

RESOLUTION TO AMEND  
TOWNSHIP OF POWELL  
WATER RATE ORDINANCE

ADOPTED: March 15, 2016  
PUBLISHED: March 21, 2016  
EFFECTIVE: April 1, 2016

**RESOLUTION  
TO AMEND TOWNSHIP OF POWELL, MARQUETTE COUNTY, MICHIGAN  
WATER RATE ORDINANCE NO. 3**

The Board of Powell Township, Marquette County, Michigan, Ordains:

That portion of Ordinance No. 3, the Powell Township Water Rates Ordinance, as adopted December 6, 1983, and as periodically amended thereafter, and any other Ordinance, Resolutions, Order, or parts thereof in conflict with the provisions of this Amendment, are, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendment.

**AMENDMENT**

Ordinance No. 3, the Powell Township Water Rate Ordinance, as adopted December 6, 1983 and as periodically amended thereafter, shall be, and the same hereby is amended to read as follows:

**Section 1: Rates and Charges.**

Rates and charges for the use of and services supplied by the Township's Water Supply System are established as follows:

**Water Rates**

Residential and Business

Monthly water rates for users of the Township's Water Supply System, based upon the meter readings of the amount of water consumed per month, as follows:

Non-service water fees of \$45 per month per business, if no water is consumed from the Township Water Supply System.

Water rates will be \$45 per 3,500 gallons or any portion thereof.

An additional \$7.15 will be charged per each 1,000 gallons or any portion thereof over 3,500 gallons.

Minimum Monthly Bill: \$45.

#### Late Fee

A monthly late fee of 5% will be charged to any user who, hereof, is 30 days past due.

#### **SPECIAL RATES**

For miscellaneous services for which a special shall rate shall be established, such rates shall be fixed by the Township Board.

#### Turn On/Off Charges

There will be imposed a charge of:

Summer Rate (May 1<sup>st</sup> thru October 31<sup>st</sup>) . \$20.00

Winter Rate (November 1<sup>st</sup> thru April 30<sup>th</sup>) \$40.00

whenever the Township is requested to turn on or turn off water services; provided, however, when the Township is requested to provide turn on or turn off service at times other than the regular business hours of the Township, there will be imposed an additional charge of time and material plus 10%.

#### Fire Hydrant Rate

For water used through the Township's hydrants, the Township shall pay a charge of Four Hundred Five Dollars (\$405) a month, which charges shall be payable monthly from funds of the Township, or from the proceeds of taxes which the Township is hereby authorized and required to levy within constitutional and statutory limits in an amount sufficient for that purpose.

## Enforcement

The charges for water service which are under the provisions of Section 21, Act 94 Public Acts of Michigan, 1933, (MCL 141.121) 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 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 September 1<sup>st</sup> of each year, to the tax assessing officer of the Township, the fact 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 of not less than \$45 shall have been made as security for payment of such charges and service.

In addition to other remedies provided, the Township shall have the right to shut off and discontinue the supply of water to any premises for the nonpayment of water rates when due. If such charges are not paid within sixty (60) days after due date thereof, then water services to such premises shall be discontinued. Water services so discontinued shall not be restored until all sums then due and owing shall be paid, plus a turn-on charge of the appropriate amount as listed under the "Turn-on and Turn-off Charges" paragraph in Section 1 of the Ordinance.

Section 2: Repeal of Conflicting Provisions. All ordinances and parts of ordinances in conflict with the provisions of this Resolution Amendment are hereby repealed in so far as the conflicting portions thereof are concerned.

Section 3: Publication. This Ordinance shall be published in full in the Marquette Mining Journal, a newspaper of general circulation in the Township, promptly after its adoption, and shall be recorded in the Ordinance book of the Township, and such recording authenticated by the signatures of the Township Supervisor and Township Clerk.

Section 4: 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 is therefore declared to take effect one day following publication of this Ordinance, as amended.

Section 5: Annual Rate Review and Adjustment: The Township Board shall evaluate water rates on an annual basis, beginning on April 1, 2016, and annually on April 1 thereafter. The rates shall be adjusted to account for any increases in fixed, variable, or other costs of production, delivery, maintenance, or repair of the water system, as well as by any increase in inflation based upon the North Central Region Consumer Price Index, unless the Board

determines by clear and convincing evidence and findings on the record that a rate increase is not justified or required.

Passed and adopted by roll call vote of the governing Board of the Township of Powell, County of Marquette, Michigan, on the 15<sup>th</sup> day of MARCH, 2016 and approved by Township Supervisor.

  
\_\_\_\_\_  
Darlene Turner, Supervisor

Attest:

  
\_\_\_\_\_  
Linda Gamble, Clerk

Yeas: Stanley  
Hudson  
Turner  
Erickson  
Gamble

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_