

**WHITEFORD TOWNSHIP
MONROE COUNTY, MICHIGAN**

WHITEFORD TOWNSHIP WATER ORDINANCE

ORDINANCE NO. 67

This is an Ordinance to preserve, promote and protect the health, safety and general welfare of the citizens and to protect the environment and natural resources of Whiteford Township.

Whiteford Township, Monroe County, Michigan Ordains:

ARTICLE 1

TITLE, PURPOSE, DEFINITIONS AND FINDINGS

SECTION 1. TITLE

A. This Ordinance shall be known as the Whiteford Township Water Ordinance.

SECTION 2. PURPOSE

A. This Ordinance is to provide regulations and charges for the use of the municipal water system; the installation and connection fees and inspections; installation costs and responsibilities; water line ownership; maintenance and replacement responsibilities; determining billing; enforcement procedures; general provisions related to the system; to provide penalties for the violation hereof; and repeals any ordinance or part thereof in conflict herewith.

B. This Ordinance:

1. establishes uniform regulations regarding the distribution of municipal water from the Whiteford Township publically owned treatment works ("POTW") to all domestic, industrial, and commercial users of the Whiteford Township municipal water system and all extensions thereto and enables the municipal water system to comply with all applicable State and Federal laws and all applicable ordinances, rules and regulations pertaining to water rates and charges, as they may be amended from time to time.

2. provides for the regulation of the installation and connection of water connections.

3. regulates all contributors to the POTW through enforcement of general requirements for users.

4. authorizes the monitoring and enforcement of activities of users.

5. establishes that the Whiteford Township Board of Trustees or an authorized agent is granted the sole responsibility and authorization over the Whiteford Township municipal water system.

C. This Ordinance shall apply to all the users of the Whiteford Township municipal water system and all extensions thereto.

SECTION 3. DEFINITIONS

A. Definitions – All words in this Ordinance shall be liberally construed as to gender or singular/plural usage except as the context may clearly limit a quantity. Words shall have such meaning as is common in the field of municipal water systems. See Attachment A as to additional terms and definitions.

SECTION 4. FINDINGS

A. The following legislative findings are made:

1. The Township Board finds that the businesses, industries, farms, schools, governmental agencies, charitable organizations, residents and other water users located in the Township need to have potable water for consumption and other uses.

2. The Township finds that the supply of potable water available from private wells within the Township is insufficient, in most instances, due to poor water quality and/or lack of sufficient volume, to assure that users will have sufficient potable water available for consumption and also sufficient water for business and industrial purposes and control and other uses.

3. Based on the advice of the Township rate consultant and the Township engineer, the Township Board finds that the most precise method of measuring water provided by the municipal water system is by a meter or meters owned by the Township.

4. The charges, rates, and fees for connection to and use of the municipal water system are established pursuant to this Ordinance and a resolution for the purpose of recovering the cost of installation, reconstruction, replacement, maintenance, repair, and operation of the municipal water system and the cost of compliance with all applicable federal and state laws, rules and regulations, and to provide for the payment of other costs of the municipal water system. These charges, rates and fees shall be assessed and payable in accordance with the provisions of this Ordinance and shall apply to all users of the municipal water system. The charges, rates and fees authorized pursuant to this Ordinance shall be established as to recover costs from the municipal water system users in reasonable proportion to the cost of serving those users. The Township supervisor, in consultation with the Township engineer, as necessary, shall periodically review the charges, rates and fees of the municipal water system. The results of this review shall be periodically reported to the Township Board with recommendations for adjustments, if any.

5. The Township Board finds that the fairest and most reasonable method of providing for costs associated with the municipal water system is to charge each user, based on the cost of servicing the user for:

- a. The cost of filtering, transporting and providing potable water to users;
- b. Ongoing repair, replacement and construction of the municipal water system; and
- c. The operation, administration and maintenance costs of the municipal water system.

6. The Township Board finds that the charges, rates and fees authorized in this Ordinance and set forth in a resolution fairly and accurately apportion the municipal water system's fixed and variable costs among the users and that the charges, rates and fees provide actual benefits to the users in the form of ready access to water service which would not be available if those charges, rates and fees were not imposed. Unless otherwise changed, the municipal water system shall be operated on a calendar year basis.

ARTICLE 2

MANDATORY CONNECTION, TOWNSHIP RESPONSIBILITIES, LANDOWNERS' RESPONSIBILITIES AND LEAKAGE

SECTION 1. MANDATORY CONNECTION

A. The owner of any commercial or industrial building or property within Whiteford Township where the property line is within 200 feet of the municipal water line must, at the owner's expense, connect to the municipal water system and properly abandon the prior facility. Said properties shall be connected to the municipal water system within six (6) months of the availability of such municipal water.

B. The owner of any residential building or property within Whiteford Township may, at the owner's expense, connect to the municipal water system and any private well shall be properly abandoned; provided however, a private well may continue to be used only for irrigation purposes, if it is properly disconnected from the municipal water system, the private well does not cause cross contamination or backflow, is disconnected from the house system, and the disconnection is verified by the plumbing inspector.

