

VILLAGE OF MARTIN ORDINANCE

ORDINANCE NO. 46

Approved: 10-22-90

Effective: 10-24-90

WATER SUPPLY SYSTEM UTILITIES ORDINANCE

An ordinance establishing the water supply system of the Village of Martin as a water supply system utility and providing for the operation and management thereof; prescribing fees, rates and charges for connection to said system and the use of water supplies of said system; providing for the collection of rates and charges and establishing a statutory lien thereon; providing rules and regulations for the installation and connection of water lines and penalties for violation thereof; repealing prior ordinances and providing for other matters relating to said system and this Ordinance.

VILLAGE OF MARTIN

ALLEGAN COUNTY, MICHIGAN

ORDAINS:

ARTICLE I

ESTABLISHMENT OF WATER SUPPLY SYSTEM UTILITIES

Section 1.1 The water supply system of the Village of Martin is hereby established as a water supply system utility for the purpose of providing and maintaining water supply services within and without the Village of Martin including the supplying of water, the operation and maintenance of water pumping stations and storage facilities, and the construction, installation and maintenance of water mains.

ARTICLE II

Section 2.1 The following definitions shall apply in the interpretation of this Ordinance:

(a) "Commercial User" shall mean a user of village water facilities engaged in the operation of a private enterprise conducted for profit but with low water use

(b) "Department" shall mean the Department of water supply and Service of the Village

(c) "Hotel and Motel User" shall mean a user of the Village water services engaged in the renting of rooms by the day, week or month and supplying accommodations to eight or more persons

(d) "Industrial User" shall mean a user of the Village water services which regularly employs eight or more employees.

(e) "Main" or "Mains" or "Water Mains" shall mean any pipes other than Water Service Pipe used for conveying or distributing water.

(f) "Municipal User" shall mean the Village Fire Department or Village Hall or any other Village-owned facility or agency.

(g) "Owner" shall mean the owner of record, as reflected in the records of the Allegan County Register of Deeds, of any premises supplied or to be supplied with Village water or the duly authorized agent of such owner.

(h) "Premises" shall mean a dwelling or apartment occupied by one family, together with the land connected therewith and such out-buildings as are exclusively in connection therewith, or a room or rooms, building or buildings occupied and used by one or more persons for business or other nonresidential purposes.

(i) "Primary Commercial User" shall mean a user of Village water facilities engaged in serving the public with large quantity water use.

(j) "Primary Industrial User" shall mean an industrial user which uses water in an industrial process.

(k) "Residential User" shall mean a single family or person using Village water.

(l) "School User" shall mean all facilities owned and operated by any school district located in whole or in part in the Village.

(m) "System" means the water supply system established by this Ordinance, including any additions, extensions or improvements thereto.

(n) "User" shall mean any person or entity occupying and/or owning the premises connected to the water supply system regardless of whether services have been turned-off.

(o) "Village" means the Village of Martin, County of Allegan, State of Michigan.

(p) "Water Rates" shall mean the rates or prices to be charged for water based on the classification of property.

(q) "Water Service Pipe" shall mean the pipe tapped into the Water Main and extending thence to the Premises.

ARTICLE III

CONTROL, OPERATION AND MAINTENANCE OF THE SYSTEM

Section 3.1 Management and Control. The construction, operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the Village. The Village may employ such person or persons in such capacity or capacities as it deems advisable to carry out the efficient operations and management of the System and may make such rules and regulations as it deems necessary are advisable to assume the efficient operation and management of the System and the Department.

Section 3.2 Water Department. A water department shall be established and shall be under the direction of the Village's Water and Sewer Commissioner. The day-to-day operation and management of the System shall be under the supervision and control of the Department. The Department shall be managed by a licensed water operator who will be designated as the "Director" and who shall serve at the pleasure of the Village Council. The Director of the Department shall promulgate such rules and regulations as are necessary to administer the terms of this Ordinance. Any rule, regulation or other action taken or proposed by the Director or the Department shall be subject, at all times, to the review and approval of the Village Council

Section 3.3 Ownership. All Water mains or portions thereof located within public right-of-way or easements granted to the Village are and shall be the exclusive property of the Village. All Water Service Pipes or portions thereof located on private property, easements granted to parties other than the Village or other land not under the ownership or control of the Village are and shall be the property of the owner of said property.

Section 3.4 Operation and Maintenance. The Village shall be solely responsible for operation and maintenance of water mains and appurtenances which are the property of the Village. No other party shall operate valves, adjust boxes or change, modify or operate any other item appurtenant to or connected to said Water Mains.

Section 3.5 Fiscal Year. The System shall be operated on the basis of a fiscal year commencing on April 1 and ending the following March 31.

SECTION IV

CONNECTION TO THE SYSTEM AND WATER

Service Rules and Regulations

Section 4.1 Extensions. Extensions of or changes in the Water Mains shall be made only at the direction of the Village Council. Petitions for the extension of old or construction of new Mains shall be addressed to the Village Council which will thereupon consider same and advise the petitioners of the decision. If the petition is granted, the Village Council shall determine the proportions of the cost to be borne by the petitioners and by the Village.

Section 4.2 Private Installations. Any person installing a Water Main at his own expense shall first submit plans and specifications of such work to the Village Council for approval. After such plans and specifications have been approved, the installation of such Main shall be conducted under the supervision of the Department. The Department may require the installer or owner to conduct any tests which the Department deems necessary. The Department shall approve the installation before Village water is admitted to such Mains. All inspection costs of such installation shall be paid by the Owner of the premises.

Section 4.3 Depth. All Water Service Pipes on either public or private property shall be laid on a solid bottom not less than 4 feet 6 inches below the established grade, subject to the approval of the Department. Water Service Pipe laid in the same trench with sewer service pipe shall be at least 18 inches from the sewer pipe and, if the sewer is laid at a greater depth, shall be shelved into the bank to a solid bottom.

