

TOWNSHIP BOARD
CHARTER TOWNSHIP OF HARING
WEXFORD COUNTY, MICHIGAN

July 1986
Boardmember Corwin Hofstra supported by Boardmember moved the adoption of the following ordinance:

ORDINANCE NO. 86-01

WATER ORDINANCE

The Charter Township of Haring ordains:

ARTICLE I

DEFINITIONS

1.1. Definitions. In the interpretation of this ordinance, the following definitions shall apply unless the context clearly indicates otherwise:

- (a) "Backflow" means water of questionable quality, wastes or other contaminants entering a public water supply system due to a reversal of flow.
- (b) "City" means the City of Cadillac, Wexford County, Michigan.
- (c) "Commercial user" means a person whose premises are used to offer services and/or products such as, for example, retail and wholesale stores, gasoline stations, restaurants, schools, churches, hotels, motels, nursing homes, private clubs, theaters and governmental buildings.
- (d) "County" means Wexford County, Michigan.
- (e) "Cross-connection" means a connection or arrangement of piping or appurtenances through which a backflow could occur.
- (f) "Director" means the Director of the DPW or his authorized representative.
- (g) "Domestic user" means a person whose premises are domiciles for single or multiple family use.
- (h) "DPW" means the Wexford County Department of Public Works.

- (i) "Industrial user" means a person who operates a manufacturing or process facility which is engaged in producing a product.
- (j) "Local distribution lines" means those pipes which serve only the abutting property within only one local service area.
- (k) "Premises" means each lot or parcel of land, building, premises, dwelling unit or apartment unit having any connection to the water distribution system.
- (l) "Secondary water supply" means a water supply system maintained in addition to a public water supply, including but not limited to water systems from ground or surface sources not meeting the requirements of Act No. 98 of the Public Acts of 1913, as amended, being Sections 325.201 to 325.214 of the Compiled Laws of 1948, or water from a public water supply which in any way has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility.
- (m) "Submerged inlet" means a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminants and which is unprotected against backflow.
- (n) "System" or "Water distribution system" means the Township water supply and distribution system which may be connected to the City of Cadillac's water system as its source of water and which may distribute the water purchased from the City of Cadillac to water service customers within the Township.
- (o) "Township" means the Charter Township of Haring, Wexford County, Michigan.
- (p) "Township-City Water Agreement" means the Agreement, together with Addendum to Water Agreement, by and between the Township and the City executed in 1985 pursuant to which the City sells water to the Township on a wholesale basis to serve users within a designated area of the Township, as it may be amended from time to time.
- (q) "User" means the owner, lessee or occupant of any premises connected to or served by the System.
- (r) "Water connection" means that part of the water distribution system connecting the watermain at the curb cock with the premises served.

- (s) "Watermain" means the primary and intermediate transmission and local distribution lines of the water distribution system.

ARTICLE II

CONNECTIONS

2.1. Water Connection Required. The owner of each house, building or property used for human occupancy, employment, recreation or other purposes situated within the Township and abutting on any street, alley, or right-of-way in which there is located or may in the future be located, a watermain or local distribution line of the System shall, at his expense (unless such expense is expressly provided by other sources) within 180 days after said watermain becomes available, install suitable plumbing facilities therein and to connect such facilities directly to the water distribution system, provided said watermain is within 200 feet of the nearest property line of said premises. Provided, however, no person shall be required or permitted to connect any premises to the System if such premises will be served by water purchased from the City and service of the premises would be in breach of the Township-City Water Agreement.

2.2. Service Connections. Applications for water connections shall be made to the DPW on forms prescribed and furnished by it. Water connections, plumbing and water meters shall be installed in accordance with the rules and regulations of the DPW and upon payment of the connection fee and meter installation fee set from time to time by resolution of the Township Board. Water meters shall be installed by the DPW, unless otherwise provided by resolution of the Township Board. All meters and water connections shall be the property of the Township. Water service will not commence until payment in full for the installation has been made to the DPW. Construction of a water service line shall be done as expeditiously as possible after written notice to proceed, but the time for construction shall be at the convenience of the Township and the DPW.