C. Notwithstanding anything to the contrary, the owner of any residential building or property within Whiteford Township shall, at the owner's expense, connect to the municipal water system if required to by any federal, state or local authority, the Monroe County Health Department or other governmental agency. Any private well shall be properly abandoned; provided however, a private well may continue to be used only for irrigation purposes, if it is properly disconnected from the municipal water system, the private well does not cause cross contamination and the disconnection of the private well is verified by the plumbing inspector.

D. The official water meter for billing purposes is the meter located in the right-of-way, building or meter pit. If a water meter fails to register as a result of a mechanical failure, the Township shall have the authority to estimate the quantity of water on which the billing is made until such time as the meter is repaired or replaced. The estimated water use shall be based on previous usage and/or the usage of similar users.

E. The owner or lessee of the real property which is a water service customer shall provide access inside the owner or lessee's building to an authorized representative of the Township for the purpose of examining, repairing, updating or replacing the water meter or other remote reading equipment so that such equipment is operating properly. Failure to provide access inside the building to the Township within seven days after the Township has made a written demand to the owner or lessee for such access shall constitute a violation of this ordinance.

F. Tampering, damaging, changing, rerouting, winterizing, removing or by-passing the water meter by persons other than Township personnel is strictly prohibited and constitutes a violation of this ordinance.

G. Revision of rates, charges and fees. The rates established annually by the Township shall be calculated to be sufficient to provide for the payment of the expenses of administration, debt service, operations and maintenance of the system as necessary to preserve the system in good repair and working order, and to provide a reasonable reserve

for major repairs and replacements. Such rates shall be fixed and revised as may be necessary to produce these amounts. The Township Board shall make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management of the system and shall at least annually review all rates, charges and fees provided in this section, and make such revisions as shall appear proper under the circumstances.

H. Properties subject to special assessment districts related to the construction of water infrastructure shall be obligated to pay all associated capacity charges, tap fees, commodity charges and readiness-to-serve charges, as may be in effect and revised from time to time, at the same rate as other customers, both during and after the repayment period of the special assessment.

SECTION 2. TOWNSHIP RESPONSIBILITIES AND RIGHTS

A. The Township shall own, operate and/or maintain the municipal water system on the landowner's real estate. The water system shall continue to be operated and maintained on a public utility basis as authorized by law. It is hereby declared to be the intent and purpose of the Township Board to maintain reasonable and uniform rates and charges applicable to various classifications of users:

1. Operate and maintain the water system in a reasonable, proper and efficient manner; and
2. Make the water debt retirement payments as they become due, and to provide from time to time for such enlargement and extension of the system as shall appear necessary.
 - a. The cost of purchasing water, and the proper maintenance of the existing system and extensions thereof, together with trunk and lateral extensions thereto, as established from time to time by rates fixed by and shall be considered as operation expenses of the water system.
 - b. No free service shall be furnished by the system to any person, firm or corporation, public or private, or to any public agency or instrumentality. For service and benefits furnished by the system, there shall be rates and charges established by the Township Board which shall be based upon a methodology which complies with appropriate industry standards and applicable federal and state statutes and regulations. The amount of the rates and charges shall be sufficient to provide for payment of debt service and for the expenses of operation, maintenance and replacement of the system as necessary to preserve the same in good repair and working order. The amount of the rates and charges shall be reviewed annually and revised when necessary to ensure system expenses are met and that all users pay their proportionate share of operation, maintenance and replacement expenses. It is recognized that the Township will maintain multiple water districts, and that each water district establishes its own rates for connection and transportation.

B. The Township shall maintain the municipal water system in an operational condition; provided however, the Township shall not be responsible for the maintenance of the landowner's service line. The water system shall remain under the overall management and control of the Township Board. For the purpose of carrying out the provisions of this Article and the improvement, alteration, repair and management of the system, there shall be created a Department of Public Works (DPW), which shall be responsible to the Township Board. The DPW shall consist of the DPW Supervisor and such other persons as shall be employed by the Township. The DPW Supervisor shall be in immediate charge of the DPW and shall be responsible to the Township Supervisor and Township Board. For circumstances or conditions

which are unusual or unique and which are not specifically addressed by provisions of rules or regulations adopted by the Township Board, the DPW is authorized to establish or approve a policy or guideline relating to the use of the water system and the making of connections thereto which policy or guideline does not impair the financial integrity of the water system and which satisfies the goals, objectives and purposes of the water system. Each such policy or guideline established or approved by the DPW Supervisor may be reviewed and modified by the Township Board upon the request of the Township Supervisor.

C. Unless otherwise required by the Township, the meters shall be owned by and remain the property of the Township. The Township reserves the right to examine and repair or change any meter at any time.

D. The Township reserves the right to determine the size and type of meter to be installed. Meters shall be installed in an accessible location approved by the Township.

