

TOWNSHIP OF
SANILAC, SANILAC
COUNTY, MICHIGAN

WATER SYSTEM ORDINANCE
(As Amended)

AN ORDINANCE TO ESTABLISH RULES FOR THE INSTALLATION, USE, OPERATION AND MAINTENANCE OF THE SANILAC TOWNSHIP WATER SYSTEM; TO REGULATE PRIVATE WELLS; TO PROVIDE FOR THE USE, INSTALLATION, AND MAINTENANCE OF WATER METERS; TO ESTABLISH RATES AND CHARGES AND A METHOD OF COLLECTING THE SAME; TO REGULATE THE USE OF FIRE HYDRANTS; TO PROVIDE FOR COORDINATION WITH OTHER MUNICIPALITIES; TO PROHIBIT CERTAIN CONDUCT; TO PROVIDE A METHOD OF ENFORCEMENT; TO ESTABLISH PENALTIES FOR VIOLATION; TO PROVIDE FOR SEVERABILITY OF PROVISIONS; TO REPEAL CONFLICTING ORDINANCES AND TO ESTABLISH AN EFFECTIVE DATE.

THE TOWNSHIP OF SANILAC ORDAINS:

TITLE: This ordinance shall be known as the Sanilac Township Water Ordinance.

SANILAC TOWNSHIP WATER ORDINANCE

1. GENERAL PROVISIONS

1.1 Eligibility for Service.

Any person owning property within a water supply district established by the Township and conforming to the standards, rules and regulations established in or under terms of this Ordinance shall be permitted to receive water from the Water Supply System provided necessary water supply lines are in existence and accessible to the owner's property and all fees and charges provided herein are paid.

1.2 Turning Water Service On or Off.

No person other than an authorized agent of the Township shall turn on or turn off any water at the curb stop except to test, repair or replace water lines in which case the valve shall be returned to its prior position immediately upon completion of the testing, repair or replacement.

1.3 Termination of Service.

Service to any consumer may be terminated for any violation of this ordinance and for nonpayment of fees as elsewhere provided herein.

1.4 Water Main Extensions.

The total expense of extending water mains shall be borne by the benefitted property owners. If water mains are extended, they shall be extended to the next adjacent parcel. Property owners may petition the Township to establish a special assessment district to pay for a water main extension.

1.5 Installations in Public Roads.

No part of the Water Supply System shall be located within a public road or road right of way without the prior approval of the agency having jurisdiction over said road or road right of way.

1.6 Connection and Maintenance.

1.6.1
Applicati
on.

Any person desiring to connect to the Water Supply System shall submit an application on a form provided by the Township. The application shall be accompanied by payment of all charges and fees provided by this Ordinance. An application must be submitted at least five business days prior to any connection.

1.6.2 Permit.

Upon determining that the permit contains the required information, the property which is the subject of the application is eligible for services, and the payment of all charges and fees, the Township shall issue a permit to connect to the Water Supply System. No connection shall be made until a permit therefore is issued. A permit issued pursuant to this section shall allow water to be supplied to the premises identified in the permit only. Water

shall not be supplied to any other premises not identified in the permit.

1.6.3 Specifications.

All connections from the curb stop to the premises shall be installed in accordance with specifications adopted by the Township and all specifications imposed by any other agency having jurisdiction. Township specifications shall be available from the township clerk.

1.6.4 Connection.

All connections to the Water Supply System shall be made by a licensed contractor.

1.6.5 Inspection.

No connection shall be utilized in any manner until the entire installation is inspected by an inspector designated by the township and is found to be in compliance with the specifications adopted by the Township and all other applicable rules and regulations. Authorized agents of the Township shall have access to any property receiving water service to determine compliance with the provision of this ordinance.

1.6.6 Installation and Maintenance.

The installation and maintenance of the system from the curb stop to and including the premises shall be the responsibility of and shall be made at the cost of the property owner. The property owner shall maintain all service pipes free from leaks at all times. If a leak occurs in a consumer's installation which allows water to escape without registering upon the water meter, the consumer shall be responsible for the cost of water that escapes. In such event the Township shall give the person responsible for payment written notice thereof and the consumer shall immediately repair such leak. If repairs have not been completed within 48 (forty-eight) hours after notice has been given, the Township may terminate the service until repairs are completed. If, in the determination of the Township, any leak on the property owner's installation is of such nature that it endangers public safety or constitutes a nuisance, the Township may immediately terminate service until such leak is

repaired. The costs incurred by the Township of excavating and shutting off such service shall be paid to the township before service is restored.

1.7 Wells For Potable Water Prohibited.

1.7.1 No wells may be drilled, dug, or otherwise constructed within the water supply district for the purpose of providing potable water. No well that is drilled, dug, or otherwise constructed after the effective date of this ordinance within the water supply district shall be used in any manner to provide potable water.

1.8 Access to Curb Stop.

Whenever a curb stop or other device is used to connect water service to a parcel of property is located on private property, the Owner shall provide the Township with a written easement in recordable form allowing unimpeded access by the Township and its agents to said curb stop or other device.

2. WATERMETERS

2.1 Mandatory Use.

All water supplied to any premises must be supplied through a water meter.

