



Village of Freeport
Ordinance # 38

An Ordinance to provide for the use and service and for the rates for service of the water distribution system of the Village of Freeport

The Village of Freeport, Barry County, Michigan hereby ordains:

Article I
Definitions

1.1 Definitions:

Village- shall mean the Village of Freeport, Barry County, Michigan

Village Council- shall mean the Governing body of the Village of Freeport

Premises- shall mean each lot or parcel of land, building, dwelling unit or apartment unit having any connection to the water Distribution System

Service Line- shall mean the line on the premises installed and maintained by user connecting the System to the premises.

System or Water Distribution System-shall mean the Village water Supply and Distribution System

Water Connection- shall mean that part of the Village water System connecting the System to the Service line at the curb or shut off valve.

Water Main- shall mean that part of the Village water System located within the easement lines designed to supply more than one (1) water Connection

Article II
Connections

2.1 Water Connection Required

The owner of each house, building or property used for human occupancy, employment, recreation or other purpose (the Premise) constructed subsequent to passage of the Ordinance and situated within the Village and abutting on any street, alley or right-of-way in which there is located a water main of the System within 200 feet of the closest property line, will, at the owners expense, connect such premises to the water distribution system of the Village of Freeport.

2.2 No Free Service

No free service shall be given to any user, private or public. All charges to each customer shall reflect the cost of providing that service.

2.3 Service Connections

Application for Water Connections shall be made to the Village on forms prescribed and furnished by it. Water connections, Service lines and water meters shall be installed in accordance with the specifications, rules and regulations of the Village and upon payment of the required Connection fees. Meters shall be installed by the Village unless otherwise provided by Resolution of the Village. All water meters and water connections shall be the property of the Village.

2.4 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 by, and at the expense of, the user as expeditiously as possible after written notice to proceed, but the time for connection of the service line shall be at the convenience of the Village. The Village reserves the right to require that an amount of money equal to anticipated bills for Three Quarters (3) of water service be placed on deposit with the Village for the purpose of establishing or maintaining any customer credit. No person, other than an authorized employee of the Village shall turn on or off any service, except a licensed plumber may, with the prior express approval of the Village, turn on water service for testing his work (then it must be turned off immediately following testing) or upon written permit from the Village. Water may be turned on for construction purposes upon payment to the Village of all charges applicable.

2.5 Main Extension

a. In cases where property owners request that the Village water mains are extended along a Public-right-of-way so as to accommodate the provisions of the initial Public water service onto their property and such a request is granted by the Village Council, Property owners shall be required to extend the Village's water main across the full breadth of their property's frontage along that public right of way, regardless of where the lateral service line connection with the main is to be located.

b. Such work shall be done by the Village or by the Village's authorized contractor according to Village specifications, at the property owners expense, except as the Village Council may grant a variance to accommodate specific topographical features of the land including, but not limited to, the obstructing presence of buildings, ravines, waterways or hills which would make such a main extension wholly or partially impractical and/or unnecessary for the public good.

c. The Village Council may also grant a variance limiting the length of the Main extension along and by a parcel's width or length to the distance of the applicable minimum lot width/site width specified in the Village Zoning District regulations or in the case of corner lots to only one of the two sides fronting on the right-of-way but only for a good cause.

2.6 Water Meters

All premises using water shall be metered, except as otherwise provided in this code. The Village reserves the right to determine the size and type of meter used. No person, except an authorized Village employee shall break or injure the meter. Each water meter shall be connected directly to the Village water system through its own service connection. Meters shall

be installed in an accessible location approved by the Village. The Village reserves the right to install remote meter reading equipment.

2.7 Meter Location

Meters shall be set in an accessible location and in the manner and place designated by the Village. Where the premise contains no basement or cellar or other suitable place for a meter, the meter may be installed outside in a meter pit subject to the approval of the Village, at the expense of the owner.

2.8 Access to Meters

The Village shall have the right to shut off the supply of water to any premise where there is not easy access to the meter. Any authorized Village employee shall, at all reasonable hours, have the right to enter the Premise where such meters are installed for the purpose of reading, testing, removing or inspecting the meter or for the purpose of inspecting any pipe or fixture connected to the Village water system. No person shall hinder, obstruct or interfere with such employee in a lawful discharge of his/her duties under the ordinance.