E. Any qualified employee of the Township, or its agent, at all reasonable hours, shall have the right to enter onto the premises where a meter is installed for the purposes of reading, testing, removing or inspecting the meter and no person shall hinder, obstruct, or interfere with such employee or agent. The Township shall have the right to shut off water service to any property where the Township is not able to obtain access to the meter.

F. The Township reserves the right at all times, and will endeavor to give due notice of its decision to shut off the water to require reduced use or no use of the municipal water system for the purposes of making repairs, extensions or other purposes. All persons having equipment that is dependent upon water from the municipal water system are hereby cautioned against danger that may arise from emergency shutting off of water.

G. In case of an emergency, the Township 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. In the event an emergency situation arises in the operation and maintenance of the water system, which emergency situation creates an immediate, verifiable risk to public health and safety, the Township Board authorizes the DPW Supervisor to expend funds necessary to correct and repair such emergency situation without the necessity of compliance with the Township's bidding and purchasing policies and requirements.

H. *Water readiness-to-serve (RTS) charge.* Each customer shall be charged a portion of the fixed costs of water system operations, maintenance, replacement and debt service, based on the size of the customer's water meter(s). RTS charges will be set at a level which ensures the Township will have sufficient revenue throughout the operating year to pay the costs assigned to this component of customer charges. The RTS charge shall be assessed to all active customer accounts at the same fixed rate per residential equivalent meter, regardless of the volume of water used or metered during the billing period. RTS charges reflect the minimum amount to be billed to customers each billing period, as defined in the rate resolution.

I. *Tap charge.* As customers make new connections to the municipal water system, they shall be responsible for the cost of making the physical connection (tap) to the main servicing their property. Customers, developers or property owners wishing to tap the main are responsible for the cost of the connection. To make a connection, customers shall contract with a licensed and approved contractor or with the Township directly, to perform the work. Prior to

any taps being made, contractors must first apply to the Township for a permit to perform the tap. Property owners, customers or developers are responsible for paying the contractor or Township for the cost of the tap, including street cuts and repairs, excavation, connection, labor, supplies, restoration and all other associated costs. The Township shall not incur any cost for taps, unless it has a contract with the property owner for full repayment of the associated costs. Inspection fees associated with the tap will be assessed.

J. Inspections and Associated Fees. For all new connections (taps) to the water system, property owners, customers or developers shall submit an application for the connection with the Township. To ensure proper connections and to maintain the integrity of the public water system, the Township shall inspect all taps and all excavations of water mains, laterals and lines. Inspection fees are intended to recover the cost of labor and materials to perform inspections, and shall be established as set forth in the rate resolution.

K. Water system capacity charge. This one-time charge shall consist of two components: capacity demand and meter installation. Prior to connecting to the Township public water system, property owners must pay for the system capacity required to service their property. Capacity charges shall be assessed based on the size of the tap, and not based on the size of the meter, and shall be set at a level approximately equal to the equity share of all existing customers. The second component of this charge will include the cost of the meter and associated labor and supplies required to install the meter. This component of the capacity charge will be deposited in the operating revenues of the utility, to be used to offset costs incurred by the Township in the year the meter is installed.

L. Capacity charges for multi-property developments. Developers making a connection to or extending the Township water system shall be assessed a capacity charge. Developers shall be required to initially pre-pay only that portion of the capacity charges attributable to the first phase planned for the development. The initial capacity charge must be paid prior to extending the water system into the development and before any construction and/or building permits are issued. Developers shall be responsible for paying the remaining balance of capacity charges commensurate with development phasing, prior to the Township issuing construction and/or building permits for the next phase. As individual properties are connected, the Township shall authorize the installation of meters for properties which have been prepaid. This process shall be repeated, in increments, until all capacity charges for the development are fully paid. Developers shall be responsible for prepayment of all capacity charges before permits are issued to commence the final phase of the development.

SECTION 3. LANDOWNERS' AND USERS' RESPONSIBILITIES, MAINTENANCE AND SERVICE CONNECTION

A. The landowner shall purchase, own, operate, maintain and replace the service line and any other related appurtenances from the residence or building to the municipal water system.

B. The landowner shall maintain the service line and any other related appurtenances and shall keep them repaired and operational without leakage as required by federal, state and local ordinances, statutes and law, including but not limited to the Michigan Public Health Code.

1. The user shall obtain a water connection permit and pay all fees and expenses prior to connecting to the Township's municipal water system.

2. The service line must be installed in accordance with the standards designated by the township engineer and approved by the Township Board or its authorized agent.

3. The landowner shall hire a qualified and licensed contractor from an approved list of contractors provided by the Township to install the service line and perform all maintenance and repair of the service line and all equipment, if any. The Township shall not be liable for any actions or omissions taken by the contractor. Extra inspections as a result of improper installation shall be charged against the landowner and must be paid prior to final connection.

C. The user shall not allow the service line or other appurtenances connected to the municipal water system to remain out of order or unprotected from frost. In the case of neglect or refusal to repair any imperfection in the service line or other appurtenances, the Township may correct the imperfection at the expense of the user, which expense must be paid before the water is turned back on.

D. No user shall supply water services to other persons without requesting a special permit from the Township in advance.

