

TOWNSHIP BOARD
CHARTER TOWNSHIP OF HARING
WEXFORD COUNTY, MICHIGAN

ORDINANCE NO. 2017-107

WATER ORDINANCE

The Charter Township of Haring ordains:

1. ARTICLE I: DEFINITIONS

1.1. Definitions. In the interpretation of this ordinance, the following definitions shall apply unless the context clearly indicates otherwise:

- (a) "Backflow" means water of questionable quality, wastes or other contaminants entering a public water supply system due to a reversal of flow.
- (b) "Commercial user" means a person whose premises are used to offer services and/or products such as, for example, retail and wholesale stores, gasoline stations, restaurants, schools, churches, hotels, motels, nursing homes, private clubs, theaters and governmental buildings.
- (c) "Commodity Charge". A periodic charge levied on Users for use of the Public Water System on the basis of water consumption. The charge represents a portion of (a) that User's proportionate share of the fixed and variable Cost of Operation and Maintenance and (b) the benefit to that User derived from the use of the Public Water System. The charge may include a debt service component, as necessary, to pay all or a portion of the principal, interest and administrative costs of retiring Public Water System indebtedness.
- (d) "Connection Fee". The charge imposed by the Township to regulate the connection of a Water Service connection, either directly or indirectly, to the Public Water System. This fee represents (a) the proportional cost attributable to each Structure in which Water Service is provided to regulate access to the Public Water System and ensures that sufficient capacity exists to accommodate the additional use without overburdening the Public Water System or adversely affecting the ability of the Township to provide service to the Public Water System's existing and future customers; and (b) the benefit to the owner of a Structure to which Water Service is provided derived from the connection to the Public Water System. See also Direct Connection and Indirect Connection.
- (e) "Cross-connection" means a connection or arrangement of piping or appurtenances through which a backflow could occur.
- (f) "Direct Connection". The connection of the Structure directly to the Public Water System in a manner such that the Premises served by the Water Service utilizes the existing watermain, and Water System components of the Public Water System.
- (g) "Designated Agent" means person or persons that have been designated by the Township Board to act on behalf of the Township in enforcing and/or monitoring this Ordinance.
- (h) "Domestic user" means a person whose premises are domiciles for single or multiple family use.

- (i) "Indirect Connection". The connection of a Structure to a water system which is installed to applicable Township specifications and with Township approval that is:
 - (1) paid for by special assessment or private funds;
 - (2) serves multiple users; and
 - (3) is connected to the Public Water System and, after construction, turned over to the Township and becomes part of the Public Water System.
 - (4) For example, if a developer constructs a water system in a plat and connects the water system to the Public Water System, the connection of each lot in the plat would be an Indirect Connection.
- (j) "Industrial user" means a person who operates a manufacturing or process facility that is engaged in producing a product.
- (k) "Local distribution lines" means those pipes that serve only the abutting property within only one local service area.
- (l) "Potable water" means water intended for human consumption or prolonged bodily contact that is free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the applicable requirements of the Federal Drinking Water Standards and to the regulations of District Health Department #10 and the Michigan Department of Environmental Quality.
- (m) "Premises" means the lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the Township as a single taxable parcel of property, including all structures located thereon.
- (n) "Public Water System or Water System". All Township or other publicly owned facilities and all subsequent additions and expansions, including wells, pumps, water treatment facilities, transmission and distribution mains, hydrants, storage tanks, meters, and all other facilities used or useful in the pumping, treatment, and distribution of public water to properties in the Township.
- (o) "Readiness to Serve Charge". A periodic charge levied on a User based upon the size of the User's public water meter. The charge represents a portion of (a) that User's proportionate share of the fixed and variable cost of operation and maintenance of the Public Water System and (b) the benefit to that User derived from the availability of the Public Water System and the peak usage that User may demand from the Public Water System. The charge may include a debt service component, as necessary, to pay all or a portion of the principal, interest and administrative costs of retiring Public Water System indebtedness.
- (p) "Secondary water supply" means a water supply system maintained in addition to a public water supply, including but not limited to water systems from ground or surface sources not meeting the requirements of Act No. 98 of the Public Acts of 1913, as amended, being Sections 325.201 to 325.214 of the Compiled Laws of 1948, or water from a public water supply which in any way has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility.