2.9 Responsibility of Meter

The owner of the premises upon which meter is installed is responsible for the same. If the meter is damaged or stolen, said incident must be reported to the Superintendent at once. The Village shall make all meter repairs and charge same to owner. If any damage occurs to the meter through the fault of the Water Main or Village employees or agents, repairs will be made at the expense of the Village.

2.10 Meter Failure

If any meter shall fail to register properly, the treasurer shall estimate the consumption on the basis of former consumption and adjust the bill accordingly.

2.11 Inaccurate Meter

A consumer may require that the meter be tested. If the meter is found defective, it shall be repaired or another meter installed, no charge shall be made.

2.12 Accuracy Required

A meter shall be considered accurate if it registers five percent (5%) or less deviation, either more or less than the 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.

2.13 Water Leakage

It shall be the responsibility of the owner to repair any leaks in the service line within 72 hours of notice by the Village or an additional fee shall be charged for estimated water loss. If a leak is not repaired the water may be shut off until the service line is repaired.

2.14 Unlawful Connections

No person shall make a connection on a service line between the water meter and the shutoff or install a by-pass around the meter or make any connection through which water may pass from one property or premises to another, even if ownership of the property or premises is the same.

2.15 Hydrant Use

No person, except an employee or agent of the Village or Fire Department in the performance of his duties shall open or use any fire hydrant except in case of emergency.

2.16 Responsibility for Damage

The Village shall not be responsible for any damages because of failures of the system, or actions by the Village to correct such failures.

Article III Cross Connections

3.1 Definitions

FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING DEFINITIONS SHALL APPLY:

Backflow- Shall mean water of questionable quality, wastes or other contaminants entering a Public water supply system due to a reversal of flow.

Cross-Connection- Shall mean a connection or arraignment of piping or appurtenances through which a backflow could occur.

Safe Air Gap- Shall mean the minimum distance of a water inlet or opening above the maximum high water level or overflow rim in fixture, device or container to which public water is furnished which shall be at least 2 times (2x) the inside diameter of the water inlet pipe but shall not be less than one inch (1") and need not be more than twelve inches (12").

Secondary Water Supply- Shall mean water supply system maintained in addition to a Public water supply including but not limited to water systems from ground to surface sources not meeting the requirements of Act 98 of Public Acts of 1913, as amended, being sections 325.101 to 325.214 of the Compiled Laws or water from a Public water Supply which in any way had been treated, processed or exposed or to any possible contaminant or stored in other than an approved storage facility.

Submerged Inlet- Shall mean a water pipe or extension thereto from a Public Water Supply 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.

3.2 Compliance with Existing Laws

A connection with a public water supply system shall comply with the existing laws and rules including Act No 2 of the Public Act of 1929, as amended and the provisions of the ordinance of the Village of Freeport.

3.3 Cross-Connection Prohibited

Connection of the public water supply system to any other supply system or source including but not limited to the following are prohibited:

- a. Between a public water supply system and a secondary water supply.
- b. By submerged inlet.
- c. Between a lawn sprinkler system and the public water supply system
- d. Between a public water supply system and piping which may contain sanitary waste or a chemical contaminant
- e. Between a public water supply system and piping immersed in a tank or vessel which may contain contaminants.

3.4 Local Cross-Connection Control Program

Freeport shall develop a comprehensive control program for the elimination and prevention of all cross-connections. The plan for the program shall be submitted to the Michigan department of Public Health. Freeport shall implement the program for the removal of all existing cross-connections and prevention of all future cross-connections.

3.5 Corrections and Protective Devices

Any user of the Freeport water System shall obtain written approval for the water department for any proposed corrective action or protective device before using or installing it. The total time allowed for completion of the necessary corrections shall be contingent upon the degree of hazard involved and include the time required to obtain and install equipment. If the cross-connection has not been removed within the time as hereinafter specified, the Village shall physically separate the Freeport Water Supply System from the on-site piping system in such a manner that the two systems cannot be again reconnected.

3.6 Piping Identification

A. When a secondary water source is used in addition to the Freeport Water Supply System, exposed Freeport water and secondary water piping shall be identified by distinguishing colors or tags and so maintained that each pipe may be traced readily and in its entirety.