2.3. Institution of or Restarting Water Service. Written notice given not less than 48 hours in advance shall be made to the DPW by the property owner and/or occupant of the premises when water service is desired. It shall be unlawful for any person to connect to or use water supplied by the Township without first giving notice as provided herein. The Township and the DPW reserve the right to require that an amount of money equal to an anticipated bill for three months of water service be placed on deposit with the DPW for the purpose of establishing or maintaining any customer's credit. No person, other than an authorized employee of the DPW, shall turn on or off any water service, except that a licensed plumber may, with the prior express approval of the DPW, turn on water service for testing his work (when it must be immediately turned off) or upon receiving a

written order from the DPW; provided, that upon written permit from the DPW, water may be turned on for construction purposes upon payment to the DPW of the charges applicable thereto.

2.4. Meters. The Township reserves to the DPW the right to determine the size and type of meter used. The Township reserves to the DPW the right to require the installation of remote meter reading equipment. The cost of that equipment and its installation shall be charged to the user at the prevailing rates and actual cost of material and labor.

2.5. Access to Meters. The DPW shall have the right to shut off the supply of water to any premises where the DPW is not able to obtain access to the meter. Any qualified employee the DPW shall, at all reasonable hours, have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing or inspecting the same and no person shall hinder, obstruct, or interfere with such employee in the lawful discharge of his duties in relation to the care and maintenance of such water meter.

2.6. Curb Box. No person shall remove the cover from any curb box or place any dirt, stone or other obstruction in it or tamper with any meter or commit any act tending to obstruct the use thereof.

2.7. Injury to Facilities. No person, except an employee of the DPW in the performance of his duties, shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the water distribution system.

2.8. Reimbursement for Damage. Any damage which a meter 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, as well as any damage which may be wrought by frost, hot water, or steam backing from a boiler, shall be paid by the owner of the property to the DPW on presentation of a bill therefor; and in cases where the bill is not paid, the water may be shut off and shall not be turned on until all charges have been paid to the DPW.

2.9. Responsibility for Damages. Neither the Township nor the DPW will be responsible for any damages because of failures of or within the System, or actions by the Township or DPW to correct such failures.

2.10. Water Leakage. It shall be the responsibility of the owner to repair any leaks between the meter and the curb valve within 72 hours of notice by the DPW or an additional fee shall be charged for water loss.

2.11. Hydrant Use. No person, except an employee of the Township or the DPW in the performance of his duties, shall open

or use any fire hydrant, except in case of emergency, without first securing a written permit from the DPW and paying such charges as may be prescribed by the Township.

2.12. Unlawful Connections. No person shall make a connection on a service line between the water meter and the street mains, or install a by-pass around the meter.

2.13. Cross-Connections Control. The DPW shall eliminate and prevent all cross-connections pursuant to the plan submitted to and approved by the Department of Public Health, pursuant to the requirements of Sections 325.11401 through 325.11407 of the 1979 Michigan Administrative Code, as the same may be amended from time to time.

(a) Cross-Connections Prohibited:

- (1) A cross-connection shall not be made between the water distribution system and a secondary water supply.
 - (2) A cross-connection shall not be made by submerged inlet.
 - (3) A cross-connection shall not be made between the water distribution system and piping which may contain sanitary waste or a chemical contaminant.
 - (4) A cross-connection shall not be made between the water distribution system and piping immersed in a tank or vessel which may contain a contaminant.
- (b) Inspections. It shall be the duty of the DPW to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the DPW.
- (c) Right of Entry. The representative of the DPW shall have the right to enter at any reasonable time any property served by a connection to the water distribution system for the purpose of inspecting the piping system or systems thereof for cross-connections. On request, the owner, lessees or occupants of any property so served shall furnish to the DPW any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when reasonably requested, shall be deemed evidence of the the presence of cross connections.

