

VILLAGE OF OTISVILLE
WATER ORDINANCE
Ordinance No. 150

The Village of Otisville Ordains:

An ordinance to regulate the water supply system for the Village of Otisville, Michigan.

SECTION 1: DEFINITIONS:

Whenever used in this Ordinance, except when otherwise indicated by the context;

- (a) The term "Village" shall be construed to mean the Village of Otisville, Michigan;
- (b) The term "Council" shall be construed to mean the council of said Village of Otisville, the legislative and governing body of said village;
- (c) The term "Water Supply" shall be construed to include all plants, machinery, instrumentalities and properties, as the case shall from time to time exist, used or useful in connection with the obtaining of a water supply, the treatment of water and/or the distribution of water, by the Village;
- (d) The term "System" shall be deemed to refer to the water supply system of the Village.

SECTION 2: SYSTEM'S FISCAL YEAR:

The system shall be operated upon the basis of a fiscal year commencing on the first day of July of each year and ending on the thirtieth day of June of the following year.

SECTION 3: SUPERVISION AND CONTROL OF THE SYSTEM:

The operation, maintenance and enlargement of the system shall be under the immediate supervision and control of such officer, or board as shall be designated or created by the Council, who shall be subject to control of the Council.

SECTION 4: ESTABLISHMENT OF RATES, FEES, & CONNECTION CHARGES:

Except as herein otherwise provided, water to be furnished by the System to each premise shall be measured by a meter installed and controlled by the Village. Charges for water service to each premise shall be set by a resolution of the Village Council.

The resolution setting the water service and connection fee rates for the next fiscal year shall be made before the beginning of the fiscal year, after presentation of a budget. The resolution shall become effective only after a public hearing on such proposed rates. Each user whose structures are hereafter connected directly to the Village water system shall pay a connection fee as provided in this article and based on the table of Unit Factors shows in the Attached "Exhibit A".

(4.1.A) DECLARED EMERGENCY:

If the user is notified by the Water Department that a water system emergency exists, and that the user is to let the water run continuously, the user will be charged a monthly rate based on the average of the user's previous three (3) months usage.

(4.1.B) METHOD OF BILLING MULTIPLE USERS:

When more than one house, tenant, apartment, store, or office supplies through one service pipe or meter, the application for supply of such building of tenants, apartments, stores or offices shall be made by the owner of the said premises, as but one bill will be issued to said owner.

(4.2) PENALTIES FOR DELINQUENT CHARGES:

The foregoing charges shall be billed and collected monthly or quarterly as the Village Council shall determine. Such charges shall become due on the 15th day of the month following the end of each billing period and if such charges are not paid on or before that date, then a penalty of 10% shall be added thereto. Commencing 60 days after the due date, a penalty of 1% of the delinquent charges shall be added each month until such charges are transferred to the tax roll as provided in Section (4.2.A) of this Ordinance.

(4.2.A) PLACING DELINQUENT PAYMENTS ON TAX ROLL:

The foregoing charges, including penalties, payable for water service to any structure shall be a lien on such property on May 1st of each year, the person or agency charges with the collection of such charges shall certify to the Village Treasurer any charges which have been delinquent for six (6) months or more, who shall enter the same upon the next tax roll against such property.

(4.3) MULTIPLE UNITS:

Further, the owner of all such buildings having more than one tenant supplies through one water service pipe and meter will be charged a minimum meter size rate plus fifty percent (50%) percent per additional unit above one.

The basic volume amount will also be increased fifty (50%) percent per additional unit above one.

Except for the hereafter defined "Home Occupation" which unless listed on the sewer chart of "Table of Unit Factors" is exempt from additional charges based upon the "Home Occupation". The basic minimum charge, as herein-before established, will remain in effect subject to the increases set forth. The basic volume amount will also be increased fifty percent (50%) per additional unit.

(4.4) HOME OCCUPATIONS:

1. No person other than the members of the family residing on the premise shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling shall be used for the purpose of the home occupation, and shall be carried out completely within such dwelling.
3. There shall be no change in the outside appearance of the structure or premise, or other visible evidence of the conduct of such home occupation, other than one (1) sign not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the dwelling, with no other public advertising.
4. No home occupation shall be conducted in any accessory structure other than a residential garage.
5. There shall be no sale of any goods manufactured elsewhere in connection with such home occupation.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided for by off-street parking area, located other than in a required front yard.
7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference with

any radio or television receivers off the premise, or causes fluctuations in line voltage off the premise.

