

AN ORDINANCE TO PROVIDE FOR THE OPERATION OF THOSE PORTIONS OF THE BERRIEN COUNTY WATER SUPPLY SYSTEM NO. 2 (ST. JOSEPH-LINCOLN) LYING WITHIN ST. JOSEPH TOWNSHIP ON A PUBLIC UTILITY BASIS UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED.

THE TOWNSHIP OF ST. JOSEPH HEREBY ORDAINS:

Section 1. It is hereby determined to be desirable and necessary, for the public health, safety and welfare of the Township of St. Joseph, that those portions of the Berrien County Water Supply System No. 2 (St. Joseph-Lincoln) lying within St. Joseph Township be operated on a public utility rate basis in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

Section 2. Whenever the words "the System" are referred to in this ordinance, they shall be understood to mean those portions of the Berrien County Water Supply System No. 2 (St. Joseph-Lincoln) lying within St. Joseph Township, including all water lines, pumps, storage or treatment facilities, and all other facilities used or useful in the transmission and distribution of potable water, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

Whenever the words "revenues" and "net revenues" are used in this ordinance, they shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

Section 3. The operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the Township Board, subject to the terms of the contract, dated February 16, 1970, 19\_\_\_\_, between the County of Berrien and the Townships of Lincoln and

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St. Joseph, and subject also to the agreements between Lincoln and St. Joseph Townships and the Lake Michigan Shoreline Water and Sewage Treatment Authority. Said Township Board may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System, and may delegate such powers to said Authority.

Section 4. Rates to be charged for service furnished by the System shall be as follows:

A. In areas of the System lying west of St. Joseph River:

Use Charges

Rates for water service shall be not less than one and one-half (1-1/2) times the rates charged to customers within the City of St. Joseph, which at present are as follows:

Charges for water used per quarter:

1 to	2, 500 cu. ft.	at \$ .36 per 100 cu. ft.
2, 500 to	5, 000 cu. ft.	at \$ .30 per 100 cu. ft.
5, 000 to	25, 000 cu. ft.	at \$ .25 per 100 cu. ft.
25, 000 to	100, 000 cu. ft.	at \$ .19 per 100 cu. ft.
Over	100, 000 cu. ft.	at \$ .16 per 100 cu. ft.

Minimum charge for water consumed plus ready-to-serve charge:

Per quarter - \$2.50

In addition to the charges for water used, there shall be a ready-to-serve charge for each quarter, as follows:

5/8" meter	at \$ 2.00
3/4" meter	at \$ 2.50
1" meter	at \$ 3.75
1-1/4" meter	at \$ 5.00
1-1/2" meter	at \$ 6.25
2" meter	at \$ 7.50
3" meter	at \$15.00
4" meter	at \$25.00
6" meter	at \$50.00

Fire Protection Charge

Each premises connected to the System shall pay a fire protection charge in the amount of One Dollar (\$1.00) quarterly for each meter.

Tap Charge

Each person desiring to tap a premises into the System shall apply to the City of St. Joseph and shall pay, in cash, at the time of application for the tap, all tap-in or other connection charges then established. Such charges, at a minimum, shall consist of the cost of the meter and connection, plus ten per cent (10%) thereof for installation.

Billing

Bills will be rendered quarterly, payable with the same grace and penalty provisions as are provided for water users within the City of St. Joseph.

- B. In areas of the System lying east of St. Joseph River:

Use Charges

Rates for water service shall be not less than the rates charged by the City of Benton Harbor to rural or out-of-city customers, which at present are as follows:

Charges for the water service to those customers billed monthly will be as follows:

Minimum Rates Per Month  
(Including first 300 cu. ft. of water used)

<u>Meter Size</u>	<u>Amount</u>
5/8"	\$ 4.00
3/4"	5.00
1"	6.00
1-1/4"	8.00
1-1/2"	10.00
2"	14.00
3"	24.00
4"	40.00
6"	70.00

Consumption Charges  
(In addition to minimum rate)

Metered Water 100 Cu. Ft. Charge Per 100 Cu. Ft.  
Consumption Bracket

0 to 3	In readiness to serve charge	
Next 3 to 30		\$.30
Next 30 to 130		.27
Next 130 to 380		.24
All over 380		.21

The minimum bill for water used during the months of June, July, August and September or as otherwise determined each year by resolution of the Benton Harbor City Commission will allow 500 cu. ft. instead of 300 cu. ft. for the above classified customer.

