

**WATER RATE ORDINANCE;
WATER SUPPLY SYSTEM NO. 3
TOWNSHIP OF FRANKENLUST, MICHIGAN
ord. no. 21C eff. Aug. 13, 1996**

An Ordinance establishing rates, charges, rules and regulations for the use and service of the Township of Frankenlust, Water Supply System No. 3.

THE TOWNSHIP OF FRANKENLUST, BAY COUNTY, MICHIGAN ORDAINS:

Sec. 1. RATES AND CHARGES.

There shall be and there are hereby established quarterly rates and charges for the use of and for the services supplied by the Frankenlust Township Water Supply System No. 3. The provisions hereof are not and shall not be applicable to the area of the Township serviced by the Bay County Water Supply System (Frankenlust Township, 1978) or Bay County Water Supply System No. 1 (1964).

A. Water Rate-Quarterly Billings

| METER SIZE | TYPE | UNIT | MIN. USE 1000 GALS. | UNIT CHARGE | SERVICE CHARGE | MINIMUM CONSUMPTION CHARGE | MIN. WATER CHARGE | MIN. BILL CHARGE |
|------------|------|------|---------------------|-------------|----------------|----------------------------|-------------------|------------------|
| 5/8" | * | T | 10 | \$ 3.86 | \$ 9.89 | \$ 38.60 | \$ 48.49 | \$ 48.49 |
| 5/8" | S | T | | \$ 3.86 | \$ 9.89 | - | \$ 9.89 | \$ 9.89 |
| 3/4" | * | T | 30 | \$ 3.86 | \$ 9.89 | \$ 115.80 | \$ 125.69 | \$ 125.69 |
| 3/4" | S | T | | \$ 3.86 | \$ 9.89 | - | \$ 9.89 | \$ 9.89 |
| 1" | * | T | 60 | \$ 3.86 | \$ 9.89 | \$ 231.60 | \$ 241.49 | \$ 241.49 |
| 1" | S | T | | \$ 3.86 | \$ 9.89 | - | \$ 9.89 | \$ 9.89 |
| 1 1/2" | * | T | 160 | \$ 3.86 | \$ 9.89 | \$ 617.60 | \$ 627.49 | \$ 627.49 |
| 1 1/2" | S | T | | \$ 3.86 | \$ 9.89 | - | \$ 9.89 | \$ 9.89 |
| 2" | * | T | 400 | \$ 3.86 | \$ 9.89 | \$ 1,544.00 | \$ 1,553.89 | \$ 1,553.89 |
| 2" | S | T | | \$ 3.86 | \$ 9.89 | - | \$ 9.89 | \$ 9.89 |
| 3" | * | T | 730 | \$ 3.86 | \$ 9.89 | \$ 2,817.80 | \$ 2,827.69 | \$ 2,827.69 |
| 3" | S | T | | \$ 3.86 | \$ 9.89 | - | \$ 9.89 | \$ 9.89 |
| 4" | * | T | 1,460 | \$ 3.86 | \$ 9.89 | \$ 5,635.60 | \$ 5,645.49 | \$ 5,645.49 |
| 4" | S | T | | \$ 3.86 | \$ 9.89 | - | \$ 9.89 | \$ 9.89 |
| METER SIZE | TYPE | UNIT | MIN. USE | UNIT CHARGE | SERVICE CHARGE | MINIMUM CONSUMPTION | MIN. WATER | MIN. BILL |

| | | | 1000 GALS. | | | CHARGE | CHARGE | CHARGE |
|----|---|---|---------------|---------|---------|--------------|-------------|-------------|
| 6" | * | T | 2,920 | \$ 3.86 | \$ 9.89 | \$ 11,271.20 | \$11,281.09 | \$11,281.09 |
| 6" | S | T | | \$ 3.86 | \$ 9.89 | - | \$ 9.89 | \$ 9.89 |

Commodity Charges are as follows: \$3.86 per thousand gallons.
(Amended: Ord. 21D March 13, 2018. Eff. March 22, 2018).

A single family residential water user, who uses a 3/4" to a 1 1/2" meter size, may request a determination of actual quarterly average water usage to be done by the Frankenlust Township Board of Trustees. The Board of Trustees may change the user's minimum use category based on its actual quarterly average water usage determination; provided that, if the user's meter is greater than 3/4", then the meter used shall have the capacity to read low flows as a 3/4" meter can.
(Amended: Ord 21D March 13, 2018. Eff. March 22, 2018).

B) Connection Charge.

