

Ordinance Number 83

WATER SUPPLY SYSTEM TOWNSHIP OF FRANKENLUST BAY COUNTY, MICHIGAN

An Ordinance defining the Township of Frankenlust Water Supply System including rates, charges, rules and regulations for the use and service of said water supply system.

The Township of Frankenlust, Bay County, Michigan Ordains:

Section 1. DISTRICT DEFINED.

There shall be and there hereby is established the Bay County Water Supply System No. 1 and the Frankenlust Township Water Supply System within Frankenlust Township, Bay County, County, Michigan. Residents of Frankenlust Township whose premises are within the hereafter defined districts may, but are not required to, connect to the hereinafter described water supply systems in order to be supplied potable water. The Water Supply Systems are hereafter described as:

- A. Bay County Water Supply System No. 1 is described as all that portion of Frankenlust Township in Town 13 North, Ranges 4 and 5 East, lying East of I-75; and, that part of the West Half (W ½) of Section 1, Town 14 North, Range 4 East, lying West of I-75 and North of Squaconning Creek; all being in Frankenlust Township, Bay County, Michigan
- B. Frankenlust Water Supply System is described as all of Frankenlust Township, Bay County Michigan excluding that area described as the Bay County Water Supply System No. 1 as set forth in A. above.

A map of the above systems is attached to this Ordinance as Exhibit A and made a part hereof. There are certain water mains which are depicted on the map which are not able to be connected without prior permission of the owner of the lines. These water mains are designated as restricted access water mains.

Section 2: OPERATION AND MANAGEMENT.

The operation, maintenance and overall management of the water supply system for the customers of the Bay County Water Supply System No. 1 is solely under the supervision and control of the Bay County Department of Water and Sewer. The operation, maintenance and overall management of the water supply system for the customers of the Frankenlust Water Supply System is under the supervision and control of the Township of Frankenlust Township Board. The Township Board will establish connection and usage fees by resolution and adoption of the fee schedule which are estimated to be sufficient to provide for the payment of the expenses of administration, operation, maintenance and preservation the water supply system in good repair for future customers of the Frankenlust Water Supply System.

Section 3: NO FREE SERVICE

No free service shall be furnished by Frankenlust Water Supply System to any person, firm, or corporation, public or private, or to any public agency or instrumentality.

Section 4. CONNECTION AND TAP FEE CHARGES.

Each premises in the township abutting a street or easement in which a water main, which is not a restricted main, is located, at such time as it connects, shall pay a connection fee to the township. Applications for service connection to the Frankenlust Water Supply System shall be made in writing on forms furnished by the township and filed with the township treasurer or its authorized representative. The connection fee payable to the Frankenlust Water Supply System shall be paid directly to Frankenlust Township prior to connection to the water supply system in an amount of (\$4,200.00) US Dollars. "Connection Fee" means a one-time fee to recover the cost of a portion of the capital cost of providing water system capacity to premises, which are directly connected, to the water distribution system. In addition to the above, a "Tap Fee" which is a one-time fee charged to each premises is to recover the cost of extending service from the water distribution system to individual properties. This fee includes the inspection, installation of a tap, service box, valve and water meter, all of which shall be done only by and paid to the Bay County Department of Water and Sewer for a similar sized connection, said charge being determined from time to time by the Bay County Department of Water and Sewer.

Alternatively, a connection fee may be paid prior to connection with the water system by paying one-half (1/2) of the \$4,200.00 down and paying the balance of \$2,100.00 equally over the next three (3) winter tax bills, at a rate to be set by the Township Board, not exceeding 1% above the average rate of interest born by bonds issued by the township in anticipation of all or part of the unpaid installments, or at the same rate as being paid by the township on any installment purchase contract, or, in the event that the township does not issue bonds or enter into any installment purchase contract to construct additional Water Supply System, said interest rate not exceeding seven (7%) per annum, commencing on the date of making the initial one-half (1/2) deposit (\$2,100.00) to the township.

Section 5: METERS

All water to be furnished by the Frankenlust Water Supply System to any premises shall be measured by a meter installed by the Frankenlust Water Supply System authorized agent or Bay County Department of Water and Sewer and shall be equipped with an outdoor register, including meters which may be read remotely. The water meters and/or outdoor registers may be tested by the Frankenlust Water Supply System authorized agent or Bay County Department of Water and Sewer and may be replaced if deemed to be defective. If the meter shall fail to register properly, the Frankenlust Township Board will estimate the quantity of water used on the basis of prior consumption, but if none, then the average consumption by a user of similar size and usage and bill accordingly for same. In the event that the meter and/or outdoor register is damaged by or through the fault of the water user,

then all costs for installation, repair, and/or replacement of either the meter and/or outdoor register shall be the responsibility of the water user.

