

WATER ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE OPERATION OF A WATER SUPPLY SYSTEM IN CERTAIN PORTIONS OF BARODA TOWNSHIP AS HEREIN DEFINED ON A PUBLIC UTILITY BASIS.

BARODA TOWNSHIP, BERRIEN COUNTY, MICHIGAN, HEREBY ORDAINS:

ARTICLE I

TITLE AND PURPOSE

Section 1.01 -- Title

This Ordinance shall be known and cited as the Water Ordinance of Baroda Township, Berrien County, Michigan.

Section 1.02 -- Purpose

It is hereby determined to be desirable and necessary for the public health, safety and welfare of certain portions of Baroda Township that those portions be operated on a public utility rate basis in accordance with the laws of the State of Michigan.

ARTICLE II

DEFINITIONS

Section 2.01 -- Definitions

Whenever the words "the System" are referred to in this Ordinance, they shall be understood to mean those portions of Baroda Township included in Special Assessment District 1, which is defined as all lots or parcels fronting on the following roads: Cleveland Avenue from Church Street extending southerly 1,800 feet south of Shawnee Road; Russell Road between Cleveland Avenue and Holden Road; Shawnee Road between Cleveland Avenue and Holden Road; Jayme Drive; Amy Drive; Marlene Drive; Marlen Drive; also the north 2,900 feet of Miller Road; and shall include all water lines and all other facilities used or useful in the transmission and distribution of potable water, including all appurtenances thereto and including all extensions and improvements which may hereafter be acquired.

ARTICLE III

RULES AND REGULATIONS

Section 3.01

Prior to any connection to the water system from any premises in Baroda Township, any person, firm or corporation desiring to make such connection shall first make application to Baroda Township, and on approval by Baroda Township, the application shall be forwarded to Lake Township, which will undertake connection of individual users to the system. Thereafter, such applicant shall comply with all of the provisions of the Lake Township Water Ordinance, being Ordinance #73-1 and any amendments thereto.

Section 3.02 -- Permitted Pipes: Type

All water service pipes must be type K copper pipe or polybutelene tubing of 160 PSI class or greater and conforming to American Water Works Association standards C-800 and C-900

Section 3.03-- Depth of Water Line

In all cases, the depth of the water line to the water tap-in installation shall be not less than forty-eight inches from the surface, and in all cases must be at an adequate depth to insure the integrity of the line from freezing or bursting or possible contamination from any other cause, including the location of the same in proximity with any other possible contamination source. The same shall not be covered until specifically approved by Lake Township in conformance with their ordinance heretofore cited.

Section 3.04 -- Inspection of Connections

In all cases where connections have been made without compliance, Baroda Township may require the uncovering of the same for purposes of inspection by Lake Township.

Section 3.05 -- Cross Connections

1. Rules: Baroda Township hereby adopts by reference the Current Water Supply Cross Connection Rules promulgated by the Michigan Department of Public Health by R325.431 to R325.440 of the Michigan Administrative Code.

2. Inspection: Lake Township shall inspect any property served by the public water supply for the purpose of locating cross connections with the Public Water Supply. The number of inspections and reinspections shall not be less than the number determined by the Michigan Department of Public Health.

3. Termination of Water Service: Lake Township is hereby authorized to discontinue water service to any property where there is a cross connection prohibited by this regulation and to take such other measures as shall be necessary to eliminate danger of contamination of the public water supply. Water service to such property shall not be restored until all cross connections have been eliminated.

4. Any water outlet which may be used for domestic purposes and which is not supplied by the Public Water Supply shall be labelled in a conspicuous manner as:

Water Unsafe For Drinking

Section 3.06 -- Private Wells and Water Supplies

1. All private wells and/or water supply systems shall conform to and comply with all rules and regulations of the Township, Berrien County and the State of Michigan.

ARTICLE IV

FEES

Section 4.01 -- Rates

1. Rates for water service shall be as established in the attached fee schedule.

2. Tap and Meter Charges. Each person desiring to tap a premises onto the system shall apply to the Township and, upon the Township's approval, shall pay in cash, at the time of the application for the tap, all tap-in or other connection charges then established by Lake Township. Such charges shall consist of the cost of the meter and connection as established in the attached fee schedule.

3. Billings. Bills will be rendered by Lake Township payable with the same grace or discount and/or penalty provisions as are provided for water users within Lake Township.

4. Baroda Township retains the right to establish special or additional rates.

5. In all areas of the system, the following shall apply:

A. Water Lateral Benefit Fee. There shall be paid on behalf of any premises making direct private connection to any public water line, which has not been either privately constructed and paid for on behalf of said premises, or publicly financed at least in part by means of special assessments levied against the property on which said premises is located, or where any connection is made in excess of the one connection contemplated by the special benefit charge in said special assessment district for the privilege of making use of said public line as a water lateral, a lateral benefit charge, which may be paid as a special assessment as established in the attached fee schedule.

6. Meter Regulations.

A. Each single family dwelling and each separate business establishment connected to the water system shall have a separate water meter, unless permission has otherwise been granted by Lake Township. Multiple dwellings shall have as many separate meters as there are separate dwelling units.

7. No free service shall be furnished by said system to any person, firm or corporation, public or private, or to any public agency or instrumentality.

