

VILLAGE OF MATTAWAN
WATER-RULES AND REGULATIONS ORDINANCE
Ordinance No. 27

AN ORDINANCE PROVIDING FOR THE RULES, REGULATIONS, AND CONDITIONS OF SERVICE OF THE MATTAWAN, VAN BUREN COUNTY, MICHIGAN, MUNICIPAL WATER WORKS SYSTEM.

- A. WHEREAS, The Village of Mattawan, Van Buren County, Michigan, hereinafter called Municipality, has undertaken to construct a municipal waterworks system; and
- B. WHEREAS, The Municipality is financing the acquisition of the waterworks system pursuant to Bond Ordinance No. 29 and has adopted a schedule of rates and charges by Ordinance No. 28.

THE VILLAGE OF MATTAWAN ORDAINS:

SECTION 17.001 APPLICATION FOR WATER SERVICE

Property owner or his agent, hereinafter called customer, must make written application for water service at the Village Office of the Municipality, and said application, including service received there under, is unassignable by the customer. (Ord. No. 27, eff. 8-14-1972)

SECTION 17.002 TAPS; INSTALLATION OF (BY WHOM)

Prior to any connection to the water system for any premises in the Municipality, any person, firm or corporation desiring to make such connection shall first notify the Municipality and after installation of a water line from the premises to the point of connection with the water system, the Municipality shall again be notified before any pipes or connections are buried or covered up and the same shall be inspected to determine if the same is installed so as to protect the system from any contamination from any other cause, including the location of the same in proximity with any possible contamination source. The same shall not be covered until specifically approved by the Municipality. In all cases where connections have been made without compliance, the Municipality may require the uncovering of the same for the purposes of inspection. (Ord. No. 27, eff. 8-14-1972, amended by Ord. No. 37, eff. 8-22-1977)

SECTION 17.003 INSTALLATION; DIVISION OF RESPONSIBILITY

The Municipality shall install and maintain at it's expense, that portion of the service from the main to the lot or easement line, including the necessary tap, fittings, and shut-off valve; and the customer shall install and maintain at it's own expense that portion of the service from said lot or easement line to his premises, including a stop and waste cock at the end of the house side of his service. The minimum earth cover of the customer's service shall be five (5) feet. The Municipality shall determine the size of the service to be installed. All water service pipes must be type K copper only. All water service pipes not exceeding two (2) inches in size shall be type K copper and all service pipes exceeding two (2) inches in size shall also be type K copper or ductile iron pipe. (Ord. No. 27, eff. 8-14-1972, amended by Ord. No. 37, eff. 8-22-1977)

SECTION 17.004 CANCELLATION OF APPLICATION; REASONS

Application may be canceled and/or water service discontinued by the Municipality for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:

- A. Misrepresentation in the application as to the property or fixtures to be supplied or use to be made of water.

- B. Failure to report to the Municipality addition to the property or fixtures to the supplies or additional use to be made of water.
- C. Resale or giving away of water.
- D. Waste or misuse of water due to improper or imperfect service pipes, and/or fixtures, or failure to keep same in suitable state of repair.
- E. Tampering with meter, meter seal, service or valves, or permitting such tampering by others.
- F. Connection, cross-connection, or permitting same, of any separate water supply to premises which receive water from the Municipality.
- G. Nonpayment of bills.

(Ord. No. 27, eff. 8-14-1972)

SECTION 17.005 NOTICE OF DISCONTINUANCE OF SERVICE BY CUSTOMER

Any customer desiring to discontinue the water service to his premises for any reason must give notice of discontinuance in writing at the business office of the waterworks system, otherwise, the customer shall remain liable for all water used and service rendered by the Municipality until said notice is received by the Municipality, however, such notice of discontinuance shall not relieve said customer from his obligation under an existing Water Users Agreement which shall be deemed to continue as an obligation notwithstanding the notice within. (Ord. No. 65, eff. 7-17-1983)

SECTION 17.006 BILLS AND NOTICES; RESPONSIBILITY OF VILLAGE

Bills and notices relating to the conduct of the business of the Municipality will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the Municipality; and the Municipality shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice. (Ord. No. 27, eff. 8-14-72)

