

**ORDINANCE NO. 2017-01
VILLAGE OF ASHLEY
WATER ORDINANCE**

AN ORDINANCE TO PROVIDE FOR THE OPERATION AND MAINTENANCE OF THE VILLAGE OF ASHLEY WATER SYSTEM, PURSUANT TO THE PROVISIONS OF THE PUBLIC ACT 94 OF 1993; TO PROVIDE FOR THE OWNERSHIP, OPERATION AND CONNECTION TO SAID SYSTEM; TO PROVIDE AND ESTABLISH SYSTEM OF RATES AND CHARGES; ESTABLISH ADMINISTRATIVE AND FINANCIAL PROCEDURES FOR THE OPERATION OF THE SYSTEM; DEFINE TERMS, ESTABLISH FUNDS AND PROVIDE REMEDIES AND PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE HEREOF. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE HERBY REPEALED.

SEC. 2017. WATER

Sec.2017-1. Administration.

The village president shall act as supervisor of the operations of the village water department. The village president or designee shall have charge of the maintenance and operation of the water supply, pumping equipment and meters. The village clerk shall be responsible for the accounting and billing of the water bills. The amount of revenue shall be accounted for in a manner satisfactory to the village council and shall be collected by the village treasurer. The village treasurer shall prepare and present a monthly financial statement of the receipt and expenditures of the water department to the village council. The village treasurer shall deposit water revenues in the manner approved for other village deposits, but shall keep water revenues in a separate and distinct account.

Sec.2017-2. Water mains

The water mains of the village shall be under the exclusive control of the village council, and no person other than the agents or employees of the water department shall tap, change, obstruct, interfere, or in any way disturb the system of water mains without prior approval from the village. Violation of this section shall be liable to the village for any expense, loss, or damage occasioned to the village by reason of such violation and punishable by Municipal Civil Infractions.

Sec.2017-3. Water main extensions

Water main extensions shall be made in accordance with one of the following plans.

- (1) *Payment of entire cost in advance.* Any one or more property owners may request the village council to determine the feasibility and the estimated cost of the construction of a proposed water main extension to serve such person's premises. If the village council shall approve the proposed extension and determine the estimated construction costs, such property owners may deposit with the village treasurer a sum equal to such estimated cost, and the village council shall then proceed with the construction of the water main. Any surplus in the deposit amount over and above the construction costs shall be refunded to the owner or his agent. Should the construction cost exceed the deposit

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amount, the owner shall pay the excess amount, and no water taps shall be installed or water service rendered from the extension until the cost is paid in full.

- (2) *Construction by owner.* In undedicated streets and new subdivisions, the village council may permit the owner to arrange for the laying of water main extensions by private construction; however, the work shall be under the supervision of the village president or designee. In such case, the village council shall require a deposit in the sum deemed adequate by the village council as a guarantee against defective workmanship or materials. Each deposit, less any sums expended by the water department for repair or replacement of defective work or materials, shall be refunded one year after the water main extension has been placed in service. No other refund of a payment shall be made. In the construction of any such extension, the contractor shall use only duly inspected pipes, special valves, etc., which are obtained from the water department upon payment of the cost of such supplies. The village may approve supplies to be purchased by a contractor performing work for the village.
- (3) *Construction outside the village.* The entire cost of all mains constructed outside the village limits shall be defrayed by the property owners. The size, location and methods of construction shall be determined by the village president. If constructed by the village, advance payment must be made before the work will begin. If the construction is done by the owners or their agents, plans and specifications will be furnished by the water department. All construction not performed by the village shall be under the village's supervision and inspection, and the cost of supervision and inspection shall be defrayed by the property owners.

In addition to the financing alternatives set forth in this section, the village is willing to consider other mechanisms on a case-by-case basis.

Sec.2017-4. Size of water main.

The village shall determine the size and location of any proposed water main, which size shall not be less than six inches.

Sec.2017-5. Service pipe specifications.

- (a) Service pipes on public or private property shall be laid on solid ground not less than four feet below established grade of the street.
- (b) From the water mains to the water meter all service pipes shall be copper, or other materials of a like nature approved by the AWWA, not less than three-fourths-inch inside diameter, approved by the village president. Service cocks shall be a three-fourths-inch, extra heavy duty type, and must be lead free. The curb stop box shall be set so that the cover is flush with the grade, and shall be set on a brick or concrete foundation to prevent settlement.
- (c) A separate stop and cock shall be placed on the service pipe just inside the building wall on the effluent side of the water meter. In addition, a stop and cock shall be placed on the effluent side of the water meter. Such stops shall be equal in working quality to the service cock function in the same nature as a gate valve.