(4.5) COST OF SERVICE TO PREMISES OUTSIDE THE VILLAGE:

Charges for meter service to premises outside of the Village shall be fixed by the Council but shall not be less than 150 percent of the charges to the premises within the Village, but no service main shall be laid at the expense of the Village outside the Village Limits.

(4.6) INSTALLATION CHARGES :

Installation charges shall be computed according to the following formula:

$$\text{INSTALLATION CHARGE} = \text{Tap in Fee} + A + B + C + 10\% * (A + B + C)$$

A = Cost to the Village for material utilized to run or inspect water line from water main into structure containing water meter.

B = Cost to the Village for labor utilized to run or inspect water line from water main into structure containing water meter.

C = Cost of the water meter to the Village.

(4.7) INSPECTION:

All connections from water main to meter site shall be under the supervision of the Department of Public Works.

(4.8) NEGLIGENT REPAIR CHARGES:

If the user fails to let their water run during an "Declared Emergency", and the user's service line freezes as a result of their not following the warning, the user shall be deemed negligent. Negligent repair charges shall be cost plus ten (10%) percent of the cost.

(4.9) NO FREE SERVICE:

No free service shall be furnished by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality. Charges for service furnished by the System shall be billed and collected monthly (or bi-monthly or quarterly as determined by the Council). Such charges shall become due at such times, not exceeding twenty (20) days after the reading of the water meter by the Water

Department, as shall be established by resolution of the Council, and if such charges are not paid on or before such due date, then a penalty of ten (10%) percent shall be added throughout. In the event that the charges for any such service furnished to any premises shall not be paid within thirty (30) days after the due date thereof, then all such services furnished by the System to such premises shall be discontinued. Services so discontinued shall not be restored until all such amounts due and owing, including penalties, shall be paid in full plus a shut-off charge and a turn-on charge.

SECTION 5: DELINQUENT CHARGES TO TAX ROLL:

Charges for services furnished by the System to a premises shall be a lien thereon, and on the first day of May of each year the person or agency charged with the management of said System shall certify such charges which have been delinquent six (6) months against the premises to which said services have been rendered, and such charges shall be collected and said lien shall be enforced, and such charges shall be collected and said lien shall be enforced in the same manner as provided with respect to taxes assessed for such roll; provided that when a tenant is responsible for payment of such charges against any premises and the Village Council is so notified in writing, with a true copy of the lease of the affected premises (if there be one) attached, then no such charge shall become a lien against such premises from and after the date of such notice. However, in the event of the filing of such notice, no further service shall be rendered by this System to such premises until a cash deposit equal to one half (1/2) the average annual charge to such premises shall have been made as security for the payment of the charges thereto.

SECTION 6: RATES TO MAINTAIN THE SYSTEM:

The rates hereinbefore established are estimated to be sufficient to provide for the payment of the expenses of administration and operation of the System and such expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

SECTION 7: OPERATION AND MAINTENANCE FUND:

Out of the revenues in the Receiving Fund, there shall be first set aside each month into a fund to be designated "Operation and Maintenance Fund" a sum sufficient to provide for the payment for the next month of all current expense of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the System in good repair and working order. The Council, at the beginning of each fiscal year, shall adopt a budget covering the foregoing expenses for such year and such budget covering the foregoing expenses for such year and such expenses shall not exceed the amount specified in said budget, except by a vote of two-third (2/3) of the members of the Council.

(7.2) REPLACEMENT FUND:

Out of the remaining revenues in the receiving fund, there shall be next set aside in a fund to be designated as "Replacement Fund", until such fund shall reach at least four thousand (\$4,000.00) dollars, sums to build up a reserve for any replacements to the System which may become necessary from time to time. Whenever moneys shall be used from said fund to make replacements, said fund shall be restored to the sum of four thousand (\$4,000.00) dollar as soon as possible thereafter.

(7.3) IMPROVEMENT FUND:

Out of the remaining revenues in the Receiving Fund, there may be set aside, in any quarter, after the requirements for the foregoing funds for the system have been met, in a fund to be used for the improvements, enlargement, extensions an repairs to the System.