E. Where a landowner leases the premises to any other person as a tenant under any rental or lease agreement, either or both the tenant and the landowner may be held responsible for compliance with the provisions of this Ordinance.

F. Water connection. The minimum size for all water services is one inch, unless otherwise required by the Township. Irrigation systems shall be connected to the domestic service in all cases except for developments or projects with a general or common area owned or controlled by a subdivision, condominium or other legally constituted landowner association or its equivalent. In those instances a separate irrigation tap shall be permitted.

G. Tap sizes for multi-unit dwellings, including a duplex. A duplex is considered a two-unit dwelling regardless of where it is located. A one-inch service line shall be provided for each unit unless the duplex is part of a larger multi-unit dwelling complex where the landowner, association or its equivalent is responsible for payment for water usage. Unless otherwise required by the Township, the developer may elect to either have a one-inch tap for each unit in all buildings, or a two-inch tap for each building, but not a mix of one-inch and two-inch tap sizes within the development.

H. Fire lines. Fire lines will have a Township issued meter for detecting water usage other than fire suppression. Fire lines will have backflow preventer devices and shall be approved by the Township for cross connection prior to installation. Fire lines serving fire suppression systems shall connect directly to the public main. Domestic services shall not connect to fire lines. The charges for such fire lines shall be established by the Township. The Township will supply the meter detection unit and inspection after installation of the meter by a contractor. Construction plans shall be submitted to the Township Engineer for approval prior to installation.

I. Attached condominiums. Unless otherwise required by the Township, the developer of an attached condominium development has the option of providing a one-inch water service for each dwelling unit, or one two-inch or larger water service for each building. The development must be consistent, but not a mix of one-inch and two-inch service sizes within the development. If one-inch services are provided for each dwelling unit within the attached condominium development, then a separate irrigation tap and meter must be installed for irrigation of the common areas. The detailed engineering plans submitted for review must include the proposed water service sizes. Once the engineering plans are approved for construction, the water service sizes cannot be changed without approval of the Township Engineer.

SECTION 4. NO ALLOWANCE FOR LOSS OF WATER THROUGH LEAKAGE.

A. No allowance shall be made for water used, lost or wasted through leaks, carelessness, neglect or otherwise, after the water has passed through the meter.

ARTICLE 3

CONNECTION, EXTENSIONS, EXPANSION OF DISTRICT, COMPLIANCE MONITORING, VANDALISM, DIGGING, LIENS AND PENALTIES

SECTION 1. CONNECTION TO THE MUNICIPAL WATER SYSTEM

A. Authorization is required to connect or cause to connect to the municipal water system.

1. No person shall cover, obstruct, or make any connections with or opening into, use, alter, or disturb the municipal water system, service access, or appurtenances thereof, without first obtaining written authorization from the Township or its authorized agent.

2. All connections with the municipal water system and any grading, excavation, or backfilling that will result in the obstruction, or placing above or below grade level, of the municipal water system, service access or any appurtenance thereof, shall be made only on written authorization issued by the Township or its authorized agent and on such forms in accordance with such conditions as shall be established from time to time by the Township engineer and approved by the Township Board or its authorized agent. All costs are to be borne by the one requesting authorization and must be paid in advance prior to connection.

3. All service lines must be constructed in accordance with the standards designated by the Township engineer and approved by the Township Board or its authorized agent.

B. Permits are required for the construction and connection of a landowner's service line to the municipal water system. The landowner shall be required to utilize a licensed plumber for all construction and connections to the municipal water system.

1. Application for service connections to the municipal water system shall be made in writing on forms furnished by the Township or its authorized agent. After an application has been submitted, the Township or its authorized agent shall determine whether or not a permit shall be issued.

a. The permit, if granted, shall be effective for a period of six (6) months.

b. All permit fees set forth in a water rate ordinance or resolution shall be paid at the time the application is made for a permit.

c. The permit, if granted, may be revoked by the Township or its authorized agent if the person fails to comply with the requirements of the Township's rules and regulations and this Ordinance.

2. A separate water permit shall be provided for each building, unless the additional building on the same property parcel is for personal, hobby or other non-business use. If the

building use is for a small business, the Township Board or its authorized agent, upon written request, may allow use of the same connection as the main building. If the same water line for an additional building is allowed and that additional building is on a piece of property that is eventually split from the main building property, the water line to the additional building shall, at the time of the split, immediately be severed from the service line, plugged tight to prevent infiltration, and rendered unusable. The water line from the additional building shall then be connected directly to the municipal water system.

3. Any applicant for a permit for an industrial and/or commercial service shall submit plans of plumbing for the building as the Township or its authorized agent may require.

a. Fire lines. Connections made to the water system for purpose of private fire suppression systems shall be assessed a water capacity charge, set forth in the rate resolution. The capacity charge for fire line connections will include the cost of any by-pass meter. A Fire line "Readiness to Serve" fee as established in the Township's rate resolution shall be assessed and payable at the time of each regular billing cycle.

