

ORDINANCE NO. 369

ORDINANCE AMENDING SECTIONS 70-31, 70-35, 70-73, 70-95, 70-171(b), AND 70-174(b) OF THE WILLIAMSTON CODE OF ORDINANCES, AND ADDING SECTION 70-76 TO THE WILLIAMSTON CODE OF ORDINANCES

WHEREAS, the City of Williamston desires to amend Sections 70-31, 70-35, 70-73, 70-95, 70-171(b), and 70-174(b) of the Williamston Code of Ordinances to reflect a change in the water billing cycle from bi-monthly to monthly, and to make other necessary changes; and

WHEREAS, the City of Williamston desires to add Section 70-76 to the Williamston Code of Ordinances regarding maintenance and regulation of water utility curb boxes.

NOW, THEREFORE, the City of Williamston ordains:

Section 1. Section 70-31 of the Code of Ordinances, City of Williamston, Michigan, is hereby amended to read as follows:

“Sec. 70-31. - Generally.

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

Financial resources and fiscal stability mean the process of determining the amounts needed by the city to retire any bonds or other statutory financial commitments made by the city, related to the construction or improvements to the water and sewer systems and to provide for the continued maintenance and repair of these systems.

Rates and fees means the monetary amounts to be charged for connection to and the usage of the city water and sewer systems, inside the city and outside the city, including amounts chargeable for connections (tap-in fees), improvements, repairs, usage and special amounts as may be determined for special conditions.

(b) *Establishment by council to provide for financial resources and fiscal stability of water and sewer system.* The city council shall establish, pursuant to this section, monetary amounts for rates, fees, and other charges as it deems necessary to provide for the financial resources and fiscal stability of the water and sewer system. The city council shall establish by resolution the rates and fees provided for in this subsection (b) at any regular or scheduled meeting by a majority vote of its members present.”

Section 2. Section 70-35 of the Code of Ordinances, City of Williamston, Michigan, is hereby amended to read as follows:

“Sec. 70-35. - Due date; discontinuance of service for nonpayment of bill; notice of disconnection.

- (a) Bills for city water and sewer service will be mailed to the user on or before the tenth day of every month. Billing will be for the previous month’s usage. Bills are due and payable in full on the last Wednesday of the billing month.
- (b) For any bill not paid in full, a penalty will be charged the day after the due date in an amount established by resolution. The water/sewer service of any account not paid by the third Wednesday of the month following the due date will be disconnected. Eight business days prior to the third

Wednesday disconnection date, a shut off notice will be mailed via regular mail notifying the user that their water/sewer will be disconnected.”

Section 3. Section 70-73 of the Code of Ordinances, City of Williamston, Michigan, is hereby amended to read as follows:

“Sec. 70-73. - Connections and use required.

To ensure the payment of the city's obligations incurred in connection with the creation, maintenance, and extension of the public water supply system, and to ensure the public health, safety, and welfare, any structure for which a building permit is obtained which is to be used for human occupancy, employment, recreation, or other purposes and is to be located within the city limits, shall be connected to and obtain its entire water supply for human consumption purposes, sanitary purposes, irrigation systems, fire hydrants, and fire sprinkler systems from the city's public water supply system. Any cost of extending the city's water supply system shall be the responsibility of the property owner or designee unless otherwise determined and agreed by the city. Any extension of the city's water supply system shall be designed and constructed in accordance with the city's municipal standards and applicable state law.”

Section 4. Section 70-76 of the Code of Ordinances, City of Williamston, Michigan, is hereby added to read as follows:

“Sec. 70.76 – Maintenance of curb boxes.

- (a) It is determined and declared to be necessary for the public health and welfare of the city that all curb boxes for water shutoff shall remain accessible from above ground. Any attempt to make the curb box inaccessible will be deemed a violation of this ordinance. The City shall have the authority to make the curb box accessible at the owner's expense, by removing any obstruction, or towing any vehicle upon notice to the owner.
- (b) If a curb box is covered and cannot be readily located for that reason, all charges for additional time needed in locating the curb box, as compared with the time that would be spent in locating one above the ground, and all other additional expenses shall constitute a lien on the property served; and if not paid within six months after the expenses are due, the amount due shall be certified to the tax assessing officer of the city, who shall enter such delinquent charges upon the next general city tax roll as a charge against such premises; and the lien shall be enforced in the same manner as provided by law for delinquent and unpaid taxes.
- (c) The property owner shall be solely responsible for the entire cost of maintenance, repair and replacement of the water service lead from the building served to the curb box, including all separate shut-offs up to the common curb box. The city shall be solely responsible for the entire cost of maintenance, repair and replacement of the water service lead from and including the curb box and shut-off valve, or common curb box and shut-off valve to the water main.”

Section 5. Section 70-95 of the Code of Ordinances, City of Williamston, Michigan, is hereby amended to read as follows:

“Sec. 70-95. - Reimbursement for damage.

Any damage which a meter or meter reading equipment may sustain resulting from carelessness of the owner, agent, or tenant or from neglect of either of them to properly secure and protect the meter or meter reading equipment, as well as any damage which may be brought by frost, hot

water, or steam backing from a boiler or home repair, shall be paid by the owner of the property to the city on presentation of a bill which shall be based on time and materials, and shall be collected in the manner provided for water bills.”

Section 6. Section 70-171(b) of the Code of Ordinances, City of Williamston, Michigan, is hereby amended to read as follows:

“Sec. 70-171. - Building sewer and connections.

(b) *Costs and expenses.* All cost and expense incident to the installation, connection and maintenance of the sanitary sewer service lead from the building to the public sanitary sewer main shall be borne by the owner.”

Section 7. Section 70-174(b) of the Code of Ordinances, City of Williamston, Michigan, is hereby amended to read as follows:

“Sec. 70-174. - Private sewage disposal.

(b) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in section 70-170(d), and if the Ingham County Health Officer determines that an existing private sewage disposal system is not in compliance with applicable laws and regulations, a direct connection shall be made to the public sewer in compliance with this article within 90 days of official notice to do so, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned for sanitary use and filled with a suitable material.”

Section 8. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 9. Savings Clause. This ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any ordinance, resolution, order or parts thereof, hereby repealed; and this ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the City or other person, either criminal or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, order or policy, or any part thereof, hereby repealed.

Section 10. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

Section 11. Effective Date. This Ordinance shall become effective on July 1, 2019, at least fifteen (15) days from and after its adoption by the City of Williamston City Council and after its publication.

Tammy Gilroy, Mayor

Holly Thompson, City Clerk

First Reading: 04/22/19
Second Reading: 05/13/19
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