

**CHARTER TOWNSHIP OF AUGUSTA
WASHTENAW COUNTY, MICHIGAN
ORDINANCE No. 2020-04**

SUPPLEMENTAL REMEDIES – METER REPLACEMENT PROGRAM

EFFECTIVE DATE: AUGUST 17, 2020

AN ORDINANCE TO ESTABLISH REGULATIONS, REMEDIES, FEES AND PENALTIES ASSOCIATED WITH INSTALLATION OF TOWNSHIP WATER METERS AND TO GENERALLY PROTECT THE HEALTH, SAFETY AND WELFARE OF TOWNSHIP UTILITY CUSTOMERS AND THE AUGUSTA TOWNSHIP WATER UTILITY SYSTEM UNDER AUTHORITY OF PA 359 OF 1947, AND PA 107 OF 1941.

THE CHARTER TOWNSHIP OF AUGUSTA, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

SECTION 1 PURPOSE & INTENT

This Ordinance is adopted to provide regulations and remedies to assure the efficient management and operation of the Township's water utility service and meter replacement program. The Township entered into an agreement with SLC Meter, LLC for the installation of new water meters to make significant improvements to the Township utilities at a significant cost to the Township. The agreement with SLC Meter, LLC provides a limited time period upon which installation of the meters must occur. Once that period has expired, the Township will be responsible for and incur the additional cost to install new meters not installed by SLC Meter, LLC for the reason that access to meters was not allowed by certain customers of the water utility. The Township owns and operates the water utility system including all water meters installed in the system as provided for and in accordance with Ordinance No. 2019-06, the Township Water and Sewer Use Ordinance. Ordinance No. 2019-06 requires utility customers to allow access to water meters upon request by the Township, and it is a specific violation of Ordinance No. 2019-06 for which penalties may be imposed against a customer who does not allow access to the meters when requested by Township. Ordinance 2019-06 further provides that the Township may discontinue water service to any customer who does not allow access to a water meter upon request. Under normal circumstances these remedies in Ordinance No. 2019-06 would be sufficient. However, the Governor of the State of Michigan has issued multiple executive orders that potentially interfere with the Township's normal ordinance enforcement remedies and authority. Accordingly, this Ordinance is intended to provide additional regulations and remedies to avoid the potential that the Township may incur substantial costs and expenses to install meters that could not be installed by SLC Meter, LLC because certain utility customers failed or refused to allow access to water meters for replacement.

SECTION 2 SUPPLMENTAL REMEDIES FOR FAILURE OF UTILITY CUSTOMER TO ALLOW ACCESS TO WATER METERS

Water utility customers are required under Ordinance No. 2019-06 and this Ordinance to allow access to water meters on or within a premise upon request of the Township and any of its duly appointed agents. For the purpose of facilitating installation of new water meters in the Township, each customer shall facilitate access to meters at the customer's premises by making and keeping an appointment to replace the meter, or by allowing access to a meter when approached and requested by personnel or duly appointed agent of the Township. Upon a 3rd failed attempt by the Township to obtain access to a water meter because a customer failed to make and keep an appointment for meter replacement, or because a customer when approached by a duly appointed agent of the Township fails or refuses to allow access to a meter, one or more of the following remedies shall be imposed:

- A. A surcharge for failure to allow access to the meter shall be imposed in the amount of \$20.00 per day until such time as access to the meter for replacement is allowed;
- B. A 7-Day water shut-off notice will be sent to the utility customer on file for the property and to the owner of the property by mail, and a shut off notice fee in the amount of \$60.00 shall be imposed as provided for in the Township's Water and Sewer Use Ordinance;
- C. A prosecution for violation of the Water and Sewer Use Ordinance may be instituted;
- D. If prosecution is instituted under subsection C above, the customer shall pay all costs and expenses incurred by the Township for enforcement and because of the failure to provide access to the meter, including the Township's actual attorney fees, and in addition to the \$20.00 per day surcharge stated above;
- E. The Township may seek an emergency search warrant and water meter installation order from a court with jurisdiction, and all costs of the Township incurred for this proceeding, including actual attorney fees, shall be assessed to the customer;
- F. Upon obtaining access to the meter for replacement, the customer shall be responsible for any additional costs to the Township and/or SLC Meter, LLC incurred because access was not initially allowed by the customer.