Effective October 1, 2005, there shall be a connection charge of \$4,200.00 for each connection to the system plus debt service charges. Debt service charges referred to in this subsection shall be set by resolution of the Township Board from time-to-time and billed quarterly. Debt service charges set by the Township Board shall fairly reflect costs of the Township to finance the installation of water transmission lines. Except to the extent that deferred payments are otherwise authorized, all connection charges referred to in this paragraph shall be paid to the Township prior to any work being commenced to connect to said water line and shall be in addition to any connection charge or fee charged by or paid to the Bay County Department of Water and Sewer. Property owners may defer payment of up to one-half of the \$4,200.00 connection charge over a three-year period. All unpaid installments, prior to their transfer to the Township tax roll as hereinafter provided, shall bear interest, payable annually on each installment due date, at a rate to be set by the Township Board, not exceeding 1% above the average rate of interest borne by bonds issued by the Township in anticipation of all or part of the unpaid installments, or at the same rate as is being paid by the Township on any installment purchase contract, or, in the event that the Township does not issue bonds or enter into an installment purchase contract to construct additional Water Supply System No. 3 transmission lines, not exceeding 8% per annum, commencing as hereinafter set forth. All such payments shall be paid in three equal annual installments together with interest on the declining balance as aforesaid with the first installment and accrued interest due and payable on the next December 1, which is more than three months after the date when any work is commenced to connect to the water line. All subsequent installments with accrued interest shall be

due and payable on December 1 annually thereafter, until paid in full. The annual installment with accrued interest shall be certified to the Township tax assessing officer and shall annually be entered upon the tax roll as a charge against such premises and collected and the lien thereof enforced, in the same manner as general property taxes against such premises are collected and the lien thereof enforced. The balance of any such connection charge from time to time remaining unpaid may be paid in full at any time before the same becomes due together with accrued interest to the date of payment. Interest on the unpaid balance will commence at the time connection to Water Supply System No. 3 takes place or 90 days after application for a permit to connect is made, whichever shall first occur. Any delinquent installments together with accrued interest for a given premises shall be paid at the time said premises shall change ownership. Change of ownership shall include a transfer of title to such lands and also the date of execution of a land contract between the owner of the title and a purchaser of the lands. The date of execution of a deed to purchaser or the date of execution of such land contract shall be deemed to be the date of such transfer of ownership. The option to defer payments herein provided shall be limited to residential users only and shall not apply to commercial and industrial properties.

(Amended: July 12, 2005 Eff. Oct. 1, 2005)

C) Tank Sales.

\$0.25 per each 145 gallons.

D) Turn On-Turn Off Charges.

There shall be imposed a charge of \$20.00 whenever the Township is requested to turn on or off water services. Provided, however, that whenever the Township is requested to provide turn on or turn off services at times other than regular business hours, there shall be imposed an additional charge of \$20.00.

E) Billing.

Bills for rates and charges as herein established by the Township shall be mailed quarterly. All bills shall be payable on the date as shown on the bill, and shall be paid at the office of the Department of Public works or authorized substation. If any charge for services of the system shall not be paid by the due date, a delayed payment charge of one percent (1%) per month of the unpaid balance shall be added thereto and collected therewith. If any bills for the services of the system shall remain unpaid after sixty (60) days following the rendition of the bill therefore, the water supply for the lot or parcel of land, or premises serviced

thereby, may at the option of the Township be turned off and not turned on again except upon payment in full of the delinquent charges therefore in addition to the payment of the turn off-turn on charge of \$20.00. In addition to any other remedy provided by law for the collection of bills for services rendered as provided herein, the Township shall have a lien on the premises as provided by statute in such case made and provided.

F) It is hereby made the duty of the Bay County Department of Public Works as agent of the Township to render bills for service and all other charges in connection herewith and to collect all monies due there from.

G) All Ordinances and parts of Ordinances in conflict with the provisions hereof, including Ordinance No. 15 adopted August 9, 1977, and the Amendment thereto adopted October 11, 1977 are hereby repealed.

H) This Ordinance shall be known as and referred to as the Frankenlust Township Water Supply System No. 3, Water Rate Ordinance, and shall be applicable to those portions of the Township serviced thereby.

I) This Ordinance shall be published in full in the Bay City Democrat, a newspaper of general circulation in the Township. Promptly after its adoption, it shall be recorded in the Ordinance Book of the Township and authenticated and filed in other places as may be required by law.

J) This Ordinance is hereby determined by the Township Board to be immediately necessary for the preservation of the peace, health and safety of the Township and is, therefore, declared to have immediate effect.
(Adopted Sept. 12, 1978)

Sec. 2. **SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Sec. 3. **ORDINANCES REPEALED.**

All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Sec. 4. **EFFECTIVE DATE.**

This Ordinance shall be effective the day following the date of publication and shall be published once in the Bay City Democrat, a newspaper circulating in Frankenlust Township, Bay County, Michigan, on or before the 25th day of January, 1996.

(Rev. 1/25/96)