C. Specifications designated by the Township or its authorized agent for the installation and connection of the service line to the municipal water system shall be followed in the installation and connection of said service line.

D. The service line shall be laid and backfilled in accordance with the standard construction guidelines established by the Township engineer and approved by the Township Board. The Township or its authorized agent shall be notified by the landowner or contractor to inspect the work before any service lines or connections are covered up. If the landowner or contractor fails to notify the Township or its authorized agent or covers up the work before it is inspected, the landowner or contractor shall uncover the service line or connection upon request from the Township or its authorized agent and the landowner shall pay all additional costs incurred by the Township.

E. All costs and expenses incidental to the installation and connection of the service line and related appurtenances to the municipal water system are the responsibility of the landowner of the parcel served by the municipal water system.

F. All users shall keep their service line and other apparatus in good repair and protected from frost at their own risk and expense. By the acceptance of water service, each user agrees that no claim shall be made against the Township by reason of breaking of any service line or other appurtenance or from damage arising from shutting off water to repair mains or for other purposes.

G. Application for future water service and payment of connection charges. No new connections will be permitted unless there is sufficient capacity in the municipal water system and the POTW.

1. If the existing municipal water system does not have adequate capacity, the landowner shall be required to pay the full cost for the necessary municipal water system improvements to provide the required capacity. Said improvements must be completed before the landowner is allowed to tie into the municipal water system.

2. Applications for future water service are valid and reserved for the landowner only upon payment in full to the Township or its authorized agent of all fees and charges as established by the Township rate resolution.

H. Any person who believes that connection to the municipal water system would cause undue financial hardship may apply to the Whiteford Township Board of Trustees or its authorized agent to request deferral of paying the expenses, fees, assessments, charges and other costs associated with connection. Unless otherwise established by the Township, the standard to qualify for a hardship shall be the same as established for the property tax hardship exemption. The Township may enact an ordinance further defining hardship, the procedure for applying, and conditions for granting a hardship.

SECTION 2. EXTENSIONS, ADDITIONS, CONSTRUCTION AND MAINTENANCE

A. No extensions, additions, construction or maintenance is permitted to the municipal water system, unless the specifications and requirements of the municipal water system standards established by the Township engineer are met and adhered to and written approval of the Township or its authorized agent is provided in advance.

B. Extension Permit. No landowner, contractor, or other individual or entity shall construct, install, alter or repair a service line, or permit the construction, installation, alteration or repair of a service line extension without first obtaining a written permit from the Township of Whiteford or its authorized agent during regular business hours, and shall perform no work except as provided for therein. The provisions of this Ordinance shall be strictly observed.

1. Private use of fire hydrants for non-fire suppression purposes. Connections to fire hydrants at any location are prohibited except by the Township or a public fire department. The exception to this prohibition shall be business owners, licensed contractors or designated agents wishing to obtain a fire hydrant meter permit, for temporary water use in situations where public water supplies are otherwise not available. A hydrant meter permit may be obtained and extended on a monthly basis for a period not to exceed 12 months (one year) from the date of issuance.

2. Those wishing to obtain a hydrant meter permit must apply with the Township. After one year, the permit holder must re-apply for a new permit. Prior to issuing a permit, applicants must pay a refundable deposit equal to the rate established in the Township's rate resolution. Deposits will be refunded after the final bill has been paid, and the meter has been returned in good working order. Failure to pay the final bill or return the meter will result in the Township withholding the refund until such time as the meter is returned and the bill, plus late fees, is paid in full. Damaged, lost or stolen meters will result in a forfeiture of deposited funds sufficient to repair or replace the meter, and the permit holder will be assessed a charge for water usage equivalent to a calculated average of past usage plus 50% of that average for each month or fraction of a month since the meter was last read.

3. The Township reserves the right to inspect hydrant meters at any time, and hydrant permit holders shall make provisions for such inspections. Permit holders shall pay a daily rental fee on the hydrant meter as described in the rate resolution. Additionally, permit holders will be responsible for all water metered at the hydrant meter and applicable set-up and removal fees as established in the Township rate resolution. Hydrant meters shall be billed at the same frequency as other commercial accounts.

4. The permit holder shall utilize a backflow prevention method or device acceptable to the Township at all times the meter is in use to protect the Township's water supply. Failure to use an acceptable backflow prevention method or device shall be cause for confiscating the meter and terminating the permit.

C. Water connections shall be brought to the building in accordance with the Michigan Building/Plumbing Code and the specifications established by the Township engineer and approved by the Township Board.

D. Protection of Excavation. Any trench which may create a real or potential hazard to the public shall be protected with adequate barricades, signs, lights or other protective devices.

E. Inspection. All water extensions, additions, construction and maintenance performed, before being covered, shall be inspected and approved by authorized inspectors assigned by the Township or its authorized agent.

F. Sidewalk and Driveway Repairs. It shall be the responsibility of the Township to repair any sidewalk or driveway removed or damaged by the Township's actions while in the process of repairing or replacing the municipal water system. Permanent restoration of sidewalks or driveways shall be made within a reasonable amount of time following the repairs, weather permitting.

