

CITY OF GRANT

COUNTY OF NEWAYGO

At a regular meeting of the City Commission of the City of Grant, County of Newaygo, Michigan, held in the City Hall in said City, on Monday, June 13, 1994, at 6:30 p.m. Local Time.

PRESENT: Members: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: Members: \_\_\_\_\_

It was moved by Member Dux and seconded by Member Warne that the following Ordinance be adopted.

ORDINANCE NO. 35

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

Upon roll call vote, the vote upon the motion adopting said Ordinance was as follows:

YEAS: Members: \_\_\_\_\_

NAYS: Members: \_\_\_\_\_

The City Clerk declared the Ordinance adopted.

The following is Ordinance No. 35 as adopted:

ORDINANCE NO. 35

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

THE CITY OF GRANT ORDAINS:

ARTICLE I

Short Title

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

ARTICLE II

Definitions

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

Section 201. "Act 307 Area" means that area of the City for which the State of Michigan has paid the initial construction costs for construction of the System and has installed Service Lines to address contamination of private wells.

Section 202. "Approved" means approved by the City.

Section 203. "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 204. "Backflow Preventer" is a device to prevent Backflow.

Section 205. "City" means the City of Grant or its authorized employees or agents.

Section 206. "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 207. "Commodity Fee" is a quarterly charge levied on Customers on the basis of water consumption for Operation, Maintenance and Replacement Costs and debt service on City revenue bonds issued to pay for the System.

Section 208. "Connection Charge" means the amount charged to an applicant for water service to cover the administrative costs of the City, the cost of a 5/8 inch x 3/4 inch diameter meter and its installation by the City or its agents and related costs.

Section 209. "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 210. "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 "Back-flow".

Section 211. "Customer" means the Person who owns or, subject to the limitations of Section 1112 below, leases any Premises which are connected to the Water System.

Section 212. "Fire Hydrant Fee" is the charge made by the City 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 213. "Health Hazard" is any condition, device or practice in the Water System and its operation which creates, or, in the judgment of the City, 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 214. "Hydrant Rental" is the rate paid by the City for unmetered public fire hydrants and the unrestricted right to use the hydrants to provide fire protection to the residents of the City.

Section 215. "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 216. "Inspection Fee" means the amount charged to each applicant by the City at the time an application is made to the City for connection to the System to cover the routine cost of inspecting and approving the physical connection of a Service Line to the System and the issuance of a connection permit.

Section 217. "Inspector" means a person authorized by the City to inspect connection of Service Lines to Service Connections.

Section 218. "May" is permissive.

Section 219. "Meter" means an instrument for measuring the rate of flow of Public Water.

Section 220. "Miscellaneous Customer Fee" means an amount charged to Customers for miscellaneous services and related administrative costs associated with the Water System.

Section 221. "Nonpotable" refers to water that is not safe for human consumption or that is of questionable potability.

Section 222. "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 223. "Person" means any individual, firm, company, association, society, corporation, or group.

Section 224. "Plumbing System" includes the water supply and distribution pipes, plumbing fixtures, and traps; soil, waste and vent pipes; building drains and building sewers, 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 225. "Potable" refers to water free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the Federal Drinking Water Standards or to the regulations of the Michigan Department of Public Health.

Section 226. "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 City 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 227. "Public Water" is water provided by the Water System.

Section 228. "Readiness to Serve Fee" is a quarterly charge levied on Customers based upon the size of a Customer's Meter for Operation, Maintenance and Replacement Costs and debt service on City revenue bonds issued to pay for the System.

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 City mains to the property line.

Section 233. "Service Line" means a pipe connected to the Service Connection and extending from said connection into the Premises supplied with Public Water.

Section 234. "Shall" is mandatory.

Section 235. "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 236. "Treasurer" means the City Treasurer or his or her authorized deputies, assistants or agents.

Section 237. "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 238. "Unmetered Fire Protection Fee" is the annual charge to a Customer for an Unmetered Fire Protection Connection to the System.

Section 239. "Water Supply Rates and Charges" shall include the Connection Charge, Inspection Fee, Readiness to Serve Fee, Unmetered Fire Protection Fee, Fire Hydrant Fee, Commodity Fee and Miscellaneous Customer Fee.

Section 240. "Water System" or "System" means all facilities of the City and all subsequent additions, including wells, pumps, mains, hydrants, storage tanks, Meters, Service Connections and all other facilities used or useful in the pumping, treatment, and distribution of Public Water.



## ARTICLE III

### Operation and Maintenance

Section 301. Operation and Maintenance of System. The operation, maintenance, alteration, repair and management of the Water System shall be under the supervision and control of the City. The City 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 it 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 X.

