



Village of Freeport
Ordinance # 45

ORDINANCE NO. 45

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

THE VILLAGE OF FREEPORT ORDAINS:

ARTICLE 1

SHORT TITLE; FINDINGS

1.1 Short Title.

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

1.2 Finding Re: Measure of Water Use by Metering of Water Supply.

The Village hereby finds that the metering of domestic water supply is the best available technology and preferred method for measuring with relative precision the use of the Water System.

ARTICLE II

DEFINITIONS

2.1 Definitions.

BACKFLOW-Shall mean the flow of water or other liquids, mixtures or substances into the Water system

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BACKFLOW-Shall mean 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.

COMMODITY CHARGE shall mean a periodic charge levied on customers for use of the System on the basis of water consumption. The charge represents a portion of (a) that Customer's proportionate share of the operation, maintenance and replacement costs of the System and (b) the benefit to that customer derived from the use of the System.

CONNECTION FEE shall mean the charge imposed by the Village to regulate the connection of a Service Line to a Water Connection. This fee represents (a) the proportional cost attributable to each Premises which requires the use of potable water to regulate access to the Water System and ensures that sufficient capacity exists to accommodate the additional use without overburdening the Water System or adversely affecting the Village's ability to provide service to the Water System's existing customers and (b) the benefit to the owner of a Premises which

requires the use of potable water derived from the connection to the Water System including, but not limited to, eliminating or reducing the risk of failure of private water wells and the contamination of ground water accessed by private water wells.

CROSS-CONNECTION- is any physical connection between the Water System and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system. Furthermore, it is any potable water supply outlet which is submerged or can be submerged in wastewater and/or any other source of contamination. See "Backflow."

METER INSTALLATION FEE shall mean the fee charged to cover the cost and installation of the public water meter and necessary inspections.

MISCELLANEOUS CUSTOMER FEE shall mean an amount charged to customers for miscellaneous services and related administrative costs associated with the Water System and not covered by the Water Rates and Charges, including additional fees for inspections required by the Village, expenses of plan review, damages caused by violation of this Ordinance, unauthorized connections, reimbursement for unauthorized water usage, and professional fees related to such matters, and similar expenses authorized by this Ordinance.

PREMISES shall mean each lot or parcel of land, building, dwelling unit or apartment unit having any connection to the Water System

READINESS TO SERVE CHARGE shall mean a periodic charge levied on customers based upon Units and represents a portion of (a) that customer's proportionate share of the operation, maintenance and replacement costs of the System, (b) the benefit to that Customer derived from the availability of the System, and (c) debt service on debt incurred to pay for the System.

RECEIVING FUND shall mean that certain depository account designated as the "WATER SUPPLY SYSTEM RECEIVING FUND" established pursuant to Ordinance No.45 for the deposit of all Water Rates and Charges imposed in accordance with this Ordinance.

SAFE AIRGAP-Shall mean 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 shall be a least two 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 a water supply system maintained in addition to the Water System including but not limited to water systems from ground or surface sources 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.

SERVICE LINE shall mean a pipe connected to the Water Connection and extending from said connection into the Premises supplied with public water.

SUBMERGED INLET-Shall mean a water pipe 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.

TAP ON FEE shall mean the amount charged by the Village to an applicant for water service to cover the cost of the installation of a Water Connection.

UNIT refers to an equivalent dwelling unit and means a standard basis for measuring the relative quantity of potable water typically used in conjunction with the occupancy of a free-standing single-family residential dwelling (but such term shall not necessarily be related to actual use arising from any particular dwelling). For purposes of the preceding sentence, historical water usage in the Village demonstrates that a free-standing single-family residential dwelling uses an average of 4,558 gallons of water each month. The assignment of Unit(s) to a particular customer shall be determined from time to time by the Village Council in accordance with Section 7.8, based upon available information and investigation of the use to which the customer's property is put. In the assignment of Units, each customer shall be assigned a minimum of one Unit and the number of Units in excess of the first Unit shall be rounded to the nearest whole number.

UNMETERED FIRE PROTECTION FEE is the periodic charge to a customer for an unmetered fire protection connection to the System.

VILLAGE shall mean the village of Freeport, Barry County, Michigan

VILLAGE COUNCIL shall mean the Governing Body of the Village of Freeport

WATER CONNECTION shall mean the corporation cock, service lateral, and curb stop that conveys public water from the Village mains to the property line of a Premises.

WATER MAIN shall mean that part of the Village Water System located within easement lines designed to supply more than one Water Connection.

WATER RATES AND CHARGES shall include the Connection Fee, Tap on Fee, Water Meter Installation Fee, Readiness to Serve Charge, Unmetered Fire Protection Fee, Commodity Charge and Miscellaneous customer Fee and interest and penalties thereon.

WATER SYSTEM OR SYSTEM means all facilities and all subsequent additions and expansions, including wells, pumps, transmission and distribution mains, hydrants, storage tanks, meters, Water Connections and all other facilities used or useful in the pumping, treatment, and distribution of public water and which in the aggregate constitute the Freeport-Water Supply and Distribution System

ARTICLE III CONNECTIONS

3.1 Water Connection Required

The owner of each house, building, or property used for human occupancy, employment, recreation or other purpose (the Premises) constructed subsequent to adoption of this ordinance which requires the use of potable water and is situated within-the Village, 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.

