

ORDINANCE NO. 1164

ORDINANCE AMENDING THE VILLAGE OF PINCKNEY CODE OF ORDINANCES BY AMENDING TITLE V, PUBLIC WORKS, CHAPTER 51, WATER, § 51.01, §51.02, §51.06, §51.07, §51.09, §51.10, AND §51.11

The Village of Pinckney ordains:

**Section 1.** TITLE V, *Public Works*, Chapter 51, *Water*, §51.01, *DEFINITIONS AND ABBREVIATIONS* of the Village of Pinckney Code of Ordinances is hereby amended add the following definition to read as follows:

**DEBT SERVICE CHARGE or DEBT RETIREMENT** means the charge that users of the water distribution system shall be required to pay, including principal, interest, and administrative costs, for retiring local debt incurred for the construction of the village water supply, storage, treatment, transmission, or distribution facilities. Debt service charges shall be in addition to the user charges.

**Section 2.** TITLE V, *Public Works*, Chapter 51, *Water*, §51.02, *FINDINGS*, Subsection (G), *Water service charges*, of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(G) *Water service charges.* The village has investigated several methods of apportioning the costs of the water service provided by the Water Supply System. Based on its investigation, the Village Council has previously found and currently reaffirms that to ensure the stability and viability of the Water Supply System for the benefit of its users, the fairest and most accurate way to apportion the costs of operation, maintenance, replacement and improvement of the Water Supply System is to charge each user:

(1) A commodity charge for water usage which is based on the user's actual metered use of water supplied by the Water Supply System;

(2) A readiness-to-serve charge for water usage based on meter size, which fee reflects each user's proportionate share of the fixed costs of operating and maintaining the Water Supply System;

(3) A capital connection fee to be paid by persons connecting to the Water Supply System or changing their user classification in order to defray certain capital costs incurred to provide sufficient capacity to all users; and

(4) The other fees and costs for services as authorized by this subchapter.

(a) The Village Council further has previously found and currently reaffirms that the charges, rates and fees set forth herein and by resolution fairly and accurately apportion the fixed and variable costs of providing water service among the users of the Water Supply System, and that the commodity charge and readiness-to-serve charges provide actual

benefits to the users in the form of ready access to water that would be unavailable if the charges were not imposed.

(b) In addition to the findings set forth above, the Village Council has previously found and currently reaffirms that the capital connection fee is a fair and proportionate charge for new users of the Water Supply System, and that the opportunity to connect to the Water Supply System provides actual benefits to each new user equal to or greater than the amount of the charge.

**Section 3.** TITLE V, *Public Works*, Chapter 51, *Water*, §51.06, *CONNECTIONS TO WATER SUPPLY SYSTEM*, Subsection (B), *Tapping water mains; location; requisites*, subsection (5), of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(5) All holes or trenches dug in the public streets or roads shall be in accordance with the Village Technical Standards.

**Section 4.** TITLE V, *Public Works*, Chapter 51, *Water*, §51.06, *CONNECTIONS TO WATER SUPPLY SYSTEM*, Subsection (D), *Water service pipe; installation requirements*, subsections (3), (4) and (5), of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(3) The user shall continue the water service pipe connection from the water main to the curb stop and from the curb stop to the valve inside the building entirely at the user's expense;

(4) There shall be no joints from the corporation stop to the curb box and from the curb box to the meter unless commercial lengths are not available to allow for this provision (for example, because of excessive building setbacks). Pursuant to the Village Technical Standards, only compression fittings shall be used for connections in copper pipes. All other types of fittings are strictly prohibited;

(5) Plugged tees or other accessible outlets between the meter and the water main are prohibited. No connections or outlets shall be made in this line other than for sprinkler heads or fire fittings. It shall be unlawful for the user, or any employee or agent of the user, to make any connections on or use the sprinkler system for any other purpose or purposes other than for fire protection, and any other use thereof shall be and constitute a violation of this chapter and also the general ordinances of the village; and

**Section 5.** TITLE V, *Public Works*, Chapter 51, *Water*, §51.07, *WATER METERS*, Subsection (B), *Water meters; type; size determination*, of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(B) *Water meters; type; size determination.*

(1) When requesting connection to the Water Supply System, the user shall furnish information about the amount of the user's contemplated water demand and the type and

size of meter to be installed. The type and size of meter shall be determined by the qualified Village Agent. For usual domestic use and consumption of water, a three-quarter-inch meter shall be purchased from the village and installed by the user.