B. If piping is so installed that it is impossible to trace in its entirety, it will be necessary to protect the Freeport water Supply at the service connection in a manner acceptable to the water department.

3.7 Elimination of Existing Cross-Connections

All existing cross-connections to the Freeport water Supply System shall be eliminated. The expense of such elimination shall be that of the owner of the property on which such cross-connection exists.

3.8 Inspection

The water department of the Village or any representative thereof shall have the authority to inspect any premises to determine the presence of an existing cross-connection and to order the elimination of such cross-connection.

3.9 Discontinuance of Water Service

The water department is hereby authorized to discontinue water service after reasonable notice to any person owning any property where a cross-connection in violation of this code exists. The water department may take such other precautionary measures as necessary to eliminate any danger of the contamination of the Village water supply system. Water service to such property shall not be restored until such cross-connection has been eliminated.

Article IV Regulation of Use

4.1 Regulation of Use

The Village 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 fire fighting.

A. 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 that such regulation, limitation or prohibition may take effect immediately in case of extreme emergency as may be determined by the Mayor of the village.

B. Any employee of the Village Water department or such other Village employee as may be designated in writing by the Village, shall be authorized to issue an appearance ticket in the event the designated person observes a violation of this chapter, including any regulation or prohibition issued hereunder.

4.2 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. The Village may designate in any notice the extent of any regulation, limitation or prohibition and the date and time of which it shall take effect.

Article V Additional Regulations

5.1 Additional Regulations

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

5.32 Other Laws

If any statutes of the state of Michigan shall impose greater restrictions than herein set forth, then such ordinances or statutes shall control.

Article VI
Water Rates, Charges and Delinquent Accounts

6.1 Definitions

For the purpose of this section, the following definitions shall apply:

Commodity Charge: Shall mean a charge payable by a user based on water consumption.

Connection Fee: Shall mean the charge imposed to defray a portion of the capitol costs of construction to the system.

Debt Service Charge: Shall mean the yearly portion required to repay debt obligation.

Meter Installation Fee: Shall mean the charge for the water meter, meter installation and necessary inspections.

Readiness to Serve Charge: Shall mean the charged imposed for the availability of the water from a distribution line.

Service Charge: Shall mean the minimum charge payable by the user for the provision of water service.

Tap on Fee: Shall mean the charge imposed to defray the cost of making a water connection.

User: Shall mean the owner, lessee or occupant of any premises connected to or serviced by the system.

6.2 User Pays Fees

The fees, rates and charges shall be paid by the users of the system as set forth in this section. The rates and charges shall be designated to produce revenues which are proportionate to the cost of providing water service to the users of the system. Such cost shall include but not be limited to the cost of operation, maintenance, replacement, depreciation, administration and a rate of return on the systems investment. No free water service shall be furnished to any user of the system.

6.3 Residential Equivalent Units

The assumed potential water demand of a typical single family residence is one Residential Equivalent Unit (REU). The number of Residential Equivalent Units assumed to be represented by any non-residential user of the system is established by the Village for each non residential user.

6.4 Connection fee

The connection fee for a Residential Equivalent Unit shall be established by resolution of the Village of Freeport and adjusted as the system's needs change also by resolution. A table of Residential Equivalent Units for various non-residential users shall also be adopted by resolution of the Village of Freeport and adjusted as the needs of the system change. The total connection fee for each customer shall be determined by the Village Clerk by multiplying the number of Residential Equivalent Units times the Residential Equivalent Unit connection fee. The connection fee shall be paid at the time that the zoning permit is issued. (for the purpose of this section, multi family facility shall mean mobile home parks and apartments building and or

complexes with more than four (4) apartments. With respect to mobile home parks, each site pad shall constitute a residential unit.)

6.5 Tap on Fee

The Tap on fee for a Residential Equivalent Unit shall be established by resolution of the Village of Freeport and adjusted as the system's needs change also by resolution. A table of Residential Equivalent Units for various non-residential users shall also be adopted by resolution of the Village of Freeport and adjusted as necessary by resolution. The total Tap on Fee for each customer shall be determined by the Village Clerk by multiplying the number of Residential Equivalent Units times the Residential Equivalent Unit connection fee. The tap on fee shall be paid at the time that the zoning permit is issued.

