

**VILLAGE OF MATTAWAN  
WATER RATE ORDINANCE  
Ordinance 28**

AN ORDINANCE ESTABLISHING RATES, CHARGES AND RULES FOR THE USE AND SERVICE OF THE WATER SUPPLY SYSTEM OF THE VILLAGE OF MATTAWAN, COUNTY OF VAN BUREN, MICHIGAN.

**THE VILLAGE OF MATTAWAN ORDAINS:**

SECTION 17.191 MANDATORY HOOK-UP TO VILLAGE OF MATTAWAN WATER SUPPLY SYSTEM

- A. Effective April 26, 1999, all residents of the Village and any owner or occupier of property within the Village using water for domestic, commercial, or industrial purposes shall connect to the Village water supply system if the Village water line is located in any adjoining highway, road, public right-of-way, public land or easement.
- B. Notwithstanding the above, the owner of any residential property within the Village which was serviced by a private water well prior to August 14, 1972 shall not be required to connect to the Village water supply system if ownership of the property has not changed since that date. Connection shall be required, however, upon a future change in ownership.
- C. With the exception of owners of property within the Plat of Sunset Estates, connection to the Village water supply system shall be completed within 180 days from the effective date of this Ordinance or from the date that the Village water supply system becomes available and notice is provided by mail or personal delivery to the owners of effected property or from the change in ownership of any currently exempt property. Owners of property within the Plat of Sunset Estates shall not be required to connect to the Village water supply system until 36 months from the date that the Village water supply system becomes available and notice is provided.
- D. Private or public water wells used exclusively for irrigation, fruit cooling, livestock watering, or as an emergency alternative water source to be used only in the event of a disruption in the Village water supply system shall be permitted providing that no cross-connection shall be allowed unless in strict compliance with the Village of Mattawan Cross-Connection Ordinance.
- E. The Village Council shall have the authority to interpret this Ordinance and may, in specific cases involving practical difficulty or unnecessary hardship, grant an exception from the mandatory connection provisions providing that such exception is in harmony with the general purpose of this Ordinance. The Village Council may place reasonable conditions on any such exception that may be granted and exceptions may be reviewed and revoked by the Council at a future date if circumstances warrant.(Ord. No. 28, eff. 8-14-72; amended by Ord. No. 165, eff. 3-16-98; amended by Ord. No. 174, eff. 4-30-99)

SECTION 17.102 SPECIAL RATES

For miscellaneous services for which a special rate shall be established, such rates shall be fixed by the Village Council. (Ord. No. 28, eff. 8-14-1972)

SECTION 17.103 TURN ON CHARGES

There will be imposed a charge of \$15.00 whenever the Village is requested to turn on or off water serviced: Provided, however, whenever the Village is requested to provide turn on or off service at times other than the regular business hours of the Village there will be imposed an additional charge of time and material plus 10%. (Ord. No. 28, eff. 8-14-1972, amended by Ord. No. 30, eff. 3-11-1974, Ord. No. 33, eff. 8-9-1976, Ord., No. 38, eff. 8-22-1977, Ord. 124, eff 10-26-92)

SECTION 17.104

WATER SERVICE CHARGES

The charge for water service furnished by the Village shall be the sum of the Service Charge, dependent on the size of the meter, plus the Commodity Charge, dependent on the amount of water used. The Village Council shall have discretion to establish the Service Charge and Commodity Charge by Resolution. All charges for water service shall be billed monthly and shall be due and payable on or before the due date indicated on each bill. The due date shall be twenty-one (21) days after the bill is scheduled for posting. A late payment charge of ten percent (10%) of the net amount due shall be added and become due and payable on any bill not paid within seven (7) days of the due date.(Amended by Ord. No. 175, eff. 5-10-99)

Water services furnished to any premises shall be a lien thereon and on March 1 of each year, the Village Manager shall certify any such charges which have been delinquent for ninety (90) days or more to the Village Clerk who shall enter the same upon the next tax roll against the premises to which services have been rendered and said charges shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

If a charge for water service prescribed by this Ordinance is not paid within forty-five (45) days after the billing thereof, and after the customer has been given notice and an opportunity to meet with the Village Manager to resolve any dispute regarding the amount of said billing, all water service may be shut off and discontinued to the customer owing or liable for such charge. A shut-off charge of Fifteen Dollars (\$15.00) shall be imposed and added to the delinquent charges. Water service shut off pursuant to this Section shall not be restored until all sums due and owing have been paid in full including a turn-on fee of Fifteen Dollars (\$15.00) and an appropriate security deposit as may be prescribed by the Village Manager.