(2) All meters shall be under the control of the village and shall be equipped with an instrument capable of being remotely connected and read away from the meter itself. Instrument to be installed in a location to be determined as directed by the qualified Village Agent.

(3) All new meters will require an outside touch pad and a unit capable of being remotely connected and read away from the meter such as a meter interface unit (MIU) or a meter transceiver unit (MXU), as approved by the qualified Village Agent.

**Section 6.** TITLE V, *Public Works*, Chapter 51, *Water*, §51.07, *WATER METERS*, Subsection (E), *Tests; inspections*, subsection (2), of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(2) The accuracy of the meter on any premises may be tested or replaced by the village upon written request of the owner and/or user. If the meter is to be tested, the owner and/or user shall pay in advance, a fee to cover the cost of the test and providing the equipment is available. If on the test, the meter shall be found to register over 3% more water than passes through it, another meter will be substituted therefore, and the fee will be refunded and the water bill will be adjusted for the preceding and current billing periods.

**Section 7.** TITLE V, *Public Works*, Chapter 51, *Water*, §51.07, *WATER METERS*, Subsection (F), *Meter repairs; termination of service for failure to timely repair or replace*, of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(F) *Meter repairs; termination of service for failure to timely repair or replace.* The expense of maintaining meters will be borne by the user. The village shall have the right to terminate water service to any user which fails to repair or replace in a timely manner a meter which has failed to register properly upon giving notice of the termination in accordance with § 51.09(B). The cost of replacement of a meter will be borne by the user.

**Section 8.** TITLE V, *Public Works*, Chapter 51, *Water*, §51.09, *RULES GOVERNING USE OF WATER SUPPLY SYSTEM*, Subsection (B), *Turning off water service*, of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(B) *Turning off water service.* The village reserves the right to terminate service to a user, after due notice thereof has been given at least seven days prior to the shut off date, where payment for service has not been timely received, and/or for violation of any of the rules and regulations of the village relating to the Water Supply System and/or the provisions of this subchapter. The village may shut off the water in any main to make repairs or extensions or for any other necessary purpose at any time without notice to users of the Water Supply System.

**Section 9.** TITLE V, *Public Works*, Chapter 51, *Water*, §51.09, *RULES GOVERNING USE OF WATER SUPPLY SYSTEM*, Subsection (D), *Change of user*, of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(D) *Change of user.* When premises are to be vacated or there is a change of owner, occupant or agent, prompt written notice shall be given to the Village Clerk's office. The user may discontinue service by giving not less than 24-hours' notice to the Village Clerk's office during its regular office hours and shall pay the shut-off fee as required by Code Section 51.10(C)(5)(b). Failure of a user to give the notice to the village shall continue the contract between the village and the user, at the option of the village, and the user may be held liable for all of the services provided or furnished the premises until the notice is properly given.

**Section 10.** TITLE V, *Public Works*, Chapter 51, *Water*, §51.09, *RULES GOVERNING USE OF WATER SUPPLY SYSTEM*, Subsection (H), *Limit on connections*, subsection (2), of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(2) *More than one user.*

(a) Whenever water is to be supplied to more than one user located in a single building and supplied through one water service pipe, the property owner shall be responsible for the payment of all water bills for service of the premises.

(b) The Property owner shall be responsible for payment of all water bills in multi-tenant/multi-user buildings

(c) This Subsection shall apply in all cases, except as provided in Code § 51.11(C)(4) and § 51.11(D).

