

ORDINANCE #142
WATER SYSTEM ORDINANCE

Adopted: 08/09/84
Effective: 08/04/84

AN ORDINANCE TO PROVIDE FOR THE PUBLIC PEACE, HEALTH, AND SAFETY OF THE INHABITANTS OF THE TOWNSHIP OF BANGOR, BAY COUNTY, MICHIGAN, BY THE REGULATION OF THE USE OF WATER MAINS, CONNECTIONS TO WATER MAINS; TO PROVIDE FOR THE IMPOSITION, COLLECTION, AND ENFORCEMENT OF FEES FOR CONNECTION THERETO; TO ESTABLISH THE RATES TO BE CHARGED, FOR WATER SERVICE; TO PROVIDE REGULATION OF THE USE OF WATER METERS AND WATER HYDRANTS OWNED OR FURNISHED BY THE TOWNSHIP AND LOCATED WITHIN SAID TOWNSHIP; TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID WATER SYSTEM.

THE CHARTER TOWNSHIP OF BANGOR, BAY COUNTY, MICHIGAN, ORDAINS:

SECTION 1. Definitions. Whenever used in this Ordinance, except when otherwise indicated by the context:

- A. *The term "Township" or Township Board", or "Board" shall be construed to mean the Township Board of said Township, being the legislative and governing body thereof, or the Board of County Road Commissioners for the County of Bay acting by and through its Department of Water and Sewer as the designated representative, pursuant to contract between said parties dated January 19, 1989, as thereafter amended. (Amended by Ordinance #180, effective 03/16/89)*
- B. *The term "Township Treasurer" shall be construed to mean the duly elected Treasurer of the Charter Township of Bangor or the Director of the Department of Water and Sewer, a department of the Board of County Road Commissioners for the County of Bay as the designated representative pursuant to contract between said parties dated January 19, 1989, as thereof amended. (Amended by Ordinance #180, effective 03/16/89)*
- C. The term "project" shall be construed to mean the improvements, enlargements, and extensions to be acquired pursuant to this Ordinance.
- D. The term "acquired" shall be construed to include acquisition by purchase, construction, or by any other method.
- E. The term "water supply system" or "system," unless otherwise indicated, shall be construed to mean the Water Supply System as said system shall from time to time exist.
- F. *"Connection Fee" means a one-time fee to recover the cost of a portion of the capital cost of providing water system capacity to premises, which are directly connected, to the water distribution system. (Amended by Ordinance #296, effective 12/23/04)*

- G. "Premises" shall mean any residential, governmental, commercial, or industrial property to which water is furnished from the water supply system.
- H. "Water extension" shall mean any addition to the water supply system or any replacement to the water supply system.
- I. *"Capital Charge" means a quarterly charge to recover the annual cost of water system debt service and major capital outlays. (Amended by Ordinance #296, effective 12/23/04)*
- J. *"Tap Fee" means a one-time fee charged to each premises to recover the cost of extending service from the water distribution system to individual properties. This fee shall include the inspection, installation of a tap, service box, valve and water meter, all of which shall be done only by the township. (Amended by Ordinance #296, effective 12/23/04)*

SECTION 2. *Connection Fee and Tap Fee Procedure. Each premises in the Township abutting a street or easement in which a water main is located, at such time as it connects, shall pay a connection fee to the Township in an amount established by resolution of the Township Board. Applications for service connection to the water supply system within the Township shall be made in writing on forms furnished by the Township and filed with the Township Treasurer. (Amended by Ordinance #296, effective 12/23/04; Amended by Ordinance #301, effective 11/17/05)*

SECTION 3. **Water Main Extension.** The Township shall not be required or obligated to extend any water mains within the Township. In the event a decision is made to extend any water main, the following shall occur:

- A. The water main when constructed shall become the property of the Township whether the water main is constructed by the Township by special assessment funds or by private funds.
- B. No water main shall be constructed on land other than within public road rights-of-way or on private land for which an easement of sufficient size has been granted to the Township so that the Township is capable of entering on said land and making repairs to or replacing said water main.
- C. No construction of any water main shall occur without the Township water department approval of said plans.
- D. All water mains shall have fire hydrants which shall not be greater than five hundred (500) feet between hydrants.

