

CHAPTER 1044
Water Rates and Charges

- | | |
|--|---|
| 1044.01 Water capacity buy-in charges. | 1044.12 Nonmetered water charges; meter connection. |
| 1044.02 Water connection installation charge. | 1044.13 Charge for delinquent payments; delinquent payment deadline. (Repealed) |
| 1044.03 Commencement of water charges. | 1044.14 After hours, weekend and holiday rates for turning water on or off. |
| 1044.04 Determination of rates. | 1044.15 Charge to thaw water service lines. |
| 1044.05 Review and amendments of rates. | 1044.16 Water purchase charges. |
| 1044.06 Determination of sufficiency of rates. | 1044.99 Penalty. |
| 1044.07 Free service prohibited. | Appendix I - Water Rates (Repealed) |
| 1044.08 Basis of charges; fire protection charge; payment. | Appendix II - Table of Residential Equivalent Factors |
| 1044.09 Security for collection; liens. | |
| 1044.10 Nonpayment; remedies; penalty. | |
| 1044.11 Deposit for reconnection. | |

CROSS REFERENCES

- Water quality - see Mich. Const., Art. 4, Sec. 52; M.C.L.A. Secs. 67.38, 323.1 et seq.
- Water supply generally - see Mich. Const., Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 123.11 et seq., 325.201 et seq., 486.51 et seq., 486.101 et seq.
- Water traffic control - see GEN. OFF. 666.01(24); S.U. & P.S. 1062.03
- Water pollution - see GEN. OFF. 678.04, 678.07
- Water generally - see S.U. & P.S. Ch. 1040
- Caseville Water Authority - see S.U. & P.S. Ed. Note, Ch. 1040
- Water supply cross connections - see S.U. & P.S. Ch. 1042
- Requests for delay or relief from payment of bills - see S.U. & P.S. 1050.01

1044.01 WATER CAPACITY BUY-IN CHARGE.

(a) The charge for the privilege of connecting to the water supply and distribution system shall be at a fee to be set by the City Council for the first residential equivalent unit (REU) and at a fee set by the City Council for each additional REU. Water capacity buy-in charges are deemed necessary to recover the prior incurred capital costs associated with the acquisition and provision of sufficient water supply capacity to serve the future needs of the community.

(b) The City may enter into agreements with other governmental entities regarding the supply of water outside the City. Such agreements shall be in writing and approved by Council and shall provide for the costs related to connecting to the City system and the cost of water to be supplied and such other matters related to the distribution of water to such governmental entities as Council shall deem appropriate. Such agreements may provide for rates in excess of those charged to users who are located within the City to reimburse the City for the indirect costs of owning and operating the water system.

(Ord. 20000-5. Passed 3-20-00; Ord. 2003-13. Passed 10-13-03; Ord. 2007-04. Passed 6-11-07.)

1044.02 WATER CONNECTION INSTALLATION CHARGE.

There is hereby established a water connection installation charge to be set by City Council for the physical connection of a water service to the water system. For installations larger than three-quarter inch, additional fees will apply to cover the cost of time and materials that is in excess of the cost incurred for a three-quarter inch installation.

(Res. 96-116. Passed 1-13-97; Ord. 2001-05. Passed 5-14-01; Ord. 2003-13. Passed 10-13-03; Ord. 2015-01. Passed 4-13-15.)

1044.03 COMMENCEMENT OF WATER CHARGES.

Water charges shall begin at the time the occupancy use permit is issued or 180 days after the tap-in permit is issued, whichever first occurs.

(Res. 89-87. Passed 12-11-89.)

1044.04 DETERMINATION OF RATES.

Rates and charges for the use of the water supply system of the City are established to apply to residential and nonresidential or commercial users of the system. Pursuant to the terms of grant and loan agreements entered into between the City and the United States Government, Farmers Home Administration, it has been agreed that nonresidential (commercial) users may not obtain the benefit of Federal grant funds administered by the Farmers Home Administration under the Rural Housing Program, requiring rates to be established for such users as if nine hundred fifty thousand dollars (\$950,000) in Federal grants had not been received to be used to aid in the construction of a water treatment plant and distribution system improvements.

Council shall also establish a Table of Residential Equivalent Factors to be applied to various classes of users, which table shall, in the judgment of Council, reflect the average use of water per nonmetered customer in relation to typical residential uses. Such table may be adopted and amended from time to time in accordance with the recommendation of the City Water Committee and shall be filed with the City Clerk. Such table shall be set forth in Appendix II following the text of this chapter.

1044.05 REVIEW AND AMENDMENTS OF RATES.

The rates for water and sewer charges shall be reviewed from time to time and amended accordingly by City Council.

(Ord. 309. Passed 3-9-87; Ord. 2015-01. Passed 4-13-15.)

1044.06 DETERMINATION OF SUFFICIENCY OF RATES.

The rates hereby fixed are estimated to be sufficient to provide for the payment of expenses of administration, operation and maintenance of the water supply and distribution system as are necessary to preserve the same in good repair and working order and to provide for such other expenditures and funds for such system as may be required by the bond authorizing ordinance as the City may adopt from time to time. The rates herein established shall be fixed and revised from time to time as it may be necessary to produce the necessary amounts.

(Ord. 309. Passed 3-9-87.)

1044.07 FREE SERVICE PROHIBITED.

No free service shall be furnished by the water supply and distribution system to any person, public or private, or to any public agency or instrumentality.

(Ord. 310.1A. Passed 9-28-87.)

1044.08 BASIS OF CHARGES; FIRE PROTECTION CHARGE; PAYMENT.

(a) All water charges shall be based on water used according to a meter, and all rates shall be determined from time to time by Council and shall be posted at the office of the City Clerk.

(b) The charges for water and services which are under Section 21 of Act 94 of the Public Acts of 1933, as amended (M.C.L.A. Sec. 141.121), are hereby made a lien on all premises served thereby, unless notice is given that a tenant is responsible. Whenever any such charge against any piece of property is delinquent for six months, the City officials in charge of the collection thereof shall certify to the City Assessor the fact of such delinquency, whereupon such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general City taxes against such premises are collected. However, where notice is given that a tenant is responsible for such charges, no further service shall be rendered any piece of property until a cash deposit of not less than the applicable quarterly base water rate has been made as security for payment of such charges and services.

(c) In addition to other remedies provided, the City may shut off and discontinue the supply of water to any premises for the nonpayment of water rates when due.

(d) All non-metered water used for fire suppression will be billed using estimates from the water plant production and no meters will be required to be installed by the property owner for the suppression system.

(Ord. 2005-02. Passed 3-14-05; Ord. 2009-08. Passed 5-11-09; Ord. 2010-04. Passed 8-9-10.)

1044.09 SECURITY FOR COLLECTION; LIENS.

(a) The City shall have as a security for the collection of water rates, or any assessments, charges or rentals due or to become due for the use or consumption of water supplied to any house, building, premises, lot or parcel of land, a lien upon such house, building, premises, lot or parcel upon which such house or other building shall be situated or to which such water was supplied.

(b) Such lien shall become effective immediately upon the distribution of the water to the premises or property supplied, but shall not be enforceable for more than three years thereafter.

(c) The lien created herein shall be enforced by the general laws of the State providing for the enforcement of tax liens.

(d) The lien hereinbefore created shall, from and after the passage of this section (Ordinance 301, passed April 4, 1949), have priority over all other liens, except taxes or special assessments, whether or not such other liens accrued or were recorded prior to the accrual of the water lien therein created. However, this section shall not apply in any instance where a lease has been legally executed containing a provision that the lessor shall not be liable for the payment of water bills as to any such bills accruing subsequent to the filing of the affidavit hereinafter provided for. Further, an affidavit with respect to the execution of such a lease containing the expiration thereof shall be filed with the City Clerk, and twenty days notice shall be given by the lessor of any cancellation, change in or termination of the lease.

1044.10 NONPAYMENT; REMEDIES; PENALTY.

(a) The city may discontinue water service from the premises against which the lien provided for in Section 1044.09 has accrued whenever any person fails to pay the rates, assessments, charges or rentals herein referred to, or may institute a suit for the collection of the same in any court of competent jurisdiction, but no attempt to collect such water rates, assessments, charges or rentals by any process shall in any way invalidate or waive the lien upon the premises.