**Section 11.** TITLE V, *Public Works*, Chapter 51, *Water*, §51.10, *ESTABLISHMENT OF RATES; RATES AND CHARGES*, Subsection (A), *Establishment of cost of service*, of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(A) *Establishment of cost of service.* The Village Council has determined that the purpose of water rates is to produce sufficient revenues each year to pay the costs of service. The costs of service to be paid from revenues shall include all of the following:

- (1) Operation and maintenance expenses;
- (2) Debt service expenses; and
- (3) Capital expenses not funded from bonded indebtedness.

(a) The rates to be charged for water service furnished by the Water Supply System shall be made against each lot, parcel or premises having any connection with the Water Supply System.

(b) The village shall periodically review rates, fees, rules and regulations of the Water Supply System. The review shall be completed not less than one time per fiscal year. The review will define actual expenses associated with the operation, maintenance and administration of the Water Supply System, as well as debt service requirements, repair and replacement costs. Results of the review shall be reported to the Village Council with recommendations for any adjustments.

**Section 12.** TITLE V, *Public Works*, Chapter 51, *Water*, §51.10, *ESTABLISHMENT OF RATES; RATES AND CHARGES*, Subsection (B), *Allocation of cost of service; user classification*, of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(B) *Allocation of cost of service; user classification.* The Village Council has determined that not all classes of users of the Water Supply System cause the same costs of service. Based on independent investigation and on the advice of the village's independent engineering consultants, the Village Council has previously found and currently reaffirms that:

(1) The commodity costs of water service for users of the Water Supply System located within the village are uniform among users in accordance with the volume of use. Accordingly, all classes of users located within the village shall pay the same rate per gallon of metered water for water supply services;

(2) Certain indirect costs of providing water service, including size of the water service pipe, materials used, location of meters, size of storage and treatment facilities, maintenance and administrative overhead, vary according to the size of meters employed;

(3) Users taking possession of previously undeveloped properties and users changing the nature and amount of use of the Water Supply System at renovated or expanded properties would not bear their proportionate share of the cost of capital improvements to the Water Supply System unless required to pay a capital connection fee; and

(4) Certain types of property use require a reservation of a greater capacity of the Water Supply System than others. The Village Council has therefore developed the following classification of users which the Village Council finds is the most fair and accurate means of apportioning the indirect costs of providing service among different classes of users for purposes of calculating the readiness-to-serve charge and determining the relative demand on capacity of the Water Supply System among different classes of users for purposes of calculating the capital connection fee. For meters of the following sizes, the following meter equivalency ratios shall be used for purposes of allocating the amount of the indirect costs of service and determining the relative demand on capacity of the Water Supply System per meter size.

<i>Meter Size (Inches)</i>	<i>AWWA</i>
<i>Meter Capacity Ratio</i>	
5/8 and 3/4	1
1	2.5
1-1/2	5
2	8
3	17.5
4	30
6	62.5

**Section 13.** TITLE V, *Public Works*, Chapter 51, *Water*, §51.10, *ESTABLISHMENT OF RATES; RATES AND CHARGES*, Subsection (C), *Specific rates and charges*, of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(C) *Specific rates and charges.*

(1) *Commodity charge.* Every user shall pay a commodity charge for all water furnished by the Water Supply System. Except as otherwise provided in this subchapter, commodity charges for all water service shall be calculated on the basis of metered gallons of water consumed at rates determined by the Village Council and which fairly apportion the variable costs of providing water service to users of the Water Supply System.

(2) *Readiness-to-serve charge.* Every user shall pay a readiness-to-serve charge for water service on the basis of meter size in an amount and in the manner determined by the Village Council and which fairly apportions the fixed costs of providing water service for users of the Water Supply System and may include periodic depreciation expenses to allocate the original cost of the system's assets over the life of those assets.

(3) *Connection fee.* Each user connecting or reconnecting to the Water Supply System shall pay a connection fee equal to the actual cost of the material, labor, equipment and overhead related to the installation and inspection of the connection or re-connection as determined by resolution of the Village Council.

