

**TOWNSHIP OF FORSYTH
MARQUETTE COUNTY, MICHIGAN
ORDINANCE NO. 3**

An ordinance to amend and restate Section 9 of Ordinance No. 3, entitled “AN ORDINANCE AUTHORIZING THE CONSTRUCTION OF ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE WATER SUPPLY SYSTEM OF THE TOWNSHIP OF FORSYTH, COUNTY OF MARQUETTE, STATE OF MICHIGAN, TO PROVIDE FOR THE ISSUANCE AND SALE REVENUE BONDS TO PAY THE COST OF CONSTRUCTION SAID ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE WATER SUPPLY SYSTEM; TO PROVIDE FOR THE FIXING, COLLECTION, SEGREGATION AND DISPOSITION OF THE REVENUES OF SAID WATER SUPPLY SYSTEM AND PAYMENT OF SAID BONDS OUT OF THE REVENUE THEREOF; AND CREATING A STATUTORY LIEN ON SAID REVENUES,” of the Township of Forsyth, County of Marquette, State of Michigan (the “Township”) in its entirety.

Whereas, the Township has determined that it is in the best interests of the Township to amend and restate Section 9 Ordinance No. 3 in its entirety.

NOW, THEREFORE, THE TOWNSHIP OF FORSYTH, MICHIGAN, ORDAINS:

Section I. Amendment and Restatement of Section 9 of Ordinance No. 3. Section 9 of Ordinance No. 3 is hereby amended and restated in its entirety and shall read as follows:

Section 9. Establishment of User Charge System. The Township hereby determines that the cost of providing municipal water service shall be paid for by users of said service from user rates, fees and charges established in compliance with and under the authority of the provisions of this Ordinance, Act 94, Public Acts of Michigan, 1933, as amended, and other applicable statutes of the State of Michigan.

The Township Board has determined that in order to assure safe collection, treatment, storage and distribution of municipal water, the System must receive sufficient total annual revenue to ensure the proper operation, maintenance, and administration of the System, the development and perpetuation of the system, and the preservation of the financial integrity of the System. The Township Board has also determined that the System shall be self-sustaining and shall be supported solely by the revenues of the System and not dependent upon the property taxpayers of the Township.

Section 9.1. Proportionality of Classification of Users According to Residential Equivalent Units (REU). The Township has investigated several methods of apportioning the cost of the System among users of the System. As part of that investigation, the Township has consulted with its engineers regarding studies of water usage of a variety of establishments to generate a unit factor that most closely approximates the actual use by each user of the System in the absence of meters that measure flow of water to premises. Based on the Township’s consultations with its engineers regarding methods of apportioning costs among classes of users, the Township has concluded that, in the absence of metered flows, the use of Residential Equivalent Units to

apportion the direct and indirect costs of providing collection, treatment, storage and distribution of municipal water required from time to time by all users of the System is the fairest, most reasonable, equitable, and appropriate method.

Based upon the advice of its engineers, the Township hereby finds that the fairest, most reasonable, equitable, and appropriate method of charging System users proportionately for payment of the costs of acquiring, constructing, operating, and maintaining the System, in the absence of metered flows, is to continue to administer a user charge system based on Residential Equivalent Units designed to reflect each user's reasonably calculated use of the System on the basis of the type of land use of the user's premises. A Residential Equivalent Unit ("REU") shall be regarded as a normal house service connection for a single-family residence. Based upon this REU system, charges for other types of uses shall be billed in multiples by multiplying the applicable rate, fee or charge, by the REU factor as shown on the REU Equivalency Table set forth at Exhibit A.

The Township hereby declares its intent to establish a program to install meters to measure the flow of municipal water to each user's premises. The Township hereby finds that a method of charging System users proportionately for payment of the costs of acquiring, constructing, operating, and maintaining the System based on the user's actual use as measured by the flow of water to the user's premises is preferred over the REU method.

