

which the application to connect is received by the Township. The interest rate shall be the rate provided in the Rate Schedule provided, however, the interest rate per annum for connections to all portions of the System constructed with the proceeds of the sale of bonds (the "Bonds") sold by or on behalf of the Township shall equal the lesser of the rate specified in the Rate Schedule or the average interest rate on the Bonds, rounded to the nearest one hundredth (100th) of one percent (1%), plus one percent (1%). If connection is made to a portion of the System not constructed with the proceeds of the sale of Bonds which is then later financed with the sale of Bonds, then the interest rate per annum shall be adjusted to the lesser of the rate specified in the Rate Schedule or the average interest rate on the Bonds, rounded to the nearest one hundredth (100th) of one percent (1%), plus one percent (1%).

If an election is made to pay the lateral, frontage, and/or trunkage charge component of the connection charge in installments, the charge may be paid in full at any time with interest accrued through the month in which payment is made. Partial prepayments are also permitted but only (i) if a full principal installment(s) is prepaid and (ii) if all interest accrued on the installment(s) being prepaid through the month in which the prepayment is made is paid at the same time. All prepayments shall be applied to the installments payable in inverse order of their due date.

If any installment or any interest due is not paid in a timely manner, then a penalty shall be charged at the rate of one percent (1%) for each month or fraction of a month that any amount remains delinquent.

If the lateral, frontage, and/or trunkage charge component of the connection charge is paid in installments, then the unpaid balance, together with any unpaid interest and penalties, shall be a lien on the Premises served.

On or before October 1 of each year the Township Treasurer shall deliver to the Township Supervisor a certified statement of all lateral, frontage, and/or trunkage charges and all interest and penalties thereon then six (6) months or more past due and unpaid. The Township Supervisor shall then place such charges on the next tax roll and the same shall be collected and such lien shall be enforced in the same manner as is provided for general Township taxes.

At the time of each application to connect to the System, if any portion of the lateral, frontage, and/or trunkage charge will be paid in installments, as a condition precedent to connection and the privilege to pay the lateral, frontage, and/or trunkage charges in installments, the owner of the Premises served shall sign an agreement with the Township in recordable form stating the amount owed, the interest rate and other payment terms, and that the unpaid charges and all interest and penalties thereon shall constitute a lien on the Premises served.

If any installment of a lateral, frontage, and/or trunkage charge or any interest or penalties thereon is not paid in a timely manner, the Township shall have the right, in addition to any other remedies available to it, to turn off the Township water service to the Premises and water service shall not be restored until all amounts then due and payable are paid in full.

**Section 7. Other Charges.** The charges for special water services, such as hydrant use for bulk water supply, providing water for a construction project, meter test charge, or making a service call to turn on after delinquent water bill paid shall be as provided in the Rate Schedule. Any special water service for which a charge has not been established on the Rate Schedule shall be charged on a time and materials basis.

All such charges shall be paid in full at the time the service is provided.

**Section 8. Water Rates.** The quarterly customer service charge and the rates for water supplied to each Premises connected to the System shall be as provided in the Rate

Schedule. No water charge shall be made to a Customer for the water used to test a standby fire line connection or to fight a fire on the Premises.

Free water service shall not be furnished by the System to the Township or to any person, firm or corporation, public or private, or to any public agency or instrumentality. The Township shall pay for water supplied to it or to any of its departments or agencies at the rates established pursuant to this Section from time to time.

**Section 9. Billing and Enforcement.** Charges for water service shall be billed quarterly. Bills shall be mailed by the fifteenth (15th) day of the month following the quarter for which the bills are rendered and shall be due and payable on or before the fifteenth (15th) day of the next month. Failure to receive a bill in the mail shall not excuse payment. Customers whose bills are not paid on or before the due date shall have the penalty charge as provided in the Rate Schedule added thereto and shall then be mailed a reminder bill, which shall include the penalty amount. If the reminder bill is not paid within ten (10) days after the date of mailing, a seventy-two (72) hour shut-off notice shall be sent by certified mail or personal delivery. If the bill is not paid within 72 hours after the date of the shut-off notice, then the customer's public water service shall be turned off immediately and without further notice. Water service shall not be restored until the entire amount of the water bill has been paid together with the penalty charge and the turn on charge as is provided in the Rate Schedule.