SECTION 17.008 RECONNECTION CHARGES

Where the water supply to a customer has been discontinued for nonpayment of delinquent bills, a charge of \$15.00 (Fifteen Dollars) will be made for reconnection of water service but the reconnection will not be made until after all delinquent bills and other charges, if any owed by the customer to the Municipality have been paid. (Ord. No. 27, eff. 8-14-1972, amended by Ord. No. 37, eff. 8-22-1977, amended Ord. 124, eff. 10-26-92)

SECTION 17.009 DEPOSITS; VILLAGE MAY REQUIRE NOMINAL SUM

The Municipality reserves the right to request a nominal sum be placed on deposit with the Municipality for purpose of establishing or maintaining any customer's credit. (Ord. No. 27, eff. 8-14-1972)

SECTION 17.010 METERS MAINTAINED BY VILLAGE

All meters shall be installed, maintained and renewed by the Municipality and the Municipality reserves the right to determine the size and type of meter used. (Ord. No. 27, eff. 8-14-1972, amended Ord. 124, eff. 10-26-92)

SECTION 17.011 TESTING OF METERS; COST

Upon the written request of any customer, the meter serving said customer shall be tested by the Municipality. Such test will be made without charge to the customer if the meter has not been tested within twelve (12) months preceding the requested test; otherwise a charge of Fifteen (\$15.00) Dollars will be made and then only if the test indicates meter accuracy within the limits of Two (2%) percent. (Ord. No. 27, eff. 8-14-1972, amended by Ord. No. 37, eff. 8-22-1977)

SECTION 17.012 INABILITY TO READ METERS; BASED ON AVERAGE CONSUMPTION

Where a meter has ceased to register, or meter reading could not be obtained, the quantity of water consumed for billing purpose will be based upon an average of the prior six (6) months consumption, and the conditions of water service prevailing during the period in which the meter failed to register. (Ord. No. 27, eff. 8-14-1972)

SECTION 17.013 METERS FOR CONSTRUCTION PURPOSES; DEPOSIT

- A. Water for building or construction purposes will be furnished by meter measurement, only after suitable deposit has been made, the minimum deposit being ten dollars (\$10); and the amount to be determined by the Municipality depending upon the size of the construction work contemplated; and all water for building or construction purposes, as set forth in the permit must pass through one and the same meter.
- B. Water so supplied shall be discharged through a hose or pipe directly upon material to be wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench and all use of water by other than applicant or use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the applicant, or water service may be discontinued without notice. (Ord. No. 27, eff 8-14-72)

SECTION 17.014 INTERRUPTION OF SERVICE

The Municipality shall make all reasonable efforts to eliminate interruption of service, and when such interruptions occur will endeavor to re-establish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the distribution system or the station equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so. (Ord. No. 27, eff. 8-14-1972)

SECTION 17.015 CLAIMS AGAINST BREAKING OF MAINS OR SERVICE PIPES

The Municipality shall in no event be held responsible for claim made against it by reason of the breaking of any mains or service pipe, or by reason of any other interruptions of the supply of water caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption of service which in the opinion of the Municipality may be deem necessary. (Ord. No. 27, eff. 8-14-1972)

SECTION 17.016 VALVES REQUIRED ON BOILERS OR PRESSURE VESSELS

Customers having boilers and/or pressure vessels receiving a supply of water from the Municipality must have a check valve on the water supply line and a vacuum valve on the steamline to prevent collapse in case the water supply from the Municipality is discontinued or interrupted for any reason, with or without notice. (Ord. No. 27, eff. 8-14-1972)

SECTION 17.017 INSPECTION OF PREMISES

The premises receiving a supply of water and all service lines, meter and fixtures, including any and all fixtures within the said premises shall at all reasonable hours be subject to inspection by duly authorized employees of the Municipality. (Ord. No. 27, eff. 8-14-1972)

SECTION 17.018 SPECIAL TERMS AND CONDITIONS FOR PUBLIC USE OF WATER

Special terms and conditions may be made where water is used by the Municipality or community for public purposes such as fire extinguishment, public parks, etc. (Ord. No. 27, eff. 8-14-1972)

