

**TOWNSHIP OF SANILAC
SANILAC COUNTY, MICHIGAN**

WATER SYSTEM ORDINANCE

(As Amended _____ October 13, 2016 _____, 2016)

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 non-payment 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 Application.

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 contract 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. WATER METERS

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 any 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. **WATER RATES**

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. This 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.

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.

4.2.6.1 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 following cross connection control rules adopted by the Michigan Department of Environmental Quality:

6.2.1 Introduction.

In accordance to the requirements set forth by the Michigan Department of Environmental Quality (DEQ), the Township of Sanilac has officially adopted the State of Michigan cross connection rules to protect the public water supply system.

A cross connection is defined as a connection or arrangement of piping or appurtenances through which a backflow could occur. Backflow is defined as the undesirable reversal of flow of water of questionable quality, wastes or other contaminants into the public water supply. The purpose of this program is to avoid contamination of the public water supply by preventing and eliminating cross connections. It is the Township of Sanilac's intent to carry out a comprehensive and effective cross connection control program (CCCP) to ensure public health is protected and the requirements of the Michigan Safe Drinking Water Act are complied with.

6.2.2 Authority.

The authority to carry out and enforce the local CCCP is provided from the local ordinance, the Michigan Safe Water Drinking Act (Act 399), DEQ Cross Connection Rule Manual, and the Michigan Plumbing Code.

6.2.3 Program Approach.

The objectives of the program will be met primarily by:

- Routinely inspecting water customers for cross connections or potential cross connections.
- Requiring water customers to test backflow prevention assemblies.
- Maintaining cross connection control records.
- Actively enforcing violations of the program.
- Providing public education.
- Reporting the status of the program to the DEQ.

The Township of Sanilac shall ensure that there are adequate personnel and resources to carry out the necessary field and administrative requirements for this

program. The Township of Sanilac adopts the DEQ Cross Connection Rules Manual as a guide to prevent and eliminate cross connections.

6.2.4 Inspections.

The water connections and plumbing systems of all water customers or accounts shall be initially inspected for the presence of cross connections. As a result of the initial inspection, a detailed record of each account shall be established (see Section 6.2.6). A representative of the water utility or their designated agent shall be responsible for inspections. Individuals responsible for conducting inspections shall have obtained sufficient training on cross connection rules, identification, and corrective actions.

Inspections shall consist of entering a facility from the point where water service enters the facility (usually the meter) and tracing the piping to each end point of use. Using the inspection forms, the inspector shall identify and note the location and nature of any direct and potential cross connections, location and details of backflow prevention devices, and other pertinent information. Inspectors having proper identification, shall be permitted to enter the building/premises at reasonable times for the purposes of cross connection inspections. If the inspector is refused proper access or if customer plumbing is untraceable, the Township of Sanilac will assume a cross connection is present and take necessary action to ensure the public water supply is protected.

The highest priority for inspections shall be placed on facilities that pose a high degree of hazard, that have a high probability that back flow will occur, or are known/suspected to have cross connections.

Once initial inspections of all accounts are complete, then a re-inspection frequency shall be determined for each account based on the degree of hazard and potential for backflow. The DEQ Cross Connection Rules Manual will be a guide in classifying the degree of hazard of each account. However, in general, situations in which backflow could cause illness or death shall be considered high hazard. Accounts that pose a high hazard or have a high potential for back flow to occur, must be re-inspected at least once a year. All other accounts must be re-inspected once every 1-5 years based on the degree of risk. Other factors such as new construction, water quality complaints, or anomalies in customer billing, may prompt an immediate re-inspection. After initial cross connection list or inventory of all backflow prevention shall be on record including all pertinent data.

Following an inspection, the Township of Sanilac shall inform the customer of their compliance status with the cross connection rules. Template notices may be used to inform customers of upcoming inspections, required corrective actions, compliance status, etc.

6.2.5 Testing Backflow Prevention Assemblies.

When all initial inspections have been completed, a comprehensive list of backflow preventers installed on customer plumbing systems will be on record. The backflow preventers that are testable assemblies shall be placed on a routine testing schedule. Based on the associated degree of hazard and probability of backflow, each assembly will be assigned a testing frequency. Assemblies in place on high hazard connections must be tested annually. All other accounts must be tested once every 3 years. In addition, all assemblies must be tested immediately following installation, relocation or repair. Only individuals holding an active ASSE 5110 Certification (backflow prevention assembly testing) shall perform such testing.

Upon notice from the Township of Sanilac, it shall be the responsibility of the water customer to arrange for the assembly to be tested and submit the completed test form.

