

## ORDINANCE #229-03

AN ORDINANCE OF THE VILLAGE OF BANCROFT, MICHIGAN KNOWN  
AS:

### WATER ORDINANCE.

THE VILLAGE OF BANCROFT ORDAINS:

#### **Section 1. Definitions**

1. ***System.*** Whenever the words “the system” or “system” are used in this Ordinance, they shall be understood to mean the complete water supply and sewage disposal system of the Village of Bancroft, including but not limited to, all water mains, laterals, wells, pumping stations, storage tanks, main and lateral sewers, sewage disposal plant and all related works, instrumentalities and properties used or useful in connection with the combined water supply and sewage disposal system, together with all additions, extensions and improvements thereto hereafter acquired.
2. ***Revenues.*** Wherever the words “revenue” and “net revenues” are used in this Ordinance, they shall be understood to have the meaning defined in Section 3 of Act 94, Public Acts of Michigan, 1933, as amended.
3. ***Public Improvements.*** The term “public improvements” as used in this Ordinance shall be construed to mean the existing and hereafter acquired water supply and sewage disposal system improvements within and outside the Village which are functional components of the respective system.
4. ***Acquire.*** The terms “acquire” and “acquiring” as used in this Ordinance shall be construed as including acquisition by purchase, construction or any other method.

#### **Section 2. Operation, Repair and Management**

The operation, repair and management of the system shall be under the supervision and control of Village of Bancroft Council. The Council shall pass all Ordinances, and make such rules and regulations as are needed so as to provide for the safe, economical and efficient management thereof.

#### **Section 3. Rates and Enforcement:**

The rates to be charged for connections, water service, other charges pertaining to the system and the rules and regulations for connections to and use of the system shall be as hereinafter set forth:

1. ***Water Rates:*** Except as herein otherwise provided, water shall be measured by a meter installed, owned, and controlled by the Village of Bancroft. Water service, equipment, and connections shall be charged as such rate or rates as are established by resolution of the Village of Bancroft Council after public hearing. The Village shall pay for all water used by

it, or any of its Departments.

2. ***General Rules and Regulations:*** The following rules and regulations shall apply to the water system, where appropriate:
  1. There shall be installed for each user one meter per household in good working order. Each user shall allow entry to the premises served by duly authorized Village of Bancroft at reasonable times for testing, inspection, repair, and service to its water meters.
  2. All meters shall be owned by the Village of Bancroft.
  3. For any unmetered water use, the Village Council by resolution shall fix a reasonable rate based on the number of connections, or any other special consideration.
  4. Special rates may be established by the Village Council to meet special circumstances or situations where, in its judgment, a special rate is deemed proper and advisable.
  5. A cash deposit, as security for payment of water, as provided in subsection (D) of this Section, may be required of each user in such cases as the Village Council shall deem such security to be advisable. In cases as provided under Section 21, of Acts 94, Public Acts of Michigan, 1933, as amended, or Section 5 of Act 178 of 1939 where the owner of the property notifies the Village, in the manner provided by statute, that the lessor will not be responsible for the service charges, no further service to premises shall be provided until a cash deposit is made in an amount equal to three times the average quarterly billing.
  6. Where water is shut off in any section of the Village by reason of accident or necessity of repair, the DPW shall endeavor to give timely notice to the consumers affected, and shall, so far as practicable, use its best efforts to prevent and minimize inconvenience and damage arising therefrom, but failure to give such notice shall not render the Village responsible or liable in damages for any inconvenience, injury, or loss which may result therefrom.
  7. If, for any reason, except on the initial installation and connection, water service is resumed or turned on for a user, said user shall first pay the turn-on charge as established by the Village Council.
  8. No person shall tamper with, disconnect, bypass, replace, alter, or interfere with any Village meter, or engage in any act to obtain free service.
3. ***Connection:*** The water and sewage system shall be under the immediate control and management of Village of Bancroft Council.