Charges for water shall constitute a lien on the Premises served. On or before October 1 of each year, the Township Treasurer shall deliver to the Township Supervisor a certified statement of all water charges and penalty charges thereon then six (6) months or more past due and unpaid. The Township Supervisor shall then place such charges on the next tax roll and the

same shall be collected and such lien shall be enforced in the same manner as is provided for general Township taxes.

**Section 10. Fiscal Year.** The System shall be operated on the basis of a fiscal year beginning January 1 of each year and ending December 31 of the same year.

**Section 11. Financial Records.** The Township shall cause to be maintained and kept proper financial records relating to the operation of the System. These financial records shall be audited annually by a certified public accountant to be designated by the Township Board and a certified copy of the audit shall be filed with the Township Clerk. Such audit may be a part of the general Township audit.

**Section 12. Application to Connect.** No connection shall be made to the System without obtaining a permit therefor. Application for such permit shall be made on a form provided by the Township by the Premises title holder or land contract purchaser or authorized agent and filed with the Township. The Township shall issue a permit to connect when all prescribed conditions have been met. The permit shall be issued subject to the terms and provisions of this Ordinance and any rules and regulations adopted hereunder, as they may be amended by the Township Board from time to time, and the terms of the application to connect. By applying for a permit to connect, the applicant and all successors in interest shall be deemed to have consented to all of the terms and provisions of this Ordinance and any rules and regulations adopted hereunder, as they may be amended.

**Section 13. Private Party Extensions.** The Township may, in its discretion and pursuant to a written development contract in form satisfactory to the Township, permit an extension of the System to be made under the direction and control of a private party. This extension shall be dedicated to the Township upon completion. All particulars concerning the

extension including, but without limitation, location and the construction methods and materials, shall be included in the development contract. The extension shall cover the entire road or public right-of-way frontage of the Premises to be served by the extension or extend entirely through the Premises to be served, extending in each case to the adjoining Premises, unless the Township waives this requirement in writing.

**Section 14. Mandatory Extensions.** All subdivisions, site condominiums, and other developments shall be served by and connected to the System if required by Township zoning, subdivision, or other applicable ordinance. If an extension is necessary in order to complete the required connection, and that extension will be constructed by a private party, then the extension shall be constructed pursuant to Section 13.

**Section 15. System and Use Coordination.** All land use approvals under the Township Zoning Ordinance, whether by variance, special use, planned development, contract zoning or ordinance, which includes buildings or other improvements to be connected to the System, shall be conditioned on compliance with all of the terms and provisions of this Ordinance and all rules and regulations adopted hereunder, as they may be amended.

**Section 16. Public Lateral.** All Premises connecting to the System shall be provided with a public lateral from the water main to the edge of the public street or public easement within which the water main is located, as well as a curb stop and box. The Township shall be the owner of the public lateral, curb stop and box. The Township shall be responsible for the repair, reconstruction, and replacement of the public lateral.

**Section 17. Cross Connections.** Cross connections shall be regulated by the Charter Township of Allendale Cross Connection Ordinance, Ordinance Number 2004-6.

**Section 18. Work in Right-of-Way.** All work in the street right-of-way or in public easements, including the lateral installation, shall be constructed and performed by the Township or its agents or independent third party contractors.

**Section 19. Meters and Right of Entry.** All water meters shall be located in a heated area with ceiling clearance of at least five (5) feet. The water meter shall be located so it can be conveniently read and serviced. No person shall obstruct or interfere in any way with a water meter or component thereof by placing in, on, or about the water meter a component thereof building materials, rubbish, shrubbery, flowers, or otherwise hindering easy and free access thereto. The Township's duly authorized employees or representatives bearing proper credentials and identification shall be permitted to enter at any reasonable time any Premises connected to the System for the purpose of reading, servicing, or replacing the water meter or inspecting the piping system(s) which are connected to the System. On request, a water customer shall provide the Township with all requested pertinent information concerning the piping system(s) which are connected to the System.

