

**LEE TOWNSHIP
ORDINANCE NO. 2018
Adopted: October 3, 2000
Effective: Thirty days after publication after adoption.**

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; to establish procedures for securing public water service and the rates and charges for same, and to provide for penalties for violations thereof; to provide for severability; to repeal all ordinances or parts of ordinance in conflict herewith, and to provide for an effective date.

**THE TOWNSHIP OF LEE,
ALLEGAN COUNTY, MICHIGAN, ORDAINS:**

PUBLIC WATER SERVICE ORDINANCE

SECTION I

TITLE

This Ordinance shall be known and cited as the Lee Township Public Water Service Ordinance.

SECTION II

PROCEDURE

A. Application—Any person, firm or corporation desiring public water service shall file an application therefore with the township clerk, containing the name and address of the applicant; a description of the land or premises to be served; the nature of the use anticipated for the water; the size of the water service connection pipes desired; the distance, if known, that the property is located from any existing public water main; the anticipated number of connections from the property contemplated in the foreseeable future; and whether the applicant wishes to pay cash for the necessary water main extension or wishes to be included in a special assessment district for the payment of such cost over a limited period of years, together with interest and the administrative costs. The application may take the form of a petition. If several different persons are jointly interested in a particular project.

B. Special assessment district—In the event an applicant desires to proceed by installment payments and sufficient similar interest is disclosed on the application or petition by those property owners abutting the proposed water main, special assessment proceedings may be instituted under Michigan Public Act 188 of 1954, as amended to accomplish the requested project and if successful, the necessary system will be installed by the township following the completion of such proceedings and the obtaining of the necessary funds therefore.

1. In the event an applicant desires to deposit with the township the total cost of the necessary project to furnish the requested water service, as determined by the township board, the applicant may do so under a contract with the township, whereby the township will supervise and/or construct the installation, in accordance with the design standards of the township.

2. Any such contract may provide for reimbursement to the applicant of a portion of the project cost from connection charges collected by the township from those connecting to the water main, who did not contribute to the initial cost thereof and are not the successors in title to any such contributor. Any such reimbursement shall be limited to a period of seven years following the completion of the project requested and any connections made thereafter shall not require any refund to the applicant. The term "connection charge" as used in this ordinance pertains to a charge for the privilege of connecting premises to a water main and does not pertain to the construction cost of such connection.

3. The amount of refund, if any, to an applicant, per connection charge collected by the township shall be specified in the contract with the applicant and shall be based upon a portion of the total project cost, computed on the cost per lineal foot of main installed; provided, however, that the total refund shall never be greater than the total cost of the project paid by the applicant.

4. No service connection nor main extension shall be allowed until the full charge has been paid to the township in such an amount as is determined for each project by the township board and the plumbing to be connected has been fully inspected and approved by the township as in compliance with the plumbing codes of the township. Such charges may be changed from time to time by the township board to reflect changes in construction costs and to maintain a fairly uniform charge between different current projects and special assessment districts.

The township reserves the right to install any required service connection or main extension, to subcontract the same to any private licensed contractor, or to permit the owner or owners contractor to construct the same, provided that in such latter event, an inspection and supervision fee shall be paid by the applicant to the township

5. Any contract with an applicant shall contain, in addition to the foregoing, the following:

a. A description of the district within which extensions or connections may be made to the system, entitling the applicant to a refund of a portion of his initial project cost.

b. A map disclosing the design of the system and the location of the mains, valves, fittings, and all other accessories thereto which are to be installed.

c. A description of the area, if any, within which no connection charges are to be made by the township and no refunds are to be made to the applicant.

d. The amount and condition of any performance bond which shall be required in the event the installation is to be made by any one other than the township, which shall be 150% of the total cost of the installation and shall be conditioned upon the completion of the installation in a proper and workmanlike manner in accordance with the plans and specifications of the township and the furnishing of satisfactory evidence of the fact the project is free to present and future liens of contractors, subcontractors and material men.

e. The amount and condition of any public liability and property damage insurance which shall be required to insure the township in the event the installation is to be made by any one other than the township, which shall be not less than \$300,000 and \$500,000 respectively.

f. The amount, if any, to be paid the township for administrative, legal and engineering cost or for the value of the availability of the water service to which the property of the applicant is to be connected.

SECTION III

REGULATIONS

A. Water rates - No free public water service 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 by Resolution from time to time.