Section 9.2. Rates, Fees and Charges for Water Services. There shall be and is hereby established the following user charge system for connection to and use of the services supplied by the System:

- (1) Monthly Base Water Service Charge. The Township Board shall by resolution establish a monthly base water service charge for the use of and consumption of water supplied by the System, such charge shall be levied upon all users of the System.
- (2) Water Consumption Charge. The Township Board shall by resolution, from time to time, establish a rate for consumption of water in excess of 2,000 gallons usage per month.
- (3) Readiness to Serve Charge. The Township Board may by resolution establish a readiness to serve charge to be levied upon all users of the System to pay the costs of maintaining the System and ability to readily serve such users.
- (4) Debt Service Charge. The Township Board may by resolution establish a debt service charge to be levied upon all users of the System to pay principal, interest, and administration costs of retiring debt incurred for the System.
- (5) Water Connection Charge. Based on its investigation, the Township Board hereby finds that to ensure the stability and viability of the System for the benefit of its users, each new user connecting to the System shall pay a connection charge as provided in this section to provide sufficient service to all users of the System.

- (a) All new users connecting to System after the effective date of this section shall pay a connection charge based on the then current rate as established by resolution of the Township Board based upon costs and other factors relevant at the time of connection, which charge may be amended from time to time by resolution of the Township Board. The Township Board may provide that such connection charge may be payable in installments under terms set by resolution of the Township Board.
 - (b) Connection charges not listed, for unusual conditions and/or for commercial and industrial processes, shall be determined by the Township based on anticipated water usage in relation to similar uses in the REU Equivalency Table in Exhibit A. As a guide, one unit would be the equivalent of the average single-family residential usage for one month or 4,000 gallons. In addition, other factors may be considered in setting the connection charge amount.
 - (c) The connection charge shall be paid in advance of a land use permit being issued or a connection being installed to an existing building.
 - (d) Whenever a building use changes to another use, the Township shall review the proposed use to determine if an additional connection charge should be assessed based upon the change in use.
 - (e) An additional connection charge will be levied for existing buildings if the renovation or additional usage requires a larger service line than presently exists or if the changed use will result in an increase in impact or demand on the System. The size of service line must meet requirements of applicable plumbing and building codes. When an existing building is demolished and a new structure erected or a new addition is made to an existing structure, connection charges will be levied based on the usage criteria in this ordinance.
 - (f) In the event a user challenges the assignment of the connection charge, the user shall pay the amount required and must, at the same time, notify the Township that the same is being paid under protest.
 - (g) If the connection charge relates to an increase in demand on capacity, the Township shall credit against the specific amount of the connection charge the amount of any connection charge previously paid for connection of that property to the System.
- (6) Turn-on/Turn-off Fee. Each user desiring (i) to reinstate service which has been discontinued due to violations of the provisions of this Ordinance or (ii) to voluntarily discontinue or reinstate water service shall pay a fee for reinstating or discontinuing water service, as applicable, in an amount equal to the actual costs of

labor and administrative expenses as determined by resolution of the Township Board.

- (7) New or Replacement Connections to the System.
- (a) Before a new or replacement water service line is installed, the property owner shall obtain a permit from the Township. The fee for said permit shall be in an amount as established by resolution of the Township Board, and the fee shall be paid prior to the commencement of work.
 - (b) Upon specific approval of the Township, the permit holder shall engage a competent contractor to install the connecting line between his or her property line and the Township water main or distribution line. All such work shall be fully inspected by the Township, and only a licensed contractor shall make the actual tap into the Township main or line, using approved methods and materials. All tap charges shall be estimated by the Township and paid in advance of a permit being issued or the tap being permitted.
 - (c) Where cutting of concrete or blacktop street surfaces is required, an additional deposit shall be made equal to the cost of making such permanent pavement repairs and replacements as are necessary to restore the street to the same condition it was in before the cutting. The deposit amount shall be determined by the Supervisor or his or her designee and shall be paid before the work begins. Upon completion of the repairs and replacements, the Township shall inspect the work to assure that the street has been restored to its prior condition in a good and workmanlike manner. The deposit may be refunded by the Township subsequent to such inspection.
- (8) Outside Service. All rates, fees, and charges for water services provided outside of the Township limits, except as otherwise agreed to in a written contract between the municipal or private customer and the Township, shall be established and may be amended from time to time by resolution of the Township Board. Such rates, fees, and charges for water services provided outside of the Township limits may be set at amounts higher than those charged for water services provided within the Township limits as permitted by law.
- (9) Bulk Water Fee. Persons willing to acquire or use water in a bulk capacity nature for short periods of time, defined as one to three months, and purchase water in capacities in excess of 1,000 gallons per request, shall be charged a Bulk Water Fee as determined by resolution of the Township Board.
- (10) Fire Hydrant Rental Fee. The Township Board shall by resolution establish a fire hydrant rental fee for the availability of and use of water through the fire hydrant systems. Such fee may be payable in installments as determined by resolution of the Township Board. Such fee shall be payable in advance from the current funds

of the Township or from the proceeds of taxes which the Township is authorized to levy subject to applicable constitutional and statutory tax rate limitations.