- (q) "Service Connection". The portion of the Public Water System which extends either to or onto the parcel of land adjacent to the path of the Public Water System, and includes the tee, valve, connector pipes, shut off valve, meter, and appurtenances, but not including the water piping on private property between the shut off valve and the Structure served.
- (r) "Structure". A building in which toilet, kitchen, laundry, bathing, or other facilities which need or are required to have Potable water for use for domestic, commercial, industrial, or other purposes.
- (s) "Submerged inlet" means a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminants and which is unprotected against backflow.
- (t) "System" or "Water distribution system" means the Township water supply and distribution system to water service customers within the Township.
- (u) "Township" means the Charter Township of Haring, Wexford County, Michigan.
- (v) "Unit or Residential Equivalent Unit (REU)". A factor established for each type of User as shown on Appendix A, which is based upon an average daily Water usage of 200 gallons for one Unit and which represents the quantity of Water ordinarily required from the occupancy of a freestanding single-family residential dwelling by a single family of ordinary size and the benefit derived from the provision thereof. A listing of the relative relationships between the various Users of the Public Water System is hereby determined by the Township and set forth in Appendix A. The assignment of Unit(s) to a particular User shall be determined from time to time by the Township, based upon available information and investigation of the use to which the User's property is put. The assignment of Unit(s) for any use not enumerated in Appendix A shall, in the sole discretion of the Township, be based upon the most similar use enumerated in Appendix A.
- (w) "User" means the owner, lessee or occupant of any premises connected to or served by the System.
- (x) "Water connection" means that part of the water distribution system connecting the watermain at the curb stop with the premises served.
- (y) "Watermain" means the primary and intermediate transmission and local distribution lines of the water distribution system.

2. ARTICLE II: CONNECTIONS

2.1. Water Connection Required.

- (a) Connection Required. As a matter of public health, the owners of all improved premises in the Township that are used for human occupancy, employment, recreation, or other purposes, which require or need the use of potable water and which abut any right-of-way, easement, highway, street, alley, or public way in which there is located, or in the future may be located, an available watermain or local distribution line of the System, are hereby required, at the owners sole expense, to directly connect all buildings and structures on the premises used for said purpose(s) to the water distribution system, provided that said watermain or local distribution line is within 200 feet from the nearest point of a premises using or requiring potable water.

- (1) A separate and independent Service Connection shall be provided for every building. Where, however, one building stands at the rear of another on an interior lot and no private water is available or can be constructed to the rear through an adjoining alley, court, yard, or driveway, the Service Connection from the front building may be extended to the rear building and the whole considered as one Building Service upon application to and approval by the Township. Other exceptions may be allowed only by special permission granted by the Township Board acting as the Board of Appeals in accordance with Article X of this Ordinance.
 - (2) Leased spaces within a common Structure may each have an independent Service Connection only if the provisions of section 4.3.a are met.
 - (3) Existing Structures that are connected to the Public Water System at the time of adoption of this Ordinance will not be required to modify an existing Service Connection to comply with section 2.1.a.1 unless the Structure undergoes a change in use, ownership, or as may be directed by the Township as required to protect public health.
- (b) Connection Deadline. When connection to an available watermain or local distribution line is declared a necessity by the Township for the public health and welfare, or as required under this Ordinance, all such connections required hereunder shall be completed no later than 180 days after the last to occur of (i) the date the watermain or local distribution line becomes available to the premises, or (ii) the modification of a building so as to become a building using or requiring potable water. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Notwithstanding the preceding, if the Township Board or Health Department requires completion of a connection within a shorter period of time for reasons of public health, such connection shall be so completed. Persons who fail to complete a required connection when required shall be liable for a penalty equal in amount to the Availability Charge and Commodity Charge that, based upon similarly situated Customers, the System would have accrued and been payable, effective upon the expiration of the connection period, had the connection been made as required.
- (c) Enforcement in the Event of Failure to Connect to System. In the event a required connection is not made within the time provided by Subsection (b), the Township shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the available watermain or local distribution line and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Township ordinance. In the event the required connection is not made within 90 days after the date of mailing or posting of the written notice, the Township may bring an action in court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property.
- (d) Private Wells Prohibited. Except as otherwise provided by Section 2.1(e), private water wells are prohibited on premises connected to the System. Pre-existing private water wells located on premises that are to be subsequently connected to the System shall be abandoned prior to or upon physical connection of the premises to the System. Wells shall be abandoned in accordance with applicable state law and District Health Department #10 regulations. Residential premises serviced by a permitted private well shall be allowed to maintain their well and postpone connecting to the System until such time as their existing well fails. Once the private well fails the premises shall be required to connect to the System and abandon their existing well.