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- (d) The corporation cock, the service pipe from the main to and including the service cock, and the stop box will be provided in place and maintained by the water department under the fee for a water permit. The service pipe from the service cock to the building on private property shall be installed and maintained by the owner. The owner shall keep the stop box free from dirt, stones or other substances that will prevent access to the service cock.
- (e) Property owners or contractors shall not interfere in any way with service pipes installed by the water department, and shall not be permitted to turn water on or off at the service cock, except for testing purposes, in which case the service cock shall be left in the same condition and position as it was found. Any contractor or owner called upon to shut off water and drain pipes is made for a meter larger in any premises shall do so inside the building only.

Sec.2017-6. Permit required.

Before any connection shall be made to a water main, application for a service connection permit must be made in writing by the owner of the premises to be served or his authorized representative at the office of the village clerk. Such application shall be made on forms provided by the village clerk's office, which shall contain such information as the village council may require.

Sec.2017-7. Permit fee

Upon granting of a permit for a service connection and before the connection is made, the owner shall pay a permit fee for tapping the main, the installation of the service pipe from the main to the service cock, stop box, outside meter box and any other water service pertaining to the installation. Fees shall continue in force as on the effective date of the ordinance from which this article is derived, and may be charged by resolution of the village council.

Sec.2017-8. Water meters

- (a) All premises within the village using water shall be metered, with all municipal buildings at council discretion. Meters up to three-fourths inch will be furnished by the water department, and shall remain the property of the water department, and will at all times be under the control of the water department. The additional cost of a larger meter installed for a customer shall be paid by the customer.
- (b) For ordinary domestic consumption of water, a five-eighths, or five-eighths inch by three-fourths inch meter will be furnished. Where application is made for a meter larger than five-eighths-inch or five-eighths-inch by three-fourths-inch, the village president shall determine whether a meter of such size is required. Where a meter larger than three-fourths-inch is required, special arrangements must be made between the water department and the customer for such meter.
- (c) Meters shall be set in an accessible location and in a manner satisfactory to the village president
- (d) All new installations of service shall include a remote reader. It shall be the duty of the water department to install the remote reader. The cost of the remote reader shall be included in the connection fee.
- (e) No person other than an authorized employee of the water department of the village of Ashley, shall change the location of, alter or interfere in any way with any meter. Meters that have been tampered

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with, are subject to replacement. Owners/occupants of the property shall pay labor and equipment charges, and may face penalties as prescribed by village ordinance.

- (f) The expense of installing and maintaining meters up to three-fourths-inch will be borne by the village; provided, however, that where replacements, repairs or adjustments of a meter are made necessary by the acts, negligence or carelessness of the owner/occupant of the premises, the expenses of the village caused by such replacements, repairs or adjustments shall be charged and collected from the owner of the premises. Such charges shall be collected in the manner provided for the collection of water rates as set forth in section 2017-10.
- (g) The owner or occupant of any premises where a meter is installed will be held responsible for its care and protection from freezing or hot water, and injury from interference by any person. In case of injury to a meter, or in case of its stoppage or imperfect work, the owner/occupant shall immediately notify the water department upon such occurrence. All water furnished by the village and used on any premises must pass through the meter. No bypass or connection around the meter will be permitted. If any meters become out of order or fail to register, the consumer will be charged at the average quarterly consumption rate as shown by the meter over the period of the preceding four quarters when such meter accurately registering. The accuracy of the meter on any premises will be tested by the water department upon written request of the owner, and the owner shall pay a fee in advance to cover the cost of the test. If upon such test, the meter shall be found to register over five percent more water than that which actually passes through it, another meter will be substituted and the fee will be refunded to the owner, and the water bill may be adjusted in such manner as may be fair and just.
- (h) All water meter reading equipment that is installed on the outside of any residential dwelling, commercial or industrial property, shall be kept clear of any objects that will not allow the village to obtain a water meter reading. No trees, shrubs, large plants, dog kennels, or any type of small structure is allowed to be put in front of the water meter reading equipment.
- (i) Violation of this section shall be liable to the village for any expense, loss, or damage occasioned to the village by reason of such violation and punishable by Municipal Civil Infractions.

Sec.2017-9. Use of water.