SECTION 3. EXPANSION OF WATER DISTRICT

A. Whenever the Whiteford Township municipal water system is expanded, any person who is the landowner of any property in the newly expanded area shall, for the right and privilege of tapping and using the municipal water system, pay all fees, expenses, rates and other charges set forth in the Whiteford Township rate resolution and be fully responsible for all costs associated with the expansion.

B. Unless expressly waived by the Township Board, any future user not currently served by the municipal water system whose anticipated capacity, as determined by the Township Board of Trustees, after its consultation with its engineer and other professionals, is reasonably likely to exceed one (1) residential equivalent unit, if available, must first be served with public sanitary sewer prior to the Township allowing the potential user to tap into the Whiteford Township municipal water system.

1. Water system extensions. Property owners or developers wishing to extend the public water system to serve their property or development shall be fully responsible for all costs associated with extending the system. Upon completion of the work and Township inspection and approval of the extension, the assets installed will be transferred to the Township and become part of the Township's public water system. All subsequent maintenance and replacement of the extension shall be the responsibility of the Township.

2. Special assessments. Property owners may petition the Township to create an assessment district as a means of jointly funding an extension. All requirements for special assessments must be followed, and the special assessment, if approved, shall constitute a lien on each property in the district until all associated debt and interest assigned to the property has been paid in full. The cost of the extension may be financed through a bond sale, or the Township may choose to finance the project with available funds, and then recover the costs, plus market-based interest, over an agreed-upon time period, not to exceed the original time frame of the bond. Debt service schedules will be provided to special assessment district

members, and annual debt service charges will be added to the property owner's tax bill and become payable in the same manner as property taxes.

3. Developer extensions. Any developer requiring an extension of the water system to service a planned development shall pay for all costs associated with the extension. The Township shall be notified of any work to take place, and inspections of the work shall be made as required by the Township to ensure work is performed in compliance with applicable codes. No component of the extension shall be covered until final approval is given by the Township. Associated inspection fees shall be payable to the Township prior to final permit approval.

4. Township extensions. From time to time the Township may determine that it is in the interest of the Township to extend the water system to an unserved area, as a means of promoting growth or improving public health and safety.

SECTION 4. COMPLIANCE MONITORING

A. Notification of Potential Problem. The landowner or other user shall immediately notify the Township of any potential problem to the municipal water system, including but not limited to vandalism, a leak, damage to or contamination of the municipal water system.

B. Right of Entry: Inspection.

1. The Township or its authorized agent shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Ordinance. Users shall allow the Township or its authorized agent ready access to all parts of the premises for the purposes of inspection and the performance of any additional duties.

2. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Township or its authorized agent will be permitted to enter without delay for the purposes of performing specific responsibilities.

3. The Township or its authorized agent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct metering of the user's operations. Said devices shall be purchased at the user's expense.

4. Any temporary or permanent obstruction to access the facility to be inspected shall be promptly removed by the user at the written or verbal request of the Township or its authorized agent and shall not be replaced. The costs of clearing such access shall be borne by the user.

5. Unreasonable delays in allowing the Township or its authorized agent access to the user's premises shall be a violation of this Ordinance.

C. Failure to Permit Access

1. If the Township or its authorized agent has been refused access to a building, structure, or property, or any part thereof, or there is a need to inspect as part of a routine inspection program of the Township designed to verify compliance with this Ordinance or any

permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Township or its authorized agent may take any one of the following actions:

- a. Issue a notice of violation for noncompliance with this regulation;
- b. Issue a municipal civil infraction citation;
- c. Order the user to permit access within a certain time;
- d. Seek issuance of a search warrant from the Monroe County Circuit Court; or
- e. Order the termination of water services to the premises.

SECTION 5. VANDALISM AND TRESPASS

A. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the Township of Whiteford's municipal water system. Any person violating this provision shall be subject to immediate arrest under charge of malicious destruction of public property.

B. No person shall intentionally and without authority or permission enter or remain in the Whiteford Township water treatment facility. The Whiteford Township water treatment facility shall be considered a "key facility" as currently defined under M.C.L. 750.552(c), and as it may be amended from time to time. A person who violates this section is guilty of a felony punishable by imprisonment for not more than four (4) years or a fine of not more than \$2,500.00, or both. These penalties shall be in addition to any other penalties permitted under the laws of the State of Michigan or this Ordinance.

SECTION 6. DIGGING OR EXCAVATION ON, UPON OR NEAR THE MUNICIPAL WATER SYSTEM

A. Any person who engages in any digging or excavation, upon or near the municipal water system shall contact the Township or its authorized agent before said digging or excavation begins in order to ascertain the location of the municipal water system.

B. Any person who violates this section of the Ordinance shall be guilty of a municipal civil infraction.

SECTION 7. CREATION AND ENFORCEMENT OF LIENS

A. The provisions of M.C.L. 123.161 through 123.167, inclusive, and any amendments thereto, are hereby adopted by reference as part of this Ordinance.