SECTION 8: DEPOSITING OF REVENUES:

All monies in the several funds of the water system shall be deposited in the Village of Otisville General Fund Account. The monies in the Receiving Fund, the Operation and Maintenance Fund, the Replacement Fund and the Improvement Fund shall be kept in separate ledger accounts.

SECTION 9: DEVELOPERS AND SUB-DIVIDERS:

In order to achieve balanced growth within the Village, 10 percent of all water units available (50 units as of April 26, 1993) and 10 percent of all additional units which become available in the future shall be reserved for non-residential purposes and are hereby designated for use by sales and/or service and/or manufacturing businesses on a first come, first serve basis, with one hundred (100%) of the payment due upon receipt of the connection permit.

SECTION 10: POSTING ORDINANCE:

This ordinance shall be recorded in the minutes of the meeting of the Council at which it was adopted as soon as practical after its passage and shall be posted at three (3) public places with said Village.

SECTION 11: EFFECTIVE DATE OF ORDINANCE:

The ordinance shall take effect and be in full forces and effect twenty (20) days after its passage by the Village Council, said effective date being _____, 1993.

SECTION 12:

If any section, paragraph, sentence, clause or phrase of this ordinance shall be held invalid, the same shall not affect any other portion of this ordinance.

SECTION 13: ORDINANCES TO BE REPEALED:

Ordinance No. 93, 99, 06, 121 and 129 previously adopted by the Village Council are hereby repealed in their entireties and any and all other ordinances and resolutions and portions thereof which may be in conflict herewith are _____.

SECTION 14:

This ordinance was approved by unanimous vote of the Village Council. A quorum being present on May 16, 1994, and ordered published in three (3) places in the Village of Otisville within ten (10) days after its adoption.

(Signed) Robert Price, Village President
 Jean Griswold, Village Clerk

“EXHIBIT A”
TABLE OF UNIT FACTORS

USAGE	UNIT FACTORS
Auto Dealers	.40 per 1,000 sq. ft.
Barber Shops	.08 per chair
Bars	.06 per seat
Beauty Shops	.30 per booth
Boarding Houses	.20 per person
Boarding Schools	.35 per person
Bowling Alleys (no bar or lunch facility)	.20 per alley
Car Wash	10.00 single production line
Car Wash (hand wand type)	1.50 per bay
Churches	.01 per seat
Cleaners (pick up only)	.06 per employee
Cleaners (pressing facility)	1.25 per press
Clinics (minimum assignment 1 unit per profession)	.65 per doctor
Convalescent Homes	.30 per bed
Convents	.25 per person
County Clubs	.10 per member
Drug Store (with fountain service)	.10 per seat
Factories (exclusive of excessive industrial use)	.50 per 1,000 sq. ft.
Fraternal Organizations (members only)	1.25 per hall
Fraternal Organizations (members & rentals)	2.50 per hall
Funeral Homes	1.00 per 100 funerals/year
Grocery Stores & Super Markets	1.10 per 1,000 sq. ft.
Hospitals	1.40 per bed
Hotels (private bath/2-person rm)	.25 per bed
Laundry (self service)	.50 per washer
Multiple Family Residence	1.00 per unit
Motels	.25 per bed
Office Building	.60 per 1,000 sq. ft.
Public Institution (other than hospitals)	.40 per employee
Restaurant (dinner and/or drinks)	.16 per seat
Rooming Houses (no meals)	.167 per person
Schools (cafeteria/no showers or pool)	1.5 per class room
Schools (showers/and or pool)	2.5 per class room
Schools (showers, gym, cafeteria)	2.5 per class room
Service Stations	.30 per pump
Snack bars, Drive-Ins	.10 per seat/and or stall

“EXHIBIT A”
TABLE OF UNIT FACTORS, CONTINUED

Store (other than specifically listed)	.20 per employee
Swimming Pool	3.5 per 1,000 sq. ft.
Theaters (drive-ins)	.01 per car space
Theaters (inside with air cond.)	.0001 x weekly hrs. of operation x seat
Tourist Courts (individual baths)	.27 per cubical
Trailer Parks (central bath house)	.35 per trailer
Trailer Parks (individual baths)	1.00 per unit
Trailer Parks (individual baths seasonal only)	.50 per unit
Warehouses	.10 per 1,000 sq. ft.

All other unit factor classifications will be the same as determined by the Genesee County Water and Waste Division, Genesee County Drain Commissioner’s Office.