- (a) When a new service pipe is put into any premises, the service cock shall be left closed, and shall be opened only by an authorized employee of the village upon request of the owner or his agent; provided, however, that a contractor may open and close a service cock to test his work, as provided in this article.
- (b) When a building originally built as a single unit and fitted with one service pipe shall be subdivided by sale, the separate division made by such subdivision must be separately metered within 30 days of such subdivision. Existing buildings using one (1) service and paying for each multiple single dwelling may be exempt.
- (c) When the water has been turned off by the water department for any reason, no person, except authorized employees or agents of the village may turn the water on again.

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- (d) All water service cocks shall be accessible at all times. There shall be no planting of any type of plants, trees, shrubs, or any type of obstacle that would cause any issue with the village water department to be able to access the service cock.
- (e) Any water used for underground irrigation system shall have an option to have a separate meter, and installed at the owners expense. Any irrigation system must have an approved backflow device installed.

Sec.2017-10. Rates, charges and fees

- (a) Each premises in the village connected to and using facilities of the system shall pay user rates and charges as fixed and established from time to time by resolution of the Village Council and shall be considered due as of the date billed and delinquent one month after the billing date.
- (b) Charges for service connections and streets shall be based on a flat fee relative to the service size required. Charges for a service connection may be revised when deemed necessary by the village president, subject to approval by the village council.
- (c) A penalty established by village council resolution shall be applied one month following the billing date. Services with unpaid balances 30 days following the billing date will be subject to discontinuance, except, where a utility service changes name due to a user moving, all rates, fees and charges accumulated to date shall be considered due immediately, and discontinuance of services to the such unit will remain until all fees are paid.
- (d) The village may make such rules and regulations governing the operation of such water system, rates, ect., as it shall deem necessary. Such rules and regulations shall have the same force and effect as ordinances.
- (e) Any new account or account that changes ownership, shall pay a deposit of \$200.00 before the water is turned on, and the deposit is refundable if the account balance is paid in full when the account has been closed.
- (f) The village of Ashley shall reserve the option to charge a quarterly fee for fire hydrant service.
- (g) Each premises outside the village connected to and using facilities of the system shall pay user rates and charges as fixed and established from time to time by resolution of the Village Council.

Sec.2017-11. Collection.

- (a) The assessments, charges or rentals for the use or consumption of water supplied to any house, building, premises, lot or parcel of land, the village shall have as security for the collection of such amounts, a lien upon such house, building, premises, lot or parcel of land to which such water has been supplied. Such lien shall become effective immediately upon the distribution of water to the premises or property to which water is supplied, and the official record of the village clerk's office shall constitute notice of the pendency of such lien. The lien shall have priority over all other liens, except taxes and special assessments, whether or not such liens accrued or were recorded prior to the lien created pursuant to this subsection.

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- (b) (1) All unpaid water charges which, upon April 1 of each year, have remained unpaid for three months or more shall be reported by the village clerk to the village council at the first meeting of the village council in the month of April. The village council shall order the publication in a newspaper of notice to all owners of property within the village that all unpaid water rates, charges or fees which have remained unpaid for a period of three months or more as of April 1 which have not been paid by the following April 30 will be transferred to the tax roll and assessed upon the village's tax roll against the property upon which the water was used, to be collected in the same manner as the lien created by village taxes on such tax roll.
- (2) All unpaid water rates or charges which are reported by the village clerk to the village council as having been unpaid for a period of three months or more on April 1 of each year and which remain unpaid on the following April 30 may be transferred to the village's tax roll and assessed against the property to which the water was supplied or furnished, and such unpaid rates or charges accrued shall be collected with and in the manner as village taxes are collected, and if such rates or charges shall remain delinquent and unpaid after the expiration of the time limit in the warrant for the collection of taxes levied in such roll, such charges shall be returned to the county treasurer to be collected in the same manner as the lien created by the village taxes on the delinquent tax roll of the village.
- (c) The provisions of this section shall not apply where a lease has been legally executed containing a provision that the lesser shall not be liable for payment of water bills accruing subsequent to the filling of such lease with the village clerk's office, and 20 days notice shall be given by the lesser of any cancellation, change in or termination of the lease.
- (d) In addition to other remedies provided in this section, the village shall have the right to shut off and discontinue the supply of water to any premises for the nonpayment of water and sewer rates due, in accordance with the steps and procedures outlined in section 2017-10. This right to shut off water supply shall extend to entire multifamily dwellings if each family unit within the multifamily dwelling does not have a separate water meter, or if the shut off valves for each individual units are not readily accessible to village employees.

Sec. 2017-12. Access to buildings.