B. The Township or its authorized agent shall have as security for the collection of water supply rates, assessments, charges or fees due or to become due for the use, installation, repair or maintenance to any property, a lien upon the property upon which the municipal water service was provided. The lien shall become effective immediately upon providing the municipal water service.

B. Any and all charges, such as the landowner's direct charges, operation and maintenance and usage charges, special assessment charges, interest and penalties, and all other charges whatsoever related to the operations under this Ordinance, shall be a personal obligation of the landowner and shall become a lien against the property until paid. Until all such charges are paid, the Township may, at the option of the Township Board or its authorized

agent, proceed with a personal action against the landowner or foreclose upon the aforesaid lien, or both, to the extent necessary to collect such amounts owed and all related costs of collection, including attorneys' fees, that are incurred by the Township.

C. On the first day of September of each year, any and all balances that are past due for at least ninety (90) days shall be certified on the next Township tax roll as a lien for collection against the property served. Such lien shall be collected and enforced in the same manner as provided by law for Township taxes assessed on the roll. Any and all charges certified for collection through the tax roll shall have added to them a five (5) percent penalty on the entire amount of the lien in addition to previous charges.

SECTION 8. VIOLATION AND PENALTIES

A. The Township may suspend water services to any property when such suspension is necessary, in the opinion of the Township or its authorized agent, in order to stop an actual or threatened action or omission which presents or may present an imminent or substantial endangerment to the health or welfare of the persons or the environment, causes or may cause interference to the POTW or the municipal water system, or causes or may cause the Township to violate any of its obligations and agreements with third parties.

B. The Township may suspend water services to any property of any user who refuses reasonable access to the property by representatives of the Township or its authorized agent for purposes of inspection or monitoring; or violates the conditions of this Ordinance or order.

C. The Township may immediately turn off water services in the case of misuse or waste of water and a shut-off and turn-on charge shall be made against the landowner of a sufficient amount to compensate the Township for water waste and damage done, if any.

D. If the Township or its authorized agent discovers that the meter seal has been broken, a bypass has been inserted or there is evidence that the meter or any valve or other apparatus has been tampered with, the Township may shut off water services and they shall not be turned back on again until the landowner pays for the estimated quantity of water which has been used and not registered, plus a sufficient fee to cover turning on and off of the water services. Payments made pursuant to this section shall not relieve any person from prosecution or penalties provided by the laws of the State of Michigan or this Ordinance.

E. In addition to any remedy available, the Township or its authorized agent shall have the right to shut off and discontinue water services to any user for non-payment of any fee and/or charge herein. Water services so discontinued shall not be restored until all sums due and owing are paid, together with all fees and charges as determined by the Township or its authorized agent. All delinquent fees and charges may be recovered through court action.

F. Unless otherwise set forth within this Ordinance, a violation of this Ordinance constitutes a municipal civil infraction as regulated by the Township Ordinance. Any person who violates or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction.

ARTICLE FOUR

CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION

- A. For all commercial and residential buildings existing prior to the passage of this Ordinance, if the Township or its authorized agent determines that an approved backflow prevention device is necessary for the safety of the municipal water system, the Township shall give the user notice to install such approved device immediately. All commercial and residential buildings constructed after the passage of this Ordinance shall have an approved backflow device installed prior to connecting to the municipal water system. The user shall, at his own expense, install the approved backflow device at a location and manner approved by the Township and said device shall be subject to inspections as required by the Township.
- B. No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply, other than the regular municipal water supplied by the Township, may enter the supply or distribution system of the Township.
- C. Representatives from the Township shall have the right to enter at any reasonable time any property served by the municipal water system for the purpose of inspecting the piping systems for cross-connections. Upon request, the owner, lessee or occupant of any property shall furnish to the Township all pertinent information regarding the piping system. The refusal to turn over such information or refusal of access, when reasonably requested, shall be deemed evidence of the presence of cross-connections.

ARTICLE FIVE AUTHORITY, GENERAL PROVISIONS, EFFECTIVE DATE

SECTION 1. AUTHORITY

- A. The Whiteford Township Board of Trustees or its authorized agent shall determine matters of public utility projects, rates and such, hearing and addressing complaints and approving bills and transfers concerning public utilities. No free municipal water service shall be allowed. Rates shall be established by resolution of the Township Board of Trustees, which shall reflect an amount necessary to ensure sufficient revenues in meeting operation, maintenance and replacement costs, debt service costs and miscellaneous costs associated with the municipal water system.

SECTION 2. GENERAL PROVISIONS

A. Additional Regulations

1. No provisions contained in this Ordinance shall be construed to interfere with any additional regulations or requirements that may be imposed by the Whiteford Township Board of Trustees, County of Monroe, State Health Department, State of Michigan or any other lawfully constituted authority with respect to municipal or private water systems. The Township reserves the right to establish by ordinance more stringent limitations or requirements if deemed necessary to comply with the objectives of this Ordinance.