6.6 Meter Installation Fee

The meter installation fee shall be established by resolution of the Village of Freeport and adjusted as the system's need changes also by resolution. The tap on fee for each customer shall be determined by the Village Clerk by multiplying the number of Residential Equivalent Units times the Residential Equivalent Unit meter installation fee. The meter installation fee shall be paid at the time that the zoning permit is issued.

6.7 Debit Service Charge

The debt service charge will be levied quarterly as part of the water bill. The debt service charge for a residential customer using $\frac{3}{4}$ " or smaller meter will be established by resolution of the Village of Freeport and adjusted as the needs of the system change by resolution. The total charge for each customer shall be based on the water meter size as needed to provide service or the number of Residential Equivalent Units whichever is greater. A table of multipliers by meter size shall be established by resolution of the Village of Freeport.

6.8 Service Charge/Readiness to Serve Charge

A water service charge will be levied quarterly as part of the water bill. The charge for a residential customer using a $\frac{3}{4}$ " or smaller meter, will be established by resolution of the Village of Freeport and adjusted as the needs of the system change by resolution. The total charge for each customer shall be based on the same premise as the debt service charge. A water service charge shall be levied quarterly as part of the water bill. The charge will be based upon the same premise as the debt service charge.

6.9 Commodity Charge

The commodity charge is a charge for each one thousand (1000) gallons that passes through the water meter. The billing for the commodity charge shall be based upon the next whole 1000 gallon increment. The commodity charge will be established by resolution of the Village of Freeport and adjusted as the needs of the system change by resolution.

6.10 Hydrant Rental

The water system will charge the Village of Freeport two hundred and fifty dollars (\$250.00) each year on March 1st for each hydrant located on public property. The owners of private property wherein a hydrant is placed shall pay it like a charge.

6.11 Special Rates

For non-metered water services rendered or any other water service furnished, which is not covered by the above schedule, or miscellaneous service for which a special rate shall be established, such rates shall be fixed by the Village Council upon recommendation of the water committee.

6.12 Review of Rates and Charges

The Village Council shall annually review the rates and charges. A report of the system shall be prepared by the water committee prior to February 1, in each year and presented to the Council recommending rates and charges to assure that all costs of the system will be recovered from the users of the system.

6.13 Billing and Penalties

Bills for rates and charges as herein established shall be mailed to users quarterly. All bills shall be payable on the 20th day of the 2nd month following the period of service and shall be payable to the Village. If any bill shall not be paid as required, a late charge of ten percent (10%) of the amount billed shall be applied to the current amount past due and collected therewith.

6.14 Bill Adjustment

If a meter has been tested and shall be determined to register fast, the Village shall credit the consumer with a sum equal to the present fast multiplied by the amount of all bills incurred by said consumer within three (3) billing periods prior to the test. If a meter has been determined to be slow, the Village may collect from the consumer a sum equal to the percent 'slow' multiplied by the amount of all bills incurred by said consumer within the prior three (3) billing periods.

6.15 Delinquent Accounts

Should any monies owed to the Village for the use of the public water system be unpaid after the last day of the month in which the water bill is due, a shut off notice will be sent to the owner of the premises. If payment is not received by the Treasurer before the shut off date, the Village may collect the same by one or more of the following methods:

- a. Shutting off water service to the premises and a charge of twenty five dollars (\$25.00) shut off fee will be added to the next quarter billing
- b. Litigation
- c. Certifying the charge to the Village Assessor who shall assess the charge against the lot or parcel of land upon which is situated the premises served. The assessment shall then be collected or returned in the same manner as real property taxes.

6.15 Delinquent Leased or Rental Property Accounts

The owner of leased or rented property is liable for all unpaid water bills. The owner may absolve himself of this liability by providing three (3) items to the Village Clerk. They are:

- a. A copy of the lease or rental agreement stating the beginning and ending dates of the occupancy.
- b. A notarized affidavit advising the Clerk that the tenant or lessee is liable for the bill, and:
- c. Place a deposit of two hundred and fifty dollars (\$250.00) with the Village.

The water system of the Village of Freeport reserved the right to turn off the water to the leased or rented property when occupancy by the lessee or renter identified in the affidavit ceases. The water services will be activated only when all outstanding bills for service are paid.

