

**SODUS TOWNSHIP  
BERRIEN COUNTY, MICHIGAN  
WATER ORDINANCE  
Ordinance No. 36**

An ordinance to regulate and control the construction, installation, extension, service connection, and operation of public water mains and public water service within Sodus Township; to prescribe procedures for securing such public water service and the rates and charges for the same and to provide penalties for the violation of such ordinance regulations.

**THE TOWNSHIP OF SODUS, BERRIEN COUNTY, MICHIGAN, ORDAINS:**

**Section 1 Definitions**

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

**Township:** the Township of Sodus or the Township Board of Trustees or its authorized agent or representative.

**Water System:** those portions that lie within the boundaries of Sodus Township water supply system including all water lines, pumps, storage or treatment facilities, 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 thereto, which may hereafter be acquired.

**Watercourse:** a channel in which a flow of water occurs, either continuously or intermittently.

**Section 2 Procedure**

**A. Application**

Any person, firm or corporation desiring public water service shall file an application with the Township, containing the name and address of the applicant; a description of the land or premises to be serviced; the nature of the use anticipated for the water; the size of the water service connection pipes desired; the distance, if known, that the property is located from any existing public water main; the anticipated number of connections from the property contemplated in the foreseeable future.

**B. Benefit Connection**

1. No water service connection shall be allowed until the full benefit charge has been paid to the Township in such an amount as is determined by the Township Board. Such charges may be changed from time to time by the Township Board to reflect changes in construction costs and to maintain a fairly uniform charge between different current projects. The full benefit charge shall be collected at the time of construction permit issuance for the project or property.
2. There shall be paid on behalf of any premises making direct private connection to any public water line that 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 assessment 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 shall be determined by the Sodus Township Board.
3. The Township reserves the right to install any required service connection or main extension, to subcontract the same to any private licensed contractor, or to permit the owner or owner's contractor to construct the same, provided that in such latter event, an inspection and supervision fee shall be paid by the applicant to the Township.
4. Any contract with an applicant shall contain, in addition to the foregoing, the following:
  - a) A map disclosing the design of the system and the location of the mains, valves, fittings, and all other accessories thereto which are to be installed.
  - b) A performance bond that shall be required in the event the installation is to be made by any one other than the Township, which shall be 150 percent of the total cost of the installation and shall be conditioned upon the completion of the installation in a proper and workman-like manner in accordance with the plans and specifications of the Township and the furnishing of satisfactory evidence of the fact the project is free to present and future liens of contractors, subcontractors and material men.
  - c) The amount and condition of any public liability and property damage insurance that shall be required to insure the Township in the event the installation is to be made by any one other than

the Township, which shall be not less than \$300,000 and \$500,000 respectively.

- d) The amount, if any, to be paid the Township for administrative, legal and engineering cost or for the value of the availability of the water to which the property of the applicant is to be connected.
5. Full hookup to the water system is dependent upon a fully inspected and approved plumbing connection by the Township Plumbing Inspector that is in compliance with the plumbing codes of the Township or State.

**C. Plans and Permits**

No public water main construction shall be commenced until all plans and specifications have been submitted to and approved by the Township and all required state, county and municipal permits have been obtained.

**Section 3 Public Utility Funds**

**A. Revenues**

The revenues of the water system shall be collected and deposited in a water fund. In no instance shall water fund money be intermingled or applied to any account other than to the correct account for the service. Revenues shall be used for the following purposes:

- 1. Administration, operation and inspection.
- 2. Any monies in the fund not required for the above purpose may from time to time be transferred by the Township Board to the appropriate contract payment fund (water debt retirement fund) to be used solely for the payment of Sodus Township obligations.
- 3. Any monies not required for the contract payment fund, may from time to time be transferred by the Township board to the appropriate replacement and improvement fund to be used solely for major replacements, improvements or additions to the water system.

**B. Funds**

Water service shall have a separate bank account. All monies belonging to any of the water fund, may be kept in one bank account. Income received from investments, (investments made in the manner and subject to the limitations provided by law, provided in P.A. 94 of 1933, as amended) shall be credited to the fund.

**Section 4 Rates**

**A. Water Rates**

No free public water service shall be allowed and all those properties connected to public water or sewer system shall be subject to the payment of such water rates and charges as shall be determined by the Township Board.

