

ORDINANCE NO. 15
WATER SYSTEM ORDINANCE

(As amended through August 11th, 2015)

AN ORDINANCE to provide for connection to Acme Township water system; to provide for the imposition, collection and enforcement of charges and fees for connection services relating to the water system; and to provide for other matters relative to the Acme Township water system and the use thereof.

THE TOWNSHIP OF ACME, COUNTY OF GRAND TRAVERSE, STATE OF MICHIGAN, ORDAINS:

SECTION 1. Definitions. In construing this Ordinance, the terms and words hereinafter defined, unless the context clearly indicates otherwise, shall be given the meaning hereinafter set forth.

- (a) The term “Township” shall be defined to mean Acme Township, Grand Traverse County, Michigan.
- (b) The term “System” shall be defined to mean all water mains, water supply facilities and their appurtenances which Acme Township has or shall have possession of and operation responsibility for (whether owned by Acme Township or not), either now in existence in Acme Township or hereafter acquired or constructed in Acme Township, together with all works, plants, instrumentalities and properties used or useful in connection therewith in the obtaining of a water supply or in the treatment or distribution of water, including water supply system facilities previously owned by private parties and now owned by Acme Township, and all extensions, enlargements and improvements thereto in Acme Township.

SECTION 2. Connection to the System. Connection to the System, directly or indirectly, and the use of water therefrom for any purpose shall only be in compliance with this Ordinance, as amended, and in compliance with all the rules and regulations of Acme Township applicable thereto, as amended.

SECTION 3. Charges. The following charges shall apply to all connections to the System:

- A. Connection Charge. All premises connecting to the System may be required to pay a connection charge in an amount to be established and adjusted from time to time by resolution of the Acme Township Board. The connection charge may be different for different developments or for separate water systems. All premises connecting to the System shall be provided with a water service line from the water main to the edge of the street right of way, a curb stop and box, and a meter. The connection charge shall be payable in full in cash at the time application is made for a permit to connect to the system

in accordance with Section 7 below. Acme Township shall be the owner of the service line, curb stop and box, and the meter.

- B. Frontage Charge. Those premises adjacent to a System main which either (1) have not been included in a special assessment district to pay the cost of such main or (2) have been included in a special assessment district but have not been assessed for all or part of the water main frontage which will provide the water service, may be required to pay a frontage charge in lieu of special assessment to connect to the System. The frontage charge may be different for different development or for separate water systems. However, no frontage charge shall be assessed where the System main adjacent to the connecting premises was constructed as part of a development or project in which the connecting party or his or her predecessor or Acme Township, on behalf of and at the expense of the connecting party or his or her predecessor, has constructed such main subject, however, to an exception that if the development or project itself has frontage on a System main not constructed as part of such development or project, then a frontage charge for such frontage on the System main shall be paid by the owner of the development or project. The minimum frontage to which this frontage charge shall be applied shall be 100 feet. Such frontage charge shall be in an amount to be established and adjusted from time to time by the Acme Township Board by resolution and shall be paid in full in cash at the time of application for a permit to connect to the System is made in accordance with Section 7 below or, in the discretion of the Acme Township Board, on such credit terms as shall be established and adjusted from time to time by resolution by the Acme Township Board.
- C. Trunkage Charge. Those premises adjacent to a System main, which have not been included in a special assessment district to pay the cost of such main, may be required to pay a trunkage charge, based on the number of benefits served, in an amount to be established and adjusted from time to time by resolution of the Acme Township Board. The trunkage charge may be different for different developments or for separate water systems. Those premises adjacent to a System main which have been included in a special assessment district but for which the special assessment was determined based on a fewer number of benefits than will now be served by the connections, shall also pay a trunkage charge, based on the increased number of benefits to be served, in an amount to be established and adjusted from time to time by resolution of the Acme Township Board. The trunkage charges referenced above shall be payable in full in cash at the time application for a permit to connect to the System is made in accordance with Section 7 below. Those premises already connected to the System, which have previously paid a trunkage charge as part of a special assessment or in cash as provided herein but which are later expanded or where the use is altered so as to increase the intensity of water utilization, shall pay an additional trunkage charge in full in cash for such expansion or alteration of use at the time a building permit is issued or, if no building permit is required, at the time the expansion or alteration is begun. All trunkage charges specified in this Section shall be payable in cash at the time application for a permit to connect to the System is made in accordance with Section 7 below or, in the discretion of the Acme Township Board, on such credit terms as shall be established and adjusted from time to time by the Acme Township Board.

