maintain their well and postpone connecting to the System until such time

as their existing well fails. Once the private well fails the premises shall be required to connect to the System and abandon their existing well.

- (e) Exceptions. Notwithstanding Section 2.1.d, private water wells may be maintained on premises that are connected to the System where (i) the premises maintains a closed geothermal heating system and the private well is an integral part of said system, or (ii) the premises are required by applicable federal or state law, regulation, or order to monitor groundwater on the premises, and the well is used for groundwater monitoring purposes only. Any such private well must be physically and completely separated from all plumbing used for potable water. All piping for private water wells is subject to the cross-connection provisions of this Ordinance.

3.2 Service Connections:

- (a) Permit Application. Before any connection is made to any water main, application for a permit must be made in writing by the owner of the premises to be served, or by his, her or their authorized representative at the office of the Village Clerk.
- (b) Length of Permits. Any water connection permit issued by the Village shall be valid for a period of three (3) years from the date of issuance. Following the expiration of the three (3) year period, a water connection permit may be continued to be held for as long as the holder of the permit pays a periodic ready to serve charge for all permitted but not yet active water use equivalents. The amount and frequency of the payment of such charges shall be established from time to time by resolution of the Village. The failure of a permit holder to make a ready to serve charge payment within 30 days of its due date will result in the revocation of the permit.
- (c) Inspection. A connection permittee shall notify the Inspector 48 hours in advance of when the Water Connection and Service Connection are ready for inspection. The excavation shall be left open until the inspection is complete. If the Inspector determines that the Water Connection and Service Connection have been constructed and installed in accordance with the requirements of the permit and this Ordinance, a water connection approval shall be issued and the Water Connection shall then be connected with the Public Water System under the observation of the Inspector.
- (d) Plan Review/Inspection. If the Village determines that the standard application/inspection fees will not cover the actual costs for review of a water plan or inspection of a water connection, or that it is necessary or advisable to have any portion of the plan reviewed or inspected by other engineers or other consultants, then the applicant shall be required to pay the actual costs of this additional review or inspection. Such actual costs shall be billed to and paid by the applicant, and no occupancy permit shall be issued or maintained for the subject premises until such actual costs have been paid in full.
- (e) Escrow Deposit. The Village may require an applicant to deposit an amount equal to the estimated actual costs associated with the review of an application or an inspection. This amount shall be held in escrow in the applicant's name and may be used solely to pay the actual costs associated with the subject application or inspection. Any unexpended funds held in escrow shall be returned to the applicant, without interest. Any actual costs in excess of the amount held in escrow shall be billed to the applicant and no occupancy permit shall be issued or maintained for the subject premises until such actual costs have been paid in full.
- (f) Installation Requirements:
 - (1) All service pipes on either public or private property shall be laid on solid ground not less than four feet below the established grade of the street. Service pipe laid in the same trench with a sewer shall be at least 18 inches distant from the sewer horizontally, and if the sewer is laid at a greater depth, shall be shelved into the bank to a solid bottom. In no case shall a service be laid on a fill.
 - (2) From the main to the water meter all service pipe shall be of copper, or other materials of like nature, not less than $\frac{3}{4}$ inch in diameter, approved by the Superintendent. Service cocks shall be of $\frac{3}{4}$ inch, extra heavy round way stop and waste type, placed 12 inches outside the sidewalk line. The curb box shall be set so that the cover is one above the grade and must be set on a brick or concrete foundation to prevent settlement.