Section 4.4 Size and Kind. All Water Service Pipes shall be not less than 1 inch in diameter extending from the main to the Premises. All stop or service cocks shall be at least 1 inch extra heavy round way stops placed 12 inches from road side of the sidewalk or the sidewalk line. The stop box shall be so placed that the cover is not below grade and must be set on a firm foundation to prevent settlement. The Department may require the installation of a larger size Water Service Pipe if deemed necessary or desirable.

Section 4.5 Stops. A separate stop and waste cock, or valve and waste cock, shall be placed on the Water Service Pipe just inside the building wall so that the water may be turned off and drained from the pipe in case of accident or in order to make repairs. Such stops shall be equal in quality to the service stops.

Section 4.6 Curb Box. The Water Service Pipe from the Main to the curb stop, the curb stop, and the curb box will be provided in place by the Department under the fee for the water permit hereinafter provided. Water Service Pipe from the Main to the building shall be maintained by the owner of the Premises. If after due notice the Owner fails to maintain such service, the Department is hereby authorized to turn off water at the curb stop.

Section 4.7 Turning On Water. The Owner or his agent shall not interfere in any way with the Water Service Pipe installed by the Department and is not permitted to turn water on or off at the curb stop except for the purpose of testing his work, in which case the curb stop shall be left in the same condition and position as when he found it. Any person called upon to shut off water and drain pipes in any Premises shall do so inside the building only.

Section 4.8 Replace Iron Pipe. Any old iron water service pipe requiring repair shall be replaced by galvanized or copper pipe, or pipe approved by State Plumbing Code under the same regulations as required for new services.

Section 4.9 Excavations. All holes or trenches dug in the public streets or alleys shall be back-filled. At no time will power shovels, drag lines or trenches be allowed to excavate upon an asphalt or concrete surface within the right-of-way without approval of the Department. The repairing and maintenance of streets, alleys, sidewalks and other paved surfaces where holes or trenches have been dug shall be done by the Department, but the Owner shall pay for same.

Section 4.10 Application. Before any connection shall be made to any Water Main, an application for same shall be made in writing by the owner of the Premises to be serviced, or by his authorized agent, and shall be filed with the Village Council. No service connection shall be made until the applicant therefor has agreed to pay water service bills promptly and has paid the fee for same in accordance with the following schedule:

(i) Application Fee. Applications for service shall be accompanied by an application fee of \$25.00;

(ii) Tap-in Fee. The tap in fee shall be \$1,000.00 for one inch (1") service pipes; \$1,500.00 for two inch (2") service pipes, \$2,000.00 for four inch (4") service pipes, and \$3,000.00 for six inch (6") and larger service pipes. Fee includes the meter. Fee is payable in up to five (5) annual installments with interest at the rate of 8% per annum;

(iii) Inspection Fee. An inspection fee shall be paid in advance in the amount of \$25.00;

(iv) Turn-on Fee. A fee of \$15.00 shall be paid to turn on or off water service for any premises including premises used by seasonal or part-time occupants.

No service shall be initiated until all fees have been paid by the Owner of the Premises applying for service, except in the case of tap-in fees which are payable in installments.

Section 4.11 Agreement. Before the Department makes a service connection the Owner shall execute an agreement to abide by all the rules and regulations of the Department, which agreement shall specify the Owner's responsibility for the payment of water service. The Department shall charge a fee for processing the application and agreement as set forth in 4.10 above.

Section 4.12 Multiple Service. No person shall take or use Village water from Premises other than his own and no person shall sell or give Village water from his own premises to another for any purpose without written permission from the Department. No connection through which water may pass from one location or Premises to another shall exist even though the ownership of both Premises may be the same unless such connection shall have been authorized by the Department.

Section 4.13 Change in Owner. Whenever the ownership of a Premises served by the Department changes, the new Owner shall take written application to the Department for continuation or reinstatement of service and shall agree as a condition to such continuation of service to abide by all the rules and regulations of the Department including paying the deposit fee.

Section 4.14 Tap-In Permits. No person shall attempt to make a connection with the Village System unless the Village Clerk and the Department shall have issued a tap-in permit for that purpose. Such permit shall be issued upon completion of a written application on forms prepared for that purpose which shall be made available by the Department. At his own expense, and subject to the supervision and inspection of the Department, an applicant for water service shall furnish, lay and install all that portion of the line or pipe not falling within a public easement or public property.

Section 4.15 Replacement of Service Lines by the Village. The Village shall pay all costs associated with the replacement by the Department of Water Service Pipes or portions thereof within rights-of-way or easements under the control of the Village, up to and including the curb valve when such replacement is not conducted solely for the convenience of the Owner of the Premises served. Such replacements shall be undertaken due to any of the following circumstances:

(i) Deterioration of the pipe due to age or material failures;

(ii) Damage caused to the pipe by any external agent or force, whether of natural origin or under the control of the Village;

(iii) Replacement or relocation of service lines for the convenience of the Department, as when water mains are replaced or relocated, or similar activities require the relocation of the service line.

Section 4.16 Replacement of Service Lines by the Owner. The Owner shall pay for all costs associated with replacement of those portions of the Water Service Pipe located on his property, i.e. from the curb stop to the meter, if any, or to the building if no meter has been installed. Such replacements shall remain the responsibility of the Owner regardless of whether they are occasioned by deterioration of the pipe, damage, or for the convenience of the Owner.

Section 4.17 Obsolete Services. When an Owner requires that his water line be replaced in order to meet additional water demands which exceed the capacity of his existing line, or to relocate Water Service Pipe for his own convenience, the existing pipes shall be considered to be obsolete. The Owner shall then be obligated to pay for a new water tap and Water Service Pipe from the Village water main to the meter, if any, or to the building if no meter has been installed, as well as for abandonment of the obsolete service.

Section 4.18 Access to Premises. The Village Council or any of its agents shall have power and authority at all reasonable hours to enter upon any Premises where water is furnished from the Village System for the purpose of reading meters or inspection of all pipes and fixtures connected with said System. The Council or any of its agents shall have power and authority to require any defective pipes or fixtures to be repaired, removed or replaced where the same are not in compliance with the provisions of this Ordinance or the Rules and Regulations of the Department pertaining to the System, and any person refusing or neglecting to make such repairs when so ordered shall be deemed guilty of a violation of the Code. If any authorized employee is refused admission to any Premises or is hindered or prevented from making such examination after admission, water service may be terminated from such Premises after twenty-four (24) hour notice to the Owner or occupant thereof.