2.2 Purchase, Installation and Maintenance.

All water meters used in the Water Supply System shall be supplied by, purchased from, or approved by the Township. The owner of the premises shall be responsible for the installation of the water meter in accordance with specifications adopted by the Township. The owner or responsible party shall maintain the water meter in good working order. A permit issued pursuant to this section shall allow water to be supplied to the premises identified in the permit only. Water shall not be supplied to any other premises not identified in the permit without an additional permit.

2.3 Responsibility for cost of water meters

The responsibility for the cost of water meters shall be borne by the Township and/or property owners as provided herein.

2.3.1 Property with Single Water Meters.

The Township will supply or be responsible for the cost of one standard water meter for each property connected to the Water System.

2.3.2 Property with Multiple Water Meters.

If the Owner of any property connected to the Water Supply System installs multiple water meters, the Township will supply or be responsible for the cost of a number of standard water meters equal to the number of REU's assigned to the property up to a maximum of four. The property owner will be responsible for and additional cost of water meters.

2.3.3 Property with Non-Standard Water Meters.

For any property connection to the Water Supply System on which the Owner uses a water meter other than the standard water meter supplied by the Township the township, after approval of said water meter, will pay an amount equal to the cost of a standard water meter multiplied by the number of REU's assigned to the property. The maximum amount the Township will contribute is the cost of four standard water meters or the actual cost of the water meter used, whichever is less.

2.4 Testing.

The owner or responsible party may request in writing that the Township conduct a test of the accuracy of a water meter used on the premises. Said request shall be accompanied by a fee in an amount determined by the Township to cover the cost of the test. If such a test establishes that the water meter registers over 3% more water than the amount of water that passes through it, another meter will be substituted therefore. The fee will be refunded and the water bills for the current and immediately preceding period will be adjusted accordingly.

2.5 Failure of Water Meter.

If any water meter fails to register properly for any reason, the amount of water used on the premises shall be estimated using one of the following

methods which, in the opinion of the Township, produces the most accurate result:

1. Adjusting the actual water meter reading by the amount of any inaccuracy that is established by testing.
2. estimating the consumption based on the same period of the prior year.
3. Averaging the amount for the period immediately prior to and subsequent to the failure.

3. WATERRATES

3.1 Establishment of Rates.

The rates for water service charges, connection fees and other charges shall be established by resolution of the Township board and may be revised from time to time as necessary to ensure sufficient revenues to meet the expenses of the Water Supply System. Rates need not be uniform for any separate water supply districts.

3.2 Publication of Rates.

A water rate schedule shall be published in a newspaper of general circulation in the Township within 30 days after adoption and within 30 days after the adoption of any change in the water rate.

3.3 Types of Charges.

The following charges may be charged to consumers:

3.3.1 Capital Connection Charge.

A charge paid by the owner of any property within the Water Supply District to connect to the Water Supply System.

3.3.1.1 Basis for Charge.

The capital connection charge for any property shall be based on the number of Residential Equivalency Units (REU) assigned to the intended use of the property. No property shall be assigned less than one REU.

3.3.1.2 Change in Use.

If the use of any property connected to the Water Supply System changes so that the expected use of water on the property will exceed the amount for which a capital connection charge was paid, an additional capital connection charge shall be charged to the property for said increased use which shall be payable forthwith.

3.3.1.3 Credit for Assessments.

Any property which is subject to a special assessment for the Water Supply System shall receive a credit for the REU value of said assessment attributable to said property against the Capital Connection Charge.

3.3.1.4 Division of Assessments.

If any property within the Water Supply District which is subject to a special assessment for the Water Supply System and for which a Capital Charge has not been paid is divided into two or more parcels, the special assessment and REU value shall be divided among all parcels created according to their size and the owner of each parcel shall be responsible for that portion of all future special assessment payments. The owner of the parcel prior to the division may retain or assign the special assessment among the parcels in any manner he or she chooses provided written notice setting forth the exact manner in which said assessment is retained or assigned is provided to the township assessor.

3.3.2 Transmission and Distribution Charge.

A flat rate charged per Residential Equivalent Unit (REU) based on the number of REU's assigned to the consumer's property.

3.3.3 Commodity Charge.

A charge established by the township for the actual volume of water used.

3.3.4 Turn on Turn off Charges.

A charge for turning the water on or off. If water is turned off due to non-payment or other violations of this Ordinance, this charge must be paid prior to the time service is re-established. Emergency turn-offs or turn-ons outside normal business hours will be subject to a Special Service Charge.

3.3.5 Fire Hydrant Charge.

A flat rate charge for water from a fire hydrant used to fight a fire or to provide any other emergency service. Tills charge shall be assessed to the fire department and/or property owner utilizing said service. This charge may be reduced or eliminated for property to which an REU has been assigned.

3.3.6 Special Service Charge.

A charge for services rendered by the Township for water service at any property not otherwise provided for herein.

4. PAYMENT FOR USE OF THE SYSTEM

4.1 Responsibility for Payment.

4.1.1 The Owner of the premises served by the Water Supply System shall be liable to the Township for any charges and fees authorized to be charged by this Ordinance.