SECTION 4. *Water Rates. Except as otherwise provided in this division, water to be furnished by the system to any premises shall be measured by a meter installed by either the Township or its authorized representative. Each water customer of the system shall pay the cost of each water meter or meters, water connection, water extension, maintenance, or repair thereof, with the costs being set by resolution of the Township Board. Charges for water service to each premises within such water supply system connected with the water supply system, for each quarterly*

(three-month) period, and administrative service fees to the Township shall be as adopted by resolution of the Township Board. (Amended by Ordinance 148, effective 06/13/85; Amended by Ordinance 154, effective 09/12/85; Amended by Ordinance 161, effective 10/23/86; Amended by Ordinance 172, effective 10/15/87; Amended by Ordinance 175, effective 10/13/87; Amended by Ordinance #180, effective 03/16/89; Amended by Ordinance #214, effective 11/20/92; Amended by Ordinance #235, effective 01/27/97; Amended by Ordinance #240, effective 05/15/97; Amended by Ordinance #263, effective 08/17/00; Amended by Ordinance 301, effective 11/17/05)

SECTION 5. Meters. All meters hereafter installed shall be equipped with an outdoor register, said register to be installed by the Township or its authorized representative. All costs for installation, repair, and/or replacement of either the meter and/or outdoor register shall be the responsibility of the water user. For any water meter and/or outdoor register ten (10) years old or older, the Township has the right to remove same and install a new water meter and/or outdoor register in its place.

SECTION 6. Water Meters. No person other than an authorized representative of the Township shall break or injure the seal on or change the location of, alter, or interfere in any way with any meter that is furnished to any premises.

SECTION 7. Water Hydrants. No person other than an authorized representative of the Township shall break, injure, or turn on or turn off, or use or interfere in any way with any water hydrant. No person shall place any building material or any other obstruction whatever within fifteen (15) feet of any fire hydrant or fire plug. No person owning property immediately adjoining a fire hydrant shall permit the same within fifteen (15) feet of any fire hydrant or fire plug.

SECTION 8. Acts of Negligence. Whenever a water meter or a water hydrant is injured because of any act or negligence on the part of the owner or occupant of the premises where such meter is installed or hydrant is located, the expense to the Township caused thereby shall be charged to and collected from such owner, occupant, or charged against said premises.

SECTION 9. Former Consumption. In the event a meter shall fail to register properly, the Township Treasurer is empowered to estimate the quantity of water used on the basis of former consumption and bill accordingly.

SECTION 10. Inspection of Meter or Pipes. No person shall refuse to admit to premises owned or occupied by him or hinder any authorized agent of the Township entering said premises for the purpose of reading a water meter or inspecting a water meter or any piping in connection with the water distribution system.

SECTION 11. Operation and Management. The operation, maintenance, and management of the system shall be under the immediate supervision of the Township Treasurer subject to the control of the Township Board.

SECTION 12. Charges and Late Fees. *No free service shall be furnished by the water supply system to the Township or to any person, firm or corporation, public or private, or to any public agency or instrumentality. Charges for services furnished by the system shall be billed and*

collected quarterly, and such charges shall become due 21 days from the date of billing. If such charges are not paid on or before such due date, then a late payment fee of ten percent (10%) shall be added thereto. If the charges for any such services furnished to any premises shall not be paid within 41 days following the billing date thereof, then all services furnished by the system to such premises may be discontinued, provided that at least five days' notice of written intent to terminate such service is provided in writing to such premises. Services so discontinued shall not be restored until all charges, including late payment fee, shall be paid, plus a turn-off and turn-on charge which shall be determined by resolution of the Township Board. (Amended by Ordinance #180, effective 03/16/89; Amended by Ordinance #214, effective 11/20/92; (Amended by Ordinance #235, effective 01/27/97; Amended by Ordinance #301, effective 11/17/05)

SECTION 13. Lien. Charges for services and/or water consumption furnished by the system to any premises shall be a lien thereon, and on or before September 1 of each year the person or agency charged with the management of said system shall certify any such charges which have been delinquent six (6) months or more to the Supervisor who shall enter the same upon the next tax roll against the premises to which such services shall have been rendered, and said charges shall be collected, and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll; provided that when a tenant is responsible for the payment of any such charge against any premises, and the Township Board is notified in writing, with a true copy of the Lease of the affected premises (if there be one) attached, then no such charge shall become a lien against such premises from and after the date of such notice. However, in event of the filing of such notice, no further service shall be rendered by the system to such premises until a cash deposit equal to three (3) times the average quarterly (3 months) charge to such premises shall have been made as security for the payment of charges thereto.