Section 4.19 Water Meters. Water meters may be installed upon any premises supplied with water and any damage to said meter shall be assessed to such owner or tenant. Water consumers

shall not tamper with or remove meter from the service or interfere with the reading thereof.

Section 4.20 Termination of Service. The Village may terminate the supply of water to any Premises for just cause after ninety (90) days notice in writing to the address shown on current billing records. Once service is discontinued, a turn-on charge shall be paid prior to reinstating service to the premises. This charge shall be in accordance with the fee schedule set forth in Section 4.10 hereof.

Section 4.21 Lawn Sprinkling. The Department shall issue regulations governing the use of water for sprinkling lawns and gardens and the hours for such use.

Section 4.22 Stopping Water Service. When unsatisfactory or unsanitary sewage conditions exist on any Premises, the Department may discontinue water service to the Premises until conditions are corrected to its satisfaction.

Section 4.23 Private Fire Hydrants. The owners or operators of manufacturing institutions, lumber yards, warehouses, elevators, stores, hotels, schools and other public buildings who wish to install large pipes with hydrant and hole couplings to be used only in case of fire, will be permitted to connect with the street main at their own expense upon completion of an application to the Village Council, and shall pay for such connection an amount to be prescribed by the Village Council.

Section 4.24 Winter "Let Run" Service. No Owner receiving water from the Department shall be authorized to "let-run" the water in any Premises during the winter months unless written permission shall have been received from the Village Council or the Director of the Department. Before the Village shall issue such permission to let-run, the Owner shall establish to the satisfaction of the Director that freezing of the lines in question cannot be prevented by insulation, heat cables or the application of any other reasonable means. The Director is specifically authorized to direct that the Owner requesting a "let-run" shall insulate the water lines or attach heat cables thereto, or take such other reasonable precautions to prevent freeze-ups, at the Owner's expense. In the event that any Premises, consumer, user or service shall "let-run" water with or without written permission of the Director, such Owner shall be billed for water service at the regular rate for such service.

ARTICLE V

GENERAL PROVISIONS

Section 5.1 Hydrant Use. Fire hydrants are only to be opened and used by Department or Fire Department personnel. Any person desiring to use any fire hydrant of the Village must apply to use the same, specify hydrant(s) to be used and the purpose. Such person must report to the Department when such hydrant is to be used and also the termination of its use upon which a hydrant inspection will be made and the cost of repairs of such hydrant to be charged the user.

Section 5.2 Obstruction of Hydrants. No person shall in any manner obstruct or prevent free access to any fire hydrant. Obstructions include, but are not limited to, the placement or storage, temporarily or otherwise, of any object, material, snow, debris, or structure of any kind within a distance of fifteen (15) feet of same.

Section 5.3 Complaints. Persons may make complaints to the Village Council, in writing, regarding water service and the Village Council shall investigate any such complaints and, if necessary order the Department to take required action to remedy the situation.

Section 5.4 Village not Liable. The Village shall not be liable to any person or Premises, under any circumstances, for any failure of, or deficiency in, the supply of water. Further, should it become necessary to interrupt water service from any Premises or area because of accidents or act of God, or for the purpose of making repairs or extension, the Department will endeavor to give timely notice to Owners affected thereby. The Department shall, so far as is practical, use its best efforts to prevent inconvenience and damage arising from any such interruption, but failure to give such notice of shut-off shall not render the Village responsible or liable for damages that may result therefrom, or for any other cause.

Section 5.5 Leaks. In case of leakage, breakage or defect of the meter, the Owner of the Premises shall immediately notify the Department. The Owner of the Premises is to safeguard the meter in a reasonable way.

Section 5.6 Multiple Customers. In all cases where a water line is intended to supply more than one tenement, shop, store or building, it shall be the duty of the Owner of the Premises containing the service connection, or causing the same to be made, to install a branch with a stop cock for each branch outside the Premises supplied. Each such branch shall be suitably protected and marked as to be easily located. In no case shall one line supply more than one lot unless occupied by a

single building covering more than one lot used for a single industry or enterprise.

ARTICLE VI

WATER SERVICE RATES, CHARGES, BILLING AND ENFORCEMENT

Section 6.1 Rates and Charges. A person or entity whose premises are connected to the water supply system shall be considered a user and shall pay the rates and charges as determined by the Village and as designated as a "unit" charge. One unit shall be equivalent to the rate and charge of \$14.60 per month for operation and maintenance and \$9.15 per month for debt service for total of \$23.75 per month. The rates and charges as "units" are provided in the schedule entitled "Schedule of Water User Charge Units" as found in Appendix A attached hereto and incorporated herein.

(i) Bulk Service Charges. There shall be a \$20.00 service availability charge for filling of tanks and a charge of \$1.00 per 100 gallons of water supplied.

(ii) Construction or Unmetered Service Charge. There shall be a \$75.00 per month service charge for water supplied other than through a meter. Use of a fire hydrant as an unmetered outlet is not permitted.

(iii) Private Fire Hydrant Charge. There shall be a charge of \$20.00 per year per private hydrant. In no event shall anyone construct or maintain a private fire hydrant without first obtaining a permit as set forth in Section 4.23.

Section 6.2 Deposits. In addition to the applicable fees, and charges, the Owner shall deposit \$10.00 with the Village Treasurer to insure payment of water service bills. Upon termination of service, the deposit less any unpaid water service bills shall be refunded to the Owner.

Section 6.3 Water Rates Outside the Village Limits. The rates charged users of water service furnished outside the corporate limits of the Village shall be in accordance with contracts executed between the Village and the governmental units receiving water service. Water rates to any consumer outside the corporate Village limits shall be fixed by the Village Council.