- (e) Exceptions. Notwithstanding Section 2.1(d), private water wells may be maintained on premises that are connected to the System where (i) the premises maintains a closed geothermal heating system and the private well is an integral part of said system, or (ii) the premises is required by applicable federal or state law, regulation or order to monitor ground water on the premises, and the well is used for groundwater monitoring purposes only. Any such private well must be physically and completely separated from all plumbing used for potable water. All piping for a private water well is subject to the cross connection provisions of this Ordinance.

2.2. Service Connections:

- (a) Permit Application. A connection to the Public Water System shall be made only by an authorized contractor or plumber upon written authorization and a connection permit issued by the Township. Prior to said connection, the property owner or his agent shall submit a permit application to the Township. This permit application shall be on a form furnished by the Township, an example of which is included in Appendix B, and shall be accompanied by payment of the applicable Connection Fee determined in accordance with Section 2.2.i, any civil penalty which has accrued, and the Inspection and Administration Fee, the plans and specifications of all plumbing construction within the Premises (when requested), and all other information required by the Township.
- (b) Length of permits. Any water connection permit issued by the Township shall be valid for a period of three (3) years from the date of issuance. Following the expiration of the three (3) year period, a water connection permit may be continued to be held for as long as the holder of the permit pays a periodic ready to serve charge for all permitted but not yet active water use equivalents. The amount and frequency of the payment of such charges shall be established from time to time by resolution of the Township. The failure of a permit holder to make a ready to serve charge payment within 30 days of its due date will result in the revocation of the permit.
- (c) Inspection. A connection permittee shall notify the Inspector 48 hours in advance of when the Water Connection and Service Connection are ready for inspection. The excavation shall be left open until inspection is complete. If the Inspector determines that the Water Connection and Service Connection have been constructed and installed in accordance with the requirements of the permit and this Ordinance, a water connection approval shall be issued and the Water Connection shall then be connected with the Public Water System under the observation of the Inspector.
- (d) Plan review/inspection. If the Township determines that the standard application/inspection fees will not cover the actual costs for review of a water plan or inspection of a water connection, or that it is necessary or advisable to have any portion of the plan reviewed or inspected by other engineers or other consultants, then the applicant shall be required to pay the actual costs of this additional review or inspection. Such actual costs shall be billed to and paid by the applicant, and no occupancy permit shall be issued or maintained for the subject premises until such actual costs have been paid in full.
- (e) Escrow deposit. The Township may require an applicant to deposit an amount equal to the estimated actual costs associated with the review of an application or an inspection. This amount shall be held in escrow in the applicant's name and may be used solely to pay the actual costs associated with the subject application or inspection. Any unexpended funds held in escrow shall be returned to the applicant, without interest. Any actual costs in excess of the

amount held in escrow shall be billed to the applicant and no occupancy permit shall be issued or maintained for the subject premises until such actual costs have been paid in full.