2.14. Protection of Water Supply. The potable water supply made available on the premises served by the System shall be

protected from possible contamination as specified by this ordinance and by the State of Michigan's and any other applicable plumbing codes. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the water distribution system must be labeled in a conspicuous manner as water unsafe for drinking.

2.15. Discontinuance of Service. In the event a water customer desires water service to be discontinued, said customer shall so request in writing not less than 48 hours prior to time of such discontinuance of service is desired. Neither the Township nor the DPW will recognize the discontinuance of water service unless the provisions of the foregoing sentence have been fully met. Under any other circumstances, discontinuance of service will be charged to the customer at the actual cost of labor, materials and equipment. The DPW may refuse or discontinue water service for any violation of any rule, regulation, or condition of service.

2.16. Shut off of Water. The DPW reserves the right at all times (and will endeavor to give due notice) to shut off the water at the watermains or local distribution lines or to require reduced use or no use of the System for the purpose of making repairs or extensions or for other purposes. All persons having equipment on their premises and depending on water from the watermains or local distribution lines are hereby cautioned against danger which might arise from emergency shutting off of water. In the event of such emergency, the Director may designate in any notice the extent of any regulation, limitation or prohibition and the date and time on which it shall take effect.

2.17. Additional Regulations. The Director or the Township Board may make and issue additional rules and regulations concerning the water distribution system, connections thereto, meter installations and maintenance, connection and meter installation fees, hydrants and watermains and the appurtenances thereto, not inconsistent herewith. Such rules and regulations shall be effective upon approval by the Township Board.

2.18. Other Laws. If any other ordinances of the County or Township or any statutes of the State of Michigan shall impose greater restrictions than herein set forth, then such ordinances or statutes shall control.

ARTICLE III

CONTROLLED USE

3.1. Limitation of Water Use. The Director, subject to veto by the Township Board, may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and

for fire fighting. No such regulation, limitation or prohibition shall be effective until twenty-four (24) hours after the publication thereof in a newspaper of general circulation in the Township, except in an emergency as may be deemed by the Director. In the case of such emergency the regulation, limitation or prohibition shall be and take effect as indicated by the Director and notice shall be given on a local radio station. Any person violating such rule or regulation shall, upon conviction thereof, be punished as prescribed in this ordinance.

3.2. Water Conservation. For those users served with water purchased from the City pursuant to the Township-City Water Agreement the following requirements apply:

- (a) Watering Days. The System may only be used for outdoor sprinkling purposes ("watering purposes") on even numbered days by those residences, buildings or parcels of land having an even numbered address. The water distribution system may only be used for outdoor sprinkling purposes on odd numbered days by those residences, buildings or parcels of land having an odd numbered address.
- (b) Watering Hours. It shall be unlawful for any person, firm or corporation to use, consent to use or otherwise approve or direct the use of Township water for watering purposes at any time other than between the hours of 6:00 a.m. to 12:00 noon and 5:00 p.m. to 12:00 midnight.
- (c) Determination of Use. Whenever Township water shall be unlawfully used for outdoor watering purposes such use shall be prima facie proof that it was so used, or that such use was consented to, approved by or directed by the person or persons to whom such water was billed at the time of such use as appears from the records of the DPW.
- (d) Special Conditions. Special consideration shall be given to owners and/or occupants of parcels of land exceeding 8,000 square feet that require irrigation beyond that allowed by this section, by the DPW. Application for an Extra Use permit must be accompanied with a site plan showing the dimensions of the area, describing the system used for watering the area, stating the reason for requiring extra water use and requesting specific amounts in extra days and/or hours of watering. A fee in an amount established from time to time by resolution of the Township Board shall be charged for each permit granted. Special consideration shall also be given to owners and/or occupants of parcels where new lawns, sodding or shrubs are being established. Application for an Extra Use permit must be accompanied with a site plan showing the dimensions

of the area, the date(s) of the new planting(s) and the number of days Extra Use will be required. A maximum of sixty (60) days of daily watering within the hours permitted by this section will be allowed. A fee in an amount established from time to time by resolution of the Township Board shall be charged for each permit granted.