Section 6.4 Delinquencies; Statutory Lien. Charges for water services are hereby made a lien on premises served by the System and whenever any such charge against any premises shall be delinquent for six (6) or more months, the Department or other official of the Village responsible for the collection thereof shall certify annually, not later than September 1 of each year, to the tax assessing officer the fact of such delinquency,

whereupon such lien shall be entered by the assessing officer upon the next tax roll against the premises to which the services were rendered and the charges shall be collected and the lien therefor enforced in the same manner as provided for the collection of taxes assessed upon the roll and the enforcement of the lien for the taxes. After service is terminated on account of delinquency, water service shall not be resumed until the Owner pays the delinquent amount in full along with a turn-on fee of \$15.00 and a deposit in an amount which shall be determined by the Treasurer. No deposit fee shall bear interest for the benefit of the owner, and any interest earned by said deposit fees shall be used for maintenance of the water system.

Section 6.5 Special Water Rates. Special water rates may be established by the Village Council to meet Special circumstances or situations where, in its judgment, a special rate is deemed proper and advisable. In no event, however, shall charges for regular customers be less than those set forth in Section 6.1.

Section 6.6 No Free Service. No free service shall be furnished by the Department to any person, firm or corporation, public or private, or to any public agency or instrumentality.

Section 6.7 Billing by Treasurer. By the 20th day of each month, the owner of Premises served shall pay the Village Treasurer a water service charge for the category of premises according to the schedule, regardless of whether a bill has been presented to the Owner by the Village.

ARTICLE VII

MISCELLANEOUS

Section 7.1 Conservation Notice Procedure. The Village Council shall review periodically the potential water supply of the Village. Should the Village Council find that there is a potential shortage of water, the Department shall post a water conservation notice requiring Village water users to refrain from using Village water supplies for sprinkling lawns, washing cars, and any other use of water not needed for the continued health and sanitation of the residents of the Village.

Section 7.2 Penalties. Persons who violate any provisions of this Ordinance shall be served written notice stating the nature of such violation and provided a reasonable time limit for the satisfactory correction thereof. The notice shall state the period of time within which the violator shall comply with the requirements of this Ordinance. If the violation is not cured within the time period set forth in the notice, the Department may bring an action against the violator in a court of competent jurisdiction. Any person convicted of any violation of this

Ordinance may be imprisoned in the County Jail for a period not exceeding ninety (9) days, or shall be fined not less than \$100.00 or both, at the discretion of the Court. Each day or fraction of a day in which such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of this Ordinance shall be liable to the Village for any expense, loss, or damage occasioned by reason of such violation, including attorneys fees and court costs.

Section 7.3 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 thereof 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 7.4 Publication and Recordation. This Ordinance shall be published in full promptly after its adoption in a newspaper of general circulation in the Village, qualified under State law to publish legal notices and shall be recorded in the Ordinance Book of the Village, which recording shall be authenticated by the signatures of the President and Village Clerk.

Section 7.5 Effective Date. This Ordinance is hereby determined by the Village Council to be immediately necessary for the preservation of the peace, health and safety of the Village and shall be in full force and effect from and after its passage and publication as required by law.

Passed and adopted by the Village Council of the Village of Martin, County of Allegan, State of Michigan on Oct. 22, 1990 and approved by me on Oct. 22, 1990.

VILLAGE OF MARTIN

By: Richard D. Coulbings

Its President

Attest:

Joyce Merrill
Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance duly adopted by the Village Council of the Village of Martin, County of Allegan, State of Michigan, at a meeting held on Oct. 22, 1990; that said meeting was conducted and public notice was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976; and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following members were present at said meeting:

Pierce, Merrill, Conklin, Porter, Brinkhuis, Mihelich

and that the following members were absent: Flower

I further certify that Member Mihelich moved for the adoption of said Ordinance and that Member Porter supported said Motion.

I further certify that the following members voted for adoption of said Ordinance:

Pierce, Merrill, Conklin, Porter, Brinkhuis, Mihelich

and that the following Members voted against adoption of said Ordinance: None

I further certify that notice the proposed ordinance was published in the Penasee Globe, a newspaper of general circulation within the Village on Oct. 10, 1990; that the adopted Ordinance was published in said newspaper on Oct. 24, 1990; was recorded in the Ordinance Book of the Village of Martin on Oct. 24, 1990, and that such recording has been authenticated by the signatures of the Village President and Clerk.

James Merrill, Clerk

Attest:

Richard Conklin, President
President

SCHEDULE OF WATER USER CHARGE UNITS

Occupation Use	Units	Unit Factor
Single Family Residence	1.0	per residence
Auto Dealers - New and/or Used	1.0	per premise plus 0.25 per 1,000 sq ft. of building inc. service area
Auto Repair/Collision	1.0	same as above
Auto Wash (Coin Operated Do-it-yourself 10 gal. or less per car)	1.0	per stall
Auto Wash (Mechanical - Over 10 gal per car - Not Recycled)	10.0	per stall or production line including approach & drying area
Auto Wash (Mechanical - Over 10 gal per car - Recycled)	5.0	same as above
Barber Shop	1.0	per shop + 0.1 per chair after 2
Bar	4.0	per 1000 sq. ft.
Beauty Shops	1.0	per shop - 0.1 per booth
Bowling Alleys (no bar)	1.0	per premise + 0.2 per alley
Churches	0.25	per 1,000 sq. ft. - min. 1 unit
Cleaners (pick up only)	1.0	per shop
Cleaners (with cleaning & pressing)	1.0	per premise + 0.5 per 500 sq. ft.
Clinics (Medical or Dental)	1.0	per premise + 0.5 per exam room
Convalescent or Boarding Homes	1.0	per premise + 0.25 per bedroom
Convents	1.0	per premise + 0.25 per bedroom
Country Clubs & Athletic Clubs	1.5	per 1,000 sq. ft. of clubhouse + restaurant and bar
Drug Stores	1.0	per premise + snack bar
Factories (office & production)	0.75	per 1,000 sq. ft.
Wet Process		based on metered water flow
Funeral Home	1.5	per 1,000 sq. ft. + residence to be computed separately
Grocery Stores & Super Markets	1.0	per premise + 0.8 per 1,000 sq ft.
Hospitals	1.0	per bed
Hotels and Motels	0.4	per bedroom + restaurant & bar
Laundry (self serve)	1.0	per premise + 0.5 per washer
Two Family Residential	1.0	per unit
Mobile Homes (free standing)	1.0	per unit
Mobile Homes (parks or subdivision)	0.75	per pad or sight at indirect connection rate + laundry & other buildings per schedule
Multiple Family Residences:		
Duplex or Row Houses	1.0	per dwelling unit
Apartments	1.0	per dwelling unit
Fraternity or Sorority Houses	0.5	per dwelling unit
Professional Office	0.25	per 500 sq. ft. - min. 1.0 unit
Public Institutions	0.75	per 1,000 sq. ft.
Restaurants (meals only)	2.5	per 1,000 sq. ft.
Restaurants (meals & drinks)	6.5	per 1,000 sq. ft.
Restaurants Auxiliary Dining Rooms (used less than 20 hrs. per wk.)	2.0	per 1,000 sq. ft.
Schools	1.0	per classroom
Service Stations	1.5	per 1,000 sq. ft. of building area
Snack Bars, Drive-Ins, etc.	2.5	per 1,000 sq. ft.
Tail Store (other than listed)	1.0	per premise + 0.1 per 1,000 sq ft.
Theaters (drive-in or sit down)	0.04	per car space or seat
Post Office	1.0	per 1,000 sq. ft. - min. 1.0 unit
Warehouse & Storage	0.2	per 1,000 sq. ft.
Veterinary Facility	0.5	per facility
Veterinary Facility with Kennel	1.5	per facility + 0.1 per kennel