6.17 Failure of the System

There shall be no reduction in the water rates or charges in case of failure of the supply of water regardless of the reason for the failure.

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 offence shall be deemed committed for each day during which a violation or non-compliance occurs or continues. The Village Council or such person designated by the Village Council may issue appearance citations for violation of this ordinance.

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 attorney's 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.

Article VIII Miscellaneous

8.1 The village clerk shall publish this ordinance in a newspaper of general circulation in the Village of Freeport, Barry County, Michigan

8.2 The Village reserves the right to amend, revise, repeal or supplement this ordinance

8.3 Any ordinances or resolutions or parts of same conflicting with this ordinance are hereby repealed

8.4 Each section of this ordinance and every paragraph of each section is hereby declared to be separable and the holding of any section or paragraph hereof to be void, ineffective or unconstitutional for any cause shall not affect any other section or part thereof.

8.5 This ordinance supersedes in its entirety Ordinance No. 28 entitled: An ordinance establishing rates, changes and rules for the service of the village of Freeport, Michigan water supply system and providing for other matter relative to said system.”

8.6 This ordinance shall take effect upon its publication in a newspaper of general circulation in the Village of Freeport.

Resolution No. 01-04
Village of Freeport
County of Barry
State of Michigan

Resolution to establish rates for the service of the water Distribution System for the Budget
Year 2004-2005

Minutes of a regular meeting of the Village Council of the Village of Freeport, Barry County,
Michigan, held in the Community Center Meeting Room in Freeport, Michigan on the Eighth
day of March, 2004 at 7:30 pm, local time.

PRESENT: Council Members: Lyle Blough, Lani Forbes, Sharon Madole,
Jerry Misko, Bruce Stearns, Renee Wierckz, Timothy Fish, Dorothy
Kelley and Yvonne Aspinall

ABSENT: None

The following preamble and resolution were offered by Bruce Stearns and
supported by Lyle Blough:

WHEREAS, the Village of Freeport Ordinance No. 38 requires the Freeport Village
Council to establish by Resolution the rates to be charged for water service, and

WHEREAS, a public hearing has been held at which time the public was given an
opportunity to comment on proposed water rates and said comments were taken into
consideration by the Village council;

Connection Fee for 1 Residential Equivalent Unit shall be charged \$1,250.00

Tap on Fee for 1 Residential Equivalent Unit shall be charged on a time and materials basis

Inspection Fee for installation of mains, service lines, meters, etc. by private contractors shall be charged on a time and materials basis

Meter Installation Fee for a 3/4" Meter shall be \$150.00

Debit Service Charge for 3/4" Meter shall be \$25.90 per quarter

Ready to Serve Charge for 3/4" Meter shall be \$25.70 per quarter

Commodity Charge for 3/4" Meter shall be \$2.25 per 1,000 gallons.

All customers of the water system shall be considered One Residential Equivalent Unit (REU)

The following un-metered customers will be billed as follows:

The Freeport Community Center:

Debit Service Charge and Ready to Serve Charge (51.60) per Quarter.

The Freeport Community Park::

Debit Service Charge and Ready to Serve Charge (51.60) per Quarter.

The Freeport Village Garage

Debit Service Charge and Ready to Serve Charge (51.60) per Quarter

The Freeport Fire Barn:

Debit Service Charge and Ready to Serve Charge (51.60) per Quarter.

BE IT FURTHER RESOLVED that all users of the Village Water System shall be billed on a quarterly basis.

YEAS: Council Members: Lyle Blough, Lani Forbes, Sharon Madole,

Jerry Misko, Bruce Stearns and Renee Wierckz, Timothy Fish

NAYS: Council Members: None

ABSENT: Council Members: None

RESOLUTION DECLARED ADOPTED.


Yvonne Aspinall
Village Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF BARRY)

I, Yvonne Aspinall, the duly qualified and acting Clerk of the Village of Freeport, County of Barry, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Freeport Village Council at a regularly scheduled meeting thereof held on the day of , the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No 267, Public Acts of Michigan, 1976, as amended, including in case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have affixed my official signature this 8 day of March , 2004.


Yvonne Aspinall
Village Clerk