Charges for the water service to those customers billed on a bi-monthly basis will be as follows:

Minimum Rates for Two Months  
(Including first 600 cu. ft. of water used)

<u>Meter Size</u>	<u>Amount</u>
5/8"	\$ 8.00
3/4"	10.00
1"	12.00
1-1/4"	16.00
1-1/2"	20.00
2"	28.00
3"	48.00
4"	80.00
6"	140.00

Consumption Charges  
(In addition to minimum rate)

Metered Volume 100 Cu. Ft. Charge per 100 Cu. Ft.  
Consumption Bracket

0 to 6	In readiness to serve charge	
Next 6 to 30		\$.30
Next 30 to 130		.27
Next 130 to 380		.24
All over 380		.21

The minimum bill for water used during the months of June, July, August and September or as otherwise determined each year by resolution of the Benton Harbor City Commission will allow 1,000 cu. ft. instead of 600 cu. ft. for the above classified customer per two months.

Fire Protection Charge

For the fire protection benefits of water service the Township will pay quarterly to the System from any funds legally available therefor the lesser of the following two amounts:

(i) A charge of Forty Dollars (\$40.00) per year for each hydrant; or

(ii) An annual rental which shall be equal to the Township's state-equalized valuation of the property east of the St. Joseph River actually served by the System times the annual hydrant rental of the City of Benton Harbor divided by the equalized valuation of all property in the City.

Tap Charge

Each person desiring to tap a premises into the System shall apply to the Township and shall pay, in cash, at the time of application for the tap, all tap-in or other connection charges then established. Such charges at present shall include the cost of an appropriately sized meter, plus the following amounts:

<u>3/4" Tap</u>		<u>1" Tap</u>	
<u>Street Width</u>	<u>Charge</u>	<u>Street Width</u>	<u>Charge</u>
40'	\$ 73.00	40'	\$ 81.00
45'	79.00	45'	87.00
50'	83.00	50'	90.00
60'	94.00	60'	103.00
66'	100.00	66'	110.00
70'	104.00	70'	115.00
80'	115.00	80'	126.00
100'	135.00	100'	148.00

For taps in excess of 1" in size, the price shall be the exact cost as calculated by the agents of the System making the tap, plus 15% overhead, and shall be calculated from the existing main to the property line.

### Billing

Bills shall be rendered in the same manner and with the same grace and penalty provisions as are provided for water users within the City of Benton Harbor.

C. In all areas of the System:

#### Special Rates or Additional Charges

The Township Board retains the right to establish additional charges or special rates for miscellaneous or special service.

#### Enforcement

The charges for services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six (6) months, the Township official or officials in charge of the collection thereof shall certify annually, on August 1st of each year, to the tax-assessing officer of the Township the facts of such delinquency, whereupon such charge shall be by him entered upon the next 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 against such premises are collected and the lien thereof enforced: Provided, however, where notice is given that a tenant is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such premises until a cash deposit in an amount to be determined from time to time by the Township Board (not less than \$15.00 in areas east of the St. Joseph River) shall have been made as security for payment of such charges and service.

In addition to the foregoing, the Township shall have the right to shut off, or cause to be shut off, water service to any premises for which charges for such service are more than thirty (30) days delinquent, and such service shall not be reestablished until

all delinquent charges and penalties and a turn-on charge to be specified by the Township Board have been paid. Further, such charges and penalties may be recovered by the Township by court action.

Section 5. No free service shall be furnished by said System to any person, firm or corporation, public or private, or to any public agency or instrumentality.

