

TOWNSHIP OF NEW BUFFALO

WATER SYSTEM ORDINANCE

Ordinance No. 20100315 e  
Adopted: 3-15, 20 10

An ordinance to provide for the operation, management, maintenance, repair and control of the New Buffalo Township water system; to establish rules and regulations governing said system; to fix rates and charges applicable to said system and provide for the collection thereof; and to provide penalties for the violation thereof.

THE TOWNSHIP OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN, ORDAINS:

**SECTION 1. TITLE.**

This ordinance shall be known as the "Water System Ordinance".

**SECTION 2. PURPOSE.**

It is hereby determined to be desirable and necessary for the public health, safety and welfare of the Township of New Buffalo, Berrien County, Michigan, that a water system be operated by said Township on a public utility basis in accordance with the provisions of Act 94 of the Public Acts of 1933 of the State of Michigan, as amended.

**SECTION 3. DEFINITIONS.**

Unless the context of usage indicates otherwise, the meaning of specific terms in this ordinance shall be as follows:

- 3.01 "**Township**" shall mean the Township of New Buffalo, Berrien County, Michigan.
- 3.02 "**Board**" or "**Township Board**" shall mean the Township Board of said Township.
- 3.03 "**New Buffalo Township Water System**", "**Water System**" and "**System**" shall mean the complete water supply and distribution system of the Township, including all properties, facilities and funds thereof and any extensions or additions thereto.
- 3.04 "**Water Department**" shall mean collectively those officials, employees and agents of the Township invested by the Board with authority over the system.
- 3.05 "**Main**" and "**Watermain**" shall mean those pipes, other than supply pipes and service pipes, used for conveying or distributing water.

- 3.06 "**Service Stub**" shall mean a pipe tapped into a main and extending thence to and including the Shut-off valve at the property line.
- 3.07 "**Service Pipe**" shall mean a pipe extending from the property line into premises supplied with water.
- 3.08 "**Premises**" shall mean the particular property connected to the system and includes appurtenant land and improvements.
- 3.09 "**Person**" shall mean any individual, firm, company, association, society, corporation, or group.
- 3.10 "**Shall**" is mandatory; "**May**" is permissive.

#### **SECTION 4. SYSTEM OPERATION.**

- 4.01 Ownership. The Township shall be the owner of the system. The watermains of said system are under the exclusive control of the Township Board, and all persons other than agents and employees of the Board are forbidden to disturb, tap, change, obstruct access to, or interfere with them in any way.

Any persons, firms, or corporations installing mains at their own expense shall first submit complete plans and specifications, prepared by a Registered Professional Engineer, for such work, to the Township Board for approval, at which time the Township Board shall determine the conditions for such installation.

- 4.02 Operation and Maintenance. The operation, maintenance, alteration, repair and management of the system shall be under the supervision and control of the Township Board. The Township Board shall retain the exclusion right to establish, maintain and collect rates and charges for system operations. The Township Board may employ such person or persons in such capacity or capacities, as it deems advisable and may make such rules, orders and regulations, as it deems advisable and necessary to assure the efficient establishment, operation and maintenance of the system and the collection of rates and charges provided herein.
- 4.03 Fiscal Year. The system shall be operated on the basis of an operating year commencing July 1<sup>st</sup> of each year and ending June 30<sup>th</sup> of the following year.
- 4.04 Free Service Prohibited. No water service without charge shall be supplied by the system to any person, firm or corporation, or to any public agency or instrumentality except area fire departments, which shall obtain permission for

such service from the Township Fire Commander or his duly authorized representative.

- 4.05 Meters. All water service shall be metered and all meters used for such purpose shall be and remain the property of the system. All meters shall be read at a reasonable time and failure on the part of the user to provide access to an authorized Township employee for the required reading of said meter will result in either, at the discretion of the Township, the user being issued a water bill based on the highest metered charge of a similar type user in the Township during the billing period in which access for reading the meter is denied or prevented, or such user's water service being discontinued.
- 4.06 Access to Premises. Each user of this water system, whether a person, firm or corporation, either public or private agency or instrumentality, impliedly consents to permit entry upon, the premises to a Township maintenance employee for the required maintenance of this system, provided said maintenance employee has proper credentials from the Township. Failure on the part of any user of this water system to permit entry of the authorized Township maintenance employee upon the premise will authorize the Township to immediately terminate the use of this water system by the user.
- 4.07 Maintenance and Efficient Operation. The Township will maintain the system in good repair and working order and will operate the same efficiently, and will faithfully comply with all rules and regulations of the State Health Department and all statutes of the State of Michigan applicable to the operation of a municipal water system.
- 4.08 Notice of Users. Where in this ordinance there is any provision in respect to the giving of a notice unless otherwise specified, such notice shall be deemed to have been given when the same shall have been placed in the United States mail addressed to the New Buffalo Township Board in care of the Township Clerk or to the user of the service at the premises to which such service has been furnished.
- 4.09 Expansion and Enlargement of System. The Township Board may, from time to time, provide for such further public improvements by enlarging or extending the system, by combining the same with other water systems existing or to be established, and by further providing for the purchase, acquisition, construction, improvements, enlargements, extension and repair of such public improvements and by providing improvements in a manner provided by law; and by further providing for the collection of charges, fees, rentals or rates for the services, facilities and commodities furnished by such public improvements; and by providing for other matters in respect to such public improvements.