Section 304. Right to Restrict Use of Public Water. The City 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 City to order the immediate and complete abatement of a public nuisance or menace to the public health.

## ARTICLE IV

### Use of Public Water

Section 401. Mandatory Connection. As a matter of public health, the owners of all improved Premises in the City which are used for human occupancy, employment, recreation or other purposes, which require the use of Potable Water and which abut any right-of-way, easement, highway, street, or public way in which there is now or hereafter located a public water main that is not more than 200

feet from the nearest point of a structure used for said purposes, are hereby required to connect said Premises to the Water System in accordance with this Ordinance.

Section 402. Connection Deadline. As a matter of public health, all connections to the Public Water System required hereunder, shall be completed no later than six (6) months after the date of official notice by the City to make said connections. Newly constructed structures required to connect shall be connected prior to occupancy thereof. 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. In addition, the City reserves the right to file an appropriate action in a court of applicable jurisdiction to seek injunctive or other appropriate relief to compel such connections.

Section 403. Private Water Wells. No new water wells may be drilled on Premises to which Public Water is available within the meaning of Section 401. In the Act 307 Area, all existing private water wells shall be abandoned and plugged, in accordance with applicable State and County laws and regulations, upon connection with the Water System. Outside of the Act 307 Area, existing water wells on Premises required to be connected to the Water System may be used for lawn watering, irrigation, automobile or equipment washing, as a source of water for a building's heating or cooling system or for similar purposes not involving human consumption or prolonged bodily contact with such Non-potable water and to the extent permitted by the Newaygo County Health Department, agricultural processing. Any fixtures connected to such non-public water systems shall only be located outside of structures intended for human occupancy, employment, recreation or similar purposes. Notwithstanding Article X of this Ordinance, piping connected to a private water well shall be physically and completely separated from all plumbing used for Public Water.

## ARTICLE V

### Connection Procedures

Section 501. Permit. Service Connections shall be installed only at the Customer's expense by the City or by an Approved contractor and only after approval of the permit application by the



City. 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 City in form acceptable to the City in the amount of \$3,000 which indemnifies the City and its authorized representatives from any loss resulting from said installation or construction. Provision of such surety bond shall in no way 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 City. The application must be accompanied by payment in full of the Connection Charge, Inspection Fee 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. The installation must be inspected by the City 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 City. 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 City or its authorized representatives.

Section 508. Discontinuation of Service. The City 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 City, even though the ownership of the adjacent Premises may be the same; provided, however, that in the event a single Premises has two or more freestanding buildings to be served by the System, each building shall have a separate Service Connection and Meter. (This section shall not apply to a mobile home park.)

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 City at the Customer's expense.

Section 511. Act 307 Area. Sections 501 and 502 shall not apply to Premises which will be connected to the Water System at the expense of the State of Michigan within the Act 307 Area.

## ARTICLE VI

### Meters

Section 601. Use and Installation of Meters. The Public Water used by each Customer shall be metered. The City will furnish and install an ordinary domestic meter. For larger meters, the City will furnish and install only the meter and readout, and the Customer must furnish the meter horn and valve. The Meter will be tested and maintained by the City at the Customer's expense and shall remain the property of and under control of the City.

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 City. Larger sizes may be required for an Industrial Customer, a Commercial Customer or multiple dwelling use.

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

Section 604. Access to Meter. The City 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 City 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 upon presentation of the bill therefor. The same shall be collected in the same manner as any Miscellaneous Customer Fee.

Section 606. Failure of Meter. If any Meter shall fail to register properly, the City 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 City 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 City 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.

## ARTICLE VII

### 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 City, except in the case of an emergency, without first securing a "Permit to Use Fire Hydrant" from the City and paying a Fire Hydrant Fee in the amount established from time to time by resolution of the City Commission. Application for said permit shall be made on a form supplied by the City. Authorized representatives of the City shall turn the hydrant on and off and install a portable Meter 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. City Approval of Hydrant Specifications. The City 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 City, the City is hereby authorized and empowered to remove said obstruction and charge the cost of said removal to said Person.

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

## ARTICLE VIII

### Water Main Extensions

Section 801. Requirements for Extensions. Extension of or changes in the Water System may be initiated by the City or by written request, including petitions, from property owners. The City 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.

## ARTICLE IX

### System Use

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

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. City Right to Stop Service; Emergencies. The City 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 City 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 City 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 City, nor shall the City 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 City 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 City 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 City therefor and for the loss of Public Water caused thereby and shall be responsible for any damage caused by escaping water.

