

Ordinance No. 1-07
Sherman Township
Keweenaw County, Michigan

Water Ordinance

An ordinance relating to the administration, operation and protection of the water system owned by the Township of Sherman, County of Keweenaw State of Michigan.

The Township of Sherman 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) "Agent" means Sherman Township Board and its employees, who are authorized by the Township to perform administration, operation and maintenance duties.
 - b) "Backflow" means water entering a public water supply system from an external source due to a reversal of flow.
 - 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 and bars.
 - d) "Connection charge" means the charge imposed to defray the capital costs of construction of the System.
 - e) "County" means Keweenaw County, Michigan.
 - f) "Cross-connection" means a connection or arrangement of piping or appurtenances through which a backflow could occur.
 - g) "Domestic user" means a person whose premises are domiciles for single or multiple family use.
 - h) "Local distribution lines" means those pipes which serve only the abutting property within one local service area.
 - i) "Premises" means each building, dwelling unit or apartment unit used for human occupancy, employment, recreation or any other purpose.

- j) "Readiness to serve charge" means the charge imposed for the availability of the water main for a water connection.
- k) "Secondary water supply" or "private 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.
- l)
- m) "Service charge" means the minimum charge payable by a user for the provision of water service.
- n) "Service line" means the line on the premises, installed and maintained by user, connecting the System to the premises.
- o) "System" or "Water supply system" means the agents water supply and the Township owned distribution system.
- p) "Tap-on Charge" means the charge imposed to defray the cost of making a water connection.
- q) "User" means the owner, lessee or occupant of any premises connected to or served by the System.
- r) "Township" means the Township of Sherman, Keweenaw County, Michigan.
- s) "Township Board" means the governing body of the Township.
- t) "Water connection" means that part of the water distribution system connecting the system to the service line.
- u) "Water main" means the primary and intermediate transmission lines (including the local distribution lines) of the water supply system.

ARTICLE II

2.1 Water Connection Required:

- a) The owner of each premises constructed subsequent to the existence of the water supply system, situated within the Township and abutting on any street, alley, or right-of-way in which there is located a water main of the System shall, provided said water main is within 200 feet of said premises, at owners expense install suitable plumbing facilities therein and connect such facilities directly to the water supply system.
- b) Except where municipal water is not available, it shall be unlawful to construct, reconstruct, or repair any private water system which is designed or intended to provide water for human consumption. Private wells, to provide water for other than human consumption, may be constructed, maintained and continued in use after connection is made to the water system: provided, there is no means of cross-connection between the private well and municipal water supply at any time. Hose bibs that will enable the cross-connection of the two systems are prohibited on internal piping of the well system supply. Where both private and Township systems are in use, outside hose bibs shall not be installed on both systems.
- c) If the private water well is not to be used after the time a municipal water connection is made:
 - 1) The well pump and tank shall be disconnected from all internal piping.
 - 2) Within 30 days after the municipal water connection is made, the owner or occupant must advise the Township Board that the well has been sealed.
 - 3) Notwithstanding the foregoing, all well abandonment shall be done in accordance with the laws of the State of Michigan.
- d) Any buildings used for human habitation or for human occupancy including business buildings, unless specifically exempted by the Board on the grounds that no human beings occupy or use such buildings and no human needs are generated therein, located on property adjacent to a water main or in a block through which the water extends, shall be required to connect to the water system.

2.2 Connections

Application for connection to the system shall be made to the Township and its agent on forms prescribed and furnished by the Township and its agent. Water connection, plumbing, shall be installed in accordance with the specifications, rules and regulations of the Township and its agent and upon payment of all charges established from time to time by the Township Board. Connection of the service to the water main shall be completed by the Township's Agent. All water connections shall be the property of the Township, except those purchased by the customer. 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 by, and at the expense of, the user, as expeditiously as possible after written notice to proceed, but the time for construction of the service line shall be at the convenience of the Township and its agent.

a) Application

1. No new service shall be connected to the Township water system without the approval of the Township Board. The customer shall supply the following information to the Township and its agent for review and approval.
 - a. Size and type of pipe to be used.
 - b. Location of pipe within the lot.
 - c. Name of person to install pipe.
2. The Township Board shall have the right to refuse to accept any installation that is installed before the customer has secured the proper approval and reserves the right to refuse water to such an installation.

b) Materials and Installation

1. The pipe shall be of copper or other approved material at least ¾" in diameter and placed a minimum of 6 feet below the surface.
2. The curb cock shall be furnished by the Township agent and installed as near the property line as practical.
3. An employee of the Township's Agent shall make the connection to the water main.
4. Each water customer shall have a separate and distinct water connection. Branch service connections may be attached to a service connection, provided written approval for such an installation is secured from the Township Board and a separate curb cock shall be installed for each branch service.
5. No installation may have the trench backfilled until it has been inspected by a representative of the Township appointed for this purpose.
6. Any dispute concerning materials or installation, the state plumbing code shall be deemed to be final authority.

7. The cost of maintenance of the service connection shall be borne by the Township and maintenance of the service pipe shall be the responsibility of the costumer.
8. Any leak in the service pipe shall be cause for the curb cock to be shut off until such leak is repaired.

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. No person, other than an authorized employee of the Township or its agent, 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 purposes (when it must be turned off immediately following such testing) or upon receiving a written order from the Township or its agent providing, 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 Injury to Facilities

No person, except an employee of the Township and its agent in performance of his duties, shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the water supply system. The user shall report at once to the Township any theft or damage to any structure, appurtenance or equipment which is part of the System.