## **SECTION 5. SERVICE PIPES AND CONNECTIONS.**

- 5.01 Permits. Before any connection shall be made to any watermain, a permit application shall be made in writing to the Water Department by the owner of the premises to be served, or by an authorized agent, and a tapping permit secured. Such applications shall be made on forms provided by the Water Department. The owner, user, and/or applicant for a water tapping permit by such application impliedly agrees to abide by all rules and regulations of the Water Department in all respects.

After installation of a service pipe from the premises to the point of connection to the system, the Water Department shall again be notified before any pipes or connection are buried or covered up and the same shall be inspected to determine if the same is installed so as to protect the system from contamination and also to ascertain if the same is at a proper depth to insure the integrity of the line from freezing or bursting or possible contamination from any other cause, including the location of the same in proximity with any other possible contamination source. Service pipes shall not be covered until specifically approved by the Water Department.

5.02 Rules and Regulations.

- 5.02.1 Only properly authorized employees or agents of the Water Department shall install all service stubs from the main to the lot line. Before receiving a permit for a service connection, all connection fees shall be paid in full.
- 5.02.2 The water service stub from the main to the meter pit or curb stop shall be maintained by the Water Department, but this clause shall not apply to old services installed by private parties. The service pipe from the meter pit or curb stop to the premises shall be considered private plumbing and be maintained by the owner of the premises.
- 5.02.3 Service pipe installation shall be the responsibility of an individual who is insured and bonded for not less than \$10,000. All fixtures and attachments installed must conform in character, design and quality to the laws of the State of Michigan and the State Plumbing Code. All bonds must be on file with the Township Building Department.
- 5.02.4 All water service pipes shall be of Type "K" copper, or polybutylene rated at 160 pounds per square inch, and quantity as approved by the Water Department. All fittings and connections underground shall be approved by the Water Department.
- 5.02.5 In all cases, the depth of service pipes shall not be less than 48 inches from the surface.

- 5.02.6 Water shall be taken and used only through water service pipes under the supervision of the Water Department and no connection through which water may pass from one property or premises to another shall be permitted even though the ownership of both properties or premises may be the same.
- 5.02.7 Excessive or unnecessary use or waste of water, whether caused by carelessness or by defective or leaky plumbing or fixtures, is strictly prohibited. For disregard of, or repeated violation of this requirement, the water may be turned off by the Water Department.
- 5.02.8 Where one ownership of property is occupied by two or more distinct families, or where a business building is occupied by two or more firms or persons, a single charge for water will be made against the owners of the property, for the whole. In multiple meter installations, no master meter will be allowed.
- 5.02.9 Where a building, originally built as a single building or premise and fitted with one service pipe, but capable of being divided by sale or otherwise, has been or may be hereafter subdivided and each subdivision shall be separately owned, the separate division or divisions so made must be connected to the main by separate service pipes within thirty (30) days after such division.
- 5.02.10 Where the authorized agent of the Township Water Department for any reason has turned off the water, only an authorized agent of the Township Water Department shall turn it on again.
- 5.02.11 All cross connections between any type of water supply and municipal water supply are strictly prohibited. In the event a cross connection is discovered, the water will be turned off until the cross connection is severed. No direct connection of any type to a sewer line shall be allowed.
- 5.02.12 No person firm or corporation shall open or cause to be opened any fire hydrant.
- 5.02.13 The service stub and meter, installation charge for which provision is made in Section 6, shall include the cost of the water meter, shall remain the property of the department and will at all times remain under its control. The maintenance of the meter will be the obligation of the Water Department, provided, that where replacements, repairs or adjustments of the meter are made necessary by the act, neglect or carelessness of the owner or occupant of any premises, the expense to the Water Department caused thereby may be charged against and collected from the owner or occupant of the premises. The Township may elect to install meters with outside readers and increase charges to cover the additional cost.