- D. Lien. If at any time a connection charge, frontage charge or trunkage charge is paid on credit terms, then the unpaid balance, together with any unpaid interest and penalties thereon, shall be a lien on the premises served. On or before September 1st of each year the Acme Township Treasurer shall deliver to the Acme Township Supervisor a certified statement of all charges and all interest and penalties thereon then six (6) months or more past due and unpaid. The Acme Township Supervisor shall then place such charges on the next tax roll and the same shall be collected and such lien shall be enforce in the same manner as is provided for general Township taxes.
- E. Other Charges. Charges for filling a swimming pool, service for a frozen meter, water for a construction project and other similar items may be established and adjusted from time to time by the Acme Township Board. All such charges shall be paid in cash at the time the service is provided.

SECTION 4. Water Rates. Rates for water supplied to each premises connected to the System and, if imposed, any readiness-to-serve charge or standby fire line collection charge, shall be determined by the Acme Township Board. The water rates may be different for different developments on separate systems. No free service shall be furnished by the System to Acme Township or to any person, firm or corporation, public or private, or to any public agency or instrumentality. Acme Township shall pay for water supplied to it or any of its departments or agencies at the rates established pursuant to this Section from time to time. In addition, Acme Township shall pay for water used through fire hydrants for fire protection and other purposes at rates established by the Acme Township Board.

SECTION 5. Billing and Enforcement. Charges for water service may be billed quarterly. Billing and enforcement procedures may be established and adjusted from time to time by the Acme Township Board. The Acme Township Board may adopt the billing and enforcement procedures of the Grand Traverse County Department of Public Works. Customers whose bills are not paid after the due date may have a finance charge added to their bill. If the bill is not timely paid, then the customer's public water service may be turned off immediately and without further notice. Water service may not be restored until the entire amount of the water bill has been paid together with a penalty charge and restoration charge which may be established and adjusted from time to time by the Acme Township Board resolution. Charges for water shall constitute a lien on the property served. On or before September 1st of each year the Acme Township Treasurer shall deliver to the Acme Township Supervisor a certified statement of all water charges and penalty charges thereon then six (6) months or more past due and unpaid. The Acme Township Supervisor shall then place such charges on the next tax roll and the same shall be collected and such lien shall be enforced in the same manner as is provided for general Township taxes.

SECTION 6. Fiscal Year. The System shall be operated on the basis of a fiscal year beginning July 1st of each year and ending on June 30th of the next year.

SECTION 7. Application to Connect. No connection shall be made to the System without obtaining a permit therefor. Application for such permit shall be made by the premises title holder or land contract purchaser and filed with the Acme Township Zoning Administrator or his or her representative(s). The representative may be the Grand Traverse County Department of Public

Works. The Acme Township Zoning Administrator or his or her representative(s) shall issue permit when all prescribed conditions have been met. Such permit shall be issued subject to such regulations as may be established and amended by the Acme Township Board from time to time.

SECTION 8. Annual Report. Acme Township may cause to be maintained and kept proper books of record and account in which may be made full and correct entries of all transactions relating to the operation of the System. Not less than six (6) months after the close of each fiscal year of the System, Acme Township may cause to be prepared a statement in reasonable detail showing the cash income and disbursements of the System at the beginning and close of the operating year and such other information as may be necessary to enable any taxpayer of Acme Township, user of beneficiary of the service proved by the System to be fully informed as to all matters pertaining to the financial operation of the System during such fiscal year. Such annual statement may be filed in the office of the Acme Township Clerk where it will be open to public inspection. Such books of record and account may be audited annually by a certified public accountant to be designated by the Acme Township Board and a certified copy of such audit may be filed with the Acme Township Clerk. Such audit may be a part of the general Township audit.

