

TOWNSHIP OF TILDEN  
TILDEN TOWNSHIP WATER SERVICE ORDINANCE  
ORDINANCE NO. 8

ADOPTED: July 20, 2004

AN ORDINANCE TO REGULATE AND CONTROL THE CONSTRUCTION, INSTALLATION, EXTENSION, SERVICE CONNECTION, AND OPERATION OF PUBLIC WATER MAINS AND PUBLIC WATER SERVICE WITHIN THE TOWNSHIP OF TILDEN, TO PRESCRIBE PROCEDURES FOR SECURING SUCH PUBLIC WATER SERVICE AND THE RATES AND CHARGES FOR THE SAME, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH ORDINANCE REGULATIONS.

THE TOWNSHIP OF TILDEN, MARQUETTE COUNTY, MICHIGAN, ORDAINS:

Section 1: TITLE

This Ordinance shall be known and hereafter cited as the "Tilden Township Public Water Service Ordinance."

Section 2: ADMINISTRATION

A. Power of the Board. The Township Board shall determine or supervise all aspects of administration in accordance the provisions of this Ordinance. The Board may employ or contract with such persons as it deems necessary to fulfill the needs or duties arising from the provisions of the Ordinance. The Board or its designated administrator shall administer and enforce all provisions of this Ordinance and shall not waive any provision or make any exceptions to the requirements contained herein.

Section 3: PERMITS REQUIRED

A. Permits Required. Before any Township permit may be issued or work commenced toward any alteration or modification of the Public Water System, the person making the proposal shall obtain either written approval for the proposal from the Board, or a written statement that the proposal has been reviewed by the Board and does not require issuance of a permit for its approval under law. Permits shall be required for either tapping a building service line in to the public water system, or for constructing extensions to the public water system.

Section 4: PROCEDURE

A. Application. Application for a permit shall be filed with the Township Clerk and shall include the following name and address of the application; a legal description of the land to be serviced; written plans and specifications for the proposed work; a site plan as provided in the Township's Zoning Ordinance; a written description of the nature of the use of the service; the distance from the proposed hookup to any existing public water main; and any proposed future use in the nature of additional anticipated connections from the property to the public water system.

B. Easements. Easements shall be prepared by the applicant and granted to the Township when required by the Board. Minimum requirements shall be as follows:

1. All public utilities require easements.
2. Minimum width shall be 15 feet.
3. Utilities in easements shall be at least 2 feet from the side or rear lot lines.
4. Development traversed by a water course or containing water area shall provide a storm drain easement or other means of access for the public maintenance of the flow.
5. Public walkway easements not less than 10 feet wide shall be provided and constructed where requested.
6. Easements shall be prepared by a registered land surveyor and shall include both a metes and bounds description and a survey drawing.

C. Cost of Construction. An applicant for water service shall furnish, lay and install at their expense all that portion of the service not provided by the Township, subject to supervision and inspection by the Township. An applicant may request that the Board contract with him to perform the necessary construction for water service, in which case the applicant shall deposit the total cost of the necessary project as determined by the Township Board prior to commencement of the project.

D. Payment and Permit. No person shall, without first securing a permit from the Board, tap any water main or distribution pipe of the water system, or make any modification thereof or connect to the system after having been disconnected. No service connection or main extension shall be allowed until the full charge for such project has been paid to the Township in such amount as determined by the Township Board, and the project has been inspected and approved by the Township. Charges by the Township shall be as set forth in a written schedule as provided below.

#### Section 5: REGULATIONS

A. Water Rates. No free public water shall be allowed and all those properties connected to a public water system shall be subject to the payment of such water rates and charges as shall be determined by the Township Board, under separate resolution.

B. Termination of Service. The Township shall have the right to terminate any water service to any premises within the Township when any delinquency exists with respect to any water payments due under this Ordinance or otherwise, or where any premises does not comply with all the plumbing codes of the Township and with any and all restrictions and limitations on the use of the particular water service imposed by the Township Board.

C. Turn-on. No person other than an authorized employee of the Township shall turn on or off any water service to any public or private premises at the curb box connection of said premises to the water main.

D. Surplus Funds. Any surplus funds collected from capital improvements of extensions or from water service thereto shall be deposited into a water improvement revolving fund of the Township for use in further extending, improving, repairing, relocating and/or financing any public water systems of the Township, or otherwise deposited as determined by the Township Board in accordance with law.

E. Cross Connections. No cross-connections between any private water system and the Township water system shall be allowed and no plumbing shall, at any time, be connected to the public system, which is in any manner connected to or a part of any private system.