ARTICLE IV

WATER RATES

4.1. Basis of Charges. Except as otherwise provided in this ordinance, all water service shall be charged for on the basis of water consumed as determined by the meter installed in the premises of water customers by the DPW. No free water service shall be furnished to any person.

4.2. Water Rates and Charges.

- (a) Water rates and charges shall be levied monthly against each premises having any water connection to the water distribution system.
- (b) Said water rates and charges shall be based on the quantity of water used on or in the property, as measured by the water meter therein used, except as otherwise provided. If a meter cannot be read, an estimated charge will be made and adjustment, if necessary, will be made when the meter reading can be obtained. Rates and charges for users inside and outside the Township shall be in amounts to be established from time to time by the Township Board.
- (c) Any charges remaining unpaid shall be charged against the real property on which the service was rendered, and may be spread on the next regular Township ad valorem property tax roll after the date on which such charge shall become due and payable, and shall become a lien of the same character and effect as the lien created by State of Michigan and County taxes, until paid.

4.3. Billing and Penalties and Remedies for Nonpayment or Late Payment. The owner of the premises serviced and the occupants thereof shall be jointly and severally liable for the water service provided to said premises. Tenants or land contract purchasers requesting water services in their name shall deposit with the DPW the estimated bill for three (3) months in advance of receiving service. Deposits shall be applied to any bill, including interest, for water service more than thirty (30) days delinquent. Any deposit so applied shall be promptly refunded by the user. The deposit, in the case of tenant, shall be returned, less any balance due, when service is discontinued. In the case of

land contract purchasers, the deposit shall be returned less any balance due when the service is discontinued or the purchaser obtains a deed for the premises.

Bills for rates and charges as herein established shall be mailed to users monthly. All bills shall be payable on the 10th day of the month following the period of service and shall be payable to the DPW. If any bill shall not be paid by the 10th of the month in which it is due, a late charge of ten percent (10%) of the amount billed shall be applied to the current amount past due and collected therewith. Penalty charges will not be compounded.

Water service may be discontinued to any premises to enforce the payment of rates and charges after the user has been given the opportunity for a hearing before the Township Supervisor or his designated representative to show cause why service should not be discontinued. Services so discontinued shall not be restored until such time as all the rates, charges, and penalties are paid or satisfactory arrangements made for the payments thereof.

Delinquent bills may be collected by any method authorized by the law including, without limitation, making such amounts due a lien on the premises served.

4.4. Meter Failure. If any meter shall fail to register properly, the DPW shall estimate the consumption on the basis of former consumption and bill accordingly.

- (a) Inaccurate Meters. A user may require that the meter be tested. If the meter is found accurate, a charge as set from time to time by the Township Board will be made. If the meter is found defective, it shall be repaired or an accurate meter installed and no charge shall be made.
- (b) Accuracy Required. A meter shall be considered accurate if, when tested, it registers not to exceed two percent (2%) more to two percent (2%) less than the actual quantity of water passing through it. If a meter registers in excess of two percent (2%) more than the actual quantity of water passing through it, it shall be considered "fast" to that extent. If a meter registers in excess of two percent (2%) less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.
- (c) Bill Adjustment. If a meter has been tested at the request of a user and shall have been determined to register "fast," the DPW shall credit the consumer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by said consumer, within the three (3) months prior to the test, and if a meter so tested is determined to register "slow," the DPW may collect from the consumer a sum equal to the percent

"slow" multiplied by the amount of the bills incurred by the consumer for the prior three (3) months. When the DPW, on its own initiative, makes a test of a water meter, it shall be done without cost to the consumer, other than his paying the amount due the DPW for water used by him as above provided, if the meter is found to be "slow."

ARTICLE V

WATER DISTRIBUTION LINES

5.1. Purpose of Rates and Charges. Charges for the installation of local water distribution lines of the water distribution system are hereby established for the purpose of recovering the costs of construction, reconstruction, maintenance, operation and replacement of said local water distribution lines. Such charges shall be made in accordance with the provisions hereinafter set forth.