SECTION 9. Prohibition of Cross Connections. (Section amended by Ordinance Amendment No. 3, adopted by the Acme Township Board on 08/11/2015) It shall be unlawful for any person to make or maintain any cross connection between the Township Water System and a private water supply or other water supply system. No person shall install or maintain a private well in the Township on property served by the Township Water System without first receiving a permit. Such a permit shall be issued only if the County D.P.W. determines that there is no possibility of introducing contaminated water in the Township Water System.

That the Township adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality being R 325.11401 to R 325.11407 of the Michigan Administrative Code.

That it shall be the duty of the Township and/or County D.P.W. 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 inspection and re-inspections based on potential health hazards involved shall be as established by the County D.P.W. and as approve by the Michigan Department of Environmental Quality.

That the representatives of the Township and the County D.P.W. shall have the right to enter at any reasonable time any property served by a connection to the Township Water 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 inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection.

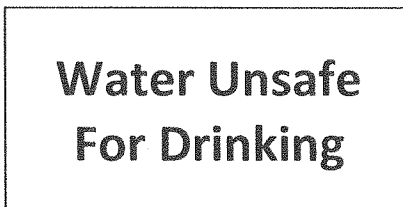
Where a water supply system is maintained on property in addition to that of the Township Water System, all lines carrying Township water shall be painted, labelled, or striped in light blue and all lines carrying water from another source shall be painted, labeled or striped brown so that each

line may be readily identified and traced in its entirety. If a color code using different colors than those above specified has been adopted and is in force at the time that the lines which have carried water from another public water system are connected to the Township Water System, such code may be continued if (1) charts plainly depicting the colors used are prominently displayed on the property, and (2) the County D.P.W. determines that the code is so maintained in practice that the lines carrying the Township Water and the lines carrying water from another source can be readily identified and traced.

That the Township and/or County D.P.W. is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance 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(s) has been eliminated in compliance with the provisions of this ordinance.

That all testable backflow prevention assemblies shall be tested at the time of installation, or relocation, and after any repair. Subsequent testing of devices shall be conducted at a time interval specified by the County D.P.W. and in accordance with Michigan Department of Environmental Quality requirements. Only ASSE International certified testers shall perform such testing. Individual(s) performing assembly testing shall certify the results of his/her testing.

That the potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this ordinance and by the Michigan Plumbing Code, current edition. 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:



That this ordinance does not supersede the Michigan Plumbing Code but is supplementary to it.

SECTION 10. Work in Right of Way. All work in the street right of way or on public easements, including service lines, shall be constructed and performed by Acme Township or its agents or independent third party contractors.

SECTION 11. Meters. The Acme Township Zoning Administrator or his or her representative(s) (including the Grand Traverse County Department of Public Works) shall have the right to enter at any reasonable time any premises connected to the System for the purpose of reading the water meter or otherwise inspecting the piping system or systems which are connected to the System. If any member shall fail to register properly, Acme Township shall estimate the amount of water consumed based on prior billing periods and bill the water customer accordingly. A water customer may request that a water meter be tested for accuracy. If the meter is found accurate

within American Waterworks Association standards, a charge to be established and adjusted from time to time by the Acme Township Board shall be made to the water customer. If the meter is found to be inaccurate within acceptable tolerances, the meter shall be repaired or a new meter shall be installed and no charge shall be made to the water customer either for the test or the meter repair or replacement.

SECTION 12. Service Line Maintenance. The owner(s) of each premises served by the water shall maintain the service line from the street right of way to the building, structure or other improvement served with water in good condition with no leaks, breaks, or other malfunction.

SECTION 13. One Service Line Per Premises. Unless otherwise authorized by the Acme Township Zoning Administrator or his or her representative(s), (including the Grand Traverse County Department of Public Works), in writing, each service line shall serve one premises only.

SECTION 14. Repair or Replacement of Meter, Meter Horn, or Connections. If the meter, meter horn or connections are damaged for any reason, all required repair and replacement shall be at the expense of the premises owner(s). If the meter, meter horn or connections malfunction or are defective, repair or replacement shall be at the expense of Acme Township.

SECTION 15. Damage to System Facilities. No person, except an employee of Acme Township or other person duly authorized by Acme Township, shall break, damage, destroy, uncover, deface or tamper with any structure appurtenance or equipment which is part of the System.

