WATER SYSTEM ORDINANCE OF THE TOWNSHIP OF FORD RIVER
ORDINANCE # 79A

SECTION I: TITLE

This Ordinance shall be known as and may be cited as the "Water System Ordinance" of the Township of Ford River.

SECTION II: WATER AUTHORITY

The Township Supervisor and individual Township Board members shall be the "Water Authority" and shall have charge of the water system and the distribution and supplying of water to the inhabitants of the Township.

SECTION III: DEFINITIONS

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

a.) **Consumer** – Any individual, firm, partnership, trust, joint venture, limited liability company, legal entity or corporation with a premises on which water is available, used or consumed; or an individual, firm, partnership, trust, joint venture, limited liability company, legal entity or corporation leasing or permitting occupancy of a premises on which water is available, used or consumer.

b.) **Curb Stop** – The valve placed approximately on the property line for the purpose of shutting off the supply of water in the service pipe.

c.) **Meter** – The device used for measuring the amount of water passing through the service.

d.) **Meter Pit/Meter Vault** – The manhole or vaults intended to house meters and protect them from the elements (freezing), and possible tempering.

e.) **Water Connection** – That part of the water distribution system connecting the water main with a point between the roadway (or easement) line and the lot line of abutting property and/or meter pit or curb stop.

f.) **Water Main** – All pipe or pipes, except service lines, used for the conveyance or distribution of water.

g.) **Water Service** – That part of the water distribution system extending from the water connection extending into the meter pit or curb stop.

h.) **Water Service Contract** – The written agreement provided by the Township shall provide water connection, water service, and water for usage by the consumer in consideration of the payment by the consumer for applicable fees due in the providing of any water connections or water service charges.

SECTION IV: INSTALLATIONS AND EXTENSIONS

a.) **Water Connections by Township** – Only the Township shall install water connections to the Township water main. The plumber selected by the consumer who is licensed to do such work or by the consumer after approval or designation by a member of the Water Authority shall make water service. The fees for providing water connection shall be billed to the consumer hereof at the set rates incurred by the Township for the time, materials, and equipment. The consumer

shall provide a deposit of not less than the estimated cost to the Township in advance of such activities occurring. The Township shall provide a reconciliation of actual charges, with a refund for overpayment or an invoice for underpayment to the consumer.

b.) **Paving of Streets** – All necessary water connections shall be installed in advance of the paving or resurfacing of any street or alley or any part thereof, when such paving or resurfacing shall have been determined as a necessity by the Board of County Road Commissioners of the County of Delta. The fees for subsequent paving and resurfacing cost shall be charged against the consumer served.

c.) **Application by Owners** – Consumers of the Township who wish to have water connections made to the property owned by them, may have such connections made if the water main shall extend to the property to be served, on making application thereof, and on agreeing to pay in advance the total of the making of such connection as fixed by the Township Board.

d.) **Large Connections** – Consumers in the Township who wish to have water connections which are larger than one inch shall be entitled to have such connections made if the property owned by them is located adjacent to the water main, on entering into a contract with the Township of like-kind and character as the water service contract defined in Section III e) below and which is one like-kind and character as provided in c) above.

e.) **Approval of Materials** – No water connections or water meters shall be attached to any part of the Water System unless, prior to any work, service line sizing and materials to be used are approved by a member of the Water Authority or his/her representatives.

f.) **Installation of Service** – All work performed in making additions, connections, repairs, extensions or alterations, connected to the service shall be subject to inspection by the Water Board or designated representative, who have the authority hereby granted, to order any part of such work discontinued or changed, in order that the same shall comply with the rules and regulations of the Township.

g.) **Water Service Line** - The consumer shall only use suitable copper or approved plastic material as set by the Water Authority for a water service line. All existing substandard water supply lines shall be upgraded at the expense of the consumer to suitable copper or approved plastic material within 90 days upon notification by the Water Authority.

h.) **Service Lines** – All service lines shall be laid not less than four feet, or level of water main, below surface of the ground or established street grade.

i.) **Connection to the Public Water System**- The applicant for a water connection permit shall notify the Township when the water supply to the building is ready for inspection and connection to the public water supply. The designated representative of the Water System shall then inspect the installation and, if such construction is found to conform to the established specifications and be in a safe and sanitary condition, approval shall be granted to connect the building water system to the public water system.

j.) **Maintenance of Service** – The customer portion of service from the Township Water System shall be kept in repair at the owner's expense. If said portion of the service is permitted to remain in disrepair, the Township, after proper notice, may shut off the water to said premises. The water shall not be turned on again until such pipe or pipes have been placed in proper repair.

