

CHARTER TOWNSHIP OF HARING

COUNTY OF WEXFORD, STATE OF MICHIGAN

ORDINANCE NO. 2013-81

ADOPTED: JUNE 10, 2013

EFFECTIVE: JUNE 10, 2013

AMENDMENT TO ORDINANCE NO. 86-01, AS AMENDED

Minutes of a regular meeting of the Township Board of the Charter Township of Haring, County of Wexford, Michigan, held at the Charter Township of Haring Township Hall in Cadillac, Michigan, on the 10 of June, 2013, at 6:00 p.m. Local Time.

PRESENT: Members: Scarbrough, Soule, McCain, Whetstone Baldwin, Wilkinson, Fagerman

ABSENT: Members: None

It was moved by Whetstone and seconded by Baldwin that the following Ordinance be adopted under the authority of the Revenue Bond Act of 1933, being Act 94 of the Public Acts of Michigan of 1933, as amended.

The Ordinance was then discussed.

Upon roll call vote, the vote upon the motion adopting said Ordinance was as follows:

AYES: Members: Scarbrough, Soule, McCain, Whetstone Baldwin, Wilkinson,

NAYS: Members: Fagerman

ABSTAIN: Members: None

The Township Clerk declared the Ordinance adopted.

The following is Ordinance No. 2013-81 as adopted.

THE CHARTER TOWNSHIP OF HARING ORDAINS:

ORDINANCE NO. 2013-81

AMENDMENT TO ORDINANCE NO. 86-01, AS AMENDED

Section 1. Amendment of Section 2.1 of Ordinance No. 86-01, as amended. Section 2.1 of Ordinance No. 86-01, as amended, is hereby amended so as to read in its entirety as follows:

Section 2.1 Mandatory Connection to System; Private Wells Prohibited.

- (a) Connection Required. As a matter of public health, the owners of all improved premises in the Township that are used for human occupancy, employment, recreation or other purposes, which require or need the use of potable water and which abut any right-of-way, easement, highway, street, alley or public way in which there is located, or in the future may be located, an available watermain or local distribution line of the System, are hereby required, at the owner's sole expense, to directly connect all buildings and structures on the premises used for said purpose(s) to the water distribution system, provided that said watermain or local distribution line is within 200 feet from the nearest point of a building or structure using or requiring potable water which is located on the premises. However, no person shall be required or permitted to connect any premises to the System if (i) such premises will be served by water purchased from the City and (ii) service of the premises by the Township would be a breach of the Township-City Water Agreement.
- (b) Connection Deadline. When connection to an available watermain or local distribution line is declared a necessity by the Township for the public health and welfare, all such connections required hereunder shall be completed no later than 180 days after the last to occur of (i) the date the watermain or local distribution line becomes available to the premises, or (ii) the modification of a building so as to become a building using or requiring potable water. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Notwithstanding the preceding, if the Township Board or Health Department requires completion of a connection within a shorter period of time for reasons of public health, such connection shall be so completed. Persons who fail to complete a required connection when required shall be liable for a penalty equal in amount to the Availability Charge and Commodity Charge that, based upon similarly situated Customers, the System would have accrued and been payable, effective upon the expiration of the connection period, had the connection been made as required.
- (c) Enforcement in the Event of a Failure to Connect to System. In the event a required connection is not made within the time provided by Subsection (b), the Township shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the available watermain or local distribution line and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Township ordinance. In the event the required connection is not made within 90 days after the date of mailing or posting of the written notice, the Township may bring an action in court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property.
- (d) Private Wells Prohibited. Except as otherwise provided by Section 2.1(e), private water wells are prohibited on premises connected to the System. Pre-existing private water wells located on premises that are to be subsequently connected to the System shall be abandoned prior to or upon physical

connection of the premises to the System. Wells shall be abandoned in accordance with applicable state law and District Health Department #10 regulations.

- (e) Exceptions. Notwithstanding Section 2.1(d), private water wells may be maintained on premises that are connected to the System where (i) the premises maintains a closed geothermal heating system and the private well is an integral part of said system, or (ii) the premises is required by applicable federal or state law, regulation or order to monitor ground water on the premises, and the well is used for groundwater monitoring purposes only. Any such private well must be physically and completely separated from all plumbing used for potable water. All piping for a private water well is subject to the cross connection provisions of this Ordinance.

Section 2. Definition – Potable Water. Ordinance No. 86-01, as amended, is hereby amended by the addition of Section 1.1(t) thereto, which shall read in its entirety as follows:

- (t) “Potable water” means water intended for human consumption or prolonged bodily contact which is free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the applicable requirements of the Federal Drinking Water Standards and to the regulations of District Health Department #10 and the Michigan Department of Environmental Quality.

Section 3. Severability. If any section, clause, sentence or provision of this Ordinance is determined to be invalid, said invalidity shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 4. Publication; Effective Date. This Ordinance or summary thereof, shall be published once in a newspaper of general circulation within the boundaries of the Township within 30 days after its adoption. This Ordinance shall be effective upon adoption as provided by law.

Passed and adopted by the Township Board of the Charter Township of Haring, County of Wexford, Michigan, on June 10, 2013, and approved by me on June 10, 2013.