

**CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN**

ORDINANCE NO. O-22-722

AN ORDINANCE TO AMEND CHAPTER 82, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTIONS 82-36 THROUGH 82-38, 82-311 THROUGH 82-313 AND 82-315 THEREOF.

THE CITY OF OAK PARK ORDAINS:

ARTICLE II. – WATER

Sec. 82-36. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Department means the public works department of the city.

Division means the utility billing division of the city.

Water connection means that part of the water distribution system connecting the water main with the premises served.

Water main means that part of the water distribution system located within easement lines or streets designed to supply more than one water connection.

(Code 1973, § 42-17)

Cross reference —Definitions generally, § 1-2.

Sec. 82-37. Service connections.

Service connections shall be installed by the department upon payment of the required connection fee and meter installation fee. All meters and water connections shall be the property of the city. Connection fees and meter installation charges shall not be less than the cost of materials, installation and overhead attributable to such installations. Each dwelling unit and separate premises shall be connected to an individual tap at the water main and be provided with a meter; provided, however, that this requirement shall not apply to an apartment building containing more than two separate dwelling units. Each such apartment building, although containing multiple apartment units, may be served by one tap and a meter.

(Code 1973, § 42-18; Ord. No. O-94-317, § 2, 2-7-94; Ord. No. O-99-393, § 1, 6-21-99)

Sec. 82-38. Service connection and disconnection fees.

(a) Fees for water service connections and disconnections within the city shall be determined by ordinance in the amount specified by the fee schedule approved by the city council.

(b) Fees for water service connections and meter installation as listed on the annual fee schedule approved by city council will be the sum of the following four (4) items, based on the size of the water service and meter to be installed, and include plan review and inspection by the city:

(1) Water main tap and inspection fee. This fee covers the cost for persons other than city employees to make the necessary water tap to the water main. It includes the cost of required inspections by the city from the tap at the water main to the stop box. Persons involved with the water tap process must secure the necessary permits and/or bonds prior to the start of construction.

(2) Meter installation fee. This fee covers the cost for the city to install the required meter and outside reading device for an individual property.

(3) Meter charge fee. This fee covers the cost of the meter and outside reading device.

(4) Construction water charge. This charge covers water used during construction of buildings, as well as the sewage disposal charge connected therewith, prior to the installation of the water meter.

(c) *Service disconnection fee*. The fee for disconnecting water service is listed on the annual fee schedule approved by the city council. This fee covers the cost for the city to provide the necessary services to discontinue the water service to a property or dwelling unit. Disconnection of a water service larger than two inches in diameter shall be the responsibility of the owner, and an inspection fee listed on the annual fee schedule approved by the city council, shall be charged. If the city does the work, the owner shall be charged a fee calculated on a time and materials basis.

(Code 1973, § 42-19; Ord. No. O-99-393, § 2, 6-21-99; Ord. No. O-02-478, § 1, 12-2-02)

ARTICLE V. – RATES AND CHARGES

Sec. 82-311. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Division means the city division of utility billing.

Finance director means the director of the city department of finance.

Premises means each lot or parcel of land, building or premises having any connection to the water distribution system of the city or the sewage disposal system of the city.

(Code 1973, § 42-115; Ord. No. O-94-317, § 4, 2-7-94)

Cross reference— Definitions generally, § 1-2.

Sec. 82-312. – Basis of charges.

- (a) All water service shall be charged for on the basis of water consumed as determined by the meter installed at the premises of utility service customers by the city.
- (b) All sewage disposal service shall be charged for on the basis of water consumed as determined by the meter installed at the premises of utility service customers by the city.
- (c) All stormwater runoff service shall be charged on the basis of a premises' pervious and impervious surface areas.
- (d) All infrastructure service shall be charged for on the basis of the size of the water meter at the premises no matter the state of installation.
- (e) All industrial waste control service shall be charged for on the basis of the meter installed at the premises. No such charge shall be levied on the basis of any meter which serves exclusively residential users, including all structures designed for habitation including, but not limited to, single-family or two-family dwellings, apartment buildings, condominiums, townhouses, and mobile homes, nor shall such charge be levied on the basis of any meter which serves exclusively for fire protection, irrigation, educational institutions, and government entities.
- (f) All high-strength pollutant disposal service shall be charged to commercial and industrial customers, other than restaurants, contributing sewage to the sewage disposal system with concentrations of pollutants exceeding the following levels:
 - 1. 275 milligrams per liter (mg/l) of biochemical oxygen demand (BOD);
 - 2. 350 milligrams per liter (mg/l) of total suspended solids (TSS);
 - 3. 12 milligrams per liter (mg/l) of phosphorus (P);
 - 4. 100 milligrams per liter (mg/l) of fats, oils, and grease (fog).
- (g) No free water, sewage disposal, stormwater runoff, infrastructure, industrial waste control or high-strength pollutant disposal service shall be furnished to any person.