SECTION V: WATER CONTRACTS, RATES, AND REGULATIONS

a.) **Necessity for Contract** - No consumer shall be served directly or indirectly by the water distribution system unless the person so served, or his/her authorized representative, has entered into a water service contract with the Township.

b.) **Unlawful Procedure** – It shall be unlawful for any person or owner to do any excavating, tap or make connections with the public water system without first obtaining the permission of the Water Board or their designated representative as herein provided.

c.) **Turning On or Off Service** – No person other than an authorized employee and/or representative of the Township shall turn on or off any water service.

SECTION VI: WATER METERS

a.) **Meters** – Consumers to which water is supplied are required to be metered. The meter shall remain the property, and under control of, the Township. Not more than a single family residential premise shall be served by one meter unless a member of the Water Authority has approved, in advance, multiple single-family residential units to be served by one meter with water service changes to be equally allocated between each single-family residential unit as if separately metered. Each premise so metered shall have its own separate water supply line shutoff valve in the street or alley.

b.) **Locations** – Meters shall be located at the point where the water service first enters the basement wall. Where there is no basement, the meter shall be located on the public right-of-way or utility easement in a meter pir if a member of the Water Authority deems it necessary. Such pits shall be constructed in conformity with the standard plans on file at the Township. A member of the Water Authority shall approve the construction.

c.) **Inaccessible Locations** – Meters shall not be set in inaccessible locations nor enclosed unless written permission if obtained from a member of the Water Authority. If a meter is inaccessible or enclosed, making maintenance and reading difficult or impossible, a member of the Water Authority may move the meter to an accessible location.

d.) **Valves** - The water system shall be provided with a valve on both sides of each meter. No fittings, except a coupler or union, shall be placed between a meter and curb stop. These valves shall be round way, and shall be of gate type with operating wheel or other values approved by a member of the Water Authority.

e.) **Damage to Meters** – Consumers or persons in possession of premises housing a meter shall be responsible for damages to a meter by heat, frost or other causes not controlled by the Township. The cost of damages to the meter shall be immediately due to the Township by consumer or persons in possession of such premises.

f.) **Seals on Meters** - Only authorized employees and/or representatives of the Township shall break a seal on a meter or meter bypass.

g.) **Reading, Repairing and Removing** – Authorized Township employees shall have the right to enter any premises on which Township water is used to inspect, adjust, read, repair or remove water meters or appurtenances in connection with said water meters at any reasonable time. Any consumer, as defined above, specifically authorizes such entry.

h.) **Electrical Grounding** – No person shall ground or electrically connect any radio, telephone or other electrical system to the discharge side of any water meter unless:

1.) A shunt is placed around the water mete that will bypass any electrical current connector or,

2.) At least ten feet or more of metal water pipe Is connected to and buried in moist earth on the discharge side, and

3.) Any shunt placed around the water meter shall be so placed that the meter may be removed without disturbing the shunt. No electrical connection shall be made to the water, the meter union or meter tailpiece.

i.) **Alterations or Changes** – No person shall change the location of a meter or meter pit, alter the ground so that it will cover up or create a hazard around the meter pit or stop box in any way obstruct the free access to any water meter, meter pit, or stop box without written permission of a memberof the Water Authority.

j.) **Meter Bypass** – Meters two inches or larger shall have a meter bypass installed with proper gate valve that can be sealed by the Township.

k.) **Meter Spacer Pipes** – Only authorized Township employees shall be allowed to install meter spacer pipes.

SECTION VII: RULES AND REGULATIONS FOR WATER METERS

a.) **Failure of Meter** – In the event a water meter shall fail to register properly, a member of the Water Authority is empowered to estimate the quantity of water used based on former consumption and the Township shall charge any consumer accordingly.

b.) **Test by Consumer** – If any consumer shall desire to have his/her water meter tested, he/she shall deposit with a member of the Water Authority a fee determined by the Township. A member of the Water Authority shall thereupon cause the meter to be tested, with the consumer present at the test.

c.) **Test by Authority** – If a member of the Water Authority wishes to independently test the water meter, a member of the Water Authority, or his/her representative is empowered to test the meter in the absence of the consumer.

d.) **Accuracy of Meter** – A water meter shall be considered accurate if, when subjected to a standard test by a member of the Water Authority, its register indicates not more than 2 percent less than the actual quantity passing through it, it shall be considered "slow". If the water meter register indicates more than the actual quantity of water passing through it, it shall be considered "fast."