If a request to enter a Premises connected to the System for the purpose of reading, servicing, or replacing the water meter or inspecting the piping system(s) which are connected to the System is denied, then in addition to any other enforcement remedies provided under this Ordinance, any other ordinance of the Township, or by law, the Township can send to the water customer a 72 hour water shut off notice by certified mail or personal delivery. If the requested entry is not granted within 72 hours after the date of the shut off notice, then the customer's public water service shall be turned off immediately and without further notice. Water service shall not be restored until the requested entry has been granted and the service call turn on water after shut off charge as is provided in the rate schedule has been paid in full.

If any meter shall fail to register properly, or the meter cannot be read for any reason, the Township shall estimate the amount of water consumed based on prior billing periods and bill the customer for water and, if connected to the sewer system, for sewer, accordingly.

A water customer may request that a water meter be tested for accuracy. If the meter is found accurate on the basis of current American Waterworks Association standards, a charge as is provided in the Rate Schedule shall be made to the water customer. If the meter is found to be inaccurate on the basis of current American Waterwork Association standards, the meter shall be repaired or a new meter shall be installed and no charge shall be made to the water customer, either for the test or the meter repair or replacement.

**Section 20. Private Lateral.** The owner of each Premises served by water shall, at the owner's sole expense, construct the private lateral, running from the termination of the public lateral to the building, structure or other improvement served with water in accordance with the standard construction requirements referenced in Section 27 below. The Premises owner shall also maintain the private lateral in good condition with no leaks, breaks or other malfunction. All repair, reconstruction, and replacement of the private lateral shall be the responsibility of the Premises owner. The Premises owner shall indemnify the Township and its authorized representatives against any loss or damage, including attorney fees, that may directly or indirectly result from the construction, repair, maintenance, reconstruction, or replacement of the connection line.

**Section 21. One Service Line Per Premises.** Unless otherwise authorized by the Township in writing, each public lateral shall serve one Premises only.

**Section 22. Repair or Replacement of Meter or Connection.** If the meter or public lateral connection is damaged for any reason, all required repair and replacement shall be at the

expense of the Premises owner. If the meter or public lateral connection malfunction or are defective, repair or replacement shall be at the expense of the Township.

**Section 23. Damage to System Facilities.** No person, except an employee of the Township or other person duly authorized by the Township, shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the System. Any person responsible for any damage to the System shall reimburse the Township for the damage and for the loss of water caused thereby and shall be responsible for any injury or damage caused by escaping water.

**Section 24. Fire Hydrant Use or Obstruction.**

(a) No person, except an employee of the Township or other person duly authorized by the Township, shall open or use any fire hydrant, except in case of an emergency, without first securing written permission from the Township and paying the charge as provided in the Rate Schedule. No tool, other than the prescribed Township fire hydrant wrench, shall be used to open any fire hydrant. See also the Charter Township of Allendale Cross Connection Ordinance.

(b) No person shall, in any manner, obstruct or prevent free access to, or place or store temporarily or otherwise, any object, material, debris, automobile or structure of any kind within a distance of fifteen (15) feet of any fire hydrant. No person shall heap or pile snow within a four (4) foot radius of any fire hydrant. Each person who has a fire hydrant on that person's Premises shall keep the fire hydrant and the surrounding area within a four (4) foot radius of the fire hydrant free and clear from piled and accumulated snow.



**Section 25. Water Emergency Orders.** The Township Supervisor or his/her representative may, by written order, subject to review and modification or reversal by the Township Board, regulate, limit or prohibit the use of water. Such order may restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential water needs and for fire protection. Notice of the promulgation of any such order shall be published in a newspaper of general circulation in the Township and posted on the Township Internet website as soon as reasonably possible after promulgation. Violation of such an order shall constitute a violation of this Ordinance and shall be subject to the penalties and other remedies prescribed in this Ordinance.