SECTION 17.019 HOOK-UP

Piping on the premises of a customer must be so installed that connections are conveniently located with respect to the municipal lines and mains. The customer shall provide a place of metering, which is unobstructed and accessible at all times. The customer shall furnish and maintain a cut-off valve on its side of the meter. Each single-family dwelling and each separate business establishment connected to the water system shall have a separate water meter. Multiple dwellings shall have as many separate meters as there are dwelling units. Water connections, which are installed prior to 7-1-1978, are exempt from the preceding paragraph of regulations. (Ord. No. 27 eff. 8-14-72 amended by Ord. No. 37, eff. 8-22-1977)

SECTION 17.020 SERVICE LINE; INSTALLED AND MAINTAINED BY CUSTOMER

The customer's service line shall be installed and maintained by the customer at his own expense in a safe and efficient manner and in accordance with the Municipal rules and regulations and with the regulations of the State Board of Health. (Ord. No. 27, eff. 8-14-1972)

SECTION 17.021 CUSTOMER TO PAY FOR WRONGFUL ACTS OR NEGLIGENCE

If any loss or damage to the property of the Municipality or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the customer, member of his household, his agent or employee, the cost of the necessary repairs or replacements shall be paid by the customer to the Municipality and any liability otherwise resulting shall be that of the customer. (Ord. No. 27, eff. 8-14-1972)

SECTION 17.022 SALE OF WATER PROHIBITED

Water furnished by the Municipality may be used for domestic consumption by the customer, members of his household, and employees only. The customer shall not sell or give the water to any other person. (Ord. No. 27, eff. 8-14-1972)

SECTION 17.023 CUSTOMER TO GRANT EASEMENT(S) FOR WATER LINES

Each customer shall grant or convey, or shall cause to be granted or conveyed to the Municipality a permanent easement and right-of-way across any property owned or controlled by the customer wherever said easement or right-of-way is necessary for the municipal water facilities and lines, so as to be able to furnish service to the customer. (Ord. No. 27, eff. 8-14-1972)

SECTION 17.024 EXTENSIONS TO WATER LINES DECISION OF VILLAGE COUNCIL

- A. The Municipality will construct extensions to its water lines to points within its service area but the Municipality shall not be required to make such installations unless the customer pays to the Municipality the entire cost of the installation.
- B. All line extensions shall be evidenced by a contract signed by the Municipality and the person advancing funds for said extension, but each contract shall be null and void unless approved by the Farmer's Home Administration and other governing bodies.
- C. If refund of the advance is to be made the following method shall apply: 20% of the total gross revenue of water sales per year for each service connected to the new extension described in the agreement, for a period not to exceed five years, provided that the aggregate payments do not exceed the total amount deposited.

- D. No refund shall be made from any revenue received from any lines leading up to or beyond the particular line extension covered by contract.
- E. All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the Municipality and such extension shall be the property of the Municipality and no other person shall have any right, title or interest therein. (Ord. No. 27, eff. 8-14-1972)

SECTION 17.025 SERVICE MAY BE REFUSED

The Municipality may refuse service to persons, not presently a customer, when in the opinion of the Municipality the capacity of the facilities will not permit such service (Ord. No. 27, eff. 8-14-1972)

A. EXCEPTIONS

Upon application of any customer, the Village Council may grant exceptions from strict compliance with the provisions of this Ordinance in situations that may involve practical difficulty or undue hardship. The Council may attach such conditions and restrictions to any such exception as it may deem appropriate under the circumstances. (Ord. 27, eff. 8-14-72, amended by Ord. 122, eff. 9-7-92)

SECTION 17.026 AMENDMENTS AND CHANGES

These rules may be changed or amended. (Ord. No. 27, eff. 8-14-1972)

SECTION 17.027 COMPLAINTS

Complaints may be made to the operator of the system and may be appealed to the Village Council within fifteen (15) days. (Ord. No. 27, eff. 8-14-1972, amended by Ord. No. 37, eff. 8-22-1977)

SECTION 17.028 VALIDITY

Should any section, clause or paragraph of this Ordinance be declared by the Court to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part of the Ordinance other than that part so declared to be invalid. (Ord. No. 37, eff. 8-22-1977)

SECTION 17.029 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its passage, approval and publication as required by law.

Passed by the Village of Mattawan, Michigan, this 14th day of August, 1972.