- (3) A separate stop and waste cock shall be placed on the service pipe just inside the building wall on the influent side of the water meter. Such stops shall be equal in quality to the service cock.
- (4) The corporation cock, the service pipe from the main to the service cock, the service cock, and curb box will be provided in place and maintained by the water department after payment of the fee charged for a water connection permit, as established in accordance with section 3.2.j.
- (g) Installation Costs; Indemnification. All costs and expenses incidental to the installation of the Water Connection from the Building and the connection of the Water Connection to the Public Water System shall be borne by the owner of the property being connected. No such work shall be commenced before such owner obtains any necessary permission to work in the public right of way from the Village, County Road Commission, or MDOT, as the case may be. Said owner shall indemnify the Village from all loss or damage that may directly or indirectly be caused by the installation and connection of the Water Connection and the installation and connection of the Water Connection to the Public Water System.
- (1) Contractor Requirements. Any person desiring to construct a Service Connection or connect a Water Connection to a Service Connection or uncover, make any connection with or opening into, use, alter or disturb any Public Water or appurtenances thereof, must be approved by the Village. Approval may include placing a deposit with the Village, a cash bond or irrevocable letter of credit in the sum of \$5,000, conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules codes, and regulations established under the authority of the Village pertaining to water services and plumbing. This bond shall state that the Person will indemnify and save harmless the Village and the owner of the Premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistakes or negligence on his part in connection with the installation and/or connection as prescribed in this Ordinance. Such bond shall remain in force for the duration of the work, except that, upon completion, the bond shall remain in force as to all penalties, claims, and demands that may have accrued thereunder prior to such expiration. The approval process shall also provide to the Village, evidence of public liability insurance insuring the interests of the Village, the property owner, and all Persons, for all damages caused by accidents attributable to the work, with limits of \$100,000.00 for one (1) Person, \$300,000.00 for bodily injuries per accident, and \$100,000.00 for property damages.
- (h) Change in Use of Premises. In the event there is an increase or change in the use of any particular multi-family, commercial, or industrial user's premises being served by the Public Water System, or a change in use from a single-family residential use to another type of use, additional connection charges consistent with the new or increased use shall be assessed and shall be payable in the same manner as a water use charge when billed. This charge shall be based upon the difference of the then applicable connection charges for the new or increased use and the then applicable connection charges for the immediately preceding use.
- (i) No Refunds. There shall be no refund of any water connection charges paid to the Village under this ordinance or any predecessor thereof.
- (j) Connection Fee. After the permit for a service connection has been granted, and before the connection is made, the owner shall pay a connection permit fee as determined from time to time by resolution of the Village Council.
- (k) Meters. Water meters shall be installed by the Village unless otherwise provided by resolution of the Village Council. All meters and water connections shall be the property of the Village.
- (l) Water Service. Water service will not commence until payment in full for the installation has been made to the Village. Construction of a water service line shall be done as expeditiously as possible after written notice to proceed, but the time for construction shall be at the convenience of the Village.

3.3 Institution of or Restarting Water Service. Written notice given not less than 48 hours in advance shall be made to the Village by the property owner and/or occupant of the premises when water service is desired to be activated. It shall be unlawful for any person to connect to or use water supplied by the Village without first giving notice as provided herein. The Village reserves the right to require that an amount of money equal to an anticipated bill for three months of water service be placed on deposit with the Village for the purpose

of establishing or maintaining any customer's credit. No person, other than an authorized employee of the Village, shall turn on or off any water service, except that a licensed plumber may, with the prior express approval of the Village, turn on water service for testing his work (after which it must be immediately turned off) or upon receiving a written order from the Village; provided, that upon written permission from the Village, water may be turned on for construction purposes upon payment to the Village of the charges applicable thereto.

3.4 Meters:

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

3.5 Access to Meters. The Village shall have the right to shut off the supply of water to any premises where the Village is not able to obtain access to the meter. Any qualified employee 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 the same and no person shall hinder, obstruct, or interfere with such employee in the lawful discharge of his duties in relation to the care and maintenance of such water meter.

3.6 Curb Box. No person shall remove the cover from any curb box or place any dirt, stone or other obstruction in it or tamper with any meter or valve or commit any act tending to obstruct the use thereof.

3.7 Injury to Facilities. No person, except an employee of the Village in the performance of his duties, shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the water distribution system.

3.8 Reimbursement for Damage. Any damage which a meter may sustain resulting from carelessness of the owner, agent, or tenant or from neglect of either of them 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 on presentation of a bill therefor; and in cases where the bill is not paid, the water may be shut off and shall not be turned on until all charges have been paid to the Village.