F. Water Service Connections-General. Where, in the determination of the Township Board, public water service is reasonably available to particular buildings or parcels for which water service is able to be provided, no new private wells shall be drilled to provide such water supply and such buildings or parcels shall be connected to the public water system, either at the time of construction, when the existing private well, if any, requires re-drilling, or at any time, in the determination of the Township Board or the Marquette County Health Department, a health hazard exists or is fairly imminent from the existing water supply.

G. Use of Fire Hydrants. No fire hydrant shall be used for any purpose other than fire protection without the prior approval of the Township Board.

H. Plans and Permits. No public water system main construction shall be commenced until all plans and specifications therefor have been submitted to and approved by the Township Board and all required state, county, and municipal permits have been obtained.

I. County Health Department Certificate. No public water mains shall be made or become operational until the water flowing therefrom has been certified as safe and free of any harmful contamination by the County Health Department and a written certificate attesting thereto is on file with the Township.

J. Printing Regulations. The Township Board shall adopt and prepare for distribution to interested parties separate rules and regulations governing the details of application, service, connections, extensions, financing of improvements, and rates and charges for public water service and shall have the authority to modify, enlarge, and amend the same from time to time to meet changing conditions and circumstances and to promote the health, safety, and general welfare of the Township.

K. Utility Board. The Township Board shall act as a water utility board for the Township until such time as it wishes to delegate such duties and position to a separate appointed board or commission, with authority in either to decide all questions which might arise in the interpretation, enforcement, and application of the within Ordinance and to grant variances from the requirements thereof where, in its opinion, the health, safety, and general welfare of the Township would not be thereby impaired and the spirit and purpose of the within Ordinance would continue to be served.

L. Entry Into Premises. The Administrator or his representatives shall have the right to enter at any reasonable time any property served by a connection to the Public Water System for the purpose of inspecting the piping systems thereof for cross connections. On request, the owner, the lessees or occupants of any property so served shall furnish to the Administrator any pertinent information regarding the service or refusal of access, when requested, shall be deemed evidence of the presence of a cross connection.

M. Disconnection. The Administrator is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of Public Act 399, 1976 or of this Ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public system. Service to such property shall not be restored until the violation has been eliminated in compliance with the provisions of this Ordinance.

N. Stoppage. The Township shall not be liable under any circumstances for any failure or deficiency in the supply of water to any person.

O. Access to Premises. The Township shall have the right at all reasonable hours to enter upon premises where water is furnished to read meters or inspect pipes and fixtures connected with the water system, and it shall have the right to require any defective pipes or fixtures to be repaired, removed or replaced, and any person refusing or neglecting to make such repairs when so ordered within the time specified shall be deemed guilty of a violation of this Ordinance.

P. Water Use Restriction. The restrictions on the use of water for sprinkling lawns, gardens, swimming pools, car washing and similar non-essential uses, and the hours of such may be prescribed from time to time by the Administrator when conditions warrant. A notice of such restrictions shall be published in a newspaper of general circulation or provided to each customer by mail. No water shall be used in violation of such determination.

Q. Irrigation Systems and Swimming Pools. The use of buried lawn or garden irrigation systems, and of swimming pools having a capacity of Five Hundred (500) cubic feet (3,740 gallons) or more is hereby regulated as follows:

1. Owners of all existing or newly installed buried lawn or garden irrigation systems or swimming pools as above described which use water furnished by the System are required to report such ownership or installation to the Tilden Township Office within ten (10) days of such acquisition or installation, or within thirty (30) days after publication of this Ordinance for such existing systems.
2. The owner of a buried lawn or garden irrigation system or swimming pool as above described, which uses water furnished by the System, is hereby required to have installed, at the owner's expense, a water meter of a type and size approved by the Tilden Township.

#### Section 6: INSTALLATION OF WATER METERS

A. All residential premises and multi-family homes and businesses shall have a water meter and reader installed in said premises, subject to the provisions of this Ordinance. Water meters and readers shall be installed subject to the following:

1. All meters and readers shall be provided by the Township of Tilden
2. All meters and readers shall be installed by employees or duly authorized designees of the Township of Tilden, under the direction of the Township Maintenance Department.
3. The owners and occupants of premises are responsible for providing access to the main water line with sufficient room for meter installation. Meter installation will include any necessary reader.

4. Owners of mobile homes having a meter installed shall do so, providing that they pay the cost for the meter pit and all other charges associated with the installation of said meter, except for the cost of the meter.
5. Water meters shall remain the property of the Township of Tilden. The costs for repair or replacement of any water meter damaged, except that resulting from normal wear and tear, shall be assessed to the owner and/or occupant of the premises.
6. The owner and/or occupant of a premises shall allow access to the water meter and reader upon any premises for the purpose of inspecting, servicing, repairing, maintaining, removing, replacing, calibrating, or otherwise assuring the proper operating of such meter and reader.