1. All connections to the system shall only be by permit. A water connection fee shall be paid for each connection to the water system in an amount as set forth by the Village by resolution.
  2. Water main connections shall be made only by the Village, subject to its sole discretion as to location, work, and material. The charge therefore shall be the actual cost of the material, including meter cost, labor, supervision, and administration costs of ten percent (10%). The Director of Public Works shall estimate the cost of such installation, and this amount shall be deposited with the Village at the time the permit is issued. The final connection from the installation made by the Village from or near the curb to the building shall be performed by the owner at his own expense and subject to Village specifications, provided, however, no installation shall be completed until final inspection and approval by the Village.
  3. All permits issued for water connections to the system shall be issued only upon application of the owner, or his duly authorized agent, setting forth the size and type of pipe to be used, the location and size of the Village or sewer main, the precise location of tap-in connections as related to the building and such other information as set forth on the application form provided by the Village.
  4. All permits for water connections shall be conditional and subject to final inspection by the DPW Inspector, or his duly authorized agent before back filling. Upon final inspection the DPW Inspector shall issue the owner, or his agent, a Certificate of Inspection. Any connection made without this Certificate shall void the permit, and the tap-in shall be disconnected, unless properly made and unless the cost of re-excavation and inspection are forthwith paid to the Village.
  5. No person other than an authorized representative of the Village shall make any connection to any water main of the Village, including fire hydrants. No person shall take or use Village water from any water main of the Village, including fire hydrants, without a permit or authorization from the DPW. A violation of this subsection shall constitute a misdemeanor punishable by a fine up to Five Hundred Dollars (\$500.00) and/or ninety (90) days in jail, or both.
4. ***Statement of Legislative Findings and Purpose:*** The Village Council of the Village of Bancroft hereby declares the following legislative findings and legislative purpose to be accomplished by the adoption of this Ordinance.
1. The Village has constructed and currently operates a water distribution system which provides a source of water supply for domestic, commercial, institutional, and industrial uses and fire protection to the residents of the Village of Bancroft.

2. The cost of constructing the well and pumping portion of the current Village water distribution system has been previously funded through user fees and connection charges, while the specific properties have historically been funded either through special assessment levied against the benefitting properties, or charged against property developers as a condition of site plan or plat approval.
  3. The Village is currently contemplating expansion of its water main distribution system so that a substantial number of premises will be potentially benefitted by the availability of mains and the opportunity to connect their private water system to the Village system.
  4. The Village Council deems it to be inappropriate to require property owners to abandon their private water supply systems and connect to the expanded Village water distribution system at this time, and believes that these property owners should be allowed to recover the cost of investment in their private water systems through future use with the option to connect to the Village water distribution system as they deem it necessary or advisable.
  5. The benefit to be derived from the extension of water distribution mains will not, therefore, be an immediate benefit to every property owner, but will accrue as a benefit to them only as future connections are made to the system.
  6. The Village Council therefore deems it inappropriate to levy the cost of extending water mains against all abutting owners as a special assessment at the time certain mains are initially extended, but believes it would be equally inappropriate to allow these existing property owners to connect to the system in the future without then paying an assessment which is equivalent to the assessment the assessment which would otherwise be due at this time, and equivalent to the cost which other existing property owners have previously paid through special assessment or development charges.
  7. In order to secure equitable and consistent treatment for all property owners within the Village, it is therefore declared necessary to provide for an additional charge to be levied against the property owners who secure the benefit of connecting to the Village water mains in the future, but who have not in the past paid their fair share of costs incident to the construction of water mains adjacent to their property.
5. ***Charges.*** The charges for equipment, service and connections shall be established by resolution of the Village Council.
1. Wherever the Village constructs a water main and the properties which may be connected to the water main do not directly participate in the cost of the main (other than by payment of the Village general property tax), or have not been assessed the

cost by special assessment, the Village Treasurer shall determine the total cost of construction and shall establish a suspense account. The total street frontage of all properties which potentially connect to the main shall be determined and the Treasurer shall compute the percentage of total frontage for each individual lot or parcel of property. Property owned by the Village shall be included in computing the total frontage for each individual lot or parcel of property. Property owned by the Village shall be included in computing the total capital charge. Percentages of the total cost for corner lots shall be determined by reference only to the longest side.