Following the initial cross connection inspections and subsequent classification of accounts (e.g. assigning a degree of hazard), assembly testing notices shall be sent to customers each year. The notices shall be sent out in a timely manner in order to provide adequate time for customers to comply, and the timing will consider seasonal assemblies. Template notices may be used to inform customers of testing requirements. These notices will:

- Clearly identify the assembly requiring testing (size, make, model, location, etc.)
- Stipulate the date by which the assembly must be tested.
- Indicate that tests must be completed by an ASSE certified tester.
- Enclose a standard test form.

When assembly testing reports are received by the utility, they will be checked for the following:

- All necessary information was provided
- Name and certification number of the tester is provided
- The test results appear valid
- The assembly tested matches the assembly requiring testing
- The assembly is ASSE certified

Cross Connection Control program staff will follow up with owner or tester on questionable test forms. A customer may be asked to have an assembly re-tested if the original test results do not appear valid. Test forms must be received and kept on record for each required test.

6.2.6 Record Keeping.

A system of cross connection record keeping shall be maintained. Special software specifically for cross connections may be used for:

- Efficient record searches
- Easy reporting
- Simple updating
- Automatic letter generation
- Automatic deadline notification

All cross connections account information must be in the records including:

- Address and location
- Owner name and contact information
- List of testable assemblies
- Description of other cross connections within the facility
- Degree of hazard classification and basis
- Required re-inspection frequency
- Photos or sketches if available

All testable assemblies must be in the records including:

- Location of the assembly
- Name and contact information of assembly owner
- Make, model, and size of assembly
- ASSE standard number
- Degree of Hazard classification
- Required testing frequency and basis
- Seasonal or permanent status

Tracking changes in water use or tracking new customers is a critical part of the cross connection program. The Township of Sanilac shall make every attempt to prevent/eliminate cross connections at installation to ensure future compliance. An effort shall be made to cooperate and communicate with the local plumbing code inspector to better accomplish this goal.

Standard letter, form, and report templates may be used to simplify the program requirements including:

- Inspection forms
- Assembly testing forms
- Inspection and/or assembly testing notification letters
- Non-compliance letters
- Water service termination notice
- Hydrant use authorization forms

Copies of the written cross connection control program, ordinance, and DEQ approval letter should be kept on file. Copies of the DEQ annual reports shall be kept for a minimum of 10 years.

6.2.7 Enforcement.

To protect public health, water customers found to be in violation of the cross connection rules will be brought into compliance in a timely manner or lose their privilege to be connected to the public water system. To properly enforce these rules the Township of Sanilac ordinance provides authority to inspect facilities, terminate water service, and assess fines.

Following an inspection the customer will be sent either a compliance notice or a non-compliance notice. The timeframe to complete the necessary corrective actions is at the discretion of the utility and will be based primarily on the degree of risk posed by the violation but should also consider the complexity/cost of the necessary corrective actions. Cross connections that pose an imminent and extreme hazard shall be disconnected immediately and so maintained until proper protection is in place. Cross connections that do not pose an extreme hazard are generally expected to be eliminated within 30-60 days. The necessary corrective action and deadline shall be described in the non-compliance notice to the customer.

Failure to perform a required backflow prevention assembly test or pass a test constitutes a cross connection and must be corrected.

If a water shut off is necessary to protect the public water system, the local health department, fire department, local law enforcement, and township manager may need to be notified.

6.2.8 Public Education.

The CCCP staff must have a good understanding of the program. The Township of Sanilac shall ensure their cross connection staff receives proper in-the-field training as well as classroom education focusing on terminology, backflow prevention devices, regulations, and hydraulic concepts. In addition, cross connection control staff will be encouraged to receive continuing education to be made aware of new backflow prevention devices, regulation changes, new water use devices that pose cross connection concerns, etc. The public should also be educated on cross connections and the importance of eliminating a backflow situation.

6.2.9 Annual Report.

Part 14 of the Michigan Safe Drinking Water Act requires that each community report the status of their program to the DEQ annually. The report summarizes testing, inspection, and corrective action efforts. Cross connection records shall be on file to document each number on the report. The annual report shall be kept for a minimum of 10 years.

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.

9.3 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.

9.4 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 effect 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: _____

SECONDED BY : _____

AYES : _____

NAYS : _____

ABSENT : _____

Motion carried.

JOSEPH MARTIN, Clerk

Prepared by: David W. Hearsch
DAVID W. HEARSCH, P.L.L.C., Attorney at Law, 61 West Sanilac Avenue
Sandusky, Michigan 48471 810-648-2452