Section 9.3. Water Meters.

- (a) Only duly authorized employees of the Township may break or injure the seal or change the location of a meter, or otherwise alter a meter in any way. All meters shall be maintained and operated by and at the expense of the Township.
- (b) The Township shall have the right to shut off the supply of water to any premises where the Township is not able to obtain access to the meter. Any duly authorized employee or agent of the Township shall at all reasonable hours have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing or inspecting the meter, and no person shall hinder, obstruct or interfere with such employee or agent in the lawful discharge of his or her duties in respect to the care and maintenance of such meter.
- (c) A water meter shall be considered to be accurate if, when tested, it registers not more than 2% more or 2% less than the actual quantity of water passing through it. If a meter registers in excess of 2% more than the actual quantity of water passing through it, it shall be considered fast to that extent. If a meter registers more than 2% less than the actual quantity of water passing through it, it shall be considered slow to that extent.
- (d) Upon the written request of any user, the meter serving said user shall be tested by the Township. Such test will be made without charge to the user if the meter is found to be inaccurate in accordance with Section 9.3(c) of this Ordinance; otherwise, the user shall be charged a testing fee in an amount established from time to time by the Township Board.
- (e) If a water meter has been tested at the request of the user and has been found to be fast, the Township shall credit the user with a sum equal to the percent fast multiplied by the amount of all bills incurred by the user within the three (3) month period prior to the test. If a meter tested is found to be slow, the Township shall bill the user a sum equal to the percent slow multiplied by the amount of all bills incurred by the user within the three (3) month period prior to the test.

Section 9.4. Billing.

- (a) It is hereby made the duty of the Township Treasurer to render bills for all rates, fees or charges related to service provided by the System and to collect all monies due therefrom.

- (b) Bills for the rates, fees and charges as herein established shall be sent monthly by the Township to users of the System. All bills shall be due and payable on the 20th day of the month following the period of service and shall be paid at the office of the Township Treasurer. All charges remaining unpaid as of the due date shall be subject to an additional late charge of ten percent (10%) of the unpaid balance.
- (c) In the event a utility bill is paid by check which is later returned unpaid by the financial institution, an additional service charge in an amount determined by resolution of the Township Board shall be assessed to the account.
- (d) In the event that any charges for service of the System remain unpaid thirty (30) days following the due date, the Township shall have the right to shut off the water supply for the premises affected. Such water service shall only be restored after full satisfaction of all outstanding charges and upon payment of a water restoration charge in an amount determined by resolution of the Township Board.
- (e) The charges for services provided by the System are, under the provision of Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all premises served thereby. If any lot, parcel of land or premises served by the System are delinquent for six (6) months, the Township official in charge of the collection thereof shall certify to the tax assessing officer of the Township the fact of such delinquency, whereupon such charge shall be entered upon the next Township tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Township taxes.
- (f) In all cases where a tenant is responsible for the payment of charges for service, the landlord shall furnish to the Township a true copy of the lease or other contract evidencing the tenant's obligation to pay charges for water service. If the tenant fails to pay charges for the use of the System, the delinquent charges shall not become a lien against the premises, the Township shall, however, cease to provide service to the premises until the tenant pays the delinquent charges in full and pays an additional cash deposit of not less than three (3) months' service as security for payment of future charges for services.

Section 9.5. Rate Revisions. The Township Board may amend any of the rates, fees, or charges charged for services provided by the System by resolution at any time when review of such rates, fees, charges, costs of service, treatment or other factors related thereto indicate a rate change would be in the best interests of the System to ensure sound financial operation, maintenance and administration of the System.

Section 10. Damaged Meter and associated appurtenances Replacement Fee. The

Township Board shall by resolution establish a damaged water meter replacement fee to be charged to property owners whose water meters, meter pits, and/or radio transmitters have ceased functioning properly. Any owner who is charged a replacement fee who does not feel that they should be held responsible for water meter damage or failure may be entitled to a hearing before the Township Board, at which hearing the owner of the meter may present evidence or explanation as to why they should not be held responsible for the replacement fee. As a prerequisite to claim a hearing, the owner shall file a written request for a hearing within 14 days of the issuance of the replacement fee with the Township clerk. Notice of the fee shall be sent to the owner by first class mail. The Township Board will hear such presentation, and decide whether or not the replacement fee should be paid by the owner.

