

STATE OF MICHIGAN, COUNTY OF OAKLAND
VILLAGE OF LAKE ORION

ORDINANCE NO. _____

An Ordinance to amend Title V. Public Works, Chapter 53: Water, General Provisions

THE VILLAGE OF LAKE ORION ORDAINS:

Title V. Public Works
Chapter 53: Water, General Provisions
§ 53.08 Water Rates, Billing and Lien Upon Premises.
§ 53.09 Seasonal Or Temporary Shut Off
§ 53.13 Inspections

The Village Code is amended and recommended by the Village Council, after public hearing was held on _____:

§ 53.08 WATER RATES, BILLING AND LIEN UPON PREMISES RATES.

(A) A minimum quarterly ready to serve charge shall be established by resolution of the Village Council at a regular meeting after a public hearing.

(B) For all water used during any quarterly period, a water usage charge for each 100 cubic feet or fraction thereof shall be established by resolution of the Village Council at a regular meeting after a public hearing.

(C) Unmetered customers shall pay a charge per quarter as established by resolution of the Village Council at a regular meeting after a public hearing.

~~(D) There is hereby imposed upon Orion Township an annual charge per hydrant as established by resolution of the Village Council for standby water usage; billing to be made on or about January 1 of each year using a hydrant count as of December 31 of the previous calendar year. Except as otherwise provided in this chapter, rates for special supply or for temporary supply for any purpose shall be fixed by the Village Manager.~~

~~(D)(E)~~ In the event that a property owner fails to install a water meter pursuant to this chapter, the village shall cause the same to be built in a meter pit or other acceptable chamber with the cost of labor, materials, and construction billed to the water customer on the next ensuing quarterly bill and collected in the same manner as other water bills.

~~(F)(E)~~ *Billing.*

(1) For the purpose of making and collecting charges for water used by consumers, the calendar year shall be subdivided into quarterly periods to be established by the Village Manager, and statements shall be rendered quarterly and shall be due and payable on or before 30 days after the expiration of each quarterly period; provided, however, that for the purpose of establishing the commencement of any quarterly period, the first of any subsequent billing may be made for less than or greater than a quarter period. The due date of such charges shall be

stated upon the billing therefore, and the same shall be paid on or before the due date stated therein.

(2) Delinquent charges. If any charges for water supply services are not paid on or before the due date then a penalty of 10% shall be added thereto. ~~In the event that the charges for any such services furnished to any premises shall not be paid within 90 days after the due date thereof, then the village shall assess an automatic \$250 fine in addition to the ten percent penalty.~~ In addition thereto, in the event the same is not paid within ~~the 90 day period~~ 90 days after the due date, all services furnished by the water supply system may be discontinued. Services so discontinued shall not be restored until all sums then due and owing, including penalties, are paid, plus a shut-off and a turn-on charge. A penalty of 10% shall be added to and become part of any charge that is not paid before the same becomes delinquent.

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~~(G)-(F)~~ Lien upon premises.

(1) Such charges shall constitute a lien upon the respective properties served and if any charge is not paid before it becomes delinquent it may be recovered by the village in an action of assumpsit against the owner of the property served as well as any tenant supplied with such water, or such charges may be certified to the Village Treasurer by the Village Council and assessed against the property on the next village tax roll, in which event such charge shall be collected and returned in the same manner as other village taxes are collected and returned; provided that any charge shall not be so certified which has not been delinquent for a period of at least 6 months, in addition to any other remedy provided in this chapter or by law, if such charges for water consumed shall not be paid within 30 days after the same shall become delinquent, the Village Manager shall have the authority to shut off the supply of water to any such premises, provided:

(a) Notice is provided by first class mail to the property owner(s) according to village records affording the owner(s) an administrative hearing before the Village Manager prior to the water being shut off; and

(b) Notice of the administrative hearing is provided to any occupant(s) of the property by posting notice of the same at the premises.

(2) After the hearing, the village may shut off and sever such water connection. In such event, such connection shall not thereafter be re-connected until all such water charges and penalties shall be fully paid, together with a shut-off charge ~~of \$100~~ and a turn-on charge ~~of \$250~~ as established by resolution of the Village Council at a regular meeting after public hearing.