- 3.9 Responsibility for Damages.** The Village will not be responsible for any damages because of failures of or within the System, or actions by the Village to correct such failures.
- 3.10 Water Leakage.** It shall be the responsibility of the owner to repair any leaks between the meter and the curb valve within 72 hours of notice by the Village or an additional fee shall be charged for water loss. Water leakage within the structure that is metered shall be billed and paid unless the leakage is due to a sudden, one-time event and is reported to the Village within thirty (30) days.
- 3.11 Hydrant Use.** No person, except an employee of the Village in the performance of their duties or by such persons as may be specifically authorized by the water department, shall open or use any fire hydrant, except in case of emergency, without first securing a written permit from the Village and paying such charges as may be prescribed by the Village.
- 3.12 Unlawful Connection.** No person shall make a connection on a service line between the water meter and the street mains, or install a by-pass around the meter.
- 3.13 Cross-Connections Control.** The Village shall eliminate and prevent all cross-connections pursuant to the plan submitted to and approved by the Department of Public Health, pursuant to the requirements of Sections 325.11401 through 325.11407 of the 1979 Michigan Administrative Code, as the same may be amended from time to time.

(a) Cross-Connections Prohibited:

- (1) A cross-connection shall not be made between the water distribution system and secondary water supply.
 - (2) A cross-connection shall not be made by submerged inlet.
 - (3) A cross-connection shall not be made between the water distribution system and piping which may contain sanitary waste or a chemical contaminant.
 - (4) A cross-connection shall not be made between the water distribution system and piping immersed in a tank or vessel which may contain a contaminant.
- (b) Inspections. It shall be the duty of the Village to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Village.
- (c) Testing. All testable backflow prevention devices shall be tested initially upon installation to be sure that the device is working properly. Subsequent testing of devices shall be conducted at a time interval specified by the Village and in accordance with the Michigan Department of Environment, Great Lake, and Energy (EGLE). Only individuals approved by the Village and certified by the State of Michigan shall be qualified to perform such testing. Such individuals shall certify the results of their testing to the Village.
- (c) Right of Entry. The representative of the Village shall have the right to enter at any reasonable time any property served by a connection to the water distribution system for the purpose of inspecting the piping system or systems thereof for cross-connections. On request, the owner, lessees or occupants of any property so served shall furnish to the Village any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when reasonably requested, shall be deemed evidence of the presence of cross-connections.

3.14. Protection of Water Supply.

The potable water supply made available on the premises served by the System shall be protected from possible contamination as specified by this ordinance and by the State of Michigan's and any other applicable plumbing codes. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the water distribution system must be labeled in a conspicuous manner as "WATER UNSAFE FOR DRINKING".

3.15. Discontinuance of Service.

- (a) The Village is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this Ordinance exists and to take such precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service to such property shall not be restored until such violation has been corrected or eliminated in compliance with the provisions of this Ordinance.
- (b) In the event a water customer desires water service to be discontinued, said customer shall so request in writing not less than 48 hours prior to time of such discontinuance of service is desired. The Village will not recognize the discontinuance of water service unless the provisions of the foregoing sentence have been fully met. Under any other circumstances, discontinuance of service will be charged to the customer at the actual cost of labor, materials, and equipment. The Village may refuse or discontinue water service for any violation of any rule, regulation, or condition of service.

3.16. Shut off of Water. The Village reserves the right at all times (and will endeavor to give due notice) to shut off the water at the water mains or local distribution lines or to require reduced use or no use of the System for the purpose of making repairs or extensions or for other purposes. All persons having equipment on their premises and depending on water from the water-mains or local distribution lines are hereby cautioned against the danger which might arise from emergency shutting off of the water. In the event of such an emergency, the Designated Agent may designate in any notice the extent of any regulation, limitation, or prohibition and the date and time on which it shall take effect.

3.17 Additional Regulations. The Village Council may make and issue additional rules and regulations concerning the water distribution system, connections thereto, meter installations and maintenance, connection and meter installation fees, hydrants and water mains and the appurtenances thereto, not inconsistent herewith. Such rules and regulations shall be effective upon approval by the Village Council.