(Code 1973, § 42-116)

Charter reference— Utility rates and charges, collection, § 14.3 et seq.

Sec. 82-313. – Determination.

- (a) *Generally.* The rate model and charges to be imposed for the consumption and use of water, sewage disposal, stormwater runoff, infrastructure, industrial waste control, high-strength pollutant disposal services furnished by the city shall be determined by ordinance and the fee schedule approved annually by the city council.
- (b) *Enumeration.* The rates and charges for consumption and use of water, sewage disposal,~~and~~ stormwater runoff, infrastructure, industrial waste control, high-strength pollutant disposal services are as follows:
 - (1) *Water rate.* The rate to be charged for water service shall be listed on the annual fee schedule approved by the city council.
 - (2) *Sewage disposal rate.* The rate to be charged for sewage disposal shall be listed on the annual fee schedule approved by the city council.

- (3) *Stormwater runoff rate.* The rate to be charged for stormwater runoff shall be listed on the annual fee schedule approved by the city council.
- (4) *Infrastructure fee.* The fee to be charged for infrastructure shall be listed on the annual fee schedule approved by the city council.
- (5) *Industrial waste control charge.* The fee to be charged for industrial waste control shall be listed on the annual fee schedule approved by the city council.
- (6) *High-strength pollutant disposal surcharge.* The fee to be charged for high-strength pollutants shall be listed on the annual fee schedule approved by the city council. Great Lakes Water Authority is responsible for billing and collecting this surcharge.
- (7) *Collection policy.* Charges for water, sewage disposal, stormwater runoff, infrastructure, industrial waste control, high-strength pollutant disposal and garbage collection services furnished by the city to any premises shall be a lien thereon, and on March 1 and on September 1 of each year, the person or agency charged with the management of the systems shall certify any such charges which have been delinquent six months or more, to the city assessor who shall enter the same upon the next available tax roll against the premises to which such services shall have been rendered, together with a penalty of an additional ten percent. The charges shall be collected and the lien shall be enforced in the same manner as provided in the respect to taxes assessed upon such roll; provided, that no such charge shall become a lien when a tenant is responsible for the payment of any such charge against any premises and the city has been so notified by the filing of an affidavit that the lease contains a provision that the landlord shall not be liable for payment of water or sewage system bills accruing subsequent to the filing of the affidavit. The affidavit shall be filed with the official in charge of the water works system and 20 days' notice shall be given by the landlord of any cancellation, change in, or termination of the lease. The affidavit shall contain a notation of the expiration date of the lease. In the event of the filing of such affidavit, no further service shall be rendered by the systems to such premises until payment to the city of a cash deposit in accordance with section 82-316.
- (5) *Services outside the city.* Water service provided outside the corporate limits of the city shall be provided by contract only with approval of the city council, and in no event shall the rates and charges for such service be less than the rates charged to customers residing within the corporate limits of the city.

The city shall pay the same water, sewage disposal, stormwater runoff, and infrastructure fees-for service to itself as would be payable by a private customer for the same service.

(Code 1973, § 42-118; Ord. No. O-94-317, § 6, 2-7-94; Ord. No. [O-21-708](#), 6-21-21)

Sec. 82-315. - Payment.

- (a) The fees, rates, and charges imposed for water and sewer services furnished by the city shall be effective as to bills paid on or before the due date indicated on each billing. Thereafter, a penalty of five (5) percent of the outstanding balance of the account shall be added to each bill. The city manager, or his designee, shall be permitted to waive one penalty per year. The penalty must be assessed and removed in the same calendar year. In addition to other applicable penalties or late fees, a service charge, as listed on the annual fee schedule approved by the city council, shall be added to all bills for which payment is made by check, debit card, or credit card if such payment is returned to the city after being dishonored upon presentment. In the event that the charges for any such services furnished to any premises shall not be paid within 30 days after the due date thereof, then the water services furnished by the system to such premises shall in all cases be discontinued. The failure to receive a utility bill shall not invalidate any charges imposed for water, sewage disposal, stormwater runoff,

infrastructure, industrial waste control, high-strength pollutant disposal and garbage collection services furnished by the city.