SECTION 3 COLLECTION OF CHARGES

Additional charges imposed under Section 2 of this Ordinance shall be itemized and sent to the customer as a separate invoice in addition to any bi-monthly utility service charges billed to the customer. The invoice shall be due and payable to the Township within 30 days of the invoice. If the invoice is not paid within 30 days, the invoice shall be marked as delinquent and an additional 10% administrative penalty shall be imposed. Charges under this Ordinance that remain unpaid for 6 months shall be reported by the Treasurer to the Board and the Board may, after due notice to the customer and owner of the property, assess the amount due as a utility assessment tax against the property and shall be collected in the same manner as general property taxes. The invoice shall include a notice to the customer that the decision regarding the charges in the invoice may be appealed to the Board within 14 days of the invoice date.

SECTION 4 RIGHT OF APPEAL

A person or entity invoiced for charges under Section 2 of this Ordinance may appeal the determination and charges to the Township Board by filing a request for review of the charges with the Township Clerk within 14 days of the invoice date. A timely appeal filed under this Section stays collection and further penalties until the appeal is finally decided by the Board. If good cause is presented to the satisfaction of the Board that any of the charges imposed should be reduced or rescinded because the customer did not willfully stall or prevent access to the meter, then the Board may exercise its discretion to reduce or rescind any of the charges imposed under this Ordinance. This administrative appeal only applies to administrative charges provided for in this Ordinance and does not apply to any costs or awards entered by a court with jurisdiction over an enforcement or other legal action brought by the Township.

SECTION 5 SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by a court with competent jurisdiction, it shall not affect any portion of the Ordinance except that part or portion affected by the court's decision.

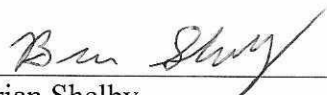
SECTION 6 SUPPLEMENTAL ORDINANCE & SAVINGS CLAUSE

This Ordinance is supplemental and in addition to Ordinance No. 2019-06, and not in derogation thereof. The provisions of this Ordinance shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution of any right established, occurring prior to the effective date hereof.

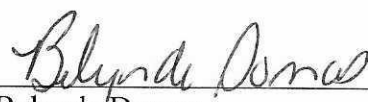
SECTION 7 ADOPTION AND EFFECTIVE DATE

This Ordinance shall be published in the manner as required by law. Except as otherwise provide by law, this Ordinance shall be effective on the day after final publication.

This Ordinance was duly adopted by the Charter Township of Augusta Board at its regular meeting held on the 11th day of August 2020 and was ordered given publication in the manner required by law.



Brian Shelby
Charter Township of Augusta Supervisor
Dated: 8/14, 2020



Belynda Domas
Charter Township of Augusta Clerk
Dated: 8/14, 2020

First Reading: **July 28, 2020**
First Publication: **August 2, 2020**
Adoption: **August 11, 2020**
Final Publication: **August 16, 2020**
Effective Date: **August 17, 2020**

CLERK'S CERTIFICATE

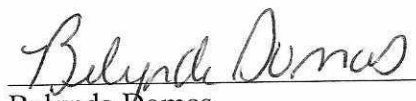
I, Belynda Domas, Clerk of the Charter Township of Augusta, Washtenaw County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of Augusta Charter Township Ordinance No. 2020-04, which was duly adopted by the Township Board of Augusta Charter Township at a Regular Meeting of said Board, held on August 11, 2020, after said Ordinance had previously been introduced at a Regular Meeting of the Board held July 28, 2020, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member Domas moved for adoption of said Ordinance, and that Member Shelby supported said motion.

I further certify that the following Members voted for adoption of said Ordinance: Adams, Burek, Domas, Howard, Ortiz, Shelby and that No Members voted against adoption of said Ordinance, and that the following Members were absent or abstained from voting on the adoption of said Ordinance Chie.

I further certify that after its passage the Ordinance was published on August 16, 2020, in accordance with P.A. 359 of 1947, as amended.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Clerk.


Belynda Domas
Charter Township of Augusta Clerk
Dated: 8/14, 2020