

RESOLUTION ESTABLISHING RATES, CHARGES AND TERMS FOR WATER SYSTEM ORDINANCE

WHEREAS, the **TOWNSHIP OF CRYSTAL FALLS** previously adopted Ordinance 45, being a Water System Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the following rates, charges and terms for the Water System Ordinance shall become effective June 30, 2010.

I BASIC CHARGE

All consumers of public water service shall be charged \$25.00 per month for the availability of or usage of the first 4,380 gallons of water. Any monthly water usage in excess of 4,380 gallons of water shall be at a charge of \$5.71 per 1,000 gallons, or portion thereof.

II MINIMUM MONTHLY AVAILABILITY CHARGE

(a) Any parcel of real estate that had a residential structure existing on January 1, 2004 and that had public water service in existence on January 1, 2004, but subsequently has had all residential structures removed and the public water service disconnected, shall pay a minimum monthly availability charge of \$15.00 provided no residential structure is present.

A consumer may request the **TOWNSHIP OF CRYSTAL FALLS** to physically remove the water connection to the public water service. The **TOWNSHIP OF CRYSTAL FALLS**, upon the advance payment by the consumer to the **TOWNSHIP OF CRYSTAL FALLS** of the estimate cost for equipment rental, time and materials necessary to undertake such action and any delinquent charges then due the **TOWNSHIP OF CRYSTAL FALLS** under the Water System Ordinance, shall remove the connection only during the period of May 15 through October 15. Once the water connection has been physically removed by the **TOWNSHIP OF CRYSTAL FALLS**, the minimum monthly availability charge will no longer be assessed.

(b) Any parcel of real estate with a residential structure that has a water connection to the water main but the water service has been shut off, shall pay a minimum monthly availability charge of \$25.00.

III CONNECTION/RECONNECTION CHARGE

The connection/reconnection charge shall be \$50.00, together with the prepayment of any required security deposit and any delinquent charges then due the **TOWNSHIP OF CRYSTAL FALLS** under the Water System Ordinance.

IV INSTALLATION CHARGE

The following installation charges shall be due in addition to the basic connection/reconnection charge:

(a) Services beyond the turn on of an existing shutoff shall be at the rate of \$40.00 per hour for each Township employee and \$70.00 per hour for backhoe/excavator charges for all services provided, together with a \$250.00 charge for $\frac{1}{2}$ inch service.

(b) Services beyond the turn on of an existing shutoff shall be at the rate of \$40.00 per hour for each Township employee and \$70.00 per hour for backhoe/excavator charges for all necessary services provided, together with a \$450.00 charge for 1 inch service.

(c) Services beyond the turn on of an existing shutoff shall be at the rate of \$40.00 per hour for each Township employee and \$70.00 per hour for backhoe/excavator charges for all necessary services provided, together with a \$650.00 charge for a greater than 1 inch service.

The **TOWNSHIP OF CRYSTAL FALLS** shall require a deposit from the consumer that equals the estimated cost of time, materials and equipment to be paid to the **TOWNSHIP OF CRYSTAL FALLS** before any installation activities may occur.

V SECURITY DEPOSIT

A Security Deposit equal to four (4) months of basic water charge or estimated four (4) months of water usage charge, whichever is greater, shall be required to be and remain on deposit with the **TOWNSHIP OF CRYSTAL FALLS** for all consumers, except if the following circumstances apply:

(a) A new consumer with a prior timely water payment history with the **TOWNSHIP OF CRYSTAL FALLS** for the most recent 12 consecutive month period with the **TOWNSHIP OF CRYSTAL FALLS**.

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(b) An existing consumer with a timely water payment history with the **TOWNSHIP OF CRYSTAL FALLS** for the last 12 consecutive month period with the **TOWNSHIP OF CRYSTAL FALLS**.

(c) An existing consumer with an otherwise timely water payment history with the **TOWNSHIP OF CRYSTAL FALLS** for the last 12 consecutive month period with the **TOWNSHIP OF CRYSTAL FALLS** who pays in full the ten (10%) percent service charge by the 20th day of the following month.

For security deposit purposes a water bill is considered due and payment shall be considered timely if it is paid before the imposition of a ten (10%) percent service charge.

Any consumer who is required to have a security deposit shall be billed for such security deposit on the next monthly billing cycle, except for new service consumers and previously disconnected consumers, for which security deposits shall be immediately due and paid by the consumer to the **TOWNSHIP OF CRYSTAL FALLS** prior to the service being connected or reconnected.

The security deposit, less any outstanding Water System Ordinance payment obligations then owed to the **TOWNSHIP OF CRYSTAL FALLS**, shall be returned to the former consumer within 60 days after the former consumer is no longer a utility customer of the **TOWNSHIP OF CRYSTAL FALLS**. A security deposit shall be returned to an existing customer by the **TOWNSHIP OF CRYSTAL FALLS** upon the written request of a customer once a 24 consecutive month period of timely Water System Ordinance payment history with the **TOWNSHIP OF CRYSTAL FALLS** has occurred.