- 5.02.14 All meters shall be placed in an outside pit with remote readout. The Water Department shall provide the meter pit, spacer, meter and remote readout for residential use only. All other (commercial, industrial, multi-family, etc.) meters shall be installed at the owner's expense pursuant to the Township Water Department's approval. Gate valves shall be placed on both sides of the meter. Bypasses are required on all 1-1/2" and larger installations.
- 5.02.15 The owner of any premises where a meter is installed shall be held responsible for its care and protection from freezing or damage by hot water and from injury or interference by any person or persons.
- 5.02.16 If a meter fails to function or to register, the consumer shall be charged at the average quarterly consumption, as shown by the meter when in order.
- 5.02.17 All persons are forbidden to interfere with or move a water meter from any service connection without first receiving permission from the Water Department. No person shall remove or break any seal on meters or bypass valves.
- 5.02.18 When the owner of any premises where a water pit has been installed causes such pit to become inaccessible for meter reading or maintenance due to landscaping, changing of gradient, or any other action, the owner will be responsible for all costs incurred by the Township making the meter pit accessible again.
- 5.02.19 All premises which have or install an underground irrigation or sprinkling system shall be metered by a 1" or larger meter. This requirement shall immediately apply to all newly constructed systems. All underground irrigation or sprinkling systems existing at the time of the adoption of this ordinance with a meter smaller than 1" shall replace it with a 1" or larger meter on or before June 1, 2010.

## **SECTION 6. SYSTEM RATES AND CHARGES.**

- 6.01 Authority. The Township Board shall fix rates for water and water service furnished customers of the system. Said rates and charges shall be sufficient to provide for the payment of all expenses of administration, operation, maintenance, repair and improvement of the system as may be necessary to keep the system in good working order. The schedule of rates and charges shall be revised or amended by ordinance or resolution from time to time by the Township Board.
- 6.02 Ready-to-Serve Charge. The owner of each premises or property which is connected to the system with a service connection ready to be used, shall pay

the Water Department a monthly or bi-monthly ready-to-serve charge for each such service connection per meter size as follows:

Meter Size	Ready-to-Serve Charge (monthly)
5/8"	\$13.00
3/4"	\$18.00
1"	\$32.50
1-1/2"	\$65.00
2"	\$104.00
3"	\$195.00
4"	\$351.00
6"	\$780.00
8"	\$1,300.00
12"	\$2,795.00

6.03 Water Consumption Rates.

6.03.1 In addition to the ready-serve charge, the actual water consumed will be charged at the rate of \$3.30 per 1,000 gallons or any part thereof.

6.03.2 All water used by or through any connection not paying a ready-to-serve charge will be charged at the rate of \$5.00 per 1,000 gallons.

6.03.3 The Township Board reserves the right to negotiate rates for commercial/industrial customers using high volumes of water in excess of 50,000 gallons per day.

6.04 Connection Charges.

6.04.1 Each new residential user of the system shall pay a minimum connection charge for a service stub per meter size for the calendar years of 2010 and 2011 as follows unless amended by the Township Board.

Meter Size	Connection Charge
5/8"	\$3,750.00
1"	\$3,750.00

1-1/2" and larger	\$3,750.00 plus all additional time and materials as performed by the Water Department or its agents
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Beginning in January 1, 2012, the Township Board shall set the new connection fee based on its resolution.

6.04.2 All other non-residential connection charges are based on the REU Factor Chart attached as Exhibit 1.

6.04.3 The foregoing rates apply during the normal construction season and where regular sixty-six (66) foot rights-of-way are involved. Where unusual construction problems exist and/or where excessive construction costs are incurred, as determined by the Water Department, or where construction occurs during the winter months, the connection charge shall be based upon the cost of construction on a time and material basis and upon the administration costs incurred as determined by the Water Department.

6.05 Reconnection Charges. Whenever it becomes necessary to shut off the water service as a result of a delinquency, a charge of \$50.00 for turning on such water supply will be made to the customer.

Whenever it becomes necessary to shut off the water service when requested for a non-emergency shutoff during daytime hours, a charge of \$15.00 for turning off such water supply shall be made to the customer and there shall be no charge to turn the water back on.

Whenever it becomes necessary to shut off the water service when requested on an emergency basis during weekday evenings, a charge of \$50.00 for turning off such water supply will be made to the customer and no charge will be made to turn the water back on.