3.18 Other Laws. If any other ordinances of the County or Village or any statutes of the State of Michigan shall impose greater restrictions than herein set forth, then such ordinances or statutes shall control.

4. ARTICLE IV: CONTROLLED USE

4.1. Limitation of Water Use. The Village Council, may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for firefighting. No such regulation, limitation or prohibition shall be effective until twenty-four (24) hours after the publication thereof in a newspaper of general circulation in the Village, except in an emergency as may be deemed by the Designated Agent. In the case of such emergency the regulation, limitation or prohibition shall be and take effect as indicated by the Village Council and notice shall be given on a local radio station. Any person violating such rule or regulation shall, upon conviction thereof, be punished as prescribed in this ordinance.

5. ARTICLE V: WATER RATES

5.1. Basis of Charges. Except as otherwise provided in this ordinance, all water service shall be charged for on the basis of water consumed as determined by the meter installed in the premises of water customers by the Village.

5.2. Water Rates and Charges:

- (a) Water rates and charges shall be levied monthly against each premises having any water connection to the water distribution system.
- (b) Said water rates and charges shall be based on a readiness to serve (RTS) fee and on the quantity of water used on or in the property, as measured by the water meter therein used, except as otherwise provided. If a meter cannot be read, an estimated charge will be made and adjustment, if necessary, will be made when the meter reading can be obtained. Rates and charges for users shall be in amounts to be established from time to time by the Village Council.

- (c) Before the water may be turned on for any premises located within the Village of Decatur Corporate Limits the owner shall deposit with the Utility Billing Clerk a “guaranteed deposit” in an amount to be established from time to time by the Village Council. No interest shall be paid to depositors on said deposits. Said deposits shall be held by the Village of Decatur, Michigan as a guaranty of payment for water used and for the protection of the Village of Decatur against any damage to the service pipe, service cock, stop box and water meter by the owner or occupant. Such a guaranteed deposit shall be refunded to the depositor upon final termination of the water service and upon payment of all charges for water or damage by the said depositor.
- (d) Upon the vacancy of any premises, the water will be turned off at the service cock and the meter may be removed by the Decatur Water Department only upon the written request of the owner of said premises addressed to the Decatur Water Department, 114 N. Phelps Street, Decatur, MI 49045. The water will be turned on again and the meter reinstalled upon the written request of the owner of said premises and upon payment of the turn-on fee, as established from time to time by the Village Council, and the restoration of the aforesaid guaranteed deposit. In the event said premises are left unoccupied and the owner does not request the Water Department to turn off the water no allowance will be made for any water registered by the water meter that may leak or waste through the plumbing or fixtures of said premises.
- (e) Any charges remaining unpaid shall be charged against the real property on which the service was rendered, and may be spread on the next regular Village ad valorem property tax roll after the date on which such charge shall become due and payable, and shall become a lien of the same character and effect as the lien created by State of Michigan and County taxes until paid.

5.3. Billing, Penalties, and Remedies for Nonpayment or Late Payment.

- (a) The owner of the premises serviced and the occupants thereof shall be jointly and severally liable for the water service provided to said premises.
- (b) Bills for rates and charges as herein established shall be mailed to users monthly. All bills shall be payable on the 20th day of the month following the period of service and shall payable to the Village. If any bill shall not be paid by the 20th of the month in which it is due, a late charge as established from time to time by the Village Council shall be applied to the current amount past due and collected therewith. If the charges for said water are not paid within fifty (50) days after the date of said bill then the water may be turned off for any premises against which such charges have not been paid, and the amount of the unpaid balance may be deducted from the deposit provided for in section 5.2.c. When so turned off, the water shall not be turned on again until all delinquent charges have been paid, including the guaranteed deposit hereinafter provided in section 5.2.c and, in addition, a turn-on fee, as provided for in section 5.2.d, has been paid to the Utility Billing Clerk.
- (c) Water service may be discontinued to any premises to enforce the payment of rates and charges after the user has been given the opportunity for a hearing before the Village Manager to show cause why service should not be discontinued. Services so discontinued shall not be restored until such time as all the rates, charges, and penalties are paid or satisfactory arrangements made for the payments thereof.
- (d) Delinquent bills may be collected by any method authorized by the law including, without limitation, making such amounts due to a lien on the premises served.