2.5 Responsibility for Damage

The Township or its agent shall not be responsible for any damages because of failures of the System, or action by the Township or its agent to correct such failures.

2.6 Water Leakage

It shall be the responsibility of the owner to make arrangements to repair any leaks in the service line after notice by the Township or its agent.

2.7 Hydrant Use

No person, except an employee or agent of the Township in the performance of his duties, shall open or use any fire hydrant, except in case of emergency, without first securing written permission from the Township.

2.8 Unlawful Connections

No person shall make a connection on a service line between the curb cock and the premises without written approval from the Township.

2.9 Sale By Owner Unlawful

No person shall sell water or make any connection through which water may pass from one property or premises to another, even if the ownership of the property or premises is the same, except by written approval of the Township.

2.10 Cross-Connections Control

It shall be unlawful for any owner to install, and the Township shall eliminate and prevent, all cross-connections, except by written authorization of the Township and 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) Inspections

It shall be the duty of the Township to cause inspections to be made of all premises served by the water supply system where cross connection is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Township.

b) Right of Entry

Representatives of the Township and its agent shall have the right to enter at any reasonable time any premises served by the water supply system for the purpose of inspecting the piping system or systems thereof for cross-connections. On request, the owner, lessees or occupants of any premises 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.

c) The owner may install an approved back flow device, but only with the permission of the township.

2.11 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 supply system must be labeled in a conspicuous manner as water unsafe for drinking.

2.12 Discontinuance of Service

In the event a user of the system desires water service to be discontinued, said user shall so request in writing not less than 48 hours prior to the time 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 to discontinue water service for any violation of any rule, regulation, or condition of service. Discontinuance will not be done on weekends or holidays.

2.13 Shut off of Water

The Township or its agent reserves the right at all times and will endeavor to give due notice to shut off the water at the water mains or local distribution lines or to require reduced use or no use of the System for the purpose of making repairs.

2.14 Additional Regulations

The Township Board may make and issue additional rules and regulations concerning the water supply systems, connections thereto, meter installations and maintenance, connection and meter installation fees, hydrants and water mains and the appurtenances thereto, not inconsistent herewith.

2.15 Other Laws

If any statutes of the State of Michigan shall impose greater restrictions than herein set forth, then such ordinances or statutes shall control.

ARTICLE III

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ARTICLE IV

WATER RATES AND CHARGES

4.1 Applicability

The rates and charges shall be designed to produce revenues which are proportionate to the cost of providing water service to the users of the System. Such cost shall include but not be limited to the cost of construction, improvements, operation, maintenance, replacement, depreciation, administration and a rate of return on the System's investment. No free water service shall be furnished to any user of the system. The Township Board shall establish a schedule of water rates, deposits, fees, penalties and charges for services. This schedule shall be adopted by resolution and may be amended from time to time by the Township.

4.2 Review of Rates and Charges

In conjunction with the Township's Agent the Township Board shall annually review the rates and charges. A report of the system from the Township's Agent will be received prior to March 1st in each year, and presented to the Township Board recommending rates and changes to assure that all costs of the system will be recovered from users of the system.

4.3 Billing and Penalties and Remedies for Nonpayment or Late Payment

The owner of any premises receiving water service, and the occupants thereof shall be jointly and severally liable for the water service provided to said premises.

Bill administration shall be done by the Township's Agent. Bills for rates and charges as herein established shall be mailed to users quarterly. All bills shall be payable on the 15th day of the month following the period of service and shall be payable to the Township's Agent. If any bill shall not be paid as required, a late charge of five percent (5%) 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 review by the Township Supervisor or 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 to lien on the premises served.

4.4 Unpaid Charges

Any rates or 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 role 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 the State of Michigan and the County regarding ad valorem taxes, until paid.

4.5 Failure of the System

There shall be no reduction in water rates or charges in case of failure of the water supply system regardless of the reason for the failure.

4.6 Hydrant Rental

For water used through fire hydrants and for the availability of such water and for the general fire protection furnished the Township and its inhabitants, the Township shall pay a monthly fee as set forth by resolution.

ARTICLE V
WATER DISTRIBUTION LINES

TOWNSHIP RESIDENTS

5.1 Charges for New Water Lines

The customer or developer will be responsible for all materials and installation cost for water line extensions.

ARTICLE VI
ENFORCEMENT

6.1 Penalties for Violation of Ordinance

Whoever violates or fails to comply with any portion 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 for each day during 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 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 hereunder including those due pursuant to section 6.2 hereof shall, to the extent permitted by law, be liens upon the premises served by the water supply system, 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 Township of Sherman.

7.2 The Township Clerk shall publish this ordinance in a newspaper of general circulation in the Township of Sherman , Keweenaw County, Michigan.

7.3 The Township reserves the right to amend, revise, repeal or supplement this ordinance.

7.4 Any ordinance or resolution or parts of same conflicting with this ordinance are hereby repealed.

7.5 Each section of this ordinance, and every paragraph of each section is hereby declared to be separable and the holding of any section or paragraph thereof to be void, ineffective or unconstitutional for any cause shall not affect any other section or part thereof.

7.6 DATE EFFECTIVE. This ordinance shall take effect and in force from and after the First day of April, 2007.

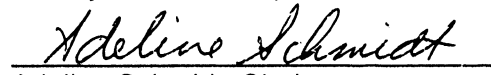
7.7 DATE OF ENACTMENT. Passed and adopted by the Township Board of the Township of Sherman in the County of Keweenaw and the State of Michigan on this Eighth day of March, 2007.

YES: 4

NO: -0-

ABSENT: 1


Dudley E Martin, Supervisor


Adeline Schmidt, Clerk

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