

Public Water Ordinance Ogemaw Township West Branch. Michigan Ordinance # 31

An ordinance to regulate and control the construction, installation, extension, service connection, and operation of public water within the Township of Ogemaw; to prescribe the procedures for securing such public water service and the rates and charges for the same and to provide penalties for the violation of such ordinance regulations.

This ordinance is effective 20 days after publication.

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Section 1; Title

This ordinance shall be known and hereafter cited as the Ogemaw Township Public Water Ordinance. (Ordinance # 31)

Section 2; Definitions

1. Applicant- Owner of property which is seeking to connect to the Township Water System.
2. Application/Permit- The application/permit serves as the application for a water connection, and then becomes the permit when granted by the Township Board.
3. Contractor- The licensed Contractor as selected by the Township Board to install water connections.
4. Cross Connection- A connection or arrangement of piping or appurtenances through which water of questionable quality or from a source other than the Township Water System, wastes or other contaminants could possibly flow back into the Public Water System because of reversal of flow.
5. Curb Box- A box or metal housing which encloses, protects and provides access to the curb stop.
6. Curb Stop- A valve for insertion in the service pipes, in size of one inch (1") to two inches (2") in diameter, inclusive, at or near the curb line.
7. Ordinance- The Ogemaw Township Public Water Ordinance unless otherwise specified.
8. Owner- Person
9. Person- Any individual, firm, partnership, association, public or Private Corporation or public agency or instrumentality or any other entity receiving water service or located in the Township Water District.
10. Premises- Each lot or parcel of land or building having any connection to the Township Water System. Unoccupied premises are those that have been vacated or the owner or resident has not been present for a period of fourteen days or more.
11. Public Water System- Township Water System
12. REU- Residential Equivalent Unit to be known as "REU" as determined by Table in Section 13.
13. System- Township Water System
14. Township- The Ogemaw Township Board
15. Township Water System- The complete facilities of the Townships water supply system including all water storage facilities, and transmission lines, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired, within the Ogemaw Township Water Districts.
16. Water Connection- The part of the Township Water System connecting the water main to a point terminating at a meter or meter pit or vault.

17. Water Main- The part of the Township Water System located within easement lines or streets and designated to supply more than one water connection.
18. Water System- Township Water System

Section 3; Procedure

Application/Permit- Any person, firm or corporation desiring public water service shall file an **application/permit** therefore with the Township clerk or supervisor, containing the name and address of the applicant; a description of the land or premises to be serviced; 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 extension. After the initial Connection Fee (Tap Fee) is paid to the Township, the Township will have the water tap installed to the curb stop. Then it is the property owners' responsibility to have the connection made between the curb stop and point of connection for water usage. A permit from the County Building and Zoning Department is required for the connection at point of service.

Section 4; Regulations

1. Pursuant to the terms and conditions of this Ordinance, the owners of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated or constructed within the township water districts are required to connect to the public water system for all potable water, provided that said water system is within the Township water district. This connection will be done in accordance with the provisions of this Ordinance and under direction of the Township Board. Pre-existing non-complying private water systems are required to be connected when well or casing fails or when new well is required.
2. No person other than a person authorized by 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.
3. No person other than a person authorized by the Township shall operate **and/or** perform work on the Public Water System.
4. **Water Meters-** All premises connected to a public water system shall be equipped with a public water meter furnished by the Township, 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. An owner may add a second water meter for an additional charge for lawn sprinkling or irrigation purposes if desired so as to not be charged sewer charges for such usage. Meter shall remain property of the Township and all repairs and replacements are to be completed by the Township. Any person found tampering with the meter shall be subject to penalty for ordinance violation under Section 4 of the ordