

TOWNSHIP OF BIRCH RUN
ORDINANCE NO. 76-1

AN ORDINANCE TO ESTABLISH RATES CHARGED AND TAP IN FEES TO BE IMPOSED AND CHARGED BY THE TOWNSHIP WATER SUPPLY SYSTEM; TO PROVIDE FOR THE COLLECTION AND ENFORCEMENT OF SAID RATES AND FEES AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID WATER SUPPLY SYSTEM AND TO THE USE AND OPERATION THEREOF FOR THE PRESERVATION OF THE PUBLIC HEALTH, SAFETY, WELFARE AND CONVENIENCE.

THE TOWNSHIP OF BIRCH RUN ORDAINS:

SECTION 1. It is hereby determined to be necessary for the public health, safety, and welfare of the Township of Birch Run to acquire and construct in accordance with detailed maps, plans and specifications therefor prepared by the Spicer Engineering Company, Consulting Engineers, Saginaw, Michigan, a Water Supply System for the Township of Birch Run, consisting of pumping equipment, water mains and lines, hydrants, together with necessary appurtenances and attachments thereto.

SECTION 2. Whenever used in this Ordinance, except when otherwise indicated by the context:

- A. The term "TOWNSHIP" shall be construed to mean the Township of Birch Run and the term "COUNTY" shall be construed to mean the County of Saginaw, both in the State of Michigan; the term "TOWNSHIP BOARD" shall be construed to mean the Township Board of Birch Run Township, the legislative and governing body thereof.
- B. The term "WATER SUPPLY SYSTEM" or "SYSTEM" unless otherwise indicated, shall be construed to mean Birch Run Township Water Supply System established and to be constructed under a contract with the County of Saginaw, through its Department of Public Works.
- C. The term "WATER SERVICE" shall be construed to mean the providing of a supply of water to the premises connected to the water supply system.
- D. The term "CHARGES FOR WATER SERVICES" or "CHARGES" shall be deemed to mean the amount charged to each premises in the Township connected to the system for the purpose of receiving a supply of water.
- E. The term "TAP-IN FEE" shall be construed to mean the charge made to each premises in the township for the cost of tapping in the water supply system at the lot line.

- F. The term "PREMISES" shall be construed to mean lands included within the boundaries of a single description as set forth from time to time on the general tax rolls of the Township as a single taxable item in the name of a taxpayer or taxpayers at one address, but in the case of platted lots shall be limited to a single platted lot unless an existing building or structure is so located on one or more lots as to make the same a single description for purposes of assessment or conveyance, now or hereafter.

SECTION 3: Premises within, or outside of, the Township upon which are located buildings or structures and for which direct connection to the system is available shall be charged and shall pay a tap in fee in accordance with the following schedule:

- A. A tap in fee of \$500.00 per unit if such tap in is contracted for before July 1, 1976. Said tap in fee, and the payment therefor may be spread and paid for over a period of time not to exceed 20 years, with interest to be charged on the unpaid balance at the rate of 8% per annum. Said tap in fee, and the interest thereon may be included in the yearly tax bill on the premises being served by the tap in.
- B. A tap in fee of \$1,000.00 per unit if such tap in fee is contracted for after July 1, 1976. Said tap in fee must be paid in cash prior to the commencement of any work done to tap said premises into the system.
- C. A tap in fee for any unit located outside of the Township of Birch Run shall be computed on the same basis as for a unit within the Township, but must be paid in cash prior to the commencement of any work done to tap said premises into the system.
- D. For the purpose of computing the amount of the tap in fee the following shall be considered in determining the number of units to be charged for:

1. A single family residence pays 1 unit
2. A duplex residence pays 2 units
3. A multiple family dwelling, trailer park or motel pays 60 per cent per dwelling unit.
4. A commercial business shall be one unit per ten employees or less. For employees in excess of ten, an additional unit shall be charged for each additional ten employees.
5. A commercial business or establishment located in a residence shall be charged for two units, one unit for the residence and one unit for the business.

SECTION 4. Except as herein otherwise provided, water furnished by the system to each premises served by the system shall be measured by a meter equipped with an outdoor register, installed and controlled by this ordinance. Charges for water service to each of the premises which are served by the Township water system and connected with the system for each quarterly (3 months) period shall be as follows:

- A. Minimum charge - The sum of \$36.75 per quarter for the first 10,000 gallons.
- B. Quarterly consumption charge - In addition to "A" above a quarterly consumption charge of \$1.225 per 1000 gallons on all water used in excess of 10,000 gallons.
- C. Each lot, parcel of land or building occupied or used for a separate purpose or by a separate tenant or family shall be considered as a separate premises for the purpose of this ordinance.
- D. The rates as set forth herein are based in part on a power charge by the City of Saginaw under a water purchase contract, and accordingly, as the cost of water under the contract with the City of Saginaw may vary, the cost or charge for water by the Township to its water customers is subject to adjustment by resolution of the Birch Run Township Board.

- E. The rates for water service are estimated to be sufficient to provide for the payment of the expenses of operation and administration of the system, and to provide for the payment of the amounts due to pay for bonds issued to finance said water supply system as the same shall become due. The Township of Birch Run covenants and agrees to maintain at all times such rates for services furnished by the water supply system as shall be sufficient to provide for the foregoing.

SECTION 5. The Township shall pay for all water used by it at the foregoing rates, except, that for fire hydrant service, the charge shall be \$15.00 per year per hydrant in the Township. Charges against the Township funds not earmarked for other purposes or from the proceeds of taxes which the Township within constitutional limits is hereby authorized to levy within said water supply system in an amount sufficient for that purpose. Charges against the Township shall be payable yearly from any Township funds not earmarked for other purposes or from the proceeds of taxes which the Township within constitutional limits is hereby authorized to levy within said Water Supply System in an amount sufficient for that purpose.

SECTION 6. The installation of water service connections from water mains to private premises shall be made by the Village of Birch Run as provided for under a certain agreement between the Township and the Village of Birch Run dated January 23, 1976, and in accordance with the following provisions:

- A. Water to be furnished by the Township Water Supply System to each premises served by said system shall be measured by a meter installed and controlled by the Village of Birch Run and shall remain the property of and under the control of the Village of Birch Run. Water service connections installed shall contain a remote recording device to be installed outside the building being served by said water service. Customers shall provide a suitable place for the installation of said remote recording device and shall cooperate with the Village of Birch Run in the installation of said device. The Township and Village of Birch Run shall have access to the remote recording device and inside meter for the purpose of reading, testing, and repairing the same. The cost of installing the remote recording device shall be assessed to each customer. No Persons other than an authorized employee of the Village of Birch Run shall break or injure the seal on, or change location of, alter or interfere in any way with any meter or recording device. The water customer shall be responsible for damage to meters, meter seals, or remote recording devices caused by negligence of any person other than employee of the Village of Birch Run, including damage by hot water, frost or other causes and the expense of the Village of Birch Run caused thereby shall be charged and collected from the water customer.

B. The installation of water service from water mains to private premises shall be made by the Village of Birch Run and a reasonable charge made therefor. The owner of premises to be served shall pay, in addition to all other charges and fees provided for herein, in advance of the commencement of such tapping and installation service, the actual cost thereof to the Village of Birch Run, plus 10%.

- C. No service connection shall be constructed for the purpose of introducing water to any premises until an application for a permit for such connection has been made in writing to an appropriate official designated by the Village of Birch Run. Upon the completion of said application, and the payment and receipt of moneys required to be paid for connections under this ordinance, installation of water services may be commenced by the Village of Birch Run.
- D. Water service connections shall be installed only by the Village of Birch Run and upon prepayment of the connection costs and cost of furnishing and installing the meter, as stated aforesaid. The Village Council of the Village of Birch Run shall from time to time determine the average connection cost for the Village of Birch Run and the Township and this shall include payment complete for all material and labor involved in tapping the main, laying the proper pipe from the distribution main to the curb stop and box, and furnishing and placing of the curb stop and box and the furnishing and installation of the meter. In all cases the water service connection shall be constructed of type "K" copper pipe unless the connection is two inch or greater in which case cast iron pipe may be used. All water service connections shall be to the depth of 5 feet under the surface of the street or lowest part of the gutter. No water service connection shall be laid in the same trench with a sewer pipe unless supported upon an earth shelf at least one foot above the sewer and one and one-half feet horizontally from the sewer. The Village of Birch Run shall install a brass curb stop with a valve box which shall be placed approximately on the street line or private property line of roads and highways and this curb stop shall be under the exclusive control of the Village of Birch Run.

SECTION 7. No person shall open or use water from any public or private fire hydrant for any purpose except for extinguishing fires unless a written permit from the Village of Birch Run has been issued for such use.

SECTION 8. No free service shall be furnished by the Township water system to the Township of Birch Run or any person, firm or corporation, public or private, or to any public agency or instrumentality. Charges for water service furnished by the Township water system shall be billed by the Village of Birch Run to customers in the Township of Birch Run, and be collected quarterly. All bills must be paid within thirty (30) days from the date of said bill and 10% shall be added to the amount of the bill if not paid within thirty (30) days from the date of said bill. Water service shall be shut off if not paid for within sixty (60) days of the date due. Water service so shut off shall not be turned on again until a turn on charge of \$10.00, plus a turn off charge of \$10.00, plus all sums due and owing for water service, are paid in full.

SECTION 9. The Village of Birch Run shall establish and maintain a separate account entitled "TOWNSHIP OF BIRCH RUN WATER ACCOUNT" into which shall be deposited all monies received for water service charges, and other charges which shall be established by the Township of Birch Run for water customers within the Township. The Village of Birch Run shall prepare and provide to the Township of Birch Run a monthly accounting allocating to the Township of Birch Run its proportionate share, based upon water consumption of Township customers, of all operational and other costs of the system and that said amount shall be transferred from the Township of Birch Run Water Account to a Birch Run Village Account. In addition, the Village of Birch Run shall charge each Township customer the sum of \$0.75 per quarter to defray administrative costs. This amount shall be adjusted by the Village of Birch Run from time to time to reflect actual costs. Said amounts are to be transferred from the Township water account to the Village of Birch Run water account monthly. The Village of Birch Run shall be responsible for the payment of all bills, including payment for water purchased from the City of Saginaw, and all costs pertaining to the operation, administration, and maintenance of the water supply system. In addition to said operational and administrative costs, the Village of Birch Run shall charge the said Township of Birch Run water account, for the purpose of defraying the costs of maintenance and repairs within the system, a charge of \$0.05 per 1000 gallons of water supplied to the Township, which shall be charged until a fund for this purpose is established in the amount of \$1,000.00. No further charges shall be made until the fund is reduced below \$1,000.00, in which case, said charges shall be resumed to maintain the fund at \$1,000.00. The Village of Birch Run shall utilize this fund to pay the Township's proportionate share of repairs and maintenance of the system. After the payment of all operational, administrative, and maintenance costs, as aforesaid, the Village of Birch Run shall transfer, monthly, 90% of the balance in the Birch Run Township water account to a Township water savings account established by the Township.

SECTION 10. The Township of Birch Run hereby adopts by reference the water supply cross connection rules of the Michigan Department of Public Health, being R325.4312 R325.440 of the Michigan Administrative Code. It shall be the duty of the Village of Birch Run in connection with the operation and maintenance of the water supply system to cause inspections to be made of all properties, both within and outside of the Township of Birch Run, served by the Township water supply system, where cross connections with the said public water supply system are deemed possible. The frequency of inspections and reinspections based on potential health hazards, involved, shall be established by the Village of Birch Run. A representative of the Village of Birch Run shall have the right to enter at any reasonable time property served by a connection with the Birch Run Township water supply system for the purpose of inspecting the piping system or systems thereof for cross connection. The Village of Birch Run is hereby authorized and directed to discontinue water service after reasonable notice to any property, both within and outside the Township of Birch Run, wherein any connection in violation of this ordinance exists and to take such other measures necessary to eliminate the danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connections have been eliminated in compliance with the provisions of this ordinance.

SECTION 11. The charges for water services, or other services provided hereunder, shall be made a lien on all premises served by the Birch Run Township Water Supply System, unless a notice is given that a tenant is responsible. Such unpaid charges are hereby recognized to constitute a lien, and whenever any such charge against any piece of property or premises shall be delinquent for six months, the Village of Birch Run Official or Officials who are in charge of the collection of water service charges shall certify annually, on April 1st of each year, to the Birch Run Township Supervisor, or Chief Assessing officer, the fact of such delinquency, whereupon such charge shall be entered by him upon the next tax roll as a charge against said premises, and shall be collected and the lien thereon enforced in the same manner as the general Township taxes against such premises are collected and the lien thereof enforced; provided, however, where notice is given that a tenant is responsible for water charges and services, no further service shall be rendered such premises until a cash deposit of not less than \$50.00 shall have been paid as a security payment for such charges and services. Delinquent water service charges collected by the Township of Birch Run shall be paid to the Village of Birch Run and into the "TOWNSHIP OF BIRCH RUN WATER ACCOUNT" maintained by the Village of Birch Run for the purposes hereinbefore set forth.

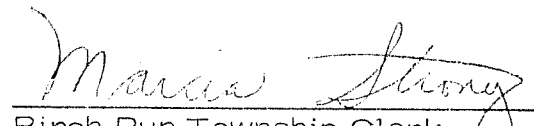
SECTION 12. If any section, paragraph, sentence, clause or phrase of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause, phrase or provision shall not affect any of the other provisions of the ordinance.

SECTION 13. All other ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this ordinance, are to the extent of such conflict, hereby repealed.

SECTION 14. This ordinance shall be published as required by law pertaining thereto.

SECTION 15. It is hereby determined that it is necessary for the protection of the health, safety and welfare of the Township of Birch Run, and its inhabitants, that this ordinance become effective at the earliest possible date, and accordingly this ordinance shall become effective immediately upon its adoption and publication.


 LAURENCE COURTNEY
 Birch Run Township Supervisor


 Birch Run Township Clerk
 MARCIA STRONG

<u>OFFICERS</u>	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>
<u>Laurence Courtray</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Marcia Strong</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Edgar Schaver</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Alvin Block</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Lynn Foster</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby certify that the foregoing constitutes a true, correct and certified copy of the ordinance duly adopted by the Birch Run Township Board at a regular meeting of said Board held on the 13 day of July, 1976.

Marcia Strong
Township Clerk