Each owner of property which may thereafter connect to the main, as determined from the Assessor's records, shall then be mailed a notice advising them that their property shall be subject to an additional capital charge if connected to the water main in the future and stating the amount of such charge.

2. A dwelling unit is hereby defined as one room, or rooms, connected together constituting a separate and independent housekeeping establishment from one family occupancy and physically separated from any other rooms, dwelling units, or business which may be in the same structure and containing independent cooking, bathroom, and sleeping facilities.
6. **Enforcement:** All charges for water and sewer service shall constitute a lien on the property served, and, if not paid within six (6) months after the same is due, the official, or officials, in collection therefore shall, prior to May 1 of each year, certify to the Tax Assessing Officer of the Village, the facts of such delinquency, whereupon said officer shall enter such delinquent charges upon the next general Village tax roll, as a charge against said premises, and the lien thereon shall be enforced in the same manner as provided by law for delinquent and unpaid taxes. Unpaid water rates or charges may also be collected by suit brought in the name of the Village against the owner or occupant of the premises or property, or both. In addition to all the rights and methods of collection, the Village shall have the right to shut off and discontinue the supply of water to any premises for the non-payment, when due, of water and sewer service charges, or for the refusal to allow reasonable access to the premises for service or repair to Village water meters. For turn-on charges the fee as established by resolution of the Village Council shall be paid as well as any delinquent or current charges assessed to the premises prior to turning on the water to such premises.
7. **Billing:** Charges for water service shall be collected quarterly, provided, however, billing may be changed to monthly or bi-monthly billing in such circumstances as are deemed advisable. Bills shall be sent to users, and shall become due and payable on the last day of each billing period, and, if not paid within twenty (20) days thereafter, a ten percent (10%) penalty shall be added to such bill. The Village may be divided into districts for administrative convenience in reading meters and billing water charges.

**Section 4. Service Rate:**

No free service shall be furnished by the system to any person, firm or corporation, public or private,

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being, the Clerk of the Village of  
 es hereby cause to be published  
 nopsis of recently adopted ordi-  
 nances of Bancroft, pursuant to  
 At the meeting of the Bancroft Village  
 Council, held on June 11, 2003 the following  
 Village ordinances were adopted:  
 228-03 Garbage/Rubbish Ordinance - The  
 Village shall set by resolution the times for  
 garbage/rubbish removal within the village, here-  
 inafter known as "pick-up" day. Containers for  
 the containment of garbage/rubbish shall be  
 placed within the street of way no earlier than the  
 day prior to pick-up. Containers for the contain-  
 ment of garbage/rubbish shall be removed from  
 the street no later than the day following the pick-  
 up day. Failure to remove trash, tree limbs, etc  
 from the right of way within 72 hours following  
 a written notice from the Village, owner shall be  
 billed for cost of removal. Violations are as fol-  
 lows: 1st offense-written warning, 2nd offense-  
 within a one year period shall be fined not less  
 than \$25.00; 3rd offense-within a one year period  
 shall be fined not less than \$50.00.  
 Water Ordinance #229-03 Operation, Repair &  
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 the Village Council. Council shall pass all  
 Ordinances, and make such rules and regulations  
 as are needed so as to provide for the safe, eco-  
 nomical and efficient management thereof.  
 Rates to be charged for connections, service, etc  
 are hereby set forth.  
 The aforementioned ordinances may be viewed  
 in their entirety by contacting the Village of  
 Bancroft Clerk, at 120 S. Warren St., Bancroft,  
 Phone 989-634-5375  
 Publish: July 3, 2003