**Section 26. Rules and Regulations.** The Township Board may from time to time adopt by resolution rules and regulations governing the type and quality of materials and accessories to be used for connection to the System, construction methods for connections to the System, and other operational, maintenance, and technical matters pertaining to the System. Violation of any such rule or regulation shall constitute a violation of this Ordinance and shall be subject to the penalties and other remedies hereinafter prescribed in this Ordinance.

**Section 27. Standard Construction Requirements.** The Township may, from time to time, adopt by resolution of its Township Board, standard construction requirements for the System, and establish a reasonable fee for obtaining copies of those requirements from the Township. Violation of any provision of such standard construction requirements shall constitute a violation of this Ordinance.

**Section 28. Disruption of Service.** The Township shall not be liable for any failure or deficiency in the supply of water to water customers whether occasioned by maintenance or repair of the System or any other cause.

**Section 29. Administrative Liability.** No officer, agent, or employee of the Township shall render himself or herself personally liable for any damages that may accrue to any person as a result of any act required or permitted in the discharge of his or her duties under and in the enforcement of this Ordinance.

**Section 30. Penalty.** Any violation of, refusal to comply with, or resistance to the enforcement of this Ordinance shall be a municipal civil infraction, and shall be subject to the enforcement procedures set forth in Municipal Civil Infraction Ordinance and a fine of fifty (\$50.00) dollars, plus costs and other sanctions, for each infraction. Each day during which any violation of this Ordinance continues shall be deemed a separate and distinct offense. Increased civil fines shall be imposed for repeated violations of this Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed within any 12-month period and for which the violator admits responsibility or is determined to be responsible. The increased civil fine for repeat violations shall be as follows:

(a) The fine for any offense which is a first repeat offense shall be \$250.00, plus costs and other sanctions;

(b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$500.00, plus costs and other sanctions.

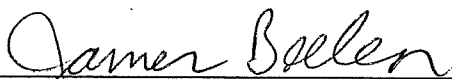
Members of the Ottawa County Sheriff's Department assigned to the Township, members of the Ottawa County Sheriff's Department whose services are contracted for by the Township, or other persons designated by the Township Board as Township Ordinance Enforcement Officers for this Ordinance are hereby designated as Authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at Allendale Charter

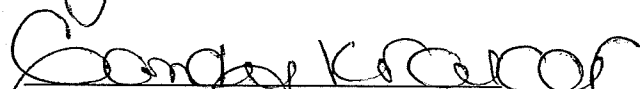
Township Municipal Ordinance Violations Bureau) as provided in the Municipal Civil Infraction Ordinance adopted by the Township.

**Section 31. Severability and Captions.** This Ordinance and the various sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby. Pronouns shall be read as masculine, feminine or neuter as may be appropriate. Captions appearing at the beginning of any section shall not be deemed a part of this Ordinance and shall have no independent significance.

**Section 32. Repeal.** All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance, including, but without limitation, Ordinances No. 1981-3, 1985-2, 1985-3, 1995-2, and 2005-10, are hereby repealed to the extent of such conflict.

**Section 33. Effective Date.** This Ordinance was approved and adopted by the Township Board of the Charter Township of Allendale, Ottawa County, Michigan, on Oct. 23, 2006, after introduction and a first reading on October 9, 2006, and publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective on Oct. 30, 2006.

  
James Beelen, Supervisor

  
Candy Kraker, Clerk

**CHARTER TOWNSHIP OF ALLENDALE**

**ORDINANCE NO. 2008-10**

**AMENDMENT TO EXHIBIT A OF THE**

**WATER SYSTEM ORDINANCE**

AN ORDINANCE to amend the Charter Township of Allendale Water System Ordinance; to revise Exhibit A, the Schedule of Rates and Charges; and to provide for the effective date of this Ordinance.

**THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA,  
STATE OF MICHIGAN, ORDAINS:**

**Section 1.     Amendment of Exhibit A to the Charter Township of Allendale Water System Ordinance.** Exhibit A of the Charter Township of Allendale Water System Ordinance shall be amended to state in its entirety as follows:

**"EXHIBIT A"  
SCHEDULE OF RATES AND CHARGES**

Effective: July 1, 2008

1. Section 5 connection charges and fees:
  - a. Lateral charge:         \$600.00
  - b. Water meter fee, both regular and sprinkling meters:
    - (i)     5/8" meter -   \$410.00
    - (ii)    3/4" meter -   \$450.00
    - (iii)   1" meter -     \$500.00
    - (iv)    1-1/2" meter - \$900.00
    - (v)     2" meter -     \$1,200.00

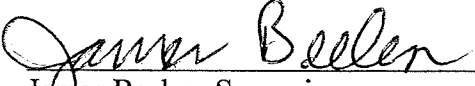
- (vi) 3" meter - \$2,400.00
  - (vii) 4" meter - \$4,000.00
  - (viii) 6", or 8" meter – actual cost
- c. Frontage charge - \$40.00 per front foot multiplied times the frontage
- d. Trunkage charge - \$780.00 per residential equivalent unit
- 2. Section 6 interest rate – 8%
- 3. Section 7 other charges:
  - a. Hydrant use for bulk water supply – commodity rate specified in 4(b)
  - b. Construction project water - commodity rate specified in 4(b)
  - c. Meter test charge - \$50.00
  - d. Service call to turn on water after shut off - \$100.00
- 4. Section 8 water charges and rates:
  - a. Customer service charge:
    - (i) For a 5/8" meter – see chart below
    - (ii) For a 3/4" meter – see chart below
    - (iii) For a 1" meter – see chart below
    - (iv) For a 1-1/2" meter - \$12.00 per billing quarter
    - (v) For a 2" meter - \$14.40 per billing quarter
    - (vi) For a 3" meter - \$21.60 per billing quarter
    - (vii) For a 2T meter - \$14.40 per billing quarter
    - (viii) For a 4T meter - \$36.00 per billing quarter
    - (ix) For a 4" comp meter - \$36.00 per billing quarter

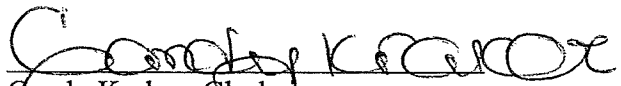
User	Residential Equivalent
Convalescent Home	0.22/bed
Day Care Center	1.00/premise + 0.25/1000 sq. ft.
Drug Store, Dime Store (with fountain service)	1.00/1000 sq. ft.
Factory (exclusive of excess industrial use)	0.50/1000 sq. ft.
Factory (light industry)	0.30/1000 sq. ft.
Fraternal Organization (with bar)	1.00/hall (bar to be computed at its respective residential equivalent)
Funeral Home	1.42/1000 sq. ft.
Hospital	1.10/bed
Hotel, Motel, Rooming House (without meals)	0.25/bed
Laundry (self-serve)	0.54/washer
Marina	0.10/slip
Mobile Home, Trailer Park	1.00/unit
Multiple Family Residence	1.00/unit
Office Building (general)	0.40/1000 sq. ft.
Office Building (medical, dental, clinic, etc.)	1.42/1000 sq. ft.
Post Office	1.00/1000 sq. ft.
Public Institute	0.75/1000 sq. ft.
Restaurant (with bar)	2.50/1000 sq. ft. (bar to be computed at its respective residential equivalent)
Retail Store	1.00/premise + 0.30/1000 sq. ft.
School (with swimming pool)	1.00/classroom (pool to be computed at its respective residential equivalent)
Service Station and Repair Area	0.25/pump + 0.40/1000 sq. ft.
Single Family Residence	1.00/unit
Snack Bar, Drive-In	4.00/1000 sq. ft.
Supermarket, Grocery Store	1.10/1000 sq. ft.
Swimming Pool	2.85/1000 sq. ft.
Theater - Drive-In	0.25/1000 sq. ft.
Theater - Indoor	1.00/theater
Travel Trailer, Parks & Campgrounds	0.20/site with sewer; 0.15/site without sewer
Two-Family Residence	1.00/unit
Utility Substation	0.10/1000 sq. ft.
Warehouse or Storage Building	0.10/1000 sq. ft.
Waste Disposal Station	2.00/station

**Section 2. Repeal.** All resolutions, ordinances or orders or parts thereof which are in conflict in whole or in part with any of the provisions of this Amendment Ordinance are, to the extent of such conflict, hereby repealed.