§ 53.09 SEASONAL OR TEMPORARY SHUT OFF.

(A) In case of seasonal or temporary vacancy, at the request of the customer, and after notification by the customer no less than 48 hours prior to a required turn-off date, the village will turn off the water at the curb stop. A turn-off and turn-on fee ~~of \$5 each as established from time to time by resolution of the Village Council after public hearing~~ shall be charged. During each seasonal vacancy, and provided that no water use is recorded on the meter during such vacancy, ~~a the~~ ready-to-serve fee ~~in the amount of \$3 per month or fraction of a month~~ shall be charged. In the event the water meter shall record use of water during the seasonal vacancy, the charges set forth in § 53.08(A) and (B) shall apply. For temporary shut-off necessary for the purpose of a customer making repairs, upon 48 hours notification, the village will turn off the water at the curb stop and ~~a the~~ turn-off and turn-on fee ~~of \$5 each~~ shall be charged.

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(B) The customer shall be responsible for draining the system within the premises in order to protect the meter and piping from freezing, and shall be charged for all repairs to village-owned meters, valves or pipes as a result of freezing.

(C) Damage to the water system within the property lines of the customer will be the customer's responsibility for repair.

(D) In the case of the customer's need to have the water turned off at the curb box for the purpose of making repairs, the village will, upon reasonable notice, and during regular working hours, turn the water off, and will turn the water back on upon the completion of the repairs. ~~A~~ The turn off and turn on fee as established from time to time by resolution of the Village Council after a hearing of \$5 each will be charged.

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§ 53.13 INSPECTIONS.

(A) Inspectors and designated employees of the village whose duty it may be to enter upon private premises to make inspections of and/or repairs to pipes, fixtures and attachments, including, but not limited to water meters, used in connection with the village water supply shall have free access at all reasonable hours for the purpose of making an inspection or repair thereof, including the examination of the entire water supply and plumbing system upon said premises.

(B) No person shall refuse to admit any inspector or designated employees of the village to private premises for the purpose of making inspections of and/or repairs to pipes, fixtures and attachments, including but not limited to water meters. In the event the water system inspector or designated village employees are refused admittance to any premises, or, being admitted, shall be hindered or prevented from making such an examination, the Village Manager, after notice of hearing is posted on the premises and the occupants are afforded an administrative hearing before the Village Manager, shall have the authority to shut off the supply of water to said premises. In the event the water system inspector or designated village employees cannot gain admission to any premises within 15 days after mailing notice of the need for inspection or repair to the owner or occupant by first class mail, the Village Manager, after notice of hearing is posted on the premises and the occupants are afforded an administrative hearing before the Village Manager, shall have the authority to shut off the supply of water to any premises. If the water supply to any premises is shut off pursuant to the provisions of this section, the village subsequently will turn on the water supply to said premises only after receipt of payment of ~~a \$5~~ the turn-off fee and ~~a \$25~~ turn-on fee established in §53.09.

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(C) In the event of a bona fide emergency in connection with the water supply to any premises, as determined by the Village Manager, the Village Manager shall have the authority to shut off the supply of water to said premises, with a suspension of all requirements for notice to the owner or occupant of the premises.

Amended only as specified above and in this Chapter, the Code of Lake Orion shall remain in full force and effect.

A synopsis of this Ordinance shall be published in accordance with the Charter of the Village of Lake Orion and this Ordinance shall become effective immediately upon the publication of the summary. If any provision of this Ordinance is held invalid, the invalidity does not affect

other provisions that can be given effect without the invalid provision.

VILLAGE OF LAKE ORION

By: _____
Jerry Narsh, President

By: _____
Sonja Stout, Clerk

CERTIFICATION

I, Sonja Stout, Clerk of the Village of Lake Orion, Michigan, do hereby certify that the foregoing Ordinance No. _____, was adopted at a Regular Meeting of the Village Council of the Village of Lake Orion held on _____, 2024, and that a synopsis thereof was published in accordance with the provisions of the Charter of the Village of Lake Orion in *The Lake Orion Review*, a newspaper circulated in the Village of Lake Orion, on _____, 2024, said publication having been made within fifteen (15) days after adoption of this Ordinance.

Date: _____, 2024

Sonja Stout, Clerk