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. Service deposit - The township or its authorized agent shall have the right to require an initial deposit from any owner or tenant who applies for water service, as security for the payment of the rates and charges for such service, and to apply the same against such rates and charges if and when it deems it advisable. Such deposit or portion thereof not applied as aforesaid shall be refunded to the depositor upon the voluntary termination of service by the depositor and his subsequent applicant for such refund, provided no delinquency then exists.

D. Lien rights - All delinquent rates and charges for water service shall constitute a lien upon the premises served which shall be subject to foreclosure in the same manner as mechanics liens for non-payment, or after six months' delinquency, may be certified to the supervisor and assessing officer of the township annually, on or before March 1st of each year and entered by him upon the next tax roll against the property served, for collection in the same manner as the collection of taxes.

E. 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.

F. Water meters - All premises connected to a public water system shall be equipped with a public water meter, so located that all water entering the premises shall pass through such meter and be measured as to volume consumed for periodic computation of water charges.

G. Surplus funds - Any surplus funds collected from water service or from capital improvements or extensions thereto shall be deposited into a water improvement revolving fund of the township for use in further extending, improving, repairing, relocating and/or financing the public water system of the township.

H. Cross Connections

1. General: 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 plumbing system, which is in any manner connected to or part of any private system.

2. Compliance with state department of public health rules: The water supply cross connection rules of the State Department of Public Health shall apply in the Township.

3. Inspections: The Township shall cause inspections to be made of all properties served by the public water supply system where cross connection with the public water supply is deemed possible. The frequency of inspections and reinspections shall be as established by the Township Board and as approved by the State Department of Public Health.

4. Right of Township to access for inspection; refusal deemed evidence of cross connections: Township representatives shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the Township for the purpose of inspecting the piping system thereof for cross connections. On request, the owner, lessee, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access when requested shall be deemed evidence of cross connections.

5. Discontinuance of service until elimination of cross connection: The Township may discontinue water service after reasonable notice to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this section.

6. Protection of potable water supply: The potable water supply made available on the properties served by the public water system shall be protected from possible contamination, as specified by this section and by the state plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: WATER UNSAFE FOR DRINKING.

I. Water service connections -

1. General; Where, in the determination of the township board, public water service is reasonably available to a particular building in which water service is required, such buildings shall be connected to the public water system, when, in the determination of the township board or the Allegan County Health Department, a health hazard exists or is fairly imminent from the existing water supply,

2. Size and installation: All water service connections from the public transmission main to the required water meter shall be not less than 1 inch in size and shall be installed by the township at the expense of the property owner, All such water service connections shall be installed and furnished by said township at the full expense of the customer requiring the same, except that where the State of Michigan pays to provide public water service to a particular customer, the customer shall be credited for any sums paid by the State of Michigan for that customer's connection. Only one property shall be served by each service line.

3. Under-road connections: In all residential subdivision developments hereafter commenced or extended where, in the determination of the township board, public water service is reasonably available and therefore required, one service connection not less than 1 inch in size shall be installed under the abutting right-of-way to the center of each lot or building site fronting on the opposite side of such right-of-way and terminating in the right-of-way, not more than seven feet from the property line.

4. Use of fire hydrants: No fire hydrant shall be used for any purpose other than fire protection without the prior approval of the township.

J. Plans and permits- No public water main construction shall be commenced until all plans and specifications therefore have been submitted to and approved by the township and all required state, county and municipal permits have been obtained.

K. 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.

L. Preliminary deposit- All applications for public water service other than by petition for a special assessment district, requiring preliminary engineering analysis, review, and plans, shall be accompanied by a cash deposit with the township in such amount as shall be determined by the township board to be sufficient to cover the foregoing engineering work necessary to develop preliminary cost estimates for the proposed project.

M. Printed regulations- The township board may 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.

N. 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 purposes of this ordinance would continue to be served.

SECTION IV

SEVERABILITY

This Ordinance and the various parts, sections, subsections, provisions, sentences and clauses are severable. If any part of this Ordinance is found to be unconstitutional or invalid it is declared that the remainder of this Ordinance shall not be affected thereby.

SECTION V

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect 30 days after publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Moved by member Moore supported by member Black to adopt the foregoing ordinance.

AYES:

NAYS:

ABSENT:

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Township Board of Lee Township, Allegan County, Michigan, at a meeting held on October 3, 2001. I hereby certify that the foregoing Ordinance was published in the _____ on _____

A full copy of the Ordinance has been placed on file with the Allegan County Clerk.

Patsy J. Neville
Patsy J. Neville, Clerk