

TOWNSHIP BOARD  
CHARTER TOWNSHIP OF HARING  
WEXFORD COUNTY, MICHIGAN

ORDINANCE NO. 2016-101

WATER ORDINANCE

The Charter Township of Haring ordains:

1. 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) "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.
- (c) "Cross-connection" means a-connection or arrangement of piping or appurtenances through which a backflow could occur.
- (d) "Domestic user" means a person whose premises are domiciles for single or multiple family use.
- (e) "Industrial user" means a person who operates a manufacturing or process facility that is engaged in producing a product.
- (f) "Local distribution lines" means those pipes that serve only the abutting property within only one local service area.
- (g) "Premises" means each lot or parcel of land, building, dwelling unit or apartment unit having any connection to the water distribution system.
- (h) "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.
- (i) "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.
- (j) "System" or "Water distribution system" means the Township water supply and distribution system to water service customers within the Township.
- (k) "Township" means the Charter Township of Haring, Wexford County, Michigan.
- (l) "User" means the owner, lessee or occupant of any premises connected to or served by the System.

- (m) "Water connection" means that part of the water distribution system connecting the watermain at the curb stop with the premises served.
- (n) "Watermain" means the primary and intermediate transmission and local distribution lines of the water distribution system.
- (o) "Potable water" means water intended for human consumption or prolonged bodily contact that 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.
- (p) "Designated Agent" means person or persons that have been designated by the Township Board to act on behalf of the Township in enforcing and/or monitoring this Ordinance.

## 2. ARTICLE II: CONNECTIONS

### 2.1. Water Connection Required.

- (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 owners 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 premises using or requiring potable water.
- (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 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. Residential premises serviced by a permitted private well shall be allowed to maintain their well and postpone connecting to the System until such time as their existing well fails. Once the private well fails the premises shall be required to connect to the System and abandon their existing well.
- (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.

## 2.2. Service Connections:

- (a) Applications for water connections shall be made to the Township 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 Township and upon payment of the applicable connection fee and meter installation fee.
- (b) For a direct connection to the water system, a user shall pay a direct connection fee. For purposes of this section, a "direct connection" is a connection of the premises to a system watermain. For an indirect connection to the water system, a user shall pay an indirect connection fee. For purposes of this section, an "indirect connection" is the connection of a premise to a watermain or local distribution line installed and paid for by the user. The direct connection fee and indirect connection fees shall be established in accordance with this section and as determined from time to time by resolution of the Township Board.
- (c) Water meters shall be installed by the Township, unless otherwise provided by resolution of the Township Board. The meter installation fee shall be established in accordance with this section and as determined from time to time by resolution of the Township Board. All meters and water connections shall be the property of the Township.
- (d) Water service will not commence until payment in full for the installation has been made to the Township. 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.

- ## 2.3. Institution of or Restarting Water Service. Written notice given not less than 48 hours in advance shall be made to the Township 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 reserves 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 Township for the purpose of establishing or maintaining any customer's credit. No person, other than an authorized employee of the Township, shall turn on or off any water service, except that a licensed plumber may, with the prior express approval of the Township, turn on water service for testing his work (after which it must be immediately turned off) or upon receiving a written order from

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

- 2.4. Meters. The Township reserves the right to determine the size and type of meter used. The Township reserves 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 Township shall have the right to shut off the supply of water to any premises where the Township is not able to obtain access to the meter. Any qualified employee the Township 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 valve or commit any act tending to obstruct the use thereof.
- 2.7. Injury to Facilities. No person, except an employee of the Township 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 Township 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 Township.
- 2.9. Responsibility for Damages. The Township will not be responsible for any damages because of failures of or within the System, or actions by the Township 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 Township or an additional fee shall be charged for water loss.
- 2.11. Hydrant Use. No person, except an employee of the Township 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 Township 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 Township 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 Township 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 re-inspections based on potential health hazards involved shall be as established by the Township.
- (c) Right of Entry. The representative of the Township 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 Township 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 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. The Township will not 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 Township may refuse or discontinue water service for any violation of any rule, regulation, or condition of service.
- 2.16. Shut off of Water. The Township 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 water-mains 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 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. 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.

3. ARTICLE III: CONTROLLED USE

3.1. Limitation of Water Use. 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 Township Board 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.

4. 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 Township. 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.

4.4. (a) 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 Township 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.

(b) 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 payable to the Township. 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.

(c) 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.

(d) 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.

4.5. Meter Failure. If any meter shall fail to register properly, the Township 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 Township 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 Township 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 Township, 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 Township for water used by him as above provided, if the meter is found to be "slow."

## 5. 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 cost 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 Township shall certify the cost to be charged to the property owner. The Township 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.

## 6. 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 non-compliance 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 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 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 here-under 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.

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

## 8. ARTICLE VIII: SEVERABILITY

- 8.1. 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.

## 9. ARTICLE IX: 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 of its adoption. This Ordinance shall be effective upon adoption as provided by law.



Board member \_\_\_\_\_, seconded by Board member \_\_\_\_\_, moved the adoption of the following Ordinance:

YEAS: Boardmember(s) \_\_\_\_\_

NAYS: Boardmember(s) \_\_\_\_\_

ABSENT: Boardmember(s) \_\_\_\_\_

Passed and adopted by the Township Board of the Charter Township of Haring, County of Wexford, Michigan on March 21, 2016

\_\_\_\_\_  
Robert Scarbrough, Supervisor  
Charter Township of Haring

Attest:

\_\_\_\_\_  
Kirk Soule, Clerk  
Charter Township of Haring

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Haring, County of Wexford, State of Michigan, at a special meeting held on the 21<sup>st</sup> of March 2016, and that public notice of said meeting was given pursuant to Act No. 267, Public Actis of Michigan, 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

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

\_\_\_\_\_  
Kirk Soule, Township Clerk