Section 11. Additional Provisions.

- a) Water Base Rate. The water fee rate shall be calculated based on the number of business and residential units utilizing an individual water service connection. Each base rate shall include 2,000 gallons of water usage. Any usage above the allowable 2,000 gallons shall be billed based upon consumption. A unit will include a residential dwelling, apartment, business operation, and one side of a duplex.
- (b) New Connections. A request for a new water service connection shall be submitted to the Forsyth Township office in writing stating the address, size and owner of the proposed water service. The Township Board shall set the connection fees based on a review of the cost to install the water service connection within the Township right-of-way. The Township will facilitate the installation of the water system components within the Township right-of-way up to the property line.
- (c) Let Runs. Forsyth Township is responsible for the integrity of the water distribution within the right-of-way. Water services that are located on private property are the responsibility of the property owner. A request for a let run shall be submitted to the Forsyth Township office for review and approval. Let run requests will only be granted for properties that have water services freeze issues within Township right-of-way. Water service freezing issues within private property will not be granted a let run designation. If a let run designation is granted, the Township shall bill the property owner their average water bill, to be determined by Forsyth Township.
- (d) Summer Meter. A request to receive an exterior hose bid water meter must be submitted in writing to the Forsyth Township office. The request shall be submitted a minimum of thirty (30) days prior to the beginning date of using the exterior hose bib water meter. The Township Board shall set the rate for the installation, and rental fee associated with the hose bib water meter. The Township will install and read the exterior hose bib water meter and obtain the monthly usages. The monthly usage from the exterior hose bib will be deducted from the monthly sewer bill.

- (e) Meter Pulls. When a Township resident chooses to have their water turned off, they must submit a written request to the Forsyth Township office. Forsyth Township staff will then facilitate turning off the curb stop and the pulling of the water meter. Residents are not permitted to remove their own water meter. The cost associated with turning off a curb stop and pulling a water meter is to be set by resolution by the Forsyth Township Board
- (f) Meter Replacement. Forsyth Township residents are responsible for ensuring the integrity of the water meter and associated appurtenances. Damaged meters will be removed and replaced by Forsyth Township personnel and paid for by the property owner. The Forsyth Township Board shall set a rate of the removal and replacement fees associated with meters of different sizes and installation types.
- (g) Broken Water Line. If it is discovered that a property owner is experiencing water loss on their private property due to broken, damaged, or degraded water infrastructure, it is the responsibility of the property owner to repair this issue in a timely manner. Once the issue is discovered by Forsyth Township either through water meter usage, leak testing, pressure testing or otherwise, the property owner will receive a written notice. The property owner will then have thirty days to correct the issue. The water loss during those 30 days will not be billed to the owner. After the thirty day notice period expires, the property owner will be responsible for paying the estimated amount of leakage occurring on their private property until the leak is repaired.
- (h) Let Run Water Notice. Whenever Forsyth Township is performing water infrastructure tasks that may lead to turbidity in the system, a Let Run Notice will be issued. The Notice will be sent to the estimated affected area, allowing for an individual property flushing of 200 gallons. A 200 gallon credit will then be given to all of the properties within the estimated affected area.
- (i) Tampering Fine. If an individual is found to have tampered with the water system, a fine in the amount set by the Township Board, from time to time, for such tampering shall be assessed against the individual.

Section II. Conflict and Severability. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed, and each section of this Ordinance and each subdivision of any section hereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

Section III. Paragraph Headings. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

Section IV. Publication and Recordation. This Ordinance shall be published in full in a newspaper of general circulation in the Township qualified under State law to publish legal notices promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Supervisor and the Township Clerk.

Section V. Effective Date. 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 shall be in full force and effect from and after its passage and publication as required by law.

Section VI. Inspection. A copy of this Ordinance shall be available for purchase or inspection during regular business hours at the Township Office, 186 West Flint Street, Gwinn, Michigan 49841-1360.