Whenever it becomes necessary to turn off the water service when requested by the customer during weekends or holidays, a charge of \$60.00 for turning off such water supply will be made to the customer and no charge will be imposed for turning the water back on.

6.06 Fire Protection Charges. Each premises to or for which a separate un-metered fire line connection is provided for sprinkler or hydrant service shall pay a monthly charge as follows:

For 4" service connection \$33.00

For 6" service connection \$50.00

For 8" service connection \$67.00

6.07 Meter Change Charges. The owner of each premises or property where a meter is removed or reinstalled at the customer's request shall pay the Water Department a charge as follows

New Meter Size	Change Out Charge
5/8"	\$130.00
1"	\$240.00
2" or greater	Time and materials as performed by the Water Department or its agents

**SECTION 7. COLLECTION OF RATES AND CHARGES.**

7.01 Residential Billing. Residential rates and charges shall be billed and collected bi-monthly by the New Buffalo Township Water Department and all others are billed and collected monthly.

7.02 No Bill. Failure to receive a bill shall not excuse failure to pay the bill when due.

7.03 No Free Service. No free service shall be furnished by the system to the Township or any person, firm or corporation, public or private, or any public agency or instrumentality. Charges for services rendered by the system shall be calculated, billed and collected on a monthly or bi-monthly basis and payable as of the "Due Date". If payment is not received by the Township by the "Due Date" shown on the water bill, such charge shall be deemed delinquent and a penalty of 10% shall be added thereto. If such delinquency shall continue for fifteen (15) days, then all services furnished by the system to such premises shall be shut off.

When services shall have been shut off, whether for non-payment of water charges or sewage disposal charges, or both, or any violation of this ordinance, a charge of \$50.00 shall be made for the final meter reading and turnoff.

Premises shut off at the request of the owner, user, or his agent, shall not be reconnected and water turned on unless all unpaid charges for water service and sewage disposal service, including penalties and shutoff charges, are paid in full, plus a turn-on charge of \$50.00.

7.04 Obligation to Pay. Service stub connection charges shall be the obligation of the owner of the premises served. Consumption charges, ready to serve charges and reconnection charges shall be the obligation of both the owner and the occupant of the premises. Rates, fees and charges for services furnished by the System to any premises shall be a lien thereon as of the due

date thereof, and on October 1<sup>st</sup> of each year the Township Clerk shall certify any such rates, fees and charges which have been delinquent ninety (90) days or more, plus penalties and interest accrued thereon, to the County Board of Commissioners who shall enter the same upon the next tax roll against the premises to which such services shall have been rendered and such delinquent rates, fees and charges, with penalties and interest accrued thereon, shall be collected and said lien shall be enforced in the same manner as provided in respect to the taxes assessed upon such roll.

## **SECTION 8. GENERAL PROVISIONS.**

- 8.01 Disruption of Service. Should it be necessary to shut off the water from any section of the system because of accidents or for the purpose of making repairs or in case of construction, the Township Board will endeavor to give timely notice to the consumers affected hereby, and will, as far as practical, use its best efforts to prevent inconvenience and damage arising from any such causes, but failure to give such notice will not render the Township Board responsible or liable for damages that may result therefrom, or from any other cause.
- 8.02 Penalties and Enforcement.
- 8.02.1 No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal water works. Any person violating this provision shall be subject to a municipal civil infraction.
- 8.02.2 Any person found to be violating any provision of this ordinance except 8.02.1 shall be served by the Water Department 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 or shall be subject to a municipal civil infraction.
- 8.02.3 Any person who shall continue any violation beyond the time limit provided for in 8.02.2 shall be responsible for a municipal civil infraction, and upon conviction thereof shall be fined in an amount not exceeding \$500.00 for each violation. Each day in which any violation shall continue shall be deemed a separate offense.
- 8.02.4 Any person violating any of the provisions of this ordinance shall become liable to the Township for any expense, loss, or damage occasioned the system by reason of such violation.

8.02.5 The provisions of this ordinance shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction. Any violation of this ordinance is deemed to be a nuisance per se.

8.03 Validity. 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.

8.04 Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

8.04 Adoption. This ordinance was adopted by the New Buffalo Township Board at a regular meeting held in the Township Hall on the 15 day of March, 2010, and shall take effect the 7th day of May, 2010, the same being more than thirty (30) days after the date of publication.