5.4. Meter Failure. If any meter shall fail to register properly, the Village shall estimate the consumption on the basis of former consumption and bill accordingly.

- (a) Inaccurate Meters. A user may require that the meter be tested. If the meter is found accurate, a charge as set from time to time by the Village Council will be made. If the meter is found defective, it shall be repaired or an accurate meter installed and no charge shall be made.
- (b) Accuracy Required. A meter shall be considered accurate if, when tested, it registers not to exceed five percent (5%) more to five percent (5%) less than the actual quantity of water passing through it. If a meter registers in excess of five percent (5%) more than the actual quantity of water passing through it, it

shall be considered "fast" to that extent. If a meter registers in excess of five percent (5%) less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.

- (c) Bill Adjustment. If a meter has been tested at the request of a user and shall have been determined to register "fast," the Village shall credit the consumer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by said consumer, within the three (3) months prior to the test, and if a meter so tested is determined to register "slow," the Village may collect from the consumer a sum equal to the percent "slow" multiplied by the amount of the bills incurred by the consumer for the prior three (3) months. When the Village, on its own initiative, makes a test of a water meter, it shall be done without cost to the consumer, other than his paying the amount due to the Village for water used by him as above provided, if the meter is found to be "slow."

6. ARTICLE VI: WATER DISTRIBUTION LINES

6.1 Water Mains.

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

7. ARTICLE VII: ENFORCEMENT

- 7.1 Penalties for Violation of Ordinance.** Whoever violates or fails to comply with any provision of this ordinance shall be fined up to Five Hundred Dollars (\$500.00), imprisoned not more than ninety (90) days, or both. A separate offense shall be deemed committed each day during or which a violation or noncompliance occurs or continues.
- 7.2 Civil Action.** The Village may institute any action at law or equity to compel compliance with this ordinance or to collect amounts due under this ordinance. If such action is instituted the Village shall recover the costs and expenses incurred to bring and maintain the action including, without limitation, actual reasonable attorneys' fees.
- 7.3 Lien.** All rates, fees, and charges billed or due hereunder including those due pursuant to section 6.2 hereof shall to the extent permitted by law be liens upon the premises served from the delivery of such service which shall be enforceable in the same manner as ad valorem property tax liens.

8. ARTICLE VIII: REPEAL

- 8.1** Ordinance #176, #193, and all other ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

9. ARTICLE IX: SEVERABILITY

- 9.1** If any section, clause, sentence or provision of this Ordinance is determined to be invalid, said invalidity shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

10. ARTICLE X: PUBLICATION; EFFECTIVE DATE

- 10.1** **Publication.** A true copy or a summary of this Ordinance shall be published in The Decatur Republican, a newspaper of general circulation within the boundaries of the Village qualified under state law to publish legal notices within thirty (30) days after the adoption of the Ordinance by the Village. This Ordinance shall be recorded in the minutes of the Village Council of the meeting at which this Ordinance was adopted and, in addition, shall be recorded in the Ordinance Book of the Village.
- 10.2** **Effective Date.** This Ordinance shall be in full force and effect on the 1st of May 2020.

Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan on this 2nd day of March 2020.

Ali Elwaer, Village President

Kimberly Babcock, Village Clerk & Treasurer

CERTIFICATION

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

I, the undersigned, the duly qualified and acting Clerk of the Village of Decatur, Van Buren County, Michigan, do hereby certify that the foregoing Ordinance was adopted by Village of Decatur at a Regular Village Council meeting duly held on the 2nd day of March 2020 and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance in the Decatur Republican on the ____ day of _____, 2020.

Kimberly Babcock, Village Clerk & Treasurer