SECTION 16. Fire Hydrant Use. No person, except an employee of Acme Township or other person duly authorized by Acme Township, shall open or use any fire hydrant except in the case of an emergency, without first securing written permission from the Acme Township Zoning Administrator or his or her representative(s) (including the Grand Traverse County Department of Public Works), and paying such charges as may be prescribed by the Acme Township Zoning Administrator or his or her representative(s).

SECTION 17. Water Emergency Orders. The Acme Township Zoning Administrator or his or her representative(s) (including the Grand Traverse County Department of Public Works), may by written order, subject to review and modification or reversal by the Acme Township Board, regulate, limit, or prohibit the use of water. Such order may restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial water needs and for fire protection. Notice of the promulgation of any such order shall be published in a newspaper of general circulation in Acme Township as soon as reasonably possible after promulgation. Violation of such an order shall constitute a violation of this Ordinance and shall be subject to the penalties and other remedies hereinafter prescribed in this Ordinance.

SECTION 18. Rules and Regulations. Acme Township may, from time to time adopt by resolution, rules and regulations governing the type and quality of materials and accessories to be used for connection to the System, construction methods for collections to the System, and other operational and maintenance matters pertaining to the System. Violation of any such rule or regulation shall constitute a violation of this Ordinance and shall be subject to the penalties and other remedies hereinafter prescribed in this Ordinance.

SECTION 19. Disruption of Service. Acme Township shall not be liable for any failure or deficiency in the supply of water to water customers whether occasioned by maintenance or repair of the System or any other cause.

SECTION 20. Penalty. Any person violating any of the provisions on this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding Five Hundred (\$500.00) Dollars and cost of prosecution or by imprisonment for a period not exceeding ninety (90) days, or both such fine and imprisonment in the sole discretion of the Court. Each day during which a violation of a provision of this Ordinance continues shall be deemed a separate and distinct violation for the purpose of this section. In addition to the penalties set forth in this section, Acme Township may maintain any equitable or legal action available to it for the abatement of any violation of this Ordinance. Violation of this Ordinance, on the rules and regulations promulgated under this Ordinance, shall be a nuisance per se. Acme Township if it is successful in any civil lawsuit brought under this Ordinance, shall be reimbursed by the opposing party(s) for all costs of the litigation, including but not limited to Acme Township's reasonable attorney fees and all other costs of litigation.

SECTION 21. Administrative Liability. No officer, agent or employee of Acme Township shall render himself or herself personally liable for any damages that may accrue to any person as result of any act required or permitted in the discharge of his or her duties under or in the enforcement of this Ordinance.

SECTION 22. Severability, Pronouns and Captions. This Ordinance and the various sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby. Pronouns shall be read as masculine, feminine or neuter as may be appropriate. Captions appearing at the beginning of any section shall not be deemed a part of this Ordinance and shall have no independent significance.

SECTION 23. Repeal. All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 24. Effective Date. This ordinance shall was approved and adopted by Acme Township Board on January 8th, 1996. It shall be effective on February 8th, 1996.

Now therefore be it resolved that the Acme Township Board approves this amendment.

Township Board members present:

Zollinger, Dye, Jenema, Aukerman, LaPointe, White, Scott

Absent:

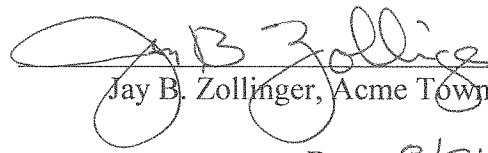
None

The following vote was cast:

Aye - Zollinger, Dye, Jenema, Aukerman, LaPointe, White, Scott

Nay: None


Abstaining: None



Jay B. Zollinger, Acme Township Supervisor
Date: 8/21/15

CLERK'S CERTIFICATE

I, Cathy Dye, Township Clerk of Acme Township, Grand Traverse County, Michigan, hereby certify that at a regular meeting of the Township Board held on August 11th, 2015 the Township Board adopted this amendment to the police power ordinance recorded as Acme Township Ordinance No. 15 – Water System Ordinance, to become effective September 21st, 2015 and the members of the Board present at the meeting voted on the adoption of the Ordinance as recorded above.



Cathy Dye, Acme Township Clerk
Date: 8/21/15