- (f) Installation costs; Indemnification. All costs and expenses incidental to the installation of the Water Connection from the Building and the connection of the Water Connection to the Public Water System shall be borne by the owner of the property being connected. Any Person is authorized to install a Water Service Connection, subject to applicable building and plumbing codes and inspection in accordance with Section 2.2.c. Only an authorized contractor or plumber approved by the Township in accordance with Section 2.2.f.1 may connect the Water Connection to the Public Water System, subject to the requirements of this Ordinance, including inspection in accordance with Section 2.2.c. No such work shall be commenced before such owner obtains any necessary permission to work in the public right of way from the County Road Commission or MDOT, as the case may be. Said owner shall indemnify the Township from all loss or damage that may directly or indirectly be caused by the installation and connection of the Water Connection and the installation and connection of the Water Connection to the Public Water System.
- (1) Contractor Requirements. Any Person desiring to construct a Service Connection or connect a Water Connection to a Service Connection or uncover, make any connection with or opening into, use, alter or disturb any Public Water or appurtenances thereof, must be approved by the Township. Approval may include placing a deposit with the Township, a cash bond or irrevocable letter of credit in the sum of \$5,000, conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules codes, and regulations established under the authority of the Township pertaining to water services and plumbing. This bond shall state that the Person will indemnify and save harmless the Township and the owner of the Premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistakes or negligence on his part in connection with the installation and/or connection as prescribed in this Ordinance. Such bond shall remain in force for the duration of the work, except that, upon completion, the bond shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. The approval process shall also provide to the Township, evidence of public liability insurance insuring the interests of the Township, the property owner, and all Persons, for all damages caused by accidents attributable to the work, with limits of \$100,000 for one (1) Person, \$300,000 for bodily injuries per accident, and \$100,000 for property damages.
- (g) Change in use of premises. In the event there is an increase or change in the use of any particular multi-family, commercial, or industrial user's premises being served by the Public Water System, or a change in use from a single family residential use to another type of use, additional connection charges consistent with the new or increased use shall be assessed and shall be payable in the same manner as a water use charge when billed. This charge shall be based upon the difference of the then applicable connection charges for the new or increased use and the then applicable connection charges for the immediately preceding use.
- (h) No refunds. There shall be no refund of any water connection charges paid to the Township under this ordinance or any predecessor thereof.
- (i) Connection Fee. For a direct connection to the water system, a user shall pay a direct connection fee. For purposes of this section, a "direct connection" is a connection of the premises to a system watermain. For an indirect connection to the water system, a user shall

pay an indirect connection fee. For purposes of this section, an "indirect connection" is the connection of a premise to a watermain or local distribution line installed and paid for by the user. The direct connection fee and indirect connection fees shall be established in accordance with this section and as determined from time to time by resolution of the Township Board. The Connection Fee shall be determined based on the Residential Equivalent Unit table provided in Appendix "A" and the applicable direct or indirect connection charge per REU.

- (j) Installment Payment of Connection Fee. The property owner may elect to pay the Connection Fee either by a single payment or in installments over a period not to exceed five (5) years. The property owner electing to pay by the installment method shall in writing agree to pay the Connection Fee in five (5) or fewer equal annual installments of principal, plus interest of ten percent (10%) per annum. Any annual installment, including interest due, not paid when due, from and after the date when due, shall be subject to a one-time four percent (4%) penalty charge, plus interest at the rate of seventy-five hundredths of one percent (0.75%) for each month or portion thereof payment is past due. In addition, interest at the rate of ten percent (10.0%) per annum shall continue to accrue on the entire amount of unpaid principal including any late installment subject to the penalties. The first installment shall be due and payable prior to the issuance of a connection permit.
 - (k) Meters. Water meters shall be installed by the Township, unless otherwise provided by resolution of the Township Board. The meter installation fee shall be established in accordance with this section and as determined from time to time by resolution of the Township Board. All meters and water connections shall be the property of the Township.
 - (l) Water Service. Water service will not commence until payment in full for the installation has been made to the Township. Construction of a water service line shall be done as expeditiously as possible after written notice to proceed, but the time for construction shall be at the convenience of the Township.
- 2.3. Institution of or Restarting Water Service. Written notice given not less than 48 hours in advance shall be made to the Township by the property owner and/or occupant of the premises when water service is desired to be activated. It shall be unlawful for any person to connect to or use water supplied by the Township without first giving notice as provided herein. The Township reserves the right to require that an amount of money equal to an anticipated bill for three months of water service be placed on deposit with the Township for the purpose of establishing or maintaining any customer's credit. No person, other than an authorized employee of the Township, shall turn on or off any water service, except that a licensed plumber may, with the prior express approval of the Township, turn on water service for testing his work (after which it must be immediately turned off) or upon receiving a written order from the Township; provided, that upon written permit from the Township, water may be turned on for construction purposes upon payment to the Township of the charges applicable thereto.
- 2.4. Meters. The Township reserves the right to determine the size and type of meter used. The Township reserves the right to require the installation of remote meter reading equipment. The cost of that equipment and its installation shall be charged to the user at the prevailing rates and actual cost of material and labor.
- 2.5. Access to Meters. The Township shall have the right to shut off the supply of water to any premises where the Township is not able to obtain access to the meter. Any qualified employee of the Township shall, at all reasonable hours, have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing or inspecting the same and no person shall hinder, obstruct,

or interfere with such employee in the lawful discharge of his duties in relation to the care and maintenance of such water meter.