Paul Oselka  
Paul Oselka, Clerk

Attest:  
Rose Dudiak  
Rose Dudiak, Supervisor

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the New Buffalo Township Board at a regular meeting held on the day of 15 March, 2010. A motion that said Ordinance be adopted was made by Rogers and supported by Oselka. The names of the Township Board members and their votes are as follows:

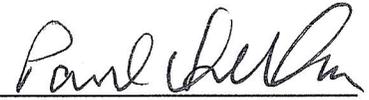
NAME	YES	NO	ABSENT
Rose Dudiak, Supervisor	<u>X</u>	_____	_____
Paul Oselka, Clerk	<u>X</u>	_____	_____
Jack Rogers, Treasurer	<u>X</u>	_____	_____
Peter Rahm, Trustee	_____	_____	<u>X</u>
Robert Heit, Trustee	_____	_____	<u>X</u>

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for New Buffalo Township on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and such recording has been authenticated by the signatures of the Supervisor and Township Clerk. I further certify that the foregoing ordinance was published in full or by summary in the

New Buffalo Times

, a newspaper circulated in the Township of New Buffalo, Berrien County, Michigan, on the 7th day of April, 2010.

Dated: 4-13, 2010



Paul Oselka, Clerk

## Table of Residential Equivalent Unit Factors

<u>Use of Property</u>	<u>Residential Equivalent Unit (REU)</u>
Auto Dealers	.30 per Msqft
Auto/Truck Repair or Service	.40 per Msqft
Athletic/Sport Facility	.25 per Msqft
Shower Facility	1.50 per Msqft
Barber/Beauty/Personal Care	.25 per service area
Banks	.40 per Msqft
Bakery	.75 per Msqft
Bars/Restaurant/Fast Food	1.50 per Msqft
Boarding Facility	.35 per bed
Bowling Alleys	.16 per lane
Car Wash – Mechanical	10.00 per lane
Car Wash – Self Serve	1.00 per stall
Churches	.15 per Msqft
Day Care – Residential	2.00 per residence
Day Care – Commercial	1.00 per classroom
Duplex	1.50 combined
Food Service – Take Out	1.00 per Msqft
Fraternal Organizations / Banquet Halls	.20 per Msqft
Funeral Home	.75 per Msqft
Hospital/Medical Care/Extended Care	.75 per bed
Hotels/Motels/Cabins	.25 per unit
Industrial	Determined at time of application
Laundromat	.30 per washer
Mobile Homes	1.00 per unit
Multiple Family Residence/Apartments	1.00 per unit
Office – General / Public	.40 per Msqft
Office - Medical/Dental/Vet/Clinic/etc.	.85 per Msqft
Parks & Recreation	Determined at time of application
Schools	1.00 per classroom
Gas Stations	.15 per service area
Store/Retail	.30 per Msqft
Single Family Residence	1.00 per residence
Swimming Pool – Non Residential	1.00 per Msqft
Theater	.015 per seat
Warehouse	.10 per Msqft

- ⇒ Msqft = 1,000 square feet and may be based on outside measurement of structure.
- ⇒ More than one category may be applied to an individual premise.
- ⇒ In the alternative, assignment of REU may be based on actual or estimated use and 250 gallons per day equal to one residential unit. This method may be applied in the absence of a category or for exceptional use within a category. *change*
- ⇒ No connected facility will be assigned less than 1.00 REU.

Approved 12-16-06  
REVISED

84100 ...

**Amended Water System Ordinance  
For New Buffalo Township Residents  
Served by the Township Water Department**

**This Ordinance will be amended as follows:**

*Amend Section 5.02.16 to read: In the event that a meter fails to register, the consumer shall be charged the annual average consumption, as shown by the meter when in working order.*

*Add:*

*Section 5.02.16.1 In the event that a "remote" read fails to register, the consumer shall be charged and responsible for all water usage that was registered through the meter.*

*Section 5.02.16.2 In the event that a consumer requests a meter to be tested/certified, if the meter in question fails to the consumer's advantage, (reads low in accordance with current AWWA M6 testing standards), the consumer shall be responsible for all water usage, ready to serve charges, and meter testing charges. If the meter in question fails to the Township's advantage, (reads high in accordance with current AWWA M6 testing standards), the consumer shall be charged the annual average consumption up to the date the meter in question was removed for testing and the Township shall pay the meter testing charges.*

A true copy of the ordinance may be inspected or obtained at New Buffalo Township Hall, 17425 Red Arrow Highway, New Buffalo, Michigan during normal business hours of 9:00 a.m. – 4:00 p.m., weekdays.