5.2. Local Distribution Line Installation Charges:

- (a) Payment of Local Distribution Line Installation Charges. Whenever a watermain used for local distribution is constructed, except if pursuant to a special assessment project or if funded entirely by State or federal grants, the property owners whose property is served by the line and on which property the line is used by a commercial user, a domestic user or an industrial user shall pay their share of the cost of construction and installation as herein established at the time of construction. Any property owner requesting service who has not previously paid his share of the cost of constructing the watermain used for local distribution shall pay those costs as established by the then effective resolution of the Township Board setting the local water distribution installation charges.
- (b) Computation of Local Distribution Charges and Annual Review. The charge shall be known as the "front foot rate" and be determined by multiplying the rate per foot by the number of feet the property owner has fronting on the watermain used for local distribution. The front foot rate shall be as set from time to time by resolution of the Township Board. Following an annual review of the charges, the Township Board may change the charges to reflect the current cost of construction and installation of local distribution lines.
- (c) Assessment of Charges. Upon completion of construction or at the time connection is requested (if this cost has not been paid at the time of construction), the DPW shall certify to the Township Board the cost to be

charged to the property owner. The DPW shall bill the owner of the premises affected, advising him that the amount so billed is to be paid prior to connection to the local distribution line serving the property of said property owner.

- (d) Deferral of Assessments. If the Township Board so decides, such installations and connections may be made at the expense of the System when the owner of the premises signs a written agreement agreeing to pay the expense of such installation and connections upon terms agreeable to the Township Board and that the unpaid balance shall constitute a lien upon his property of the same character and subject to the same methods of collection as prescribed for special assessments.

ARTICLE VI

ENFORCEMENT

6.1. Penalties for Violation of Ordinance. Whoever violates or fails to comply with any provision of this ordinance shall be fined up to Five Hundred Dollars (\$500.00), imprisoned not more than ninety (90) days, or both. A separate offense shall be deemed committed each day during or which a violation or noncompliance occurs or continues. The Township Supervisor or the County Sheriff or his deputies may issue appearance citations for violations of this ordinance.

6.2. Civil Action. The Township or the DPW may institute any action at law or equity to compel compliance with this ordinance or to collect amounts due under this ordinance. If such action is instituted the Township or the DPW shall recover the costs and expenses incurred to bring and maintain the action including, without limitation, actual reasonable attorneys' fees.

6.3. Lien. All rates, fees and charges billed or due hereunder including those due pursuant to section 6.2 hereof shall to the extent permitted by law be liens upon the premises served from the delivery of such service which shall be enforceable in the same manner as ad valorem property tax liens.

ARTICLE VII

MISCELLANEOUS

7.1. This ordinance shall take effect ten (10) days after its publication in a newspaper of general circulation in the Charter Township of Haring.

7.2. The Township Clerk shall publish this ordinance in a newspaper of general circulation in the Charter Township of Haring, Wexford County, Michigan.

YEAS: Boardmember(s) Ziel, Young, Hofstra, Corwin,
Nelson, Walker, Parker

NAYS: Boardmember(s) NONE

ABSENT: Boardmember(s) NONE

Approved this 14th day of April, 1986.

Theron Parker
Theron Parker
Township Supervisor

Andrea Hofstra
Andrea Hofstra
Township Clerk

I, Andrea Hofstra, Township Clerk of the Charter Township of Haring, certify that the foregoing ordinance was adopted by the Township Board of Haring in public session held April 14th, 1986.

Dated: April 14th, 1986 Andrea Hofstra
Andrea Hofstra, Township Clerk

I, Andrea Hofstra, Township Clerk of the Charter Township of Haring, do hereby certify that this Ordinance was published in the Cadillac Evening News on April 18, 1986.

Dated: April 16, 1986 Andrea Hofstra, Clerk
Andrea Hofstra, Township Clerk