- 2.6. Curb Box. No person shall remove the cover from any curb box or place any dirt, stone or other obstruction in it or tamper with any meter or valve or commit any act tending to obstruct the use thereof.
- 2.7. Injury to Facilities. No person, except an employee of the Township in the performance of his duties, shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the water distribution system.
- 2.8. Reimbursement for Damage. Any damage which a meter may sustain resulting from carelessness of the owner, agent, or tenant or from neglect of either of them to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water, or steam backing from a boiler, shall be paid by the owner of the property to the Township on presentation of a bill therefor; and in cases where the bill is not paid, the water may be shut off and shall not be turned on until all charges have been paid to the Township.
- 2.9. Responsibility for Damages. The Township will not be responsible for any damages because of failures of or within the System, or actions by the Township to correct such failures.
- 2.10. Water Leakage. It shall be the responsibility of the owner to repair any leaks between the meter and the curb valve within 72 hours of notice by the Township or an additional fee shall be charged for water loss. Water leakage within the structure that is metered shall be billed and paid unless the leakage is due to a sudden, one time event and is reported to the Township within thirty (30) days.
- 2.11. Hydrant Use. No person, except an employee of the Township in the performance of his duties, shall open or use any fire hydrant, except in case of emergency, without first securing a written permit from the Township and paying such charges as may be prescribed by the Township.
- 2.12. Unlawful Connections. No person shall make a connection on a service line between the water meter and the street mains, or install a by-pass around the meter.
- 2.13. Cross-Connections Control. The Township shall eliminate and prevent all cross-connections pursuant to the plan submitted to and approved by the Department of Public Health, pursuant to the requirements of Sections 325.11401 through 325.11407 of the 1979 Michigan Administrative Code, as the same may be amended from time to time.
 - (a) Cross-Connections Prohibited:
 - (1) A cross-connection shall not be made between the water distribution system and a secondary water supply.
 - (2) A cross-connection shall not be made by submerged inlet.
 - (3) A cross-connection shall not be made between the water distribution system and piping which may contain sanitary waste or a chemical contaminant.
 - (4) A cross-connection shall not be made between the water distribution system and piping immersed in a tank or vessel which may contain a contaminant.
 - (b) Inspections. It shall be the duty of the Township to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Township.

- (c) Right of Entry. The representative of the Township shall have the right to enter at any reasonable time any property served by a connection to the water distribution system for the purpose of inspecting the piping system or systems thereof for cross-connections. On request, the owner, lessees or occupants of any property so served shall furnish to the Township any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when reasonably requested, shall be deemed evidence of the presence of cross connections.

- 2.14. Protection of Water Supply. The potable water supply made available on the premises served by the System shall be protected from possible contamination as specified by this ordinance and by the State of Michigan's and any other applicable plumbing codes. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the water distribution system must be labeled in a conspicuous manner as water unsafe for drinking.
- 2.15. Discontinuance of Service. In the event a water customer desires water service to be discontinued, said customer shall so request in writing not less than 48 hours prior to time of such discontinuance of service is desired. The Township will not recognize the discontinuance of water service unless the provisions of the foregoing sentence have been fully met. Under any other circumstances, discontinuance of service will be charged to the customer at the actual cost of labor, materials and equipment. The Township may refuse or discontinue water service for any violation of any rule, regulation, or condition of service.
- 2.16. Shut off of Water. The Township reserves the right at all times (and will endeavor to give due notice) to shut off the water at the watermains or local distribution lines or to require reduced use or no use of the System for the purpose of making repairs or extensions or for other purposes. All persons having equipment on their premises and depending on water from the water-mains or local distribution lines are hereby cautioned against danger which might arise from emergency shutting off of water. In the event of such emergency, the Designated Agent may designate in any notice the extent of any regulation, limitation or prohibition and the date and time on which it shall take effect.
- 2.17. Additional Regulations. The Township Board may make and issue additional rules and regulations concerning the water distribution system, connections thereto, meter installations and maintenance, connection and meter installation fees, hydrants and watermains and the appurtenances thereto, not inconsistent herewith. Such rules and regulations shall be effective upon approval by the Township Board.
- 2.18. Other Laws. If any other ordinances of the County or Township or any statutes of the State of Michigan shall impose greater restrictions than herein set forth, then such ordinances or statutes shall control.