**B. Establishment of Rates**

Rates charged for users of the system shall be determined by resolution of the Township Board from time to time, and shall at all times be sufficient, when added to other monies legally available for such purpose, to meet all costs of the system, including the contractual obligation of the Township to Benton Township, the supplier of water.

**C. Operation and Maintenance Recovery Charge:**

Pursuant to Section 3 of the Benton Charter Township and Sodus Township Water Service Agreement, Sodus must pay for and maintain its water distribution system and reimburse Benton Charter Township for any maintenance expenses incurred in the repair of the system and therefore establishes the following Operation and Maintenance Recover Charges.

Each meter which is connected to the system with a service connection ready to be used, shall pay an operation and maintenance recovery charge (O & M charge) for each such service connection per meter size as follows:

Meter Size in Inches	Monthly O & M Charge
3/4 inches	\$ 10.24
1"	\$ 18.20
1 1/2 inches	\$ 40.95
2 inches	\$ 72.80
3 inches	\$163.79
4 inches	\$291.19
6 inches	\$655.18

**D. Discount or Penalty**

Any discounts or penalty provisions provided for in ordinances of or resolutions of Benton Township, shall apply prorated to the Township of Sodus customers of the water service.

**E. Additional Charges**

The Township retains the right to establish additional charges or special rates where unusual circumstances warrant the same.

**F. Termination of Charges**

The above charges will continue, until:

1. The owner or agent shall notify the Township that uses of the water is terminated for said premises;
2. The plumbing inspection fee is paid;
3. The service line to the premises has been plugged in conformance with the requirements of the plumbing inspector;
4. A certificate that the work has been done is issued by the inspector.

**G. Billing**

Bills shall be rendered monthly, payable with the same grace and penalty provisions as are provided for users within Benton Township.

**H. Past Due Bills**

All bills not paid on or before the past due date shall be termed delinquent, and the Township shall have the right to shut off and discontinue water service to any premises for the nonpayment of rates established in the fee schedule when due.

**I. Delinquency**

Whenever any charge against a property shall be delinquent for six (6) months, the Township shall certify annually, on September 15th of each year, to the delinquency to the tax assessing officer of the Township. The Township assessing officer shall enter on the next tax roll as a lien against such premises the delinquent charges and the charges shall be collected and the lien thereof enforced in the same manner as the general township taxes against such premises are collected. Where notice is given that a tenant is responsible for such charges and service, no further service shall be rendered to such premises until a cash deposit in the amount determined by resolution of the Township Board from time to time shall have been made as security for the payment of such charges and services.

**J. Discontinuance of Service**

In addition to the above, the Township may proceed under PA 1981, No. 132 (MCL 123.161 *et seq.*) and discontinue service for non-payment or any action permitted by law.

**Section 5 Water Service**

**A. Water Meters**

All premises connected to public water system shall be equipped with a public water meter, so located that all water entering the premises shall pass through such meter and be measured as to volume consumed for periodic computation of water charges.

**B. Cross Connections**

No cross connections between any private water system and the Township water system shall be allowed and no plumbing shall, at any time, be connected to the public system, which is in any manner connected or a part of any private system.

**C. Water Service Connections**

**1. Size and Installation**

All water service connections are to be made by Sodus Township or its designee from the public transmission main to the required water meter and shall be in compliance with applicable State, County, and Township requirements.

**2. Use of Fire Hydrants**

No fire hydrant shall be used for any purpose other than fire protection without the prior approval of Benton Township.

**D. Benton Township Certificate**

No public water mains shall be made or become operational until the water flowing therefore has been certified as safe and free of any harmful contamination by Benton Township and a written certificate attesting thereto is on file with the Township.

**E. Penalties**

- a) In addition to any other penalty or remedy set forth by ordinance, resolution, rule or regulation, violations of this section shall be civil infractions, punishable by a civil fine of not less than \$100.00 and not more than \$500, plus any costs and fees assessed by the court. All penalties and remedies shall be cumulative and the imposition of one shall not be a bar to any other.

**Section 6 Powers and Authority of Inspectors**

The building inspector or other duly authorized employee of the Township bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Ordinance.

The above Ordinance was offered for adoption by Township Board member David Chandler and seconded by Township Board member Ken Peters, the vote being as follows:

