

VILLAGE OF AUGUSTA ORDINANCE NO. 110

WATER ORDINANCE

ADOPTED: November 29, 1971

EFFECTIVE: February 12, 1972

An Ordinance of the Village of Augusta to provide regulations for the operation and management of the Village waterworks, including the establishment of charges and rates for installation of facilities to provide water services to customers and for the use of water; to provide penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict therewith.

THE VILLAGE OF AUGUSTA,
KALAMAZOO COUNTY, MICHIGAN,

ORDAINS:

SECTION 1.

General Provisions: All rules and regulations including water rates and charges hereinafter provided for shall be considered a part of the contract entered into with every person, firm, or corporation who is supplies with water by means of the water system of the Village of Augusta, Michigan. Every person, firm or corporation, by taking water by said means, shall be considered to express his, her, their or its consent to be bound thereby. When any rule or regulation contained in this Ordinance or that may be adopted hereafter is violated, water service shall be turned off from the building or premises which are in violation of the Ordinance and shall not be turned on again except by order of the Water Commission of said Village and after payment of the fee herein provided for shutting the water off and turning it on and on fulfillment of such other and further terms as said Water Commission may determine.

Meters for measuring the quantity of water taken by consumers and patrons are to be furnished by the Village and are to remain the property thereof, and such meters are not to be tampered with under penalty of fine, as hereinafter provided. The installation of any meter and the determination of the location thereof shall be in the sole discretion of the water superintendent or water commission.

The Village of Augusta will endeavor to furnish continuous water service to the consumer, but does not guarantee uninterrupted service and will not be liable for any damage which the consumer may sustain by reason of the failure of the service, whether caused by accident, repairs or otherwise. The Village will not be liable for damages which the consumer may sustain by reason of

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failure of water supply nor for any damages to persons or property arising or resulting from the supply of water or from any apparatus or appurtenance in connection therewith.

SECTION 11.

Definitions. The term "meter" shall be construed to mean any measuring device by which the quantity of water used and taken by consumers is measured. The term "consumer" shall be construed to mean the person, persons, firm or corporation owning the property or contracting for the use of water upon any property where water is being consumed. The term "service pipe" shall be construed to mean the pipe leading from the water main to the water meter. The term "water superintendent" shall mean the person appointed by the Village Council to be in charge of maintenance and operation of the waterworks, which person may be the Village maintenance man or another employee or resident of the Village. The term "water commission" shall be the commission consisting of three persons appointed by the Council annually having the duties and powers set forth in SECTION 111 hereafter.

SECTION 111.

Water Commission. The Water Commission of the Village shall have the direct supervision of the waterworks subject to this Ordinance and any amendments hereto and subject to the general policies and administrative guidelines that have been established or will be established in the future by the Village Council. The Water Commission shall direct the management and operation of the Village waterworks and water system and shall be responsible to see that said waterworks operate sufficiently and provides ample water of good quality at all times for its customers.

The Village Council shall appoint a "Water Superintendent" who shall be in charge of the buildings, machinery, water mains and all facilities connected with said system of waterworks and see that said facilities are kept in good working order. The person or persons so appointed shall see that no misuse or deterioration of said facilities or system is committed or allowed and shall report any violations of this ordinance and any amendments that may be made hereafter to the water commission. The Water Superintendent shall also inspect all connections, service pipes, the excavating and filling of ditches for same, and shall see that all hydrants are kept in good repair and condition.

The Water Commission shall take all necessary action to protect and maintain the waterworks, to see that the Water Superintendent performs his duties as required hereunder and to see compliance by all persons, firms and corporations

with the terms of this ordinance, between meetings of the Council.

Whenever permission of the Water Commission is required at any time pursuant to this ordinance, or any amendments hereto, and the Water Commission is not in session, written permission of the Water Superintendent, and the Chairman of the Water Commission shall be deemed sufficient until such time as said Water Commission shall meet and approve their acts.

SECTION IV.

Regulations for Installation of Service. New water service pipes must be installed from the street water main to the customer's meter. The customer's meter must be set and installed by an employee of the Village. In unusual situations where it is impractical to meter the water and where the amount used can be accurately estimated and where satisfactory arrangements have been made with the Water Commission of said Village for the payment of water so taken or used, the Water Commission may grant permission in writing for such use of water without a meter. During building construction, a water meter may be set in a place approved by the Water Commission at the expense of the customer, to measure water used during construction.

All meters shall be located in a position or location which is easily accessible and which will permit easy reading of the meter. All meters must be placed in an area which is protected from freezing, which will not be likely to be damaged by any vehicle, and which will be in a position which will not make it a likely target for vandalism or misuse.

Service pipes shall be located so that the curb box or shut off valve will not be under pavement or located within a driveway, unless special permission is obtained from the Water Commission.