3.2 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.

3.3 Service Connections

Applications 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 Fee, Tap On Fee and Meter Installation Fee. All such fees shall be paid at the time of issuance of a building permit. 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.

3.4 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 nine (9) months 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 such 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.

3.5 Main Extension

(A) If a property owner requests that the Village Water Main be extended along a Public Right-of-Way so as to provide public water service to their property, and such a request is granted by the Village Council, the property owner shall be required to extend the Water Main across the full width 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, provided that 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. Owners of corner lots may be required to similarly extend the Village's public water mains along both of their property's frontages on the public right of way at the same time.

B.) Such work shall be done by the Village or by the Village's authorized contractor, according to village specifications, at the property owner's expense.

(C) The Village Council may also grant a variance limiting the length of the Water Main extension along any parcel's width or length to the distance of the applicable minimum lot width/site width specified in the Village Zoning Ordinance, to the extent that a specific lot width/site is required in the applicable 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 good cause.

3.6 Water Meters

All Premises using water shall be metered, except as otherwise provided in this ordinance. The Village reserves the right to determine the size and type of meter used. No person, except an authorized Village employee, shall install, repair or replace 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.

3.7 Meter Location

Meters shall be set in an accessible location and in the manner and place designated by the Village. Where the premises contain 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.

3.8 Access To Meters

The Village shall have the right to shut off the supply of water to any Premises where there is not easy access to the meter. Any authorized Village Employee 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 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 the lawful discharge of his / her duties under the ordinance.

3.9 Responsibility For Meter

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

3.10 Meter Failure

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

3.11 Inaccurate Meters

A customer 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.

3.12 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.

3.13 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.

3.14 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.

3.15 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.

3.16 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 IV CROSS CONNECTIONS

4.1 Rules

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

4.2 Cross-Connection Prohibited

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

- (a) Between a public Water System and a Secondary Water Supply.
- (b) By Submerged Inlet
- (c) Between a lawn sprinkler system and the public Water System.
- (d) Between the public Water System and piping which may contain sanitary waste or a chemical contaminant.
- (e) Between the public Water System and piping immersed in a tank or vessel which may contain contaminants.

4.3 Local Cross-Connection Control Program

The Village 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 Environmental Quality. The Village shall implement the program for the removal of all existing Cross-connections and prevention of all future Cross-Connections.

4.4 Corrections And Protective Devices

Any user of the Water System shall obtain written approval from the Village 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 public Water System from the on-site piping system in such a manner that the two (2) systems cannot again be connected.

4.5 Piping identification

When a secondary water source is used in addition to the Water System, exposed public Water System and secondary water piping shall be identified by distinguished colors or 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 it in its entirety, it will be necessary to protect the Water System at the water connection in a manner acceptable to the Village.

4.6 Elimination Of Existing Cross-Connections

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

4.7 Inspection

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 connections.

4.8 Discontinuance Of 'Water Service

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

ARTICLE V

REGULATION OF USE

5.1 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 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 that such regulation, limitation or prohibition may take effect immediately in case of extreme emergency as may be determined by the Village President.

Such 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 ordinance, including any regulation or prohibition issued hereunder.

5.2 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 VI

ADDITIONAL REGULATIONS

6.1 Additional Regulations

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

6.2 Other Laws

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

ARTICLE VII

WATER RATES AND CHARGES AND DELINQTIENT ACCOTJNTS

7.1 Public Utility Basis.

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

7.2 Readiness to Serve Charge.

Customers shall pay a Readiness to Serve Charge based on Units to be paid periodically, partially in advance and partially in arrears following the billing cycle described in Section 7.9, at the rate established by resolution of the Village Council from time to time.

7.3 Commodity Charge.

Customers shall pay a Commodity Charge based on metered water service for each one thousand (1,000) gallons that is metered, to be paid periodically in arrears, at the rate established by resolution of the Village Council from time to time. In lieu of the foregoing, the Village Council shall have the discretion to establish for non-metered customers, by resolution from time to time, a Commodity Charge on a per Unit basis with a minimum assignment of one Unit per Customer.

7.4 Connection Charges.

The owner of a Premises who applies for connection of the Service Line to the System shall pay the following fees at the time of filing an application in accordance with Section 3.3:

- (a) Connection Fee. A Connection Fee which shall be a rate per connection established from time to time by resolution of the village council.
- (b) Tap On Fee. A Tap On Fee which shall be a rate per Service Connection installed by the Village, as established from time to time by resolution of the Village Council.
- (c) Meter Installation Fee. The Meter Installation Fee shall be established from time to time by resolution of the Village Council.

7.5 Unmetered Fire Protection Fee.

Customers who have an unmetered fire protection connection shall pay a unmetered fire protection fee established by resolution of the Village Council from time to time. This fee shall be billed on the same schedule established in Section 7.9 below for the Readiness to Serve Charge.