(b) The procedure for the discontinuance of water service and penalty for delinquent payments is hereby established as follows, divisions (2), (3) or (4) may be delayed by up to five days due to weekends, holidays or staffing issues:

- (1) Quarterly bills shall be issued on January 1, April 1, July 1 and October 1, each allowing twenty-five days for payment.
- (2) On the twenty-sixth day following the issuance of a quarterly bill, a penalty of 1.5% shall be added to the outstanding original amount owed. Notice shall be sent to the customer by first class mail, giving said customer notice to pay the delinquent charges, including interest and penalty.

On the twenty-sixth day of the second month of the calendar billing cycle, an additional penalty of 1.5% shall be added to the original outstanding amount owed.

- (3) On the seventy-first day following the issuance of a quarterly bill, a penalty of 1.5% shall be added to the outstanding original amount owed plus a shut-off fee, as set by City Council. A shut-off notice shall be sent to the current billing customer by certified mail, return receipt requested, and/or the notice will be hand-delivered to the occupant of the structure, giving said customer fifteen days in which to pay the delinquent charges, including interest and penalty. Shut-off notices will be sent based on the criteria established by City Council. The notice shall state the date that water is scheduled to be shut off for nonpayment. If not hand delivered, the notice shall also be tagged at the front entrance of the premises, thereby advising said may be removed by the city after a minimum of seven days due to safety concerns, (occupancy status).
- (4) Shut-off of the delinquent water service account shall occur on the eighty-sixth day following the issuance of a quarterly bill based on criteria established by City Council for shut-off. To avoid shut-off the account must be paid below the amount set by City Council by 12:00 noon on the shut-off day.

(Ord. Unno. Passed 4-12-99; Ord. 2006-06. Passed 5-8-06; Ord. 2013-04. Passed 5-13-13; Ord. 2013-07. Passed 1-13-14; Ord. 2016-01. Passed 4-11-16.)

1044.11 DEPOSIT FOR RECONNECTION.

When an application for water service is made by a lessee or land owner whose water service was discontinued by the city because such lessee or landowner failed to pay for previous water service, the following procedure shall apply:

- (a) Payment of any delinquent amounts shall be made in full prior to reconnection. This includes full payment of the next quarter's base utility bill and penalties, if this bill is past the twenty-fifth day of issuance.
- (b) A deposit, of one quarter's base utility bill for this account, shall be required prior to reconnection, for second offense and thereafter.
- (c) The turn-on fee for reconnection of a delinquent account shall be as follows:
 - (1) The fee for reconnection within thirty days of shut off shall be set by the City Council.

- (2) The charge for reconnection after thirty days of shut off shall be three hundred dollars (\$300.00).
- (d) Deposits made as a result of a disconnection for nonpayment shall be returned to the lessee or landowner after four continuous quarterly payments are made without being delinquent, if during this time frame the customer is past due on any utility bill, the deposit will be applied to their account and not returned.
- (e) No interest shall be earned on disconnection deposits returned to the lessee or landowner.
(Ord. 1044-A. Passed 6-13-94; Ord. 2006-03. Passed 5-8-06; Ord. 2016-01. Passed 4-11-16.)

1044.12 NONMETERED WATER CHARGES; METER CONNECTION.

(a) There is hereby established a monthly nonmetered water charge, per RE factor, as follows:

Commercial - \$100.00 per month (\$300.00 per quarter)

Single-family residents with commercial combined - \$50.00 per month (\$150.00 per quarter)

Single-family residents - \$40.00 per month (\$120.00 per quarter)

(b) All residential and commercial users needing meters shall be notified by registered mail and be given a forty-five day notice to connect the required meters. This charge shall become effective July 8, 1991.

(c) The nonmetered charges shall also be applied to accounts with broken meters and/or no remote upon proper forty-five day notice as stated above.

(d) Nonmetered charges are in addition to mandatory established charges.
(Res. 91-107. Passed 7-8-91.)

1044.13 CHARGE FOR DELINQUENT PAYMENTS; DELINQUENT PAYMENT DEADLINE. (REPEALED)

1044.14 AFTER HOURS, WEEKEND AND HOLIDAY RATES FOR TURNING WATER ON OR OFF.

The charges for water turn-on/turn-off performed after hours, on weekends and on holidays shall be set by City Council.