4.1.2 When a single water service connection serves two (2) or more consumer units the owner of the property directly connected to the Water Supply System shall be responsible for payment for all water used through the connection.

4.2 Billing, Collections and Customer Payments. Meter reading.

4.2.1 Meter reading

Meters shall be read at the end of each billing cycle.

4.2.2 Bills.

Bills shall be submitted monthly to property owners at the address of the property or at such other address as requested in

writing by the property owner. The property owner may designate in writing a responsible party for receipt of water bills and notices. Water bills and other notices shall be sent to the party so designated. This designation shall not relieve the property owner from the responsibility for payment of water bills.

4.2.3 Request for Termination of Service.

Any request for termination of the service must be made to the clerk's office by the person or entity responsible for payment at least five business days prior to the date the termination is to occur.

4.2.4 Due Date and Late Charges.

All bills shall contain a due date which shall be 30 days after the date of the bill. Any payment not received by the due date shall be subject to a late fee of 10% of the amount of the bill.

4.2.5 Service Termination.

If any charges remain unpaid for a period of 60 consecutive days, a shut off notice shall be sent to the property owner or responsible party indicating that services will be terminated after seven days if the account is not paid in full or arrangements satisfactory to the Township for payment are not made. At the expiration of seven days service may be terminated. Service shall not be re-established until all charges, including turn on and turn off fees, are paid in full.

4.2.6 Lien on Premises.

The Township shall have a lien as security for the collection of any charges made pursuant to this Ordinance upon the property to which the service for which the charge was made was supplied. This lien shall have priority over all other liens except taxes or special assessments.

4.2.6.2 Enforcement.

Any charges made pursuant to this Ordinance which are delinquent for six months or more may be certified to the Township assessor who shall enter the lien on

the next tax roll against the premises to which the services were rendered and the charges shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods the payment of charges for service to the premises may be enforced by discontinuing service to the premises.

5. HYDRANTS AND USE

- 5.1 All fire hydrants on private property shall be installed at the property owner's expense and shall be conveyed to the township by and at the expense of the property owner. The property owner shall also provide an easement in recordable form sufficient for maintenance, repair, and replacement of said fire hydrants.
- 5.2 No person except a municipal fire department shall open a Township-owned fire hydrant without the express permission of the Township.

6. UNSAFE WATER

- 6.1 The Township may take such precautionary measures as may be deemed necessary to eliminate any danger of contamination of the Water System including immediate termination of service to any premises. Water service so terminated shall not be restored until either the possibility of contamination has been eliminated or evidence is furnished and access is permitted to enable the Township to determine that no possibility of contamination exists.
- 6.2 The Township hereby adopts the cross connection control rules as adopted by the Michigan Department of Environmental Quality as those rules presently exist or as they may be amended. No connection to the Water System shall be made, continued or maintained unless said connection is in full compliance with said rules.

7. COORDINATION WITH OTHER MUNICIPALITY

- 7.1 The Township may delegate administrative duties and functions including, but not limited to, inspections, meter readings, billing, and maintenance to any other municipality.

8. SYSTEM PROHIBITIONS.

No person shall:

- 8.1 Willfully, negligently or maliciously break, damage, destroy, uncover, deface, tamper with or alter any structure, property, appurtenance, equipment or any other item which is part of the Water Supply System.
- 8.2 Remove any township owned water meter, water line, other water equipment or tools.
- 8.3 Prevent or circumvent a water meter from accurately measuring water supplied by the water system.
- 8.4 Fraudulently obtain water from the Water Supply System.

9. ENFORCEMENT

9.1 Notice of Violation.

Any person found to be violating any provision of this Ordinance may be served with written notice stating the nature of the violation and providing a reasonable time limit to remedy any violation. The offender shall immediately and permanently terminate the violation so noted and shall remedy any violating conditions within the time limit established.

9.2 Criminal Penalties.

Any violation of this Ordinance shall be a misdemeanor which shall be punished by imprisonment for a period not exceeding 90 days or a fine of not more than \$500 or both. Each day a violation continues shall be considered a separate offense. A violation of this Ordinance is declared to be a public nuisance and the Township may enforce same by injunction or other remedy including the right to correct the violation and recover the cost of making the necessary correction from the owner or person in charge of the property therefore. In the event the Township obtains a judgment against any person or entity pursuant to this section,

the Township shall be entitled to an award of all reasonable and necessary costs incurred including actual attorney fees.

9.3 Remedies Cumulative.

The remedies provided in this section are cumulative and resort to one remedy by the Township and shall not exclude the resort to any other.

10. SEVERABILITY

If any provision of this Ordinance is held invalid by a court of competent jurisdiction, the invalidity of such provision shall not affect any other provision.

11. REPEALER

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

12. EFFECTIVE DATE

This ordinance shall take effect 30 days after publication.

MOTION MADE BY: Schlichting

SECONDED BY: Miiarch

AYES: Schlichting, Milarch, Falls, Noelke & Sibia

NAYS: 0

ABSENT: 0

Motion carried.

SHIRLEY SIBILIA , Clerk