(4) *Capital connection fee.* The Village Council may, by resolution, establish a capital connection fee to defray or recover the cost of capital improvements which are acquired and constructed for the primary purpose of providing additional capacity determined by the village to be reasonably necessary to accommodate:

(a) New connections to the Water Supply System; or

(b) Modifications of existing connections for a use estimated to demand the reservation of greater capacity of the Water Supply System than previously required. Every person seeking to connect previously unconnected property to the Water Supply System, or to reconnect previously connected property to the Water Supply System for a use

estimated to demand the reservation of greater capacity of the Water Supply System, may be required to pay a capital connection fee. A capital connection fee shall be established and managed as provided in this section.

1. *Calculation of estimated demand on capacity.* The estimated demand on capacity of a new connection to the Water Supply System (or modification of an existing connection to the Water Supply System) shall be based on the meter equivalency table set forth in division (B)(4) above.

2. *Calculation of capital cost requirements.* The capital costs to be defrayed or recovered through the imposition of the capital connection fee shall be determined annually by the village and shall be based on the estimated cost of capital improvements incurred or to be incurred for the primary purpose of providing additional capacity determined by the village to be reasonably necessary to accommodate new connections to the Water Supply System, or modifications of existing connections for a use estimated to demand the reservation of greater capacity of the Water Supply System than previously required.

3. *Credits.* If the capital connection fee relates to an increase in demand on capacity, the village shall credit against the specific amount of the capital connection fee, the amount of any capital connection fee or similar charges previously paid for connection of that property to the Water Supply System.

(5) *Equity buy-in.* This fee may include a component that represents the capital equity share within the system as established prior to the new or expanded user's connection or a user's increased use of the system's capacity.

(6) *Turn-on/turn-off fee.* Each user desiring to:

(a) Reinstate service which has been discontinued due to violations of the provisions of this subchapter; or

(b) 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 the labor and administrative expenses as determined by resolution of the Village Council. This shall include shut-off's and/or turn-on's requested upon the change of ownership and change of tenants under Code §§ 51.11(C)(4) and 51.11(D)

(7) *Meter charge.* Each user connecting to the Water Supply System shall pay the actual cost of the required meter and components plus a 10% fee for administration and handling. The meter charge shall be in addition to the connection fee and other fees and charges prescribed by this subchapter.

(8) *Fire hydrant rental charges.* Any person desiring to utilize any fire hydrant in the village shall make application to the village for the use, which application shall specify the hydrant or hydrants to be used, the length of time the hydrant(s) will be used and the purpose for which the hydrant(s) will be used. Village Council and/or the Department of

Public Works Director shall have the authority to deny any application or grant said application in whole or limit the approval up to a certain amount of gallons. If the application is granted, the applicant shall submit a non-refundable rental charge plus a cash deposit for a temporary meter in amounts established by resolution of the Village Council. The fire hydrant connection and meter installation shall be made by the village. A monthly hydrant rental charge and a usage commodity charge, calculated on the basis of metered gallons of water consumed, shall be assessed at rates determined by resolution of the Village Council. Upon expiration of the rental period, the village shall remove the connection and temporary meter. The cash deposit shall be applied by the village to the payment of the hydrant usage charge and the excess amount of the deposit, if any, shall be refunded to the applicant. The purchaser is liable for any damage to the hydrant, Village equipment, or the surrounding area.

(9) *Annual fire suppression sprinkler line service fee.* Each user connecting or reconnecting a dedicated service line for fire suppression services shall pay an annual sprinkler line service fee on the basis of fire service line size in an amount and in the manner determined by the Village Council and which fairly apportions the fixed costs of providing fire suppression services to users of the Water Supply System.

(10) *Debt service charge.* The charge assessed users of the system which is used to pay principal, interest, and administrative costs of retiring the debt incurred for the construction of the water system, and construction of improvements of, and extensions to, the water system.