B. Water Meter Reading. Water meters will be read by the Township on a monthly basis.

1. Billings furnished by the Township shall reflect the changes from meter reading to meter reading.
2. In the event that a water meter is defective for any reason and fails to record the water passing through the meter for any given period of time, the Township shall estimate the amount of water consumed during the inoperable period of time. The estimate shall be based upon the past record of consumption as shown on the Township records.
3. If an owner and/or occupant is authorized by the Township to allow his water to run in order to prevent the water line from freezing, the water meter reading during this period shall be disregarded and an estimate of the average monthly water consumption shall be made by the Township based upon the average metered consumption during the previous year. Water shall not be permitted to run to prevent freezing without first securing the authorization of the Township.

C. Meter Tampering. No one shall remove, circumvent, bypass, tamper with, or interfere with the installation, use, operation or maintenance of a water meter in the Township of Tilden. Anyone who violates this Section is responsible for a civil infraction, punishable by a fine of not more than one hundred dollars (\$100.00), and subject to an order of restitution in an amount to be determined by the Court.

Section 7: SYSTEM CHARGES AND RATES

A. Establishment of Rates and Charges. The rates and charges established for users of the public water system are based upon the Township's best estimate of the proportionate cost of providing the services to different types of users. The Board shall review all rates and charges at least once every two years to assure that all contractual payments and fund requirements shall be met and that the rates and changes remain in proportion to the costs of providing services to different types of users of the system.

B. System Fees, Charges and Rates. The Township is hereby authorized to impose and collect fees, charges and rates, the amount of which they may modify from time to time, for the following:

1. Connection permit fees for single family dwellings.
2. Connection permit fees for all other properties or units.
3. An expansion or change charge which shall be paid on behalf of each premises connected to the system at the time of any change or expansion of use.
4. Construction permit review and inspection fees.
5. Service charge and turn-on charges.
6. Water use charges.
7. And the established minimum monthly rates, which shall be due regardless of occupation or residency unless otherwise approved by the Township Board as provided above.

The Township shall prepare a written schedule listing of fees, charges and rates which shall be amended after a change in any of the fees, charges and rates, and which shall be made available upon request.

C. Enforcement of Property Liens. All delinquent rates, fees, or charges are hereby declared to be a lien upon all such premises served, pursuant to Act 94 of Public Acts of 1993, and those charges delinquent for six (6) months or more shall be certified annually on or before September 15 of each year by the Township Treasurer or Deputy Treasurer to the Township Tax Assessor, whereupon the lien shall be entered upon the next tax roll by the Township Assessor, against the premises to which the services shall have been rendered, and the charges shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon the roll and the enforcement of the lien for the taxes.

In addition to the foregoing, the Township shall have the right to shut off water and/or sewer to any premises for which charges for water service are more than thirty (30) days delinquent, and any such service shutoff shall not be restored until all delinquent charges and penalties and a turn-on charge have been paid.

The enforcement of payment of delinquent water and sewer bills by shutting off the service as provided above shall be in addition to any other enforcement methods the Township may have.

Section 8: PENALTIES AND ENFORCEMENT

A. Any violation of the provisions of this Ordinance shall result in the Township action to request that the violation be discontinued or that corrective measures be undertaken to cease violation, or the Township may itself take such action as necessary to protect the integrity of the system and the public health. The Township may take whatever civil action as it deems necessary to enforce this Ordinance, including suit for damages. Any violation of any provision of this Ordinance constitutes a civil infraction, punishable by a fine not to exceed \$100.00 a day for each day in violation. Such fines and penalties herein set forth shall be in addition to the right of termination of public water service to a violator and the right to obtain relief in a court of law.

B. USDA, Rural Development Regulations. The provisions of this Ordinance are subject to the laws of the State of Michigan and to the present and future regulations of the USDA, Rural Development not inconsistent with the express provisions hereof and Michigan law.

Section 9: CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict with any provision of this Ordinance are hereby repealed.

Section 10: SAVING CLAUSE

If any section, paragraph, clause or provision of this Ordinance shall be held invalid for any reason, the same shall not affect the validity of any of the other provisions of this Ordinance, which shall remain in full force and effect.

Section 11: EFFECTIVE DATE

This Ordinance shall become effective the day after publication of the Ordinance.

Motion By: Janice Grove

Supported By: Deborah L. Pellow

Roll Call Vote: Yes: Patricia I. Tonge  
Betty Kjeliman  
Steve Brewer  
Deborah L. Pellow  
Janice Grove

Whereupon, said Ordinance was declared, passed and adopted this 20<sup>th</sup> day of July 2004.