e.) **Correction of Account** – If a water meter has been tested at the request of a consumer 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 customer within three months prior to the test together with a refund of the consumer meter testing charge. If a water meter is so tested and it is determined to register "slow", the Township is empowered to charge the consumer a sum equal to the percent "slow" multiplied by the amount of all bills incurred by the consumer over the prior three months. When a member of the Water Authority makes a test of a water meter at the instigation of the Water Authority, it shall be done without cost to the consumer, other than for the amount due the Township for water used by a member of the Water Authority as above provided if the meter is found to be "slow."

f.) **Records Regarding Meters** – A record of the date when each water meter was furnished to the consumer, its number, and location shall be kept in the office of the Water Authority.

SECTION VIII: MISCELLANEOUS PROVISIONS

a.) **Responsibilities of Consumer** - The consumer's responsibility starts at their meter pit or curb stop, whichever is furthest away, whether it is on their property or not. Each consumer shall keep his/her own service pipe, stop cocks, and other apparatus in good repair and protected from frost at his/her own expense, and shall prevent all unnecessary waste of water. No claim shall be made against the Township by reason of a freezing or breaking of any service pipes, stop cocks, or their apparatus, and the consumer shall provide a safe place for all water meters when placed

within the service location, which place shall reasonably protect said meters from damage, jarring, freezing, excessive heat, or other outside interface of every kind.

b.) **Water Leaks** – The consumer is responsible for any and all leaks in heir service starting at the meter pit or curb stop; whichever is furthest from the residence whether it is on their property or not. If the Township Water Board determines that the leak was caused by a source that is not the fault of the owner, the foregoing water usage fees may be adjusted, if the consumer took quick action in correctly handling the leak, per approval of the Township Water Board upon receiving a written request from the customer stating the reason why they believe such action should be taken. Until a decision is made by the Township Water Board, the customer will remain responsible for payment of the bill.

c.) **Lawn Sprinkling System** – All lawn sprinkling systems must have an anti-siphon breaker installed according to the current Ford River Cross Connection Ordinance.

d.) **Physical Connections** - No physical connections shall be installed or maintained between lines carrying potable public water supplies and pipes, pumps or tanks supplied or capable of being supplied from any non-potable source, except as hereinafter provided. Where dual supplies are necessary or desirous, lines carrying water from the public must be protected against back flow of polluted water by such methods as are approved by the Public Health Department for the State of Michigan.

e.) **Fast closing Valves** – All fast closing valves must be compensated by surge chambers.

SECTION IX: EMERGENCY REDUCTION OF WATER USE

The Water Authority is hereby authorized to impose temporary restrictions upon the use of water from the public water system in the manner provided in this Section.

Temporary restrictions on the use of water from the public water system under the authority of this Section shall be implemented only after the Water Authority has made a determination that one or more of the following conditions exist and that the specific restrictions imposed are needed to protect the health, safety or general welfare of the public or to protect the water system from damage or failure:

a.) The user demand for water may exceed the sustained delivery capability of the system.

b.) The system is operating at such high volume, or such slow main pressures, that insufficient capacity or reserve remains to safely respond to an increase in demand created by a fire, water main failure, system malfunction or other emergency.

c.) Any other condition or situation, extent or reasonably anticipated, that may expose or threaten the system, its operating flows, residual pressures or integrity to the point that the system is jeopardized or the public safety endangered.

The temporary restrictions on the use of water from the system as determined necessary by the Water Authority, under the authority of this Section, shall remain in effect until rescinded by the Water Authority or until the next meeting of the Township Board. The Township Board after review of the temporary restrictions imposed by the Water Authority may continue, amend, modify or suspend such restrictions by the adoption of a resolution setting forth the nature and duration of such restrictions.

Temporary restrictions imposed by either the Water Authority or by the Township Board under the authority of this Section, shall be effective at the time they are posted in not less than two conspicuous locations at the Township Hall,

SECTION X: RATES AND COLLECTION PROCEDURES

The Township Board shall establish rates for the consumers of the public water service. The rates established shall provide that the consumers of the public water service shall pay all costs to operate the public water service and generate adequate retained earnings for the Water System Fund.

The Township Board, by resolution, may periodically alter the foregoing rates to accommodate increased costs and needed reserve funds for the water system's maintenance and acquisition.