SECTION 14. Rate Revisions. The rates hereinbefore established are estimated to be sufficient to provide for the payment of the expenses of administration and operation of the system and such expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order and to provide for such other expenditures and funds for the system as are required by this Ordinance. Rates shall be fixed and revised from time to time by the Township Board so as to produce the foregoing amounts.

SECTION 15. Water Connections. *Water connections to the water supply system mains shall be installed only by the authorized representative of the Township Board. All water connections shall be installed only upon the prepayment of the cost thereof as fixed by resolution of the Township Board. (Amended by Ordinance #301, effective 11/17/05)*

SECTION 16. Water Extension. *No person shall install a water extension without first obtaining a written permit from the Township Board or its duly authorized representative and paying such permit fee as shall be fixed by resolution of the Township Board. (Amended by Ordinance #301, effective 11/17/05)*

SECTION 17. Inspections of Additions. No water main, water connection, or water extension shall be covered until inspected and approved by the authorized representative of the Township Board who shall be notified when such construction is ready for inspection.

SECTION 18. Turn On and Turn Off of Service. *No person, other than the authorized*

representative of the Township Board, shall turn on or off water service.

The curb stop (water shut off/on valve) shall be under the exclusive control of the Township and no person other than an authorized representative of the Township shall open or close or otherwise interfere with said curb stop; provided, however, that any licensed plumber may do so when authorized by the Township Treasurer. The pipe from the curb stop to the applicant's meter shall be Type "K" copper or may be PVC with a minimum pressure rating of 160 psi if installed pursuant to the applicable plumbing code of the Township. If PVC pipe is used, a meter pit shall be installed by the applicant at a location authorized by the Township Board or its duly authorized representative, said location being approximately the juncture of the property line and road right-of-way line. If PVC pipe is used, Type "K" copper shall be used from the meter pit for a minimum of six (6) feet. If a meter pit shall be installed by the applicant it shall be located at a location authorized by the township board or its duly authorized representative and shall be under the exclusive control of the Township. Necessary couplings for connecting the meter shall be furnished by the Township. The water line from the water main to the applicant's meter shall be protected from damage of every nature and needed repairs shall be made by the customer when notified by the Treasurer. The expense of repairing or thawing the portion of the pipe from the water main to the applicant's meter if frozen shall be borne by the customer. (Amended by Ordinance #161, effective 10/23/86)

SECTION 19. Liability. All parties using water from the water supply system for any purpose whatsoever will do so at their own risk and said Township or employees thereof shall not be liable for any damages occasioned by or growing out of the stoppage of said water, for the insufficient supply of the same, or for the quality of the same or accidents or damage of any kind caused by or growing out of the use or failure of such water system.

SECTION 20. Prohibitions. It shall be unlawful for any person or persons to do any of the following:

- A. Injure Township Water Supply system or any portion of the waterworks of the Bangor System or any appurtenances pertaining to such
- B. To put any animal, vegetable, or other substance in any of the tanks, pipes, reservoirs, or hydrants of the Bangor Township Water Supply System or in any way pollute the same.
- C. To connect any pipe to said water supply system or take or run any water from the lines of said system without complying with all the provisions of this Ordinance.
- D. To connect any new water mains or extensions thereof to said water supply system without providing as built drawings to the Township, without having the same tested and inspected before the lines are covered, and without having the lines approved by an agent of the Township.

SECTION 21. Penalty. Any person, firm, or corporation convicted of violating the provisions of this Ordinance shall be guilty of a misdemeanor and subject to a fine not to exceed \$500.00 or imprisonment in the County jail for a period not exceeding 90 days, or both such fine and imprisonment, in the discretion of the Court, together with the costs of said prosecution.

In addition to the criminal sanctions herein provided the Township specifically reserves the right and shall have the authority to proceed in any Court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate civil proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance.

SECTION 22. Invalidity. If any section, paragraph, sentence, clause, or phrase of this Ordinance shall be held invalid, the same shall not affect any other part of this Ordinance.

SECTION 23. Repeal. Ordinance Nos. 1, 2, 13, and 125 are hereby repealed in their entirety upon the effective date of this Ordinance.

SECTION 24. Effective Date. This Ordinance shall be effective 30 days after publication and shall be published once in the Bay City Democrat, a newspaper circulating in the Charter Township of Bangor, Bay County, Michigan, on or before the 16th day of August, 1984