VI CASH DEPOSIT

If a cash deposit from a consumer is required by Section X of Ordinance 45, being the Water System Ordinance of the **TOWNSHIP OF CRYSTAL FALLS**, then the cash deposit shall be immediately due and paid by the consumer to the **TOWNSHIP OF CRYSTAL FALLS** prior to the service being provided, shall be equal to six (6) months of basic water charge or estimated six (6) months of water usage, which is greater, and shall remain on deposit with the **TOWNSHIP OF CRYSTAL FALLS**. The cash deposit, less any outstanding Water System Ordinance payment obligations then owed to the **TOWNSHIP OF CRYSTAL FALLS**, shall be returned to the former water consumer within 60 days after the former water consumer is no longer a water customer of the **TOWNSHIP OF CRYSTAL FALLS**.

VII CONSUMER METER TESTING

A consumer seeking to have the water meter for the consumer tested shall pay in advance to the **TOWNSHIP OF CRYSTAL FALLS** a \$150.00 charge.

VIII BILLING CYCLE

Water System Ordinance charges shall ordinarily be billed on a monthly basis for services provided. Payments shall be due without penalty not later than the 20th day of the month of billing (if the 20th is not a business day of the **TOWNSHIP OF CRYSTAL FALLS**, then the due date shall be the next business day for the **TOWNSHIP OF CRYSTAL FALLS** after the 20th) and shall be delinquent (for other than security deposit purposes) if not paid in full by the last business day of the **TOWNSHIP OF CRYSTAL FALLS** for the same month.

IX PAYMENT LOCATION

All payments due under the Water System Ordinance shall be made by the consumer to the **TOWNSHIP OF CRYSTAL FALLS**, either delivered to the Clerk's Office at the Township Hall, deposited in the payment box located on the exterior of the Township Hall, or made payable to Crystal Falls Township and mailed to P.O. Box 329, Crystal Falls, Michigan 49920. The first business day of the **TOWNSHIP OF CRYSTAL FALLS** that the payment is received by the Clerk's office shall be the date of payment.

X LATE PAYMENT AND INTEREST PROVISIONS

(a) All Water System Ordinance charges that remain unpaid beyond the payment due date shall bear a one-time service charge of ten (10%) percent of the amount then due, and one (1%) percent per month service charge thereafter until paid in full. All payments received shall be applied as follows: first to security deposits, then to cash deposits, then to connection/reconnection charges, then to installation charges, then to one time ten (10%) percent service charges, then to one (1%) percent per month service charges, and then to actual water charges.

(b) The **TOWNSHIP OF CRYSTAL FALLS** shall be entitled to collect from the consumer for the value of all reasonable costs, expenses and services incurred by the **TOWNSHIP OF CRYSTAL FALLS** in the enforcement of the terms of the Water System Ordinance. The

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costs, expenses and services to be collected from the consumer shall include, but are not limited to, the actual expenses for actions undertaken on behalf of the **TOWNSHIP OF CRYSTAL FALLS** and/or actual expenses for any actions undertaken on behalf of the **TOWNSHIP OF CRYSTAL FALLS** by any attorney engaged by the **TOWNSHIP OF CRYSTAL FALLS**.

In the event judicial action is utilized for the enforcement of the Water System Ordinance, the **TOWNSHIP OF CRYSTAL FALLS** shall be entitled to collect from the consumer for the amount of all reasonable costs, expenses and services incurred, including, but not limited to, reasonable attorney fees incurred by the **TOWNSHIP OF CRYSTAL FALLS**. The expenses of judicial action shall include, but are not limited to actions arising in whole or part from the enforcement of the Water System Ordinance actions for judicial appeal arising in whole or part from the enforcement of the Water System Ordinance, collection actions arising supplemental to any judgment obtain in whole or part from the Water System Ordinance, and/or any actions in bankruptcy proceedings arising in whole or part from the enforcement of the Water System Ordinance. The provisions for judicial action are in addition to any specific provisions provided for by law or court rule.

XI

INFLATION MULTIPLIER

The basic monthly charges and minimum monthly availability charges shall on June 1 of each year be automatically adjusted upward two and one-half (2½%) percent or the rate of inflation, if greater, up to six (6%) percent. The rate of inflation shall be the Inflation Rate Multiplier reported to the township each year by the Michigan Department of Treasury - State Tax Commission, to be used in township property tax calculations, according to Michigan law.

XII

MODIFICATION OF RESOLUTION

The provisions of this Resolution Updating and Establishing Rates, Charges and Terms for Water System Ordinance can only be modified by the formal written action of the Township Board of the **TOWNSHIP OF CRYSTAL FALLS**.

The foregoing resolution was moved by Diane Kut and supported by Joanne Seppala.

Dalpra, Takala
Kut, Seppala,
Yeas: Losandrini
Nays: None

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Adopted this 11th day of May 2010 by the TOWNSHIP OF CRYSTAL FALLS.

I hereby certify that the foregoing is a true and correct copy of the resolution adopted at a meeting of the Township Board of the Township of Crystal Falls held on May 11, 2010.

TOWNSHIP OF CRYSTAL FALLS

Dated: May 11, 2010

By: 
Joanne Seppala
Its Clerk