(11) *Continuing fees.* The *Readiness-to-serve* and *Debt service* charges established by the Village Council shall be continued to be assessed to a property to which water service is available regardless of whether or not such premises has had its service disconnected or shut-off unless it can be established that the connection to the premises is permanent and will not be reestablished. If service that has permanently been discontinued is subsequently reestablished after these fees are terminated, that property will be charged a new *Capital connection fee*.

(12) *Other fees.* The Village Council may, by resolution, establish certain additional fees as may be required to carry out the purposes of this subchapter.

**Section 14.** TITLE V, *Public Works*, Chapter 51, *Water*, §51.11, *BILLING AND ENFORCEMENT; NO FREE SERVICE*, Subsection (A), *Responsibility of payment*, of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(A) *Responsibility for payment.*

(1) Except as provided in subsections (C) and (D) of this section, the owner of the premises served by the Water Supply System shall be liable to the village for any charges and fees authorized by this subchapter.



**Section 15.** TITLE V, *Public Works*, Chapter 51, *Water*, §51.11, *BILLING AND ENFORCEMENT; NO FREE SERVICE*, Subsection (B), *Billing, collections and user payments*, subsection (2), of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(2) The Village Clerk shall render bills for water service and all other charges in connection therewith. Bills for water service shall be sent periodically as determined by the village, and delivered to the user or owner of the premises. No bill for water use shall be changed, altered or amended without consent of a majority of the Village Council. Except as otherwise provided in this subchapter, all bills shall be payable by day 30 following the mailing of the bill and shall be paid at the Village Hall.

**Section 16.** TITLE V, *Public Works*, Chapter 51, *Water*, §51.11, *BILLING AND ENFORCEMENT; NO FREE SERVICE*, Subsection (B), *Billing, collections and user payments*, subsection (4), of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(4) If any billed charge for water service shall not be paid by day 30 following the mailing of the bill for which the charges were made, a delayed payment charge of 10% of the amount of the bill shall be added thereto, plus interest in an amount determined by the village Council resolution, and shall be collected therewith.

**Section 17.** TITLE V, *Public Works*, Chapter 51, *Water*, §51.11, *BILLING AND ENFORCEMENT; NO FREE SERVICE*, Subsection (G) (1)(b), *Termination of water service by village*, of the Village of Pinckney Code of Ordinances is hereby amended to read as follows:

(b) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service may be discontinued for nonpayment; and

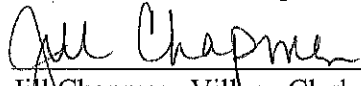
**Section 18. Repealer Clause.** Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 19. Savings Clause.** This ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any ordinance, resolution, order or parts thereof, hereby repealed, and this ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the Village, County or other person, either criminal or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, order or policy, or any part thereof, hereby repealed. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order or parts thereof, hereby repealed.

**Section 20. Validity and Severability.** Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

**Section 21. Effective Date.** This Ordinance shall be effective twenty (20) days after its passage, or from and after its publication, whichever is later.

  
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Rebecca Foster, Village President

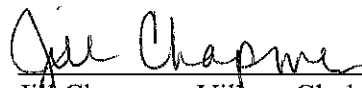
  
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Jill Chapman, Village Clerk

Village Council Member Lavey offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Village Council Member Bierman, and upon being put to a vote, the vote was as follows:

Rebecca Foster, President	<u>Abs</u>
Justin Bierman, Trustee	<u>y</u>
Ted Kinczkowski, Trustee	<u>y</u>
Linda E. Lavey, Trustee	<u>y</u>
Brian Matson, Trustee	<u>y</u>
Justin McInnes, Trustee	<u>Abs</u>
Scott Smith, Trustee	<u>y</u>

The President thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Pinckney this 24th day of October, 2022.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 164 adopted by the Village Council of the Village of Pinckney, County of Livingston, Michigan, at a regular meeting held on October 24, 2022.

  
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Jill Chapman, Village Clerk