(Res. 96-75. Passed 6-27-96; Res. 2001-44. Passed 5-14-01; Ord. 2015-01. Passed 4-13-15.)

1044.15 CHARGE TO THAW WATER SERVICE LINES.

It is the responsibility of the City to respond to requests to thaw water service lines in the right-of-way. Repeated calls to the same address to thaw water service lines in the right-of-way, where the homeowner is negligent, shall be billed at an hourly rate

sufficient to cover the manpower and equipment needed to thaw such water service lines, plus ten percent for administrative costs.

(Ord. 1044-A. Passed 6-13-94; Ord. 2010-04. Passed 8-9-10.)

1044.16 WATER PURCHASE CHARGES.

The following charges for water purchases are hereby established:

- (a) Up to five gallons \$.25
 - (b) Up to 250 gallons 1.00
 - (c) Up to 1,250 gallons 5.00
- (Res. 96-26. Passed 2-12-96.)

1044.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

APPENDIX I

(Repealed)

Editor's Note: Appendix I was repealed by Ordinance 2010-04, passed August 9, 2010.

APPENDIX II

Table of Equivalent Unit Factors

| <u>Usage</u> | Residential Equivalent (R.E.) <u>Unit Factor</u> | Information <u>Source</u> |
|---|---|------------------------------|
| Single family residential | 1.00 per dwelling | A-D-F-G |
| Single family residential where business is operated (home occupancy) | 1.50 per dwelling | G |
| Auto dealers | .40 per 1,000 sq. ft. | D-E |

| <u>Usage</u> | Residential Equivalent (R.E.) <u>Unit Factor</u> | <u>Information</u> <u>Source</u> |
|--------------------------------------|--|-------------------------------------|
| Auto repair shops | .30 per repair stall | D |
| Banks | 1.00 per bank | G |
| Barber shops | .14 per chair | A-C |
| Bars | .04 per seat | D |
| Beauty shops | .22 per booth | D |
| Boarding houses | .16 per person | A-C-F |
| Body shops | 1.00 per each fifteen employees or fraction thereof | G |
| Bowling alleys (no bar or lunch) | .16 per alley | D |
| Bowling alleys (bar and/or lunch) | .60 per alley | F |

| <u>Usage</u> | <u>Residential Equivalent (R.E.) Unit Factor</u> | <u>Information Source</u> |
|--|--|-------------------------------|
| Car wash | | |
| (a) Manual, do-it-yourself | 2.50 per stall | D |
| (b) Semi-automatic (Mechanical without conveyer) | 12.50 per stall | D |
| (c) Automatic with conveyer | 33.00 per stall | D |
| (d) Automatic with conveyer conserving and recycling water | 8.40 per lane | D |
| Child care centers | .05 per person | G |
| Churches | .01 per seat | D-E |
| Cleaners (pick-up only) | 1.00 per establishment | G |
| Clinics (minimum 1.0 per profession) | .50 per doctor | D |
| Convalescent home | .22 per bed | D |
| Convents | .20 per person | D |
| Country clubs | .08 per person | A-C-D |
| Dairy stores | .16 per employee | D |
| Department stores (with food) | .60 per 1,000 sq. ft. | G |
| Department stores (without food) | .40 per 1,000 sq. ft. | D-F |
| Drug stores (without fountain) | .40 per 1,000 sq. ft. | D-F |
| Factories (exclusive of excess industrial use) | .50 per 1,000 sq. ft. | D-E |
| Fire station | .20 per person per twenty-four hours | G |

| <u>Usage</u> | <u>Residential Equivalent (R.E.) Unit Factor</u> | <u>Information Source</u> |
|--|---|-------------------------------|
| Fraternal organizations (members only) | 1.00 per hall | D |
| Fraternal organizations (members and rentals) | 2.00 per hall | D |
| Fruit stand (cleaning-seasonal) | 1.10 per 1,000 sq. ft. | G |
| Garden center (nursery) | .16 per person | G |
| Government offices | .40 per 1,000 sq. ft. | D-E |
| Grocery stores and supermarkets | 1.10 per 1,000 sq. ft. | D-E |
| Hospitals | 1.09 per bed | A-C |
| Hotels (private baths) | .25 per bed | A-C-E-F |
| Laundry (self-service) | .40 per washer | D-E |
| Lumber yard | 1.00 per each fifteen employees or fraction thereof | G |
| Mobile home parks | .50 one bedroom 1.00 two bedrooms or more | G G |
| Motor freight terminals | 1.00 per each fifteen employees or fraction thereof | G |
| Motels | .25 per bed | E |
| Multi-family residence | | |
| (a) One bedroom | .50 per residence | G |
| (b) Two bedrooms | 1.00 per residence | G |
| (c) Three bedrooms | 1.00 per residence | G |