7.6 Public Fire Hydrant Rental.

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

7.7 Miscellaneous Customer Fee.

The Village shall, from time to time, charge a Miscellaneous Customer Fee, as necessary, for miscellaneous services, repairs and related administrative costs associated with the Water System,

including without limitation, excessive inspection services not covered by the Meter Installation Fee, unauthorized connection to and use of the Water System, services to turn water service on and off, damages to the System, disconnection from the System, costs and expenses incurred by the Village as a result of damage to other premises, attorney fees for enforcement of violation(s) of the Ordinance, and similar fees which are the result of an Ordinance violation, or a negligent or wrongful act of the customer. The customer shall be charged a fee established by resolution of the Village Council from time to time whenever the Village is requested by the customer to turn on or off water service. Whenever the Village is requested to provide turn-on or off services at times other than regular business hours of the Village, there will be imposed an additional charge of labor and materials.

7.8 Assignment of Units

The assignment of Units for purposes of the Readiness to Serve Charge and the Commodity Charge applicable to non-metered customers shall be determined as follows:

- (a) One Unit shall be assigned to each single-family home, apartment, mobile home or other dwelling unit.
- (b) For existing non-residential customers, one Unit shall be assigned to each customer for the 12-month period commencing July 1, 2005 and ending June 30, 2006. Effective July 1, 2006, the number of Units assigned to each non-residential customer shall be re-determined on a prospective basis by applying the criteria set forth in the definition of Unit in Article II to the actual metered water usage used by each such customer during the twelve-month period commencing July 1, 2005 and ending July 30, 2006.
- (c) For new non-residential customers, one Unit shall be initially assigned for the period which ends 12 months after the occupancy of the premises. Thereafter, the number of Units assigned shall be re-determined on a prospective basis by applying the criteria set forth in the definition of Unit in Article II to the actual metered water usage used by such customer during the first 12-month period which follows the occupancy of the premises.
- (d) In the event water usage for a non-residential customer increases or decreases, the Village reserves the right to re-determine the number of Units to be assigned, based upon historical metered water usage, provided that a minimum of one Unit will be assigned to each customer.

7.9 Billing and Penalties

Effective July 1, 2005, bills for rates and charges as herein established shall be mailed to users on a monthly basis. The monthly billing shall reflect a quarterly billing cycle as follows:

- (a) In July 2005, the Village shall bill for the Readiness to Serve Charge, Debt Service Charge and Commodity Charge applicable for water service in the months of April, May and June 2005.
- (b) In August 2005, the Village shall bill one-half (1/2) of the total Readiness to Serve Charge for the months of July, August and September 2005.
- (c) In September 2005, the Village shall bill the remaining one-half (1/2) of the total Readiness to Serve Charge for the months of July, August and September 2005.
- (d) In October 2005, the Village shall bill the Commodity Charge for water service in July, August and September 2005.
- (e) Beginning in the three-month period of November 2005, December 2005 and January 2006, and each three-month period thereafter, the Village shall bill for the Readiness to Serve Charges in the first two months and the Commodity Charge in the third month, in a manner consistent with subparagraphs (b), (c) and (d).
All bills shall be payable on the 20th day of the 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.

7.10 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 percent 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 register 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.

7.11 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 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.

7.12 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 a 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 reserves 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.

7.13 Failure Of The System

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

7.14 Revenues.

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

ARTICLE VIII ENFORCEMENT

8.1 Civil Infraction

Violation of this ordinance shall be a civil infraction in accordance with the provisions of Village Ordinance No. #44 , adopted 08-09-2004

8.2 Civil Action

The Village may institute any action at Law or Equity to compel compliance with this I 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.

8.3 Lien

All Water Rates and Charges billed or due hereunder shall to the extent permitted by law be a lien upon the premises served by the delivery of such service which shall be enforceable in the manner provided by applicable law, including without limitation Act 94 of the Public Acts of Michigan of 1933, as amended.

ARTICLE IX VALIDITY

9.1 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.

9.2 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 X PUBLICATION AND EFFECTIVE DATE

10.1 Publication

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

10.2 Effective Date

This Ordinance shall become effective upon the date of publication of the Ordinance or a summary thereof or twenty (20) days after the date of adoption, whichever occurs first.

ARTICLE XI AMENDMENT

11.1 Amendments

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

11.2 Review of Water Supply Rates and Charges

The Village shall, as often as shall be necessary, and at least annually beginning in the Village's fiscal year ending February 28, 2007, review all Water Rates and Charges and increase or

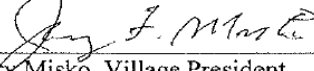
decrease such Water Supply Rates and Charges, or any of them, so that such Water Supply Rates and Charges shall be adequate for expenses they are intended to defray, plus reasonable amounts for contingencies and reserves.

ARTICLE XII
MISCELLAENOUS

L2.I Repealed

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed, including but not limited to Ordinance No. 38, adopted 02/18, 2000.

Passed and adopted by the Village Council of the Village of Freeport, County of Barry, Michigan on May 23, 2005, and approved by me on May 23, 2005.



Jerry Misko, Village President

ATTEST:



Yvonne Aspinall, Village Clerk