3. ARTICLE III: CONTROLLED USE

- 3.1. Limitation of Water Use. The Township Board, may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for fire fighting. No such regulation, limitation or prohibition shall be effective until twenty-four (24) hours after the publication thereof in a newspaper of general circulation in the Township, except in an emergency as may be deemed by the Designated Agent. In the case of such emergency the regulation, limitation or prohibition shall be and take effect as indicated by the Township Board and notice shall be given on a local radio station. Any person violating such rule or regulation shall, upon conviction thereof, be punished as prescribed in this ordinance.

4. ARTICLE IV: WATER RATES

4.1. Basis of Charges. Except as otherwise provided in this ordinance, all water service shall be charged for on the basis of water consumed as determined by the meter installed in the premises of water customers by the Township. No free water service shall be furnished to any person.

4.2. Water Rates and Charges.

- (a) Water rates and charges shall be levied monthly against each premises having any water connection to the water distribution system.
- (b) Said water rates and charges shall be based on the quantity of water used on or in the property, as measured by the water meter therein used, except as otherwise provided. If a meter cannot be read, an estimated charge will be made and adjustment, if necessary, will be made when the meter reading can be obtained. Rates and charges for users inside and outside the Township shall be in amounts to be established from time to time by the Township Board.
- (c) Any charges remaining unpaid shall be charged against the real property on which the service was rendered, and may be spread on the next regular Township ad valorem property tax roll after the date on which such charge shall become due and payable, and shall become a lien of the same character and effect as the lien created by State of Michigan and County taxes, until paid,

4.3. Billing and Penalties and Remedies for Nonpayment or Late Payment.

(a) The owner of the premises serviced and the occupants thereof shall be jointly and severally liable for the water service provided to said premises.

A lien shall not attach for Water Rates and Charges to a Premises which is subject to a legally executed lease or land contract that expressly provides that the tenant (and not the landlord) of the Premises or a dwelling unit thereon shall be liable for payment of Water Rates and Charges, effective for services which accrue after the date an affidavit is filed by the landlord with the Township. This affidavit shall include the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the Township thirty (30) days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit in the amount equal to the Debt Service Charge and the User Charge for the preceding twelve (12) monthly billing periods or four (4) quarterly billing periods. Upon the failure of the tenant to pay the Water Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including time price differential, interest and penalties. The tenant shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in ARTICLE 6 shall be immediately applicable with respect to the unpaid Water Rates and Charges, including time price differential, interest and penalties. The security deposit shall be held by the Township without interest and shall be returned to the landlord upon proof of termination of the lease. In the case of land contract purchasers, the deposit shall be returned less any balance due when the service is discontinued or the purchaser obtains a deed for the premises.

(b) Bills for rates and charges as herein established shall be mailed to users monthly. All bills shall be payable on the 20th day of the month following the period of service and shall payable to the Township. If any bill shall not be paid by the 25th of the month in which it is due, a late charge of ten percent (10%) of the amount billed shall be applied to the current amount past due and collected

therewith. Late charges will not be compounded.

(c) Water service may be discontinued to any premises to enforce the payment of rates and charges after the user has been given the opportunity for a hearing before the Township Supervisor or his designated representative to show cause why service should not be discontinued. Services so discontinued shall not be restored until such time as all the rates, charges, and penalties are paid or satisfactory arrangements made for the payments thereof.

(d) Delinquent bills may be collected by any method authorized by the law including, without limitation, making such amounts due a lien on the premises served.

4.4. Meter Failure. If any meter shall fail to register properly, the Township shall estimate the consumption on the basis of former consumption and bill accordingly.

(a) Inaccurate Meters. A user may require that the meter be tested. If the meter is found accurate, a charge as set from time to time by the Township Board will be made. If the meter is found defective, it shall be repaired or an accurate meter installed and no charge shall be made.