## ARTICLE X

### Cross-Connections

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

Section 1002. Control Program. The City 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 Public Health for review and approval. After the plan has been approved by the Michigan Department of Public Health, the City 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 City will inspect, routinely, such devices and, if found to be defective or inoperative, shall require replacement thereof.

Section 1004. City Approval Required. The Customer shall obtain prior written approval from the City before taking or installing any proposed corrective action or protective device. The total time allowed for completion of corrections ordered by the City 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 City 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 City 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 annual basis. Records of the test as well as records of repair shall be provided to the City by the Customer.

Section 1009. Discontinuation of Service Due to Cross Connection. The City is hereby authorized to discontinue water service after reasonable notice to any Premises where a Cross Connection exists. The City 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.

Section 1010. Health Hazard. The City 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 XI

### Water Supply Rates and Charges

Section 1101. Public Utility Basis. The System shall, as far as possible, be operated and maintained by the City 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 that of the City.

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 quarterly at the rate established by resolution of the City Commission from time to time.

Section 1103. Commodity Fee. Customers shall pay a Commodity Fee based on metered water service, to be paid quarterly, at the rate established by resolution of the City Commission from time to time. At the discretion of the City Commission, the Commodity Fee may contain a separately itemized component for the cost of City compliance with the Safe Drinking Water Act and other applicable governmental mandates.

Section 1104. Connection Charge; Inspection Fee. The owner of a Premises who applies for connection of the Service Line to the

System shall pay a Connection Charge and an Inspection Fee, as each shall be established by resolution of the City Commission from time to time. Customers who connect to the System within the initial six month connection period provided by Section 402, shall not be required to pay a Connection Fee. If a Service Connection was not installed by the City at the time of construction of the System, the owner shall also pay all costs attributable to the installation of a Service Connection in the manner provided by Article V, in addition to the Connection Charge.

Section 1105. Unmetered Fire Protection Fee. Customers who have an Unmetered Fire Protection Connection shall pay an annual Unmetered Fire Protection Fee established by resolution of the City Commission from time to time.

Section 1106. Hydrant Rental. Unmetered public fire hydrants will be maintained at the expense of the System. The City shall pay a Hydrant Rental annually at the rate established by resolution of the City Commission from time to time.

Section 1107. Miscellaneous Customer Fee. The City 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 and services to turn water service on and off. The Customer shall be charged a fee established by resolution of the City Commission from time to time whenever the City is requested by the Customer to turn on or off water service. Whenever the City is requested to provide turn-on or off services at times other than regular business hours of the City, there will be imposed an additional charge of labor and materials.

Section 1108. Billing and Collection. It shall be the duty of the City Treasurer to bill and collect all Water Supply Rates and Charges. The Treasurer shall mail each Customer a bill on or before the 1st day of the first month in the quarterly billing period. The bill shall separately itemize the Water Supply Rates and Charges payable. Payment of the bill is due and payable on or before the last day of the first month in the quarterly billing period. Payment of said bill shall be made at a location designated by the City Commission.

Section 1109. Late Payments. If Water Supply Rates and Charges are not paid on or before the due date then a time price

differential of 5.4% per quarter or fraction of a quarter shall be charged on the unpaid balance.

Section 1110. City Remedies. If Water Supply Rates and Charges are not paid on or before the due date, the City, 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 time price differential, penalties, interest and all expenses incurred by the City for shutting off and turning on the service, shall be paid to the City; (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 City 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 delinquent Water Supply Rates and Charges and time price differential thereon, together with an additional amount equal to 6% of the aggregate amount delinquent, on or before April 1, of each year, to the tax-assessing officer of the City, who shall enter the delinquent Water Supply Rates and Charges, time price differential, 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

City. 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 City 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 in the amount of \$100.00 for a dwelling unit. A larger security deposit may be required by the City 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 City against the unpaid balance, including time price differential, interest and penalties. Upon notification by the City, the tenant shall immediately make sufficient payment to the City 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 time price differential, interest and penalties. The security deposit shall be held by the City 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 cancelled or denied and/or water service disconnected by the City 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 time price differential, interest and penalties, and the turn-on charge has been paid. The City reserves the right as a condition to reconnect said service to request that a nominal sum of \$100 per dwelling unit be placed on deposit with the City for the purpose of establishing or maintaining any Customer's credit. A larger security deposit may be required by the City 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 City against the unpaid balance, including time price differential, interest and penalties. Upon notification by the City, the Customer shall immediately make sufficient payment to the City 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 time price differential, interest and penalties. The security deposit shall be held by the City 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 4 successive quarterly billing periods.