The rates established shall include at a minimum for the consideration of the following expenses in establishing rates for the consumers of public water service:

1. Debt service;
2. Operation, maintenance, and repair;
3. Minimum monthly charge for users;
4. Connection charge;
5. Reconnection charge;
6. Base rates for installation services;
7. Late payment and interest charges;
8. Security deposit requirement; and
9. Consumer meter testing charge.

The owner of the premises served shall be liable for all charges associated with the water supply system provided for said premises. All water charges will be sent to the property owners on record. If residential property is being rented or leased to another person or persons, a copy of the billing may be furnished to the renter/lessee with authorization of the owner. It will be the responsibility of the property owner to see that the charges are paid in full. Any unpaid balances at the end of the Township Board fiscal year may be added to the tax roll.

Any consumer with public water services charges that remain unpaid for more than 45 days after the original payment date shall be notified in writing that a disconnect of public water services will occur ten (10) days after the date of such notification, unless all outstanding water service charges are paid in full to the Township Treasurer.

All public water service charges for the use of service and all associated costs thereto shall be lien on all parcels served by the public water in the Township and are recognized to constitute such lien as permitted by MCL 141.101 et seg. and other applicable Michigan laws.

Whenever such charge against any piece of property shall be delinquent for four (4) months, the official or officials in charge of collection thereof shall certify to the tax assessing officials of the Township the fact of such delinquency. Such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced. Provided, however, where written notice is given that a tenant is responsible for such charges, which notice shall include a true copy of the lease of the affected premises, no further services shall be rendered to such premises until a cash deposit shall have been made as a security for payment of such charges and the right to discontinue public water service to any premises for the rates and charges are not paid within forty-five (45) days of original due date, then public water service to such premises shall be discontinued. Public water service

so discontinued shall not be restored until all sums then due and owing shall be paid, plus a reconnection fee.

SECTION XI: DAMAGE OR TAMERING WITH WATER FACILITIES

a.) **Willful, Negligent or Malicious Damage** – No person shall maliciously, willfully or negligently break, destroy, uncover, deface or tamper with any structure, public water services or public water facilities.

SECTION XII: VIOLATIONS AND PENALITIES

a.) **Violating Provisions** – Any person found to be violating any provisions of this Ordinance, except for Section XI violation, shall be served by a member of the Water authority within a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated, will not absolve the violator of liability for any violation occurring prior to such cessation.

b.) **Notifications** – When notification is required by this Ordinance, such notification shall be in writing. Service must be either in person, to property owner or authorized agent, by first class mail to the last known address of property owner or by posting a notice on the property.

c.) **Civil Penalties** – A user who is found to have violated an order of the Township Board or who willfully or negligently failed to comply with any provisions of this Ordinance and the orders, rules regulations and permits issued hereunder, shall be fined two hundred fifty dollars ($250.00) for each offense. Each day, on which a violation shall occur or continue, shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Township may recover reasonable attorney fees, court costs, court reporter fees and other expenses of litigation against the person found to have violated this Ordinance or the orders, rules, regulations and permits issued hereunder.

d.) **Civil Infraction** – In addition to any civil penalty, any person, corporation or firm, who as a result of violating any provision of this Ordinance, is responsible for a municipal civil infraction and shall pay a civil fine of not less than one-hundred dollars ($100.00), plus costs and other sanctions for each infraction.

1. Repeat offenders shall be subject to increased fines as set forth below. As used in this Section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Ordinance committed by a person, corporation or firm, within any thirty (30) day period and for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offender under this Ordinance shall be as follows:
   a.) The fine for any offense that is a repeat offense shall be no less than two-hundred fifty dollars ($250.00) plus costs and other sanctions.
   b.) The fine for any offense that is a second repeat offense or any subsequent repeat offense shall be no less than five-hundred ($500.00) plus costs and other sanctions.
2. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such appropriate relief as may be provided by law.

e.) **Accidental Discharge** – Any person found to be responsible for accidently allowing a deleterious discharge into the public water service system, which causes damage to the

facility, and/or water supply of body of water shall, in addition to a fine pay the amount to cover damages as reasonably established by the Township.

f.) **Liability for Losses** – Any person violating any provision of this Ordinance shall be liable to the Township for any expenses, loss or damage occasioned by reason of such violation which the Township may suffer as a result thereof.

g.) **Enforcement Official** - The individual Water authority members or the designee thereof are designated and authorized to undertake all actions necessary for the enforcement of this Ordinance.