(b) Accuracy Required. A meter shall be considered accurate if, when tested, it registers not to exceed two percent (2%) more to two percent (2%) less than the actual quantity of water passing through it. If a meter registers in excess of two percent (2%) more than the actual quantity of water passing through it, it shall be considered "fast" to that extent. If a meter registers in excess of two percent (2%) less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.

(c) Bill Adjustment. If a meter has been tested at the request of a user and shall have been determined to register "fast," the Township shall credit the consumer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by said consumer, within the three (3) months prior to the test, and if a meter so tested is determined to register "slow," the Township may collect from the consumer a sum equal to the percent "slow" multiplied by the amount of the bills incurred by the consumer for the prior three (3) months. When the Township, on its own initiative, makes a test of a water meter, it shall be done without cost to the consumer, other than his paying the amount due the Township for water used by him as above provided, if the meter is found to be "slow."

5. ARTICLE V: WATER DISTRIBUTION LINES

5.1. Purpose of Rates and Charges. Charges for the installation of local water distribution lines of the water distribution system are hereby established for the purpose of recovering the cost of construction, reconstruction, maintenance, operation and replacement of said local water distribution lines. Such charges shall be made in accordance with the provisions hereinafter set forth.

5.2. Local Distribution Line Installation Charges:

(a) Payment of Local Distribution Line Installation Charges. Whenever a watermain used for local distribution is constructed, except if pursuant to a special assessment project or if funded entirely by State or federal grants, the property owners whose property is served by the line and on which property the line is used by a commercial user, a domestic user or an industrial user shall pay their share of the cost of construction and installation as herein established at the time of construction. Any property owner requesting service who has not previously paid his share of the cost of constructing the watermain used for local distribution shall pay those costs as

established by the then effective resolution of the Township Board setting the local water distribution installation charges.

- (b) Computation of Local Distribution Charges and Annual Review. The charge shall be known as the "front foot rate" and be determined by multiplying the rate per foot by the number of feet the property owner has fronting on the watermain used for local distribution. The front foot rate shall be as set from time to time by resolution of the Township Board. Following an annual review of the charges, the Township Board may change the charges to reflect the current cost of construction and installation of local distribution lines.
 - (c) Assessment of Charges. Upon completion of construction or at the time connection is requested (if this cost has not been paid at the time of construction), the Township shall certify the cost to be charged to the property owner. The Township shall bill the owner of the premises affected, advising him that the amount so billed is to be paid prior to connection to the local distribution line serving the property of said property owner.
 - (d) Deferral of Assessments. If the Township Board so decides, such installations and connections may be made at the expense of the System when the owner of the premises signs a written agreement agreeing to pay the expense of such installation' and connections upon terms agreeable to the Township Board and that the unpaid balance shall constitute a lien upon his property of the same character and subject to the same methods of collection as prescribed for special assessments.
- 5.3. Technical Standards. Materials and methods of construction of the Public Water System shall conform to the most current version of the "Water System Guidelines for Haring Township", attached as Appendix B which may be revised from time to time by a Resolution of the Board.

6. ARTICLE VI: ENFORCEMENT

- 6.1. Penalties for Violation of Ordinance. Whoever violates or fails to comply with any provision of this ordinance shall be fined up to Five Hundred Dollars (\$500.00), imprisoned not more than ninety (90) days, or both. A separate offense shall be deemed committed each day during or which a violation or non-compliance occurs or continues. The Township Supervisor or the County Sheriff or his deputies may issue appearance citations for violations of this ordinance.
- 6.2. Civil Action. The Township may institute any action at law or equity to compel compliance with this ordinance or to collect amounts due under this ordinance. If such action is instituted the Township shall recover the costs and expenses incurred to bring and maintain the action including, without limitation, actual reasonable attorneys' fees.
- 6.3. Lien. All rates, fees and charges billed or due here-under including those due pursuant to section 6.2 hereof shall to the extent permitted by law be liens upon the premises served from the delivery of such service which shall be enforceable in the same manner as ad valorem property tax liens.