B. Severability

1. The words, terms and phrases of this Ordinance shall be severable and if any part is adjudged unconstitutional or invalid by a court of competent jurisdiction, said ruling or judgment shall not affect the remaining provisions of the Ordinance.

C. Conflict

1. This Ordinance is a supplement to any regulations adopted by any state agencies of the State of Michigan. If there is any discrepancy or conflict between this Ordinance and the regulations adopted by any state agency, then priorities shall be followed as provided in law, unless in certain instances the Township of Whiteford wishes to be more stringent than that which is provided, then if permissible, the most restrictive standard shall be followed.

2. A prosecution which is pending on the effective date of this Ordinance and which arose from a violation of an ordinance repealed by this Ordinance, or prosecution which has started after the effective date of this Ordinance arising from a violation of a general law, statute or ordinance repealed by this Ordinance and which was committed prior to the effective date of this Ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

D. Repealer Clause

1. Any and all other ordinances and resolutions, or sections thereof, inconsistent with the provisions of this Ordinance shall be and are hereby repealed.

E. Hold Harmless Clause

1. The landowner and tenant, if applicable, shall indemnify and hold harmless and defend the Township and its authorized agent against all claims, demands, costs or expenses for loss, damage or injury to persons or property in any manner, directly or indirectly, arising out of the use of the municipal water system by the landowner or tenant from the service line and water equipment installed by the landowner, tenant or their agents on the property.

F. Liability Exemption

1. The Township and its authorized agent shall not be responsible for interruptions of service due to natural calamities, emergencies, maintenance and repair, equipment failures, actions of users or third parties and events of force majeure. It shall be the responsibility of the landowner that the service line and all equipment purchased by the landowner and connected to the municipal water system remain in good working order so as to not cause disruption of service or damage to the municipal water system. To the maximum extent permitted by law, no claim or cause of action may be asserted against the Township or its authorized agent for any interruption of water service.

2. The Township shall not be liable for any injuries to persons or damage to property resulting from any work performed by private contractors hired by the landowner or tenant, if applicable, to install, repair or maintain the service line or equipment.

G. Landowner and Tenant Liability

1. The landowner and tenant shall be individually and, where applicable, jointly and severely liable for all intentional or negligent actions or omissions that damage or obstruct the municipal water system.

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

SECTION 3 EFFECTIVE DATE

This Ordinance shall take effect thirty days after publication in a newspaper of general circulation in the Whiteford Township area and said publication shall be made as soon as practical after adoption of this Ordinance.

VOTE:	AYE:	Sahloff, Hill, Heidelberg, Christensen, Ruhl
	NAY:	None
	ABSENT:	None

This Ordinance is hereby declared to have been adopted and passed by the Whiteford Township Board of Trustees, Monroe County, Michigan, at a regular meeting thereof duly called and held on the 21st day of June, 2016.

Walter Ruhl, Supervisor
Whiteford Township, Michigan

ATTESTED:

I, Angela Christensen, Whiteford Township Clerk, do hereby certify that the foregoing is a true copy of an Ordinance adopted at a regular meeting of the Whiteford Township Board of Trustees, Monroe County, Michigan on the 21st day of June, 2016.

Angela Christensen, Clerk
Whiteford Township, Michigan

ATTACHMENT A TO ORDINANCE 67
Definitions

1. Backflow – means water entering the municipal water system from an external source due to reversal of flow.
2. Commercial user – means a user whose premises are used to offer services and/or products such as, for example, retail and wholesale stores, gasoline stations and restaurants.
3. Cross connection – means a connection or arrangement of piping or appurtenances through which a backflow could occur.
4. DPW Supervisor - means the Supervisor of the Department of Public Works.
5. Fire service line - means a pipe connecting a premises at the property boundary to a water main for service of any fire protection appliance upon the premises.
6. Industrial user – means a user who operates a manufacturing or process facility, which is engaged in producing a product.
7. Landowner – means a person who owns the real property located within Whiteford Township served by the municipal water system and any extensions thereto, and shall be used interchangeably with the term “user” as the context of this Ordinance requires.
8. Municipal water system – means all water mains and water supply facilities, and their appurtenances, which the Township owns and/or has or shall have possession of and operating responsibility for, either now in existence or hereafter acquired or constructed, together with all works, plants, pump stations, water meters, treatment facilities, POTWs, instrumentalities and properties used or useful in connection therewith in obtaining a water supply and distributing water to users.
9. Person – means any individual, firm, company, association, society, corporation, group, trust or governmental entity.
10. “POTW” – means Publically Owned Treatment Works.
11. Ready to Serve Fee – means the charge imposed to defray any debt service, costs of construction, improvements and expenses associated with the municipal water system. This fee shall be paid regardless of whether the service is being used or not and regardless of whether service is discontinued or not.
12. Residential user – means the user whose premises are domiciles for single or multiple family uses.

13. Service line - means a pipe connecting the water main of the system to a water meter installed on any premises and continuing to the structure.
14. Township – means the Township of Whiteford, Monroe County, Michigan.
15. Township Board – means the Whiteford Township Board of Trustees.