| <u>Usage</u> | <u>Residential Equivalent (R.E.) Unit Factor</u> | <u>Information Source</u> |
|--|---|-------------------------------|
| Office | .40 per 1,000 sq. ft. | D |
| Pets, plants and fish | 1.10 per 1,000 sq. ft. | G |
| Printing shop | 1.00 per each fifteen employees or fraction thereof | G |
| Public institutions (other than hospitals) | 1.00 per each fifteen employees or fraction thereof | G |
| Research and testing labs | 1.00 per each fifteen employees or fraction thereof | G |
| Restaurants | | |
| (a) Conventional type (with or without drinks) | .05 per seat | A-B |
| (b) Quick serve, franchise-type without dishes, dealing mainly in hamburgers and sandwiches with or without eating in building | 5.60 per restaurant | D |
| Includes, but not limited to, McDonald's, Burger Chef, Burger King, Red Barn, Hardee's and Arby's. | | |
| (c) All other restaurants | 1.80 per restaurant | D |
| Includes, but not limited to, drive-ins, snack bars, carry-outs, such as fried chicken and pizza. Could have limited eating in building without dishes. | | |

| <u>Usage</u> | Residential Equivalent (R.E.) <u>Unit Factor</u> | <u>Information Source</u> |
|---|--|---------------------------|
| Rooming houses (no meals) | .167 per person | E |
| Schools | 1.50 per classroom | C-E |
| Sports centers | 1.00 per each fifteen employees or fraction thereof | G |
| Service stations | 1.00 per station | G |
| Service stations (with limited car washing) | 1.25 per station | G |
| Stores (other than those specifically listed) | 1.00 per each fifteen employees or fraction thereof | G |
| Swimming pools | 2.85 per 1,000 sq. ft. | D |
| Take-out (beer and liquor) | 1.00 per each fifteen employees or fraction thereof | G |
| Tennis club | .08 per member | A-C-D |
| Theatre (drive-in) | .008 per car space | B-C |
| Theater (inside) | .0001 multiplied by the weekly hours of operation multiplied by the number of seats | B-C-E |
| Travel trailer park (individual bath units) | .27 per cubicle | A-B-C-E |
| Travel trailer park (individual bath units-seasonal only) | .27 per cubicle | A-B-C |

| <u>Usage</u> | <u>Residential Equivalent (R.E.) Unit Factor</u> | <u>Information Source</u> |
|------------------------|---|-------------------------------|
| Used auto sales | 1.00 per each fifteen employees or fraction thereof | G |
| Veterinarian hospitals | 2.00 per veterinarian | G |
| Warehouses | .10 per 1,000 sq. ft. | D-E |

1. Minimum rate for commercial or industrial user - 1.0 unit equivalents.
2. Rates not properly covered in this listing will be established by Council.
3. Where a multiple business exists at one location (shopping centers), the various businesses will be combined for equivalents.

NOTE: 1 Unit equals 222 gallons per day or 80,000 gallons per year or 32.75 cubic feet per day or 11,550 cubic feet per year.

INFORMATION SOURCES:

- A. Cincinnati Report
- B. Gordon MacDougall Report to Wayne County
- C. Manual of Septic Tank Practice - Publication No. 526, U.S. Department of Health
- D. Oakland County Department of Public Works
- E. Genesee County Department of Public Works
- F. New Jersey State Department of Health
- G. Stauder, Barch & Associates Analysis

Where, when and if the R.E. status of a user is in question, the Superintendent of Public Works is authorized to make a recommendation subject to approval by the Village Water Committee and/or Council. The determination of the Superintendent is to be kept on file in the office of the Department of Public Works.

(Ord. Unno. Passed 4-12-99; Ord. 2000-10. Passed 7-10-00.)