7. ARTICLE VII: REPEAL CLAUSE

- 7.1. All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

8. ARTICLE VIII: SEVERABILITY

- 8.1. If any section, clause, sentence or provision of this Ordinance is determined to be invalid, said invalidity shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

9. ARTICLE IX: PUBLICATION; EFFECTIVE DATE

- 9.1. Publication. A true copy or a summary of this Ordinance shall be published in The Cadillac News, a newspaper of general circulation within the boundaries of the Township qualified under state law to publish legal notices within thirty (30) days after the adoption of the Ordinance by the Township. This Ordinance shall be recorded in the minutes of the Township Board of the meeting at which this Ordinance was adopted and, in addition, shall be recorded in the Ordinance Book of the Township.
- 9.2. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its publication as provided by law.

10. ARTICLE X: APPEALS

- 10.1. Informal Hearing. In order that the provisions of this Ordinance may be reasonably applied and substantial justice done in instances where this Ordinance is misapplied or unnecessary financial hardship would result from carrying out the strict letter of this Ordinance, an informal hearing before the Township Utilities Committee may be requested in writing by any Person deeming itself aggrieved by a citation, order, charge, fee, surcharge, penalty or action within ninety (90) days after the date thereof, stating the reasons therefore with supporting documents and data. The informal hearing shall be scheduled at the earliest practicable date, but not later than thirty (30) days after receipt of the request, unless extended by mutual written agreement. The hearing shall be conducted on an informal basis at the Township offices or at such place as designated by the Township Utilities Committee. The Township Utilities Committee may grant the appeal, reject the appeal or schedule a second informal hearing not more than thirty (30) days after the initial hearing to allow time for study or to gather additional information. The Township Utilities Committee shall issue a written statement of its decision within fifteen (15) business days after the informal hearing.
- 10.2. Board of Appeals. In order that the provisions of this Ordinance may be reasonably applied and substantial justice done in instances where this Ordinance is misapplied or unnecessary hardship would result from carrying out the strict letter of this Ordinance, the Township Board shall serve as a Board of Appeals. The duty of such Board shall be to consider appeals from the decision of the Township Utilities Committee and to determine, in particular cases, whether this Ordinance has been misapplied or any deviation from strict enforcement will violate the intent of the Ordinance or jeopardize the public health, safety or welfare. In all appeals, the appellant shall have the burden of proof.
- 10.3. Appeals from Informal Hearing. Appeals from the written decisions of the Township Utilities Committee may be made to the Township Board, acting as a Board of Appeals, within thirty (30) days from the date of the written decision of the Township Utilities Committee. Such appeal may be taken by any Person aggrieved. The appellant shall file a Notice of Appeal with the Township Utilities Committee and with the Board of Appeals, specifying the ground therefore. Prior to a hearing, the Township Utilities Committee shall transmit to the Board of Appeals a summary report of all previous action taken. The Board of Appeals may, at its discretion, call upon the Township Utilities Committee to explain the action. The final disposition of the appeal shall be in the form of a resolution either reserving, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the Board of Appeals must concur. The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the same Board of Appeals may reserve or affirm, in whole or in part, or may make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end have

all the powers of the official from whom said appeal is taken. The decision of said Board of Appeals shall be final.

The Board of Appeals shall meet at such times as the Board of Appeals may determine. There shall be a fixed place of meeting and all meetings shall be open to the public in accordance with applicable laws. The Board of Appeals shall adopt its own rules or procedure and keep a record of its proceedings, showing findings of fact, the action of the Board of Appeals, and the vote of each member upon each question considered. The presence of four (4) members shall be necessary to constitute a quorum.

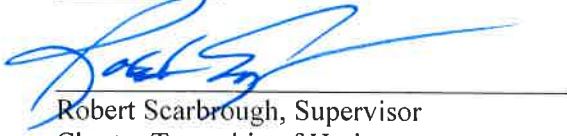
Board member Whetstone, seconded by Board member Olson, moved the adoption of the "Water Ordinance 2017-107"

YEAS: Board member(s) Soule, Scarbrough, McCain, Whetstone, Baldwin, Olson, Dewey

NAYS: Board member(s) None

ABSENT: Board member(s) None

Passed and adopted by the Township Board of the Charter Township of Haring, County of Wexford, Michigan on June 28, 2017



Robert Scarbrough, Supervisor
Charter Township of Haring

Attest:



Kirk Soule, Clerk

Kirk Soule, Clerk

Charter Township of Haring

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Haring, County of Wexford, State of Michigan, at a meeting held on the 28th day of June, 2017, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

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


Kirk Soule, Township Clerk