Where streets or alleys are to be paved or otherwise improved, each and every abutting property owner shall make the necessary connection from the street water main to the curb, sidewalk or property line if not presently connected to the Village water system. Each unimproved platted lot and each 66 feet of unplatted vacant land along said street shall have one water tap connected to the Village water line and each such tap shall be connected to a curb box prior to any street being permanently paved. Failure of any property owner to make the necessary payment within 30 days after said water connection is made shall result in the cost thereof being assessed as a lien against the property which has been benefited by said water connection.

SECTION V.

MAINTENANCE OF WATER SYSTEM. Employees of the Village of Augusta shall have the right to enter any premises in which or on which Village water is being used, for the purpose of inspection, adjustment, repair or removal of water meters or appurtenances in connection with said water meters and at any and all reasonable

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times. In case water is wasted on account of negligence or want of repairs on the part of any consumer or any tenant, agent or employee thereof and if such waste is not immediately remedied, said Village through its President, Clerk, Chairman of the Water Commission, Water Superintendent or other employee shall cause the water to be turned off from the premises where such waste is occurring. If any person so authorized shall discover any defect in a private pipe which is connected to the Village water system, it shall be the duty of such person to give notice promptly in writing which notice shall be left on the premises providing that if necessary repairs are not made within 48 hours after the date of the notice, the water service provided to the property shall be shut off and shall not be turned on again until the Water Commission, Water Superintendent, or other authorized person has inspected said defect and has certified in writing that the defect has been satisfactorily repaired.

SECTION VI.

Water Rates and Charges. All charges for water shall be paid by the owner or owners of the real estate where the water is furnished if not paid by the party liable as shown on the waterworks' records; any delinquent water charges shall become a lien upon the property benefited by said water service. All customers shall be liable for water charges under his, her or its account with the Village until written notice is given to the Treasurer of the Village to terminate water service; once notice of discontinuance of service is given, water service shall be discontinued at the customer's property on the first work day after said notice is received.

All water charges shall be due and payable quarter-annually, on the first day of January, April, July and October.

Payment shall be made to the Treasurer of the Village at the Treasurer's Office, or to a designated agent of the Village if so provided by resolution of the Village Council hereafter. A receipt shall be given the customer for payment of same if paid in cash or if requested. Rates shall be paid quarterly as provided above and a penalty of ten (10%) per cent shall be assessed against all delinquent water charges after same have been billed for at least 30 days and remain unpaid.

(a) Schedule of Rates for Installation of New Water Service.

Any person desiring the installation of water service to be provided to any property within the Village shall deposit the sum of FIFTY (\$50.00) DOLLARS with the Treasurer of the Village and shall be responsible pursuant to a written memoranda to be signed by said customer for the following charges:

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If it is necessary to make a connection to the water system and run a line to a curb box to provide service for said customer, the following charges shall apply:

For a 3/4 inch system ----- \$50.00

For a 1 inch system ----- \$75.00

For a 1 1/4 inch system ----- \$100.00

For a 1-1/2 inch system ----- \$125.00

For a 2 inch system ----- \$200.00

In addition, each new customer shall be responsible for the cost of installation of the system from the curb box at the property line to the building or location upon the customer's property where the water is to be metered. The cost of installation of the necessary water pipes and other apparatus upon customer's property shall be at the rate of \$18.00 per hour, or other such hourly charges as may be established hereafter by the Village Council, plus the cost of materials used in performing said installation. The \$50.00 deposit stated above shall be applied upon these charges and the customer shall be responsible for the payment of additional sums owed concerning said new installation, which said additional sums shall be paid within 30 days of completion of said new installation.

(b) Water Rates and Charges.

A rental charge of twenty five cents (0.25) shall be charged per quarter for each meter of 2 inch size or less and a charge of \$1.00 per quarter shall be charged for the rental of meters larger than 2 inch meters. Such rental charges shall be billed with the water bills quarterly.

1. Water Rates per Quarter. A \$5.00 minimum charge shall apply to all water customers using 6,000 gallons of water per quarter or any lesser amount. The sum of thirty cents (0.30) shall be charged for the next 3,000 gallons or any portion thereof used in any quarter above said minimum amount. The sum of twenty cents (0.20) shall be charged for each 1,000 gallons, or any portion thereof, per quarter, used in excess of 12,000 gallons. All quarterly water bills shall be paid to the Village Treasurer unless the Council designates another official or bank as collection agent and if so said payments shall be made to said designated agent.

2. Turning Off or Turning On Water at Property. The charge for turning on or turning off water at any customer's property shall be \$1.00 if done between the hours of 7:00 a. m. and 7:00 p. m. on regular working days. Said charge shall be \$2.00 if done at any other time. However, no charge shall be made if the water shut off was necessitated by problems with the Village system rather than

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problems incurred with the system on private property.