## ARTICLE XII

### Powers and Authority of City Employees or Representatives

Section 1201. City Representatives. Duly authorized employees or representatives of the City, 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 1202. Inspection of Plumbing System. Duly authorized employees or representatives of the City, 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 City 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 1203. Customer Safety Rules. While performing the duties in Sections 1201 and 1202 above, the duly authorized employees or representatives of the City shall observe all reasonable safety rules applicable to the Premises established by the Customer.

### ARTICLE XIII

#### Penalties

Section 1301. 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 1302. Notice of Violation. Except for those violations provided in Section 1301 hereof, any Person found to be violating any provision of this Ordinance shall be served by the City 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 1303. Misdemeanor. Any Person who violates Section 1301 or who shall continue any violation beyond the time limit provided for in Section 1302 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not to exceed Five Hundred Dollars (\$500) for each violation or shall be imprisoned in the County jail for a maximum of 90 days or shall be subject to both such fine and imprisonment. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 1304. Nuisance. Any nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The City, in the furtherance of the public health is hereby empowered to make all necessary repairs or take other corrective action necessitated by

such nuisance or violation. The Person who violated the Ordinance or permitted such nuisance or violation to occur shall be responsible to the City for the costs and expenses incurred by the City in making such repairs or taking such action.

Section 1305. Liability for Ordinance Violations. Any Person violating any of the provisions of this Ordinance shall become liable to the City and its representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the City by reason of such violation.

Section 1306. Remedies Cumulative. The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive.

#### ARTICLE XIV

##### Validity

Section 1401. 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 1402. 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 XV

##### Publication and Effective Date

Section 1501. Publication. This Ordinance or a summary thereof shall be published in *The Fremont Times Indicator*, a newspaper of general circulation in the City qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the City and such recording authenticated by the signatures of the Mayor and the City Clerk.

Section 1502. Effective Date. This Ordinance is hereby determined by the City Commission to be an emergency ordinance immediately necessary for the preservation of the public peace,

property, health, and safety of the City and shall become effective immediately upon its adoption and publication.

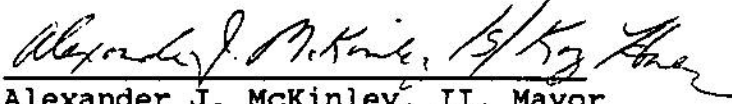
ARTICLE XVI

Amendment

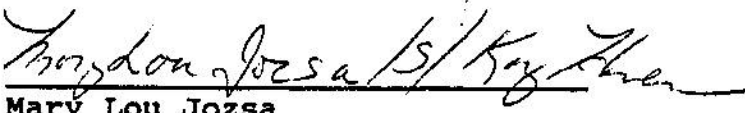
Section 1601. Amendments. The City specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease or otherwise modify any of the fees, charges or rates herein provided.

Section 1602. Review of Water Supply Rates and Charges. The City shall, as often as shall be necessary, and at least annually beginning in the City's fiscal year ending June 30, 1996, 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.

Passed and adopted by the City Commission of the City of Grant, County of Newaygo, Michigan, on June 13, 1994, and approved by me on June 13, 1994.

  
Alexander J. McKinley, II, Mayor  
City of Grant

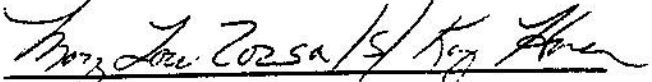
ATTEST:

  
Mary Lou Jozsa  
City Clerk

CERTIFICATE OF CITY CLERK

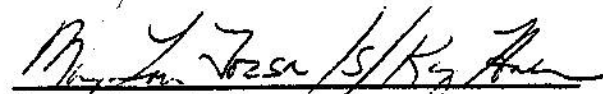
I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Commission of the City of Grant, County of Newaygo, State of Michigan, at a regular meeting held on June 13, 1994, and that public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267 of Public Acts of Michigan of 1976, as amended including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the City and such recording has been authenticated by the signatures of the Mayor and the City Clerk.

  
Mary Lou Jozsa  
City Clerk

CERTIFICATE OF PUBLICATION

I, Mary Lou Jozsa, City Clerk of the City of Grant, County of Newaygo, State of Michigan, hereby certify that the Water Use, Rate and Connection Ordinance (City Ordinance No. 35) or a summary thereof was published in *The Fremont Times Indicator* on May, 1994.

  
Mary Lou Jozsa  
City Clerk

H:\JKW\CLN\GRANT\ORDIN-35.1

6/13/94