At its option, the Village may, in addition to the remedies above, in its corporate name, bring suit in any court of competent jurisdiction for the collection of any water service charge which, thirty- (30) days after the billing therefore, has not been paid. The production of the meter record or cost record shall be prima facia evidence of the liability to pay the amount therein shown to be due. (Ord. No. 28, eff. 8/14/92; amended by Ord. No. 132, eff. 4/29/94; amended by Ord. No. 143, eff. 12/27/94; amended and repealed by Ord. No. 143, eff. 3/31/95)

SECTION 17.193

RATES AND CHARGES

Rates and charges for water usage, and all water-related services, shall be determined by the Village Council, at it's sole discretion, by passage of a resolution. (Ord. No. 134, eff. 12/27/94)

SECTION 17.194

SERVICE CONNECTION CHARGES

The Village Manager is authorized to determine and establish a schedule of water service connection charges for each calendar year. Each schedule shall become effective when approved by Motion duly adopted by the Village Council. Such schedule of charges shall be based on the following, as may be applicable:

- A. Recovery of all costs normally incurred for this type of construction;
- B. The size and length of pipe to be used for standard-sized connections up through 1 ¼". For larger sized pipes, charges shall be based upon actual costs;
- C. Extra costs of construction during winter months;
- D. Repair or replacement of pavement and sidewalks;
- E. Exceptional surface repairs, including landscaping; and
- F. The capital connection charge based upon the Residential Equivalent Unit Factor, as the same shall be established by Resolution of the Village Council.

All applications for water service connections must be accompanied by the connection charge, the required deposit and applicable turn-on fee. (Ord. No. 28, eff. 8/14/92; amended by Ord. No. 38, eff. 8/22/77; amended 7/11/83; 10/23/89; amended by Ord. No. 124, eff. 10/26/92; amended by Ord. No. 135, eff. 9/30/94; amended and repealed by Ord. No. 143, eff.3/31/95)

SECTION 17.106

OWNER OF PREMISES SHALL BE LIABLE FOR CHARGES

The owner of the premises served shall be liable for the water service provided said premises. A deposit of thirty-five dollars (\$35.00) shall be required from all owners. Such deposit shall be applied to any bill for water service delinquent more than thirty (30) days. Upon the discontinuance of the water service, any balance of such deposit shall be returned to the applicant without interest. (Ord. No. 28, eff. 8-14-1972, Ord. No. 70, eff. 10-23-1989, Amended by Ord. No. 132, 04/29/94; amended by Ord. No. 134, eff.12/27/94)

SECTION 17.107

CLERK RESPONSIBLE FOR SENDING BILLS FOR SERVICE

It is hereby made the duty of the Village Clerk to render bills for service and all other charges in connection therewith and to collect all monies due therefrom. (Ord. No. 28, eff. 8-14-1972, amended by Ord. No. 33, eff. 8-9-1976)

SECTION 17.108

REVENUES AND MONIES TO BE HELD BY TREASURER

All revenues and monies derived from the operation of the water system shall be paid to and held by the Treasurer separate and apart from all other funds of the Village and all of said sums and all other funds and monies incident to the operation of said system, as may be delivered to the Treasurer, shall be deposited in a separate fund designated the "Water Supply System Receiving Fund Account", and said Treasurer shall administer said fund in every respect in a manner provided by the Laws of Michigan and all other laws pertaining hereto. (Ord. No. 28, eff. 8-14-1972)

SECTION 17.109

CONFLICT AND VALIDITY

- A. All Ordinances and parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed insofar as the conflicting portions thereof are concerned. (Ord. No. 28, eff. 8-14-1972; amended by Ord. No. 30, eff. 3-11-1974; Ord. No. 33, eff. 8-9-1976; Ord. No. 174, eff. 4/30/99; Ord. No. 175, eff. 5-10-99)
- B. 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 the Ordinance. (Ord. No.28, eff. 8-14-1972, amended by Ord. No. 30, eff. 3-11-1974)