TOWNSHIP OF FORSYTH

Dated: _____

BY: _____

Joseph Boogren, Township Supervisor

CERTIFICATE

I hereby certify that the foregoing Ordinance was adopted by the Township Board of the Township of Forsyth at a special meeting held on September 28, 2017 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, Public Act 267 of 1976, as amended.

Michelle Borrett, Township Clerk

EXHIBIT A
REU EQUIVALENCY TABLE

FORSYTH TOWNSHIP WATER SERVICE CHARGE EQUIVALENT USER TABLE		
DESIGNATION	USER TYPE	REU USER FACTOR
W 00	No water service	0
W 02A	AUTO REPAIR/COLLISION/BODY SHOPS	1.00
W 02B	ADULT CARE CENTER	1.00
W 10B	BALLFIELD	2.00
W 02C	BANKS	1.00
W 02D	BARBER SHOPS	1.00
W 09A	BARS (including restaurants within bars)	1.00
W 09B	BARS (including restaurants within bars)	2.14
W 09C	BARS (including restaurants within bars)	3.10
W 02E	BEAUTY SHOPS	1.00
W 02E1	BEAUTY SHOPS plus apartment	2.00
W 20A	CAR WASHES (self-service)	2.50
W 20B	CAR WASHES (automatic, no conveyor)	10.00
W 02 F	CHILD CARE CENTERS	1.00
W 01CA-1	CHURCHES	1.00
W 01CA-2	CHURCHES	2.00
W 01CB	CHURCH W/CHILD CARE CENTER	
W 02GA	CLEANERS (pick-up only)	1.00
W 02GB	CLEANERS (pressing facilities)	1.00
W 02AD	COMMUNITY CENTER	4.00
W 02H	DENTISTS	1.00
W 02I	DOCTOR'S OFFICES	1.00
W 02J	DOG GROOMING PARLOR	1.00
W 02K	DRUG STORES	1.00
W 08	FIRE STATIONS (volunteer)	1.73
W 02L	FRATERNAL ORGANIZATIONS (members only)	1.00
W 02M	FUNERAL HOMES	1.00
W 02N	GROCERY STORES & MARKETS	1.00
W 02O	HOTELS & MOTELS (private baths)	4.33
W 02P	ICE SKATING RINK	1.20
W 18	LAUNDROMATS – SELF-SERVICE	0.50/washer
W 02Q	LIBRARY	1.00
W 02R	LUMBERYARDS	1.00
W 02S	MAINTENANCE GARAGE	1.00

FORSYTH TOWNSHIP WATER SERVICE CHARGE EQUIVALENT USER TABLE		
DESIGNATION	USER TYPE	REU USER FACTOR
W 02T	MOBILE HOME PARK	1.00/dwelling
W 15	MULTIPLE FAMILY RESIDENCES	1.00/apt
W 02U-A	MULTI - USE COMMERCIAL	1.00
W 02U-B	MULTI - USE COMMERCIAL	2.00
W 02V-A	OFFICE BUILDINGS	0.89
W 02V-B	OFFICE BUILDINGS	1.00
W 02V-C	OFFICE BUILDINGS	1.19
W 02W	POST OFFICES	1.25
W 02XA	RESTAURANTS – FAST FOOD (including drive thru & primary drink service)	1.19
W 02XB	RESTAURANTS – W/LIQUOR LICENSE	1.19
W 02XC	RESTAURANTS – MEALS W/SERVICE & DISHES	1.19
W 02XD	RESTAURANTS – TAKE-OUT	1.00
W 02Y	RETAIL STORES	1.00
W 04	SCHOOLS – w/o showers and/or pool	1.00
W 02ZA	SERVICE STATIONS – gas service	1.00
W 02ZB	SERVICE STATIONS – with auto repair	1.19
W 02ZC	SERVICE STATIONS – with mini mart	1.50
W 02ZD	SERVICE STATIONS W/CAR WASH (production line w/o recycle)	34.00
W 02ZE	SERVICE STATIONS W/CAR WASH (production line w/recycle)	9.40
W 02ZF	SERVICE STATIONS W/CAR WASH (semi-auto, no conveyor)	13.50
W 02ZG	SERVICE STATIONS W/CAR WASH (self-service)	3.50
W 01	SINGLE FAMILY RESIDENCES	1.00
W 02AA	TRAILER PARKS (central bath units)	0.40
W 02AB	TRAILER PARK/CAMPGROUND (individual baths)	1.19
W 02AC	WAREHOUSES & STORAGE	1.00