3. Deposit. Any new customer requesting water service shall deposit the sum of \$10.00 with the Treasurer of the Village or the collection agent before the water will be turned on at the customer's property. This deposit shall be refunded when the service to said customer is terminated, providing all charges due the Village for water service owed by said customer have been paid at the time of termination of service.

4. Sprinkler System. If application is made for water for a sprinkler system for fire protection, the regular minimum rate shall be charged for customers provided with such service, unless a greater amount of water is used during any quarter and then the regular water charges shall apply.

5. Fire Hydrant Rental. Fire hydrants rented from the Village shall be rented at the annual rate of \$50.00 or at such other sum as may be determined hereafter by the Village Council.

All of the above charges shall be in full force and effect until amended by the Village Council, either by ordinance or by resolution.

SECTION VII.

Illegal Acts, Penalties and Enforcement. It shall be unlawful for any person, persons, firm or corporation unless with the express consent of the Council, the Water Commission or the Water Superintendent, to tap, change, remove, disconnect, turn on, or in any way molest any water main, branch pipes, meters, valves, fittings, or other appurtenances of the water distribution system, except valves and faucets meant for public use or for the customer's use if being metered by a Village water meter and further providing that water distribution at any particular location is authorized.

It shall be unlawful for any person, persons, firm or corporation, except officials and employees of the Village of Augusta acting in their official capacity, to break or molest in any way any seal which has been placed on a water meter, valve, or any appurtenances thereto. Property owners are liable for broken seals and when any such seal is found broken, water shall be immediately turned off at the premises and shall not be turned on again until assurance is given by the customer to the Water Commission that the seal will not be broken in the future.

It shall be unlawful for any person, persons, firm or corporation to cover up or obstruct in any way, free access to any fire hydrant, curb box, street valve or water meter. In case of violation of this provision, the cost of removing such obstruction, together with the cost of restoring said hydrant, curb box, street valve or water meter to its proper accessible position, plus a fine of \$25.00, shall

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be charged to the person, persons, firm or corporation causing or allowing said obstruction to occur or under whose direction said obstruction occurred.

This charge shall be in addition to any penalties provided for in the violation of this ordinance and may be collected from any such person, persons, firm or corporation by means of any and all legal remedies available to the Village.

Any person who has a meter set in his premises shall be subject to all costs of renting and setting such meter, shall be responsible for its custody, and shall pay all costs of damage from theft, freezing, hotwater, breakage and other causes over which he has control and which he could have prevented. All charges billed in connection with the furnishing of water shall be assessed as a lien against the property benefited by the water service. If any such charge has not been paid within 30 days after the date of the invoice or bill, the Village may in its corporate name, sue and collect for this charge in any court of competent jurisdiction and the production of the meter record or cost record shall be prima facie evidence of liability of the property owner or other responsible person to pay the amount therein shown to be due.

The Village at its option and after lapse of 7 days after written notification to the water customer or land owner by regular mail demanding payment of any sums of money due the Village as a result of water service which are more than 30 days delinquent may turn off the water at said property which has been furnished water for which said delinquent sums are presently owed.

SECTION VIII.

Additions to Village Water System. The Village will attempt to construct mains at its expense in order to supply water to all Village properties requesting water service. However, if the cost of construction of a new main to supply water to a certain property or properties is prohibitive or impractical as determined by the Village, the Village is not obligated in any way to provide such water service or to construct such new mains or facilities at its expense.

SECTION IX.

Penalties. Any person, firm or corporation violating any of the provisions of this Ordinance or any amendment hereto and who shall be convicted shall be fined not more than \$500.00, or not more than 90 days imprisonment, or shall have both such fine and imprisonment at the discretion of the Court. Such fine and imprisonment shall in no way relieve such violator of any legal liability for the payment of delinquent charges or other obligations owed to the Village pursuant to the terms of this Ordinance.

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Severability. Any Ordinance or part of an ordinance in conflict herewith is hereby repealed. The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section, or subsection is declared void or inoperable for any reason, it shall not affect any part or portion thereof.

SECTION XI.

Effective Date. This ordinance shall take effect on February 12, 1972.

Wayne Tenpurg, President Village of Augusta

Doris Brooks, Clerk, Village of Augusta

Ordinance #110 was offered by Council member Cutler, supported by Council member The vote on said Ordinance was as follows: Ayes 6 Nays 0 Absent 0

CERTIFICATION

I, Doris Brooks, Clerk of the Village of Augusta, did post notice of said Ordinance #110 on the 13th day of January, 1972, at the U. S. Post Office, McKay Library and Village Hall Bulletin Board,

Doris Brooks
Doris Brooks, Clerk, Village of Augusta.