SECTION XIII: ADMINISTRATIVE APPEALS – BOARD OF APPEALS

a.) Therefore, provisions of this Ordinance may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of these sections, the Township Board shall serve as a Water Board of Appeals. The duty of such Board shall be to consider appeals to determine, in particular cases, whether any deviation from strict enforcement will violate the intent of the order or jeopardize the public health or safety.

b.) Any informal hearing with a member of the Water Authority may be requested in writing by any user or contractee deeming itself aggrieved by any citation, order, charge, fee, surcharge, penalty or action within ten days (10) after the date thereof, stating the reasons therefore with supporting documents and date. The informal hearing shall be scheduled at the earliest practical date, but not later than five (5) days after receipt of the request, unless extended by mutual agreement. The hearing shall be conducted at a place designated by the Water Authority.

c.) Appeals from orders of a member of the Water Authority may be made to the Township Board, acting as a Board of Appeals, within thirty (30) days from the date of any citation, order, charge, fee surcharge, penalty, or other action. Any person aggrieved may take such appeal. The appellant shall file a Notice of Appeal with the Water Authority member and with the Board specifying the ground thereof. Prior to a hearing, the Water Authority member shall transmit to the entire Board a summary report of all previous actions taken. The final disposition of the appeal shall be in the form of all previous actions taken. The final disposition of the appeal shall be in the form of a resolution, reversing, modifying or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the Board must concur.

d.) The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the Board may reverse or affirm, in whole or in part, or make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end have all powers of the official from whom said appeal is taken. The decision of said Board shall be final.

e.) The Board of Appeals shall meet at such times as the Board may determine. Meetings shall be open to the public in accordance with applicable laws. The Board shall adopt its own rules or procedure and keep a record of its proceedings, showing findings of fact, the action of the Board, and the vote of each member upon each question considered. The presence of three (3) members shall be necessary to constitute a quorum.

f.) The Board of Appeals may prescribe the sending of notice of such persons as it deems to be interested in any hearing by the Board.

g.) All charges for service, penalties, fees, or surcharges outstanding during any appeal process shall be due and payable to the Township. Upon resolution of any appeal, the Township shall adjust such amounts accordingly; however, such adjustments shall be limited to the previous one-year's billing unless otherwise directed by court order.

h.) If an informal or formal hearing is not demanded within, the periods specified herein, such administrative action shall be deemed final. In the event either or both such hearings are demanded, the action shall be suspended until a final determination has been made, except to Immediate Cease and Desist Orders issued pursuant to this Section.

i.) Appeals from the determination of the Board of Appeals may be made to the Circuit Court for the county of Delta within twenty (20) days as provided by law. Such appeals shall be governed procedurally by the Administrative Procedures Act being MCL 24.201 et seq. All findings of fact, if supported by the evidence, made by the Board shall be conclusive upon the Court.

SECTION XIV: TOWNSHIP WATER EXPENSE

a.) **Hydrant Fee** – For fire protection and other use of water through fire hydrants, the Township shall pay out of appropriate funds a fee per year for each hydrant, payable in annual installments.

b.) **Payment by Department** – The Township shall not permit free water service to be supplied by the system to the Township or any department or agency thereof, or to any person, firm, partnership, co-partnership, or corporation whether public, or private or to any public agency or instrumentality. The reasonable cost and value of all water services rendered to the Township and its various department revenues of the system, and shall be applied in the manner herein provided for the application of the revenues o the system.

SECTION XV: WATER SYSTEM

a.) **Control of System** – The extension, improvement, alteration, repair and maintenance of the system shall be under the supervision and control of the Township Board and its designated officers and employees. The Township Board may make such rules, orders and regulations, as it deems advisable and necessary to assure the efficient management and operation of the system.

SECTION XVI: VALIDITY

a.) **Repeal of Conflicting Ordinance** – All ordinances or parts of ordinances or regulation or parts of regulations in conflict with this Ordinance are hereby repealed.

b.) **Invalidation Clause** – Invalidity of any section, clause, sentence, or provision in the Ordinance shall not affect the validity of any other sections, clause, sentence or provision of this Ordinance, which can be given effect without such invalid part or parts.

SECTION XVI: EFFECTIVE DATE

This Ordinance shall be in full force and effect on the 10 day of March, 2014 and after passage of this Ordinance and its publication.

Patricia Anderson, Ford River Township Clerk

3-10-2014
Date

Rachael Fountaine, Ford River Township Supervisor

3-10-2014
Date