

**VILLAGE OF BOYNE FALLS WATER ORDINANCE
ORDINANCE NO. 36**

An ordinance regulating water service within the Village of Boyne Falls

the Village of Boyne Falls ordains :

Section 1. Definitions, As used in this ordinance,

- (a) " Department" means the Department of Public Works for the Village of Boyne Falls.
- (b) "Person" means an individual, firm, corporation, association, partnership, or limited liability company, or other legal entity.
- (c) "Village" means the Village of Boyne Falls.
- (d) "Water connection" means that part of the water distribution system connecting the water main with the premises served.
- (e) "Water main " means that part of the water distribution system located within easement lines of streets and designed to to supply more than one (1) water connection.

Section 2. Village ownership of Water distribution system.

All parts of the water distribution system, including water connections up to the boundary of private property of the Village, shall be the property of the Village.

Section 3. Service connections.

Applications for water connections shall be made to the Department on forms prescribed and furnished by the department for that purpose. The application shall be accompanied by the required connection fee. Water connections shall only be made by agents or employees of the department or by a contractor authorized under this section and under the direction and supervision of an agent of the Village water department and in accordance with the laws of Michigan relative there to. The standard for residential hookup of service pipe will be (1") one inch maximum any request for a larger service pipe will be authorized by Village council only. The increased costs of material installation will be borne by the property owner.

Section 4. Turning on water service.

No person, other than a duly authorized agent or employee of the department, shall turn on or off any water service, except that a licensed plumber may temporarily turn water service on or off to test his or her work.

Section 5. Reimbursement for damage.

Any damage to the water distribution system caused by the negligence of the owner, agent, or tenant of the premises shall be paid by the owner or tenant responsible to the Village on presentation of a bill for damage. If the bill is not paid within 30 days from the date presented, the department has the right to shut off the supply of water to the premises until all charges, including a turn on fee, are paid to the Village.

Section 6. Hydrant use.

No person except a firefighter or authorized agent of the department acting within the scope of his or her duties, shall open or use any fire hydrant, except in the case of emergency, without first securing permission from the department. In no case shall any fire hydrant be opened or closed, except with a hydrant wrench provided by the Department or the Village fire department.

Section 7. Lawn sprinkling.

The Village council may regulate, limit, or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for fire fighting. No such regulation, limitation, or prohibition shall be effective until (24) hours after publication of such regulation, limitation, or prohibition, either in a newspaper of general circulation within the Village or by posting a notice in (3) public and conspicuous places within the Village.

Section 8. Use of Water.

No person shall sell or give away water supplied by the Village from his or her premises to any other person or for use on any other property, except after receiving written permission from the Village Council.

Section 9. Cross Connections Prohibited.

- (a) The Village hereby adopts by reference the Water Supply Cross Connection rules of the Michigan Department of Community Health, being R325.11401 to R325.11407 of the Michigan Administrative Code.
- (b) It shall be the duty of the Department to cause inspections to be made of all premises served by the Village water system where cross connections are deemed possible. The frequency of inspections based on potential health hazards involved shall be established by the Department as approved by the Michigan Department of Community Health.

- (c) Authorized agents or employees of the Department shall have the right to enter at any reasonable time any property served by a connection to the Village water supply system for the purpose of inspecting the piping system or systems for cross connections. On request, the owner, lessees, or occupants of any property so served, shall furnish to the Department any pertinent information regarding the piping system or systems on such property. This section may be enforced by an administrative search warrant issued by a court of competent jurisdiction.
- (d) The Department is hereby authorized and directed to discontinue water service after reasonable notice to any property within which a cross connection exists and to take such precautionary measures deemed necessary to eliminate any danger of contamination of the Village water supply system. The water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this section.

Section 10. Connection to property outside Village limits.

The owner of property outside the Village limits shall connect to the Village waterworks system only if authorized by the Village council on a case by case basis and if permission is granted by the township in which the property is located. No property has the right to connect to the Village waterworks system even if other nearby property is being serviced by the Village waterworks system. All costs and expenses as a result of the connection to the service pipe shall be borne by the owner of the property. The owner shall indemnify the Village from all damage caused by connection to the service pipe.

Section 11. Rates and Fees.

- (a) The Village Council shall by resolution establish the rates for water service supplied by the Village. No free water service shall be furnished to any person.
- (b) The Village Council shall by resolution establish the amount of all fees required to be paid by this Ordinance. The amounts of the connection fee shall not be less than the costs of materials, installation and overhead attributable to such connection or installation.

Section 12. Administration.

- (a) All charges for water supplied by the Village shall be billed to the consumer quarterly. The calendar quarters shall begin on the first day of January, April, July, and October each year. All water bills for each quarter shall be due and payable on the first day of the succeeding quarter and shall be paid within

fifteen (15) days after the first day of that quarter.

- (b) The Village Clerk shall be responsible for the collection of water bills. All revenue received from the supply of water shall be accounted for in a manner satisfactory to the Village Council and shall be turned over to the Village Treasurer quarterly.
- (c) The Village Treasurer shall deposit the water revenue in the manner approved for other Village deposits, but shall keep water revenue in a separate and distinct account.

Section 13. Lien for Nonpayment of Water Charges.

The charges and rates for water services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933 as amended, shall constitute a lien on all premises served thereby whenever any surcharges or rates shall be delinquent for six (6) months or more, unless notice is given that a tenant is responsible for the payment of all such charges and rates. On April 1st of each year, the Village Clerk shall certify to the tax assessing officers of the Village, the fact of such delinquency, whereupon such delinquent charges and rates shall be entered upon the next tax roll as charges against such premises and shall be collected and the lien thereof enforced in the same manner as general taxes against such premises, provided however, where notice is given that a tenant is responsible for such charges and service as provided by Section 21 of Act 94, Public Acts of Michigan, 1933 as amended, no further service shall be rendered to such premises until a cash deposit in the amount of Fifty Dollars (\$50.00) shall have been made as security for payment of such charges and service.