8. The rates hereby fixed in the attached fee schedule are estimated to be sufficient to provide for the payment of the expenses of administration and operation. Such expenses for

the maintenance of the said system as are necessary to preserve the same in good repair and working order, to provide for the payment of the contractual obligations of Baroda Township to Berrien County pursuant to the contract between said County and Baroda Township, as the same become due, and to provide for such other expenditures and funds for the said system as this Ordinance may require. Such rates shall be fixed and revised from time to time as be necessary to produce these amounts.

ARTICLE V

REVENUES

Section 5.01 -- Water Enterprise Fund

The revenues of the system shall be collected and deposited in a Water Enterprise Fund to be used for the following purposes:

1. Administration, operation and inspection.
2. Any monies in the Water Enterprise Fund not required for the above purpose may from time to time be transferred by the Township Board to the Contract Payment Fund (Water Debt Retirement Fund) to be used solely for the payment of Baroda Township's obligation to Berrien County pursuant to contract with Berrien County with reference to Berrien County Water Supply System No. 14.
3. Any monies not required for the Contract Payment Fund may from time to time be transferred by the Township Board to the Replacement and Improvement Fund to be used solely for major replacements, improvements or additions to the water system.

Section 5.02 -- Bank Accounts

1. All monies belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the monies shall be allocated on the books and records of the Township within this single bank account in the manner above set forth.
2. Monies in any fund or account established by the provisions of this Ordinance may be invested in obligations of the United States of America in the manner and subject to the limitations provided by law. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

ARTICLE VI

GENERAL PROVISION

Section 6.01 -- Authority

The operation, maintenance, alteration, repair and management of the system shall be under the supervision and control of the

Township Board, subject to the terms of a contract between Berrien County and Baroda Township, and subject also to agreements between Baroda Township and Lake Township. Said Township Board may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the system and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the system, and may delegate such powers to Lake Township or others as permitted by law consistent with the above agreements.

Section 6.02 -- Enforcement

1. The charges for services which are under the provisions of Michigan law made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever such charge against any piece of property shall be delinquent for six (6) months, the Township official in charge of the collection thereof shall certify annually on August 1st of each year to the tax assessing officer of the Township the facts of such delinquency, whereupon such charge shall be by him 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 Township taxes against such premises are collected and the lien enforced: Provided, however, that where notice is given that a tenant is responsible for such charges and service as provided by Michigan law, no further service shall be rendered such premises until a cash deposit in an amount to be determined from time to time by the Township Board shall have been made as security for payment of such charges and service.

2. In addition to the foregoing, the Township or Lake Township shall have the right to shut off, or cause to be shut off, water service to any premises for which charges for such service are more than thirty (30) days delinquent, and such service shall not be reestablished until all delinquent charges and penalties are paid. Further, such charges and penalties may be recovered by the Township by court action.

Section 6.03 -- Violations

Any person, firm or corporation found violating any of the provisions of this Ordinance shall, upon conviction, be punished by a fine of not to exceed Five Hundred (\$500.00) Dollars or by imprisonment not exceeding ninety (90) days, or both, at the discretion of the court. Each day that a violation shall continue shall constitute a separate offense. The provisions of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

Section 6.04 -- Separability

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

FEE SCHEDULE

First 5000 gallons per household per month - \$10.12

For all consumption over 5,000 gallons per month - \$1.65 per thousand gallons.

Minimum charge of \$15.50 per quarter regardless of water consumption.

TAP-IN AND METER CHARGES

For those entities desiring to tap-in during construction, application shall be made to Baroda Township and the sum of \$310.00 shall be paid. In addition thereto, the sum of \$112.00 or \$122.00 depending on line size shall be paid to Lake Township for the cost of the yoke and meter. After construction, the estimated cost of tap-in and yoke and meter is \$500.00, payable to Lake Township.

WATER LATERAL BENEFIT FEE

For all properties in Special Assessment District #1, fronting on Cleveland Avenue from Church Street extending southerly 1,800 feet south of Shawnee Road; Russell Road between Cleveland Avenue and Holden Road; Shawnee Road between Cleveland Avenue and Holden Road; Jayme Drive; Amy Drive; Marlene Drive; Marlen Drive; a lateral benefit fee -- \$3,122.00.

For all properties fronting to the north 2,900 feet of Miller Road, a lateral benefit fee -- \$3,816.40

Section 7.01 -- Effective Date

This Ordinance shall take effect immediately upon publication of same in a local newspaper.

The names of the Baroda Township Board members and their votes as recorded are:

John Shafer	<u>yes</u>
Donald Gast	<u>yes</u>
Barbara Reisig	<u>yes</u>
Louis Schlutt	<u>yes</u>
Henry Vitek	<u>absent</u>

Motion carried and resolution adopting Ordinance No. 14 adopted.

Barbara Reisig
Barbara Reisig
Baroda Township Clerk

I hereby certify that the foregoing is a true and accurate record of action taken by the Baroda Township Board for the Township of Baroda, Berrien County, Michigan, on the 16th day of May, 1988

Barbara Reisig
Barbara Reisig
Baroda Township Clerk

Recorded in Ordinance Book May 18, 1988

John C. Shafer
John C. Shafer, Supervisor

Barbara Reisig
Barbara Reisig, Clerk

Publication of Ordinance in Herald Palladium

Date: May 25, 1988