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ARTICLE III

CONTROL, OPERATION AND MAINTENANCE OF THE SYSTEM

Section 3.1 Management and Control. The construction, operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the Village. The Village may employ such person or persons in such capacity or capacities as it deems advisable to carry out the efficient operations and management of the System and may make such rules and regulations as it deems necessary are advisable to assume the efficient operation and management of the System and the Department.

Section 3.2 Water Department. A water department shall be established and shall be under the direction of the Village's Water and Sewer Commissioner. The day-to-day operation and management of the System shall be under the supervision and control of the Department. The Department shall be managed by a licensed water operator who will be designated as the "Director" and who shall serve at the pleasure of the Village Council. The Director of the Department shall promulgate such rules and regulations as are necessary to administer the terms of this Ordinance. Any rule, regulation or other action taken or proposed by the Director or the Department shall be subject, at all times, to the review and approval of the Village Council

Section 3.3 Ownership. All Water mains or portions thereof located within public right-of-way or easements granted to the Village are and shall be the exclusive property of the Village. All Water Service Pipes or portions thereof located on private property, easements granted to parties other than the Village or other land not under the ownership or control of the Village are and shall be the property of the owner of said property.

Section 3.4 Operation and Maintenance. The Village shall be solely responsible for operation and maintenance of water mains and appurtenances which are the property of the Village. No other party shall operate valves, adjust boxes or change, modify or operate any other item appurtenant to or connected to said Water Mains.

Section 3.5 Fiscal Year. The System shall be operated on the basis of a fiscal year commencing on April 1 and ending the following March 31.

SECTION IV

CONNECTION TO THE SYSTEM AND WATER

Service Rules and Regulations

Section 4.1 Extensions. Extensions of or changes in the Water Mains shall be made only at the direction of the Village Council. Petitions for the extension of old or construction of new Mains shall be addressed to the Village Council which will thereupon consider same and advise the petitioners of the decision. If the petition is granted, the Village Council shall determine the proportions of the cost to be borne by the petitioners and by the Village.

Section 4.2 Private Installations. Any person installing a Water Main at his own expense shall first submit plans and specifications of such work to the Village Council for approval. After such plans and specifications have been approved, the installation of such Main shall be conducted under the supervision of the Department. The Department may require the installer or owner to conduct any tests which the Department deems necessary. The Department shall approve the installation before Village water is admitted to such Mains. All inspection costs of such installation shall be paid by the Owner of the premises.

Section 4.3 Depth. All Water Service Pipes on either public or private property shall be laid on a solid bottom not less than 4 feet 6 inches below the established grade, subject to the approval of the Department. Water Service Pipe laid in the same trench with sewer service pipe shall be at least 18 inches from the sewer pipe and, if the sewer is laid at a greater depth, shall be shelved into the bank to a solid bottom.

Section 4.4 Size and Kind. All Water Service Pipes shall be not less than 1 inch in diameter extending from the main to the Premises. All stop or service cocks shall be at least 1 inch extra heavy round way stops placed 12 inches from road side of the sidewalk or the sidewalk line. The stop box shall be so placed that the cover is not below grade and must be set on a firm foundation to prevent settlement. The Department may require the installation of a larger size Water Service Pipe if deemed necessary or desirable.

Section 4.5 Stops. A separate stop and waste cock, or valve and waste cock, shall be placed on the Water Service Pipe just inside the building wall so that the water may be turned off and drained from the pipe in case of accident or in order to make repairs. Such stops shall be equal in quality to the service stops.

Section 4.6 Curb Box. The Water Service Pipe from the Main to the curb stop, the curb stop, and the curb box will be provided in place by the Department under the fee for the water permit hereinafter provided. Water Service Pipe from the Main to the building shall be maintained by the owner of the Premises. If after due notice the Owner fails to maintain such service, the Department is hereby authorized to turn off water at the curb stop.

Section 4.7 Turning On Water. The Owner or his agent shall not interfere in any way with the Water Service Pipe installed by the Department and is not permitted to turn water on or off at the curb stop except for the purpose of testing his work, in which case the curb stop shall be left in the same condition and position as when he found it. Any person called upon to shut off water and drain pipes in any Premises shall do so inside the building only.

Section 4.8 Replace Iron Pipe. Any old iron water service pipe requiring repair shall be replaced by galvanized or copper pipe, or pipe approved by State Plumbing Code under the same regulations as required for new services.