Section 6. The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the said System as are necessary to preserve the same in good repair and working order, to provide for the payment of the contractual obligations of the Township to the County of Berrien pursuant to the aforesaid contract between said County and the Township of St. Joseph as the same become due, and to provide for such other expenditures and funds for said System as this ordinance may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

Section 7. Those portions of the System lying west of the St. Joseph River shall be operated on the basis of a fiscal year corresponding with that of the City of St. Joseph Water System, and those portions lying east thereof shall be operated on the basis of a fiscal year corresponding with that of the City of Benton Harbor.

Section 8. The revenues of the System shall be set aside as collected and deposited in a separate depository account in Inter-City Bank \_\_\_\_\_, Benton Harbor, Michigan, a bank duly qualified to do business in Michigan, in an account to be designated WATER SUPPLY SYSTEM RECEIVING FUND (hereinafter, for brevity, referred to as the "Receiving Fund"), and said revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the times hereinafter specified.

(A) OPERATION AND MAINTENANCE FUND

Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a depository account, designated OPERATION AND MAINTENANCE FUND, a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

(B) CONTRACT PAYMENT FUND

There shall next be established and maintained a depository account, to be designated CONTRACT PAYMENT FUND, which shall be used solely for the payment of the Township's obligations to the County of Berrien pursuant to the aforesaid contract. There shall be deposited in said fund quarterly, after requirements of the Operation and Maintenance Fund have been met, such sums as shall be necessary to pay said contractual obligations when due. Should the revenues of the System prove insufficient for this purpose, such revenues may be supplemented by any other funds of the Township legally available for such purpose.

(C) REPLACEMENT FUND

There shall next be established and maintained a depository account, designated REPLACEMENT FUND, which shall be used solely for the purpose of making major repairs and replacements to the System if needed. There shall be set aside into said fund, after provision has been made for the Operation and Maintenance Fund and the Contract Payment Fund, such revenues as the Township Board shall deem necessary for this purpose.

(D) IMPROVEMENT FUND

There shall next be established and maintained an Improvement Fund for the purpose of making improvements, extensions and enlargements



to the System. There shall be deposited into said fund, after providing for the foregoing fund, such revenues as the Township Board shall determine.

(E) SURPLUS MONEYS

Moneys remaining in the Receiving Fund at the end of any operating year after full satisfaction of the requirements of the foregoing funds may, at the option of the Township Board, be transferred to the Improvement Fund or used in connection with any other project of the Township reasonably related to purposes of the System.

(F) BANK ACCOUNTS

All moneys belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the Township within this single bank account in the manner above set forth.

Section 9. In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any moneys and/or securities in other funds of the System, except sums in the Contract Payment Fund derived from tax levies, shall be transferred to the Operation and Maintenance Fund to the extent of any deficit therein.

Section 10. Moneys in any fund or account established by the provisions of this ordinance may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Act 94, Public Acts of Michigan, 1933, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

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Section 11. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

Section 12. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

Section 13. This ordinance shall be published once, in full, in the Herald Press and News Palladium, ~~the~~ newspapers of general circulation within the boundaries of the Township and qualified under State law to publish legal notices, within two (2) weeks 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 Township Clerk.

Section 14. This ordinance shall become effective immediately upon its adoption.

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I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 22 duly adopted by the Township Board of the Township of St. Joseph, County of Berrien, Michigan, at a regular Meeting held on March 16, 1970, 1970, and that public notice of said meeting was given pursuant to Act No. 261, Public Acts of Michigan, 1968, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting.

I further certify that the following Members were present at said meeting Reschke, Brink, Schmidtman, Benson, Manning and Larson

and that the following Members were absent DeVries

I further certify that Member Larson moved adoption of said ordinance, and that said motion was supported by Member Reschke

I further certify that the following Members voted for adoption of said ordinance Reschke, Brink, Schmidtman, Benson, Manning and Larson

and that the following Members voted against adoption of said ordinance None

I further certify that said ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and Township Clerk.

Andrew A. Schmidtman Jr.  
Township Clerk