The village president or the village's designated agent shall have free access at all reasonable hours to inspect any premises supplied with water by the village. No person shall refuse to admit authorized agents of the village to any premises for the purpose of such inspection. If an authorized employee of the village is refused admittance, or is in any way hindered in making the necessary inspection or examination, the water may be turned off to such premises after 24 hours notice to the owner or occupant of such premises.

Sec. 2017-13. Fire hydrants.

- (a) Fire hydrants shall be opened and used by the water and fire departments of the village, or by such persons as may be specifically authorized by the village manager or his/her designee. No person shall

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in any manner obstruct or prevent free access to any fire hydrant by placing or storing, temporarily or otherwise, any objects or materials of any kind within 20 feet of the fire hydrant.

- (b) Permits to use fire hydrants shall be granted by the village president only for specific fire hydrants, at specific times.
- (c) Any person desiring service from a fire hydrant shall place on deposit such a sum of money as the village manager shall designate, which sum shall be held until all charges incurred have been fully paid and all water department equipment returned in good condition. The water department shall have the right to use any portion of such sum to repair or replace any equipment damaged through negligence of the consumer or by reason of the use of such equipment.
- (d) Before use of water from a fire hydrant is allowed, the discharge portion of the fire hydrant shall first be fitted with a valve and meter under the direction of the water department.
- (e) Violation of this section shall be liable to the village for any expense, loss, or damage occasioned to the village by reason of such violation and punishable by Municipal Civil Infractions.

Sec.2017-14. Service interruption.

If it becomes necessary to shut off the water from any section of the village because of an accident or for the purpose of making repairs or extensions, the water department will endeavor to give timely notice to the consumers affected by such service interruption and will, so far as practicable, use its best efforts to prevent inconveniences and damage arising from any such causes, but the failure to give such notice shall not render the village responsible or liable for damages which may result from such service interruption.

Sec.2017-15. Service abandonment determination.

The village reserves the right to take appropriate measures to abandon services to an existing property which is left vacant for over a period of 12 months, unless there is written communication between the village and the interested party of such person's intentions on such premises. The Village will take steps to attempt contact with owner of premises, as shown by tax records or Register of Deeds.

Sec.2017-16. Emergencies.

During an emergency pertaining to the water department, the village council may make such rules and regulations, as it shall deem necessary, governing the use of water by the consumer. Such rules and regulations shall have the same force and effect as ordinances.

See Appendix 1

Sec.2017-17. Protection of village wells.

It shall be unlawful for any person to construct or maintain, or permit to be constructed or maintained, within a radius of 200 feet from any of the municipal water wells of the village from which the village draws its water supplies, any source of possible contamination or pollution to such well.

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Sec.2017-18. Cross connections.

See Appendix 2

Sec.2017-19. Fluoride.

The purpose of this section is to reject the addition of fluoride to water supplied by or under control of the village, as prescribed by section 12721 of Public Act No. 368 of 1978 (MCL 333.12721).

Sec.2017-20.

Any person found to be in violation of any provision of this article shall be served with a written notice stating the nature of such violation, and such person shall be provided a 15-day time limit for the satisfactory correction of such violation. The violator shall, within such 15-day time period, take such corrective action as may be necessary. Violation of this section shall be liable to the village for any expense, loss, or damage occasioned to the village by reason of such violation and punishable by Municipal Civil Infractions.

Sec.2017-21. Civil liability.

Any person found to be in violation of any provision of this article shall be liable to the village for any expense, loss or damage occasioned to the village by reason of such violation, and recovery therefore may be had in an appropriate action in a court of competent jurisdiction.

Sec.2017-22. Abatement.

Any continued violation of this article, after due notice as provided in section 2017-20, shall be deemed a public nuisance, and may be abated by the village upon complaint in a court of competent jurisdiction. Such remedy shall be in addition to those remedies otherwise provided in this article.

Sec. 2017-23 . Seperability

If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by an 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 portion.

Sec. 2017-24. Ordinances Repealed.

All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

Sec. 2017-25. Effective Date.

This ordinance shall take effect and be in force twenty days from and after its enactment as provided by the Village Council.

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Passed and approved by the Village Council of the Village of Ashley, Gratiot County, Michigan, in regular session, held January 9, 2018.

We, the undersigned President and Clerk of the Village of Ashley, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance #2017-01 of the Village of Ashley, Michigan was adopted at a regular meeting of the Village Council, held January 9, 2018 and published in newspaper circulated within the Village on January 21, 2018, not less than 15 days having elapsed between adoption and publication.

Dated at Ashley, Michigan, this 21st day of January, 2018.

Ann Paksi
Village President

Michelle Fitzpatrick
Village Clerk