No person shall refuse to admit to the premises owned or occupied by that water user, or shall otherwise hinder the authorized agent of the Frankenlust Water Supply System or Bay County Department of Water and Sewer, for the purpose of reading, inspecting, repairing or replacing a water meter or any piping in connection with the water distribution system and such refusal or hindrance may result in the immediate termination of water to the premises.

Section 6. WATER RATE-QUARTERLY BILLINGS.

For each premises connection to the Frankenlust Water Supply System as described in Section 1 above, the amount to be charged for water service for each quarterly (3 months) period effective as of the effective date of this Ordinance shall be as set forth in a fee schedule to be adopted by a resolution by the Township Board and available for inspection at the township offices.

All tap connections which are greater than 1" shall be deemed to be special connections and the charge therefore will be determined from time to time by the Township in consultation with the Bay County Department of Water and Sewer.

For a new tap connection which commences flow to the water customer in between water meter reads, there will be no minimum quarterly billing added thereto until the first meter read.

For all payments made by credit card either at the office or via phone call will have added to the billing the charges of the credit card company.

For a tap fee to the Frankenlust Township Water System which is made by having to extend a water main to provide a water lead to the customer's premises the customer will be responsible to pay the cost of the extension.

Section 7. BILLING.

Bills for rates and charges as herein established by the Township shall be mailed quarterly. All bills shall be payable on the date as shown on the bill, and shall be paid at the office of Frankenlust Township or other authorized location. If any charge for services of the system shall not be paid by the due date, a delayed payment charge of ten percent (10%) of the unpaid balance shall be added thereto and collected therewith. If any bills for the services of the system shall remain unpaid after sixty (60) days following the rendition of the bill therefore, the water supply for the lot or parcel of land, or premises serviced thereby, may at the option of the Township be turned off and not turned on again except upon payment in full of the delinquent charges including late payment fees and the payment of the turn-off charge of \$25.00 and a turn-on charge of \$25.00. Whenever a request is made to provide turn-on or turn-off service at times other than during the regular business hours of Frankenlust Township, there will be imposed an additional charge of time and material, plus ten (10%) percent. The charges for all water service furnished to any premises shall be a lien thereon

and those charges delinquent for six (6) months or more shall be certified annually on August 1st of each year to the proper tax assessing officer or agency, who shall enter the same upon the next tax roll against the premises to which the services shall have been rendered, and the charges shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon such roll and enforcement of the lien therefore; provided, that in all cases where a tenant is responsible for the payment of the charges, and the Frankenlust Township Board is so notified in writing, the notice to include a true copy of the lease of the affected premises, if there be one, then the charge shall not become a lien against the premises from and after the date of the notice. In the event of filing the notice, the Frankenlust Township Board shall render no further services to the premises until a cash deposit equal to two (2) times the average quarterly (three months) charge to such premises shall have been paid to the Township as security for the payment of service thereto. In addition to any other lawful methods, the payment of charges for water service to any premises may be enforced by discontinuing the water service to the premises.

Section 8. RULES AND REGULATIONS

All service connections and water consumption shall be in compliance with the ordinances, rules and regulations established by Frankenlust Township in relationship to the water supply service being provided by Frankenlust Township in the district described in Section 1 B. above.

All consumption of water utilizing the township's tank connection allowing mobile transportation of water from the Township Hall shall be in compliance with the rules and regulations of local, state and federal laws, at a rate established from time to time by resolution of the Township Board and in the township fee schedule available for inspection at the Township Hall.

Section 9. REPEAL OF ALL OTHER ORDINANCES PERTAINING TO THE SUPPLYING OF WATER AND CHARGES FOR SAME.

All ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed, including, but not limited to Ordinance Numbers 15, 17, 18, 19, 21, 21A, 21B, 21C, 22, 33, 34, 40, 41, and 56.

Section 10. CONFLICT OF LAWS.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 11: VALIDITY CLAUSE

If any phrase sentence or paragraph of this Ordinance shall be held for any reason to be ineffective or unconstitutional, then such holding shall not in any way affect the validity of the remainder of this Ordinance, it being the declared intent and purpose of the Frankenlust Township Board that this Ordinance will be enacted as to all the other terms and provisions

thereof, notwithstanding the invalidity or unconstitutionality of any such phrase, sentence or paragraph.

Section 12: REPEAL CLAUSE

All Ordinances, resolutions or parts thereof in conflict with the provisions of this Ordinance are hereby repealed insofar as the conflicting portions thereof are concerned.

Section 13. EFFECTIVE DATE AND PUBLICATION.

This ordinance shall take effect upon the day after the date of publication thereof.
(ord. 21C repealed by ord. 83 eff. Aug. 29, 2019)

Section 14. ADOPTION

The above ordinance was adopted at a regular meeting of the Township Board on the 13th day of August, 2019.