- (b) The customer will be notified of the consequences of failure to pay the utility bill in the following methods prior to actual discontinuation:
 - (1) A shutoff notice will be mailed via first-class mail to the mailing address on file for any property where service is scheduled for shut off. The shutoff notice will indicate the past due balance to be paid by acceptable funds, other than personal check, and the earliest date the water could be shut off. A fee will be added to each account receiving a shutoff notice as listed on the annual fee schedule approved by the city council.
- (c) In the case of a disputed bill, the customer, prior to the mailing of a shutoff notice, may request a hearing to show cause of why the billing is incorrect. A hearing shall be scheduled before a hearing officer, who may be the city manager or his or her designee. The hearing officer will provide the customer with an opportunity to be heard regarding the dispute over the amount of the bill, and will hear such evidence as the customer may have in support thereof. The hearing officer shall review the bill, perform such additional investigation of the matter as may be determined to be warranted under the circumstances, and correct any billing errors. Such hearings shall be informal and the decision of the hearing officer shall be final.
- (d) Payment plans are available in the utility billing division to stop a disconnection if the following rules are adhered to:
 - (1) The payment plan shall be signed by the property owner and filed in the utility billing division prior to a shutoff notice being mailed.
 - (2) One fourth of the past due amount shall be paid in acceptable funds, other than personal check, at the time of filing of the payment plan, with the balance to be paid in monthly installments. Charges that accrue following the start date of the plan—including regular billing—are not covered by the plan, and therefore must be paid by their indicated due date.

If the customer falls behind on any payment as stated in the payment plan, the water will be shut off—as stated in the plan—without notice. Payment plans will not be accepted after a shutoff notice has been mailed. At this point the full amount must be paid in acceptable funds other than personal check.
- (e) Fees upon shut off:
 - (1) If the service is shut off, a shutoff for delinquency fee, in an amount as listed on the annual fee schedule approved by the city council, will be charged. This fee must be paid along with the past due amount in acceptable funds other than personal check before the service will be restored. The water service will be restored between 8:00 a.m. and 3:00 p.m. Monday through Thursday, except for holidays when the city offices are closed. In order to have service restored the same day, charges must be paid prior to 3:00 p.m. If the customer desires, service may be restored outside the hours stated above if personnel are available and the customer is willing to pay overtime charges as follows: two employees times their overtime rate times two hours. Overtime charges must be paid along with the past due amount and the shutoff for delinquency fee in acceptable funds other than personal check. Any restoration of water service requires an adult of at least 18 years of age to be inside of the premises. Any water shut off for 45 days or more requires an appointment to restore water service.
 - (2) Any water service shut off by the city and found restored without city approval shall be deemed an "illegal turn on" and shall result in additional fees for the first occurrence. Any subsequent occurrence will result in an additional charge. If the city elects to disable the water service line, an additional fee will be assessed. Any balance on an account deemed an illegal turn on must be paid in full by acceptable funds other than personal check to restore water service. Fees shall be listed on the annual fee schedule approved by the city council.

- (f) If a scheduled appointment with the utility billing division is missed, a missed appointment fee will be assessed to the account as listed on the annual fee schedule approved by the city council.

In cases where the city is properly notified in accordance with section 82-313 that a tenant is responsible for water sewage disposal, stormwater runoff, infrastructure, industrial waste control, high-strength pollutant disposal or garbage collection charges, no such service shall be commenced or continued to such premises until there has been deposited with the utility billing division a sum sufficient to cover 6 times the average monthly utility bill for such premises, as estimated by the finance director. Where the water service to any premises is shut off to enforce the payment of water charges, sewage disposal charges, stormwater runoff charges, infrastructure, industrial waste control, high-strength pollutant disposal or garbage collection fees, the water service shall not be restored until all delinquent charges have been paid and a deposit, as in the case of tenants, is made. There shall be a water turn-on charge to turn the water back on as listed on the annual fee schedule approved by the city council.

(Code 1973, § 42-120; Ord. No. O-94-317, § 8, 2-7-94; Ord. No. [O-15-620](#), § 2, 10-19-15) Sec. 82-317. - Same—Use.

Deposits collected under the provisions of this article may be applied against any delinquent water, sewage disposal, stormwater runoff, infrastructure, industrial waste control, high-strength pollutant disposal or garbage collection fees, and the application thereof shall not affect the right of the utility billing division to shut off the water service to any premises for any delinquency thereby satisfied. No such deposit shall bear interest. Any remaining balance, after all charges are satisfied, will be returned to the tenant who made the deposit.

(Code 1973, § 42-121; Ord. No. O-94-317, § 9, 2-7-94)

SECTION 3. SEVERABILITY.

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of the Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this 20th day of June, 2022.

T. EDWIN NORRIS
City Clerk

MARIAN McCLELLAN
Mayor

I, T. Edwin Norris, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on June 20, 2022.

T. EDWIN NORRIS, City Clerk

First Reading:	June 7, 2022
Second Reading:	June 20, 2022
Adopted:	June 20, 2022
Published	June 26, 2022