Section 14. Authority to Terminate Water Service for Nonpayment of Water Charges.

In addition to the lien provided by Section 13 of this Ordinance, the Village shall have the right to shut off water service to any consumer for whom charges for water service are more than fifteen (15) days delinquent. Before shutting off water service, the Village shall send written notice by certified mail of its intent to terminate water service to the owner of the premises served or to the tenant in possession where a notice is given that the tenant is responsible for such charges and service. If water service is shut off pursuant to this section, such service shall not be re-established until all delinquent charges and penalties and a turn-on charge, to be specified by resolution of the Village Council, have been paid. Further, such charges and penalties may be recovered by the Village by court action.

Section 15. Temporary suspension of water for repair or extension of Service.

In the event it becomes necessary to shut off the water supply from any section of the Village for the purpose of repairing the water supply system or to extend water service to an area not served by Village water, the department shall endeavor to give timely notice to the customers affected, and shall so far as practical, use it's best efforts to prevent inconvenience resulting from the shutoff. However the failure of the department to give notice shall not render the Village responsible or liable for any injury, loss, or other damages which may result from the shutoff

Section 16. Voluntary shutoff of water service.

When any premises will be vacant for a period of not less than thirty (30) consecutive days the owner, lessees or occupants may request in writing that the department shut off the water supply to the premises. Upon receipt of that written request and the payment of the required fee as established by resolution of the village council, the department shall turn off the water supply to the premises until requested by the owner, lessees, or occupants to restore the water supply to the premises. The minimum charge for water service shall be then reduced in proportion to the length of such vacancy. However, where premises are left unoccupied without a request that the water supply be shut off, no adjustments to the minimum water charge shall be allowed.

Section 17 Penalties

(a) Any person who violates any provision of this Ordinance shall be responsible for a municipal infraction as defined in Public Act 126 of 1994 amending Public Act 236 of 1961, being Sections 600.101-600.9939 of the Michigan Compiled Laws and shall be punished as follows;

(1) For a first offense, the person shall be fined not less than \$100.00 nor more than \$250.00 plus the cost of prosecution and other sanctions provided by law.

(2) For a second subsequent offense occurring within two(2) years of the date the person was found responsible for the first or immediately preceding offense, the person shall be fined not less than \$250.00 nor more than \$500.00 plus the cost of prosecution and other sanctions provided by law.

(b) Each day this Ordinance is violated shall be considered a separate violation

Section 18 Enforcement.

The Village Marshall is hereby designated as the authorized Village official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 19. Validity.

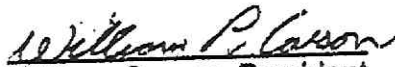
If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 20. Effective Date.

The Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Village.

VILLAGE OF BOYNE FALLS

By:


William Carson, President

By:


Lisa Harris, Clerk

WATER ORDINANCE No. 36

RESOLUTION 2007-6

The Village council has enacted an amended water ordinance and the village council desires to adopt a resolution that establishes and clarifies fees and rates in connection with village water services consistent with the Village Ordinance No. 36 to help cover costs incurred from material, installation overhead and required bond payments.

1.) Water Usage rates for customers will be determined by the following classification:

1. Residential \$83.00 per quarter
2. Business (Commercial) \$146.00 per quarter
3. Motel, Hotel, (per room) \$22.00 per quarter
4. School \$457.00 per quarter
5. Sleeping rooms by month \$50.00 per quarter

2.) Related fees for additional water services are as follows:

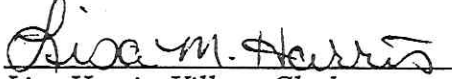
1. Connection to the water system (inside Village Limits) \$1,500.00
2. Voluntary request for turn-on and turn off (each occurrence) \$40.00
3. Connect to water system outside Village limits \$2,000.00

3. Penalty rates for nonpayment of fees and usage rates applied to water service beyond the due date:

1. Customers will be charged a 10% late fee each quarter, on any unpaid balance after the due date, 15 days beyond that, water is subject to turn off.
2. Customers with any outstanding fees after 120 days past the due date are subject to penalties established in section 17 of the Village water ordinance.
3. Customers with any outstanding fees after 180 days past the due date are subject to penalties established in section 17 of the Village water ordinance and a lien placed on all premises serviced.

Village of Boyne Falls:


William Carson, Village President


Lisa Harris, Village Clerk

VILLAGE OF BOYNE FALLS ORDINANCE CERTIFICATION

At a regular meeting of the Village Council of the Village of Boyne Falls, Charlevoix County, Michigan, held in the Village Hall located in Boyne Falls, Michigan on January 9 2007 at 7:00 p.m.

PRESENT: Laura Snoeck, Greg Blackall, John Hecker, Anthony Securro, David Gillespie.

ABSENT: NONE

It was moved by Anthony Securro and supported by Laura Snoeck that the following ordinance be adopted:

(See attached VILLAGE OF BOYNE FALLS ORDINANCE No. 36)

YES: 5
NO: 0

ORDINANCE DECLARED ADOPTED.

VILLAGE OF BOYNE FALLS

BY: William P. Carson
William Carson, Village President

I, the undersigned, the Clerk of the Village of Boyne Falls, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Boyne Falls Village Council of said County at its regular meeting held on January 9, 2007, relative to adoption of the ordinance therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in the Citizens Journal on January 24, 2007

Dated: January 9, 2007

Lisa M. Harris
Lisa Harris, Village Clerk