**Section 3. Effective Date.** That the foregoing Amendment to the Charter Township of Allendale Water System Ordinance was approved and adopted by the Township Board of the Charter Township of Allendale, Ottawa County, Michigan, on July 14, 2008, after introduction

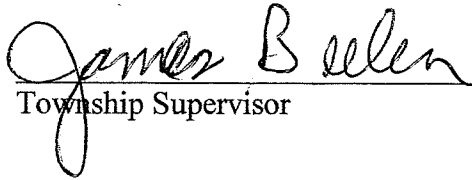
and a first reading on June 23, 2008, and publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective on July 22, 2008.

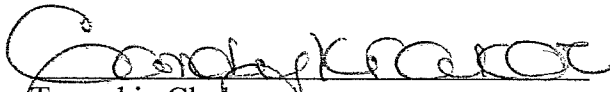
  
James Beelen, Supervisor

  
Candy Kraker, Clerk

## CERTIFICATE

We, James Beelen and Candy Kraker, the Supervisor and Clerk, respectively, for the Charter Township of Allendale, Ottawa County, Michigan, do hereby certify that the foregoing Allendale Charter Township Ordinance was adopted at a regular meeting of the Allendale Charter Township Board held on July 14, 2008. The following members of the Township Board were present at the meeting: Beelen, Kraker, Roon, Alkema, DeJong, and Knoper. The following members of the Township Board were absent: none. The Ordinance was adopted by the Township Board with members of the Board, Beelen, Kraker, Roon, DeJong, and Knoper voting in favor, and members of the Board, none, voting in opposition. This ordinance was published in the Advance Newspapers, the Ottawa Edition, on July 22, 2008.

  
Township Supervisor

  
Township Clerk



(x) For a 6" meter - \$48.00 per billing quarter

(xi) For a 8" meter - \$48.00 per billing quarter

This charge shall be assessed if the Premises is connected to the System for all or any part of a billing quarter. The fact the meter has been temporarily removed shall not excuse a Premises from payment of the customer service charge.

Meter Size	20+	14-19	8-13	0-7
5/8"	\$4.80	\$3.60	\$2.40	\$1.20
3/4"	\$6.60	\$4.95	\$3.30	\$1.65
1"	\$9.60	\$7.20	\$4.80	\$2.40
1 1/2"	\$12.00			
2"	\$14.40			
3"	\$21.60			
4"	\$36.00			
6"	\$48.00			
8"	\$48.00			

b. Commodity rate - \$3.04 per one thousand (1,000) gallons of water metered per billing quarter, 3,000 gallon minimum.

5. Section 9 penalty charge - 10%.

#### ALLENDALE CHARTER TOWNSHIP

Water: 1 REU = 80,000 gallons per year

User	Residential Equivalent
Auto Dealer - Sales and/or Service	1.00/premise + 0.40/1000 sq. ft.
Bakery	1.25/1000 sq. ft.
Bank	1.00/1000 sq. ft.
Bar	3.00/1000 sq. ft.
Barber Shop	1.00/shop + 0.10/chair
Beauty Shop	1.00/shop + 0.10/booth
Boarding House, Boarding School, Dormitory, Fraternity or Sorority House, etc.	1.00 + 0.25/bedroom
Bowling Alley (with bar)	0.16/alley (bar to be computed at its respective residential equivalent)
Car Wash	2.50 - 10.00/single production line
Church	0.20/1000 sq. ft.
Cleaners (pick-up only)	1.00/shop
Cleaners (pressing facility)	1.25/press