Section 4.9 Excavations. All holes or trenches dug in the public streets or alleys shall be back-filled. At no time will power shovels, drag lines or trenches be allowed to excavate upon an asphalt or concrete surface within the right-of-way without approval of the Department. The repairing and maintenance of streets, alleys, sidewalks and other paved surfaces where holes or trenches have been dug shall be done by the Department, but the Owner shall pay for same.

Section 4.10 Application. Before any connection shall be made to any Water Main, an application for same shall be made in writing by the owner of the Premises to be serviced, or by his authorized agent, and shall be filed with the Village Council. No service connection shall be made until the applicant therefor has agreed to pay water service bills promptly and has paid the fee for same in accordance with the following schedule:

(i) Application Fee. Applications for service shall be accompanied by an application fee of \$25.00;

(ii) Tap-in Fee. The tap in fee shall be \$1,000.00 for one inch (1") service pipes; \$1,500.00 for two inch (2") service pipes, \$2,000.00 for four inch (4") service pipes, and \$3,000.00 for six inch (6") and larger service pipes. Fee includes the meter. Fee is payable in up to five (5) annual installments with interest at the rate of 8% per annum;

(iii) Inspection Fee. An inspection fee shall be paid in advance in the amount of \$25.00;

(iv) Turn-on Fee. A fee of \$15.00 shall be paid to turn on or off water service for any premises including premises used by seasonal or part-time occupants.

No service shall be initiated until all fees have been paid by the Owner of the Premises applying for service, except in the case of tap-in fees which are payable in installments.

Section 4.11 Agreement. Before the Department makes a service connection the Owner shall execute an agreement to abide by all the rules and regulations of the Department, which agreement shall specify the Owner's responsibility for the payment of water service. The Department shall charge a fee for processing the application and agreement as set forth in 4.10 above.

Section 4.12 Multiple Service. No person shall take or use Village water from Premises other than his own and no person shall sell or give Village water from his own premises to another for any purpose without written permission from the Department. No connection through which water may pass from one location or Premises to another shall exist even though the ownership of both Premises may be the same unless such connection shall have been authorized by the Department.

Section 4.13 Change in Owner. Whenever the ownership of a Premises served by the Department changes, the new Owner shall take written application to the Department for continuation or reinstatement of service and shall agree as a condition to such continuation of service to abide by all the rules and regulations of the Department including paying the deposit fee.

Section 4.14 Tap-In Permits. No person shall attempt to make a connection with the Village System unless the Village Clerk and the Department shall have issued a tap-in permit for that purpose. Such permit shall be issued upon completion of a written application on forms prepared for that purpose which shall be made available by the Department. At his own expense, and subject to the supervision and inspection of the Department, an applicant for water service shall furnish, lay and install all that portion of the line or pipe not falling within a public easement or public property.

Section 4.15 Replacement of Service Lines by the Village. The Village shall pay all costs associated with the replacement by the Department of Water Service Pipes or portions thereof within rights-of-way or easements under the control of the Village, up to and including the curb valve when such replacement is not conducted solely for the convenience of the Owner of the Premises served. Such replacements shall be undertaken due to any of the following circumstances:

(i) Deterioration of the pipe due to age or material failures;

(ii) Damage caused to the pipe by any external agent or force, whether of natural origin or under the control of the Village;

(iii) Replacement or relocation of service lines for the convenience of the Department, as when water mains are replaced or relocated, or similar activities require the relocation of the service line.

Section 4.16 Replacement of Service Lines by the Owner. The Owner shall pay for all costs associated with replacement of those portions of the Water Service Pipe located on his property, i.e. from the curb stop to the meter, if any, or to the building if no meter has been installed. Such replacements shall remain the responsibility of the Owner regardless of whether they are occasioned by deterioration of the pipe, damage, or for the convenience of the Owner.

Section 4.17 Obsolete Services. When an Owner requires that his water line be replaced in order to meet additional water demands which exceed the capacity of his existing line, or to relocate Water Service Pipe for his own convenience, the existing pipes shall be considered to be obsolete. The Owner shall then be obligated to pay for a new water tap and Water Service Pipe from the Village water main to the meter, if any, or to the building if no meter has been installed, as well as for abandonment of the obsolete service.

Section 4.18 Access to Premises. The Village Council or any of its agents shall have power and authority at all reasonable hours to enter upon any Premises where water is furnished from the Village System for the purpose of reading meters or inspection of all pipes and fixtures connected with said System. The Council or any of its agents shall have power and authority to require any defective pipes or fixtures to be repaired, removed or replaced where the same are not in compliance with the provisions of this Ordinance or the Rules and Regulations of the Department pertaining to the System, and any person refusing or neglecting to make such repairs when so ordered shall be deemed guilty of a violation of the Code. If any authorized employee is refused admission to any Premises or is hindered or prevented from making such examination after admission, water service may be terminated from such Premises after twenty-four (24) hour notice to the Owner or occupant thereof.

Section 4.19 Water Meters. Water meters may be installed upon any premises supplied with water and any damage to said meter shall be assessed to such owner or tenant. Water consumers

shall not tamper with or remove meter from the service or interfere with the reading thereof.

Section 4.20 Termination of Service. The Village may terminate the supply of water to any Premises for just cause after ninety (90) days notice in writing to the address shown on current billing records. Once service is discontinued, a turn-on charge shall be paid prior to reinstating service to the premises. This charge shall be in accordance with the fee schedule set forth in Section 4.10 hereof.

Section 4.21 Lawn Sprinkling. The Department shall issue regulations governing the use of water for sprinkling lawns and gardens and the hours for such use.

Section 4.22 Stopping Water Service. When unsatisfactory or unsanitary sewage conditions exist on any Premises, the Department may discontinue water service to the Premises until conditions are corrected to its satisfaction.

Section 4.23 Private Fire Hydrants. The owners or operators of manufacturing institutions, lumber yards, warehouses, elevators, stores, hotels, schools and other public buildings who wish to install large pipes with hydrant and hole couplings to be used only in case of fire, will be permitted to connect with the street main at their own expense upon completion of an application to the Village Council, and shall pay for such connection an amount to be prescribed by the Village Council.

Section 4.24 Winter "Let Run" Service. No Owner receiving water from the Department shall be authorized to "let-run" the water in any Premises during the winter months unless written permission shall have been received from the Village Council or the Director of the Department. Before the Village shall issue such permission to let-run, the Owner shall establish to the satisfaction of the Director that freezing of the lines in question cannot be prevented by insulation, heat cables or the application of any other reasonable means. The Director is specifically authorized to direct that the Owner requesting a "let-run" shall insulate the water lines or attach heat cables thereto, or take such other reasonable precautions to prevent freeze-ups, at the Owner's expense. In the event that any Premises, consumer, user or service shall "let-run" water with or without written permission of the Director, such Owner shall be billed for water service at the regular rate for such service.

ARTICLE V

GENERAL PROVISIONS

Section 5.1 Hydrant Use. Fire hydrants are only to be opened and used by Department or Fire Department personnel. Any person desiring to use any fire hydrant of the Village must apply to use the same, specify hydrant(s) to be used and the purpose. Such person must report to the Department when such hydrant is to be used and also the termination of its use upon which a hydrant inspection will be made and the cost of repairs of such hydrant to be charged the user.

Section 5.2 Obstruction of Hydrants. No person shall in any manner obstruct or prevent free access to any fire hydrant. Obstructions include, but are not limited to, the placement or storage, temporarily or otherwise, of any object, material, snow, debris, or structure of any kind within a distance of fifteen (15) feet of same.

Section 5.3 Complaints. Persons may make complaints to the Village Council, in writing, regarding water service and the Village Council shall investigate any such complaints and, if necessary order the Department to take required action to remedy the situation.

Section 5.4 Village not Liable. The Village shall not be liable to any person or Premises, under any circumstances, for any failure of, or deficiency in, the supply of water. Further, should it become necessary to interrupt water service from any Premises or area because of accidents or act of God, or for the purpose of making repairs or extension, the Department will endeavor to give timely notice to Owners affected thereby. The Department shall, so far as is practical, use its best efforts to prevent inconvenience and damage arising from any such interruption, but failure to give such notice of shut-off shall not render the Village responsible or liable for damages that may result therefrom, or for any other cause.

Section 5.5 Leaks. In case of leakage, breakage or defect of the meter, the Owner of the Premises shall immediately notify the Department. The Owner of the Premises is to safeguard the meter in a reasonable way.

Section 5.6 Multiple Customers. In all cases where a water line is intended to supply more than one tenement, shop, store or building, it shall be the duty of the Owner of the Premises containing the service connection, or causing the same to be made, to install a branch with a stop cock for each branch outside the Premises supplied. Each such branch shall be suitably protected and marked as to be easily located. In no case shall one line supply more than one lot unless occupied by a

single building covering more than one lot used for a single industry or enterprise.

ARTICLE VI

WATER SERVICE RATES, CHARGES, BILLING AND ENFORCEMENT

Section 6.1 Rates and Charges. A person or entity whose premises are connected to the water supply system shall be considered a user and shall pay the rates and charges as determined by the Village and as designated as a "unit" charge. One unit shall be equivalent to the rate and charge of \$14.60 per month for operation and maintenance and \$9.15 per month for debt service for total of \$23.75 per month. The rates and charges as "units" are provided in the schedule entitled "Schedule of Water User Charge Units" as found in Appendix A attached hereto and incorporated herein.

(i) Bulk Service Charges. There shall be a \$20.00 service availability charge for filling of tanks and a charge of \$1.00 per 100 gallons of water supplied.

(ii) Construction or Unmetered Service Charge. There shall be a \$75.00 per month service charge for water supplied other than through a meter. Use of a fire hydrant as an unmetered outlet is not permitted.

(iii) Private Fire Hydrant Charge. There shall be a charge of \$20.00 per year per private hydrant. In no event shall anyone construct or maintain a private fire hydrant without first obtaining a permit as set forth in Section 4.23.

Section 6.2 Deposits. In addition to the applicable fees, and charges, the Owner shall deposit \$10.00 with the Village Treasurer to insure payment of water service bills. Upon termination of service, the deposit less any unpaid water service bills shall be refunded to the Owner.

Section 6.3 Water Rates Outside the Village Limits. The rates charged users of water service furnished outside the corporate limits of the Village shall be in accordance with contracts executed between the Village and the governmental units receiving water service. Water rates to any consumer outside the corporate Village limits shall be fixed by the Village Council.

Section 6.4 Delinquencies; Statutory Lien. Charges for water services are hereby made a lien on premises served by the System and whenever any such charge against any premises shall be delinquent for six (6) or more months, the Department or other official of the Village responsible for the collection thereof shall certify annually, not later than September 1 of each year, to the tax assessing officer the fact of such delinquency,

whereupon such lien shall be entered by the assessing officer upon the next tax roll against the premises to which the services were rendered and the charges shall be collected and the lien therefor enforced in the same manner as provided for the collection of taxes assessed upon the roll and the enforcement of the lien for the taxes. After service is terminated on account of delinquency, water service shall not be resumed until the Owner pays the delinquent amount in full along with a turn-on fee of \$15.00 and a deposit in an amount which shall be determined by the Treasurer. No deposit fee shall bear interest for the benefit of the owner, and any interest earned by said deposit fees shall be used for maintenance of the water system.

Section 6.5 Special Water Rates. Special water rates may be established by the Village Council to meet Special circumstances or situations where, in its judgment, a special rate is deemed proper and advisable. In no event, however, shall charges for regular customers be less than those set forth in Section 6.1.

Section 6.6 No Free Service. No free service shall be furnished by the Department to any person, firm or corporation, public or private, or to any public agency or instrumentality.

Section 6.7 Billing by Treasurer. By the 20th day of each month, the owner of Premises served shall pay the Village Treasurer a water service charge for the category of premises according to the schedule, regardless of whether a bill has been presented to the Owner by the Village.

ARTICLE VII

MISCELLANEOUS

Section 7.1 Conservation Notice Procedure. The Village Council shall review periodically the potential water supply of the Village. Should the Village Council find that there is a potential shortage of water, the Department shall post a water conservation notice requiring Village water users to refrain from using Village water supplies for sprinkling lawns, washing cars, and any other use of water not needed for the continued health and sanitation of the residents of the Village.

Section 7.2 Penalties. Persons who violate any provisions of this Ordinance shall be served written notice stating the nature of such violation and provided a reasonable time limit for the satisfactory correction thereof. The notice shall state the period of time within which the violator shall comply with the requirements of this Ordinance. If the violation is not cured within the time period set forth in the notice, the Department may bring an action against the violator in a court of competent jurisdiction. Any person convicted of any violation of this

Ordinance may be imprisoned in the County Jail for a period not exceeding ninety (9) days, or shall be fined not less than \$100.00 or both, at the discretion of the Court. Each day or fraction of a day in which such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of this Ordinance shall be liable to the Village for any expense, loss, or damage occasioned by reason of such violation, including attorneys fees and court costs.

Section 7.3 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 thereof 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 7.4 Publication and Recordation. This Ordinance shall be published in full promptly after its adoption in a newspaper of general circulation in the Village, qualified under State law to publish legal notices and shall be recorded in the Ordinance Book of the Village, which recording shall be authenticated by the signatures of the President and Village Clerk.

Section 7.5 Effective Date. This Ordinance is hereby determined by the Village Council to be immediately necessary for the preservation of the peace, health and safety of the Village and shall be in full force and effect from and after its passage and publication as required by law.

Passed and adopted by the Village Council of the Village of Martin, County of Allegan, State of Michigan on Oct 22, 1990 and approved by me on Oct 22, 1990.

VILLAGE OF MARTIN

By: Richard A. Conkling
Its President

Attest:

Jayne Merrill
Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance duly adopted by the Village Council of the Village of Martin, County of Allegan, State of Michigan, at a meeting held on Oct. 22, 1990; that said meeting was conducted and public notice was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976; and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following members were present at said meeting:

Pierce, Merrill, Conklin, Porter, Brinkhuis, Mihelich

and that the following members were absent: Flower

I further certify that Member Mihelich moved for the adoption of said Ordinance and that Member Porter supported said Motion.

I further certify that the following members voted for adoption of said Ordinance:

Pierce, Merrill, Conklin, Porter, Brinkhuis, Mihelich

and that the following Members voted against adoption of said Ordinance: None

I further certify that notice the proposed ordinance was published in the Penasee Globe, a newspaper of general circulation within the Village on Oct. 10, 1990; that the adopted Ordinance was published in said newspaper on Oct. 24, 1990; was recorded in the Ordinance Book of the Village of Martin on Oct. 24, 1990, and that such recording has been authenticated by the signatures of the Village President and Clerk.

Jayce Merrill, Clerk

Attest:

Richard Conklin, President
President

SCHEDULE OF WATER USER CHARGE UNITS

Occupation Use	Units	Unit Factor
Single Family Residence	1.0	per residence
Auto Dealers - New and/or Used	1.0	per premise plus 0.25 per 1,000 sq ft. of building inc. service area same as above
Auto Repair/Collision	1.0	
Auto Wash (Coin Operated Do-it-yourself 10 gal. or less per car)	1.0	per stall
Auto Wash (Mechanical - Over 10 gal per car - Not Recycled)	10.0	per stall or production line including approach & drying area
Auto Wash (Mechanical - Over 10 gal per car - Recycled)	5.0	same as above
Barber Shop	1.0	per shop + 0.1 per chair after 2
Bar	4.0	per 1000 sq. ft.
Beauty Shops	1.0	per shop - 0.1 per booth
Bowling Alleys (no bar)	1.0	per premise + 0.2 per alley
Churches	0.25	per 1,000 sq. ft. - min. 1 unit
Cleaners (pick up only)	1.0	per shop
Cleaners (with cleaning & pressing)	1.0	per premise + 0.5 per 500 sq. ft.
Clinics (Medical or Dental)	1.0	per premise + 0.5 per exam room
Convalescent or Boarding Homes	1.0	per premise + 0.25 per bedroom
Convents	1.0	per premise + 0.25 per bedroom
Country Clubs & Athletic Clubs	1.5	per 1,000 sq. ft. of clubhouse + restaurant and bar
Drug Stores	1.0	per premise + snack bar
Factories (office & production)	0.75	per 1,000 sq. ft.
Wet Process		based on metered water flow
General Home	1.5	per 1,000 sq. ft. + residence to be computed separately
Grocery Stores & Super Markets	1.0	per premise + 0.8 per 1,000 sq ft.
Hospitals	1.0	per bed
Hotels and Motels	0.4	per bedroom + restaurant & bar
Laundry (self serve)	1.0	per premise + 0.5 per washer
Two Family Residential	1.0	per unit
Mobile Homes (free standing)	1.0	per unit
Mobile Homes (parks or subdivision)	0.75	per pad or sight at indirect connection rate + laundry & other buildings per schedule
Multiple Family Residences:		
Duplex or Row Houses	1.0	per dwelling unit
Apartments	1.0	per dwelling unit
Fraternity or Sorority Houses	0.5	per dwelling unit
Professional Office	0.25	per 500 sq. ft. - min. 1.0 unit
Public Institutions	0.75	per 1,000 sq. ft.
Restaurants (meals only)	2.5	per 1,000 sq. ft.
Restaurants (meals & drinks)	6.5	per 1,000 sq. ft.
Restaurants Auxiliary Dining Rooms (used less than 20 hrs. per wk.)	2.0	per 1,000 sq. ft.
Schools	1.0	per classroom
Service Stations	1.5	per 1,000 sq. ft. of building area
Snack Bars, Drive-Ins, etc.	2.5	per 1,000 sq. ft.
Retail Store (other than listed)	1.0	per premise + 0.1 per 1,000 sq ft.
Theaters (drive-in or sit down)	0.04	per car space or seat
Post Office	1.0	per 1,000 sq. ft. - min. 1.0 unit
Warehouse & Storage	0.2	per 1,000 sq. ft.
Veterinary Facility	0.5	per facility
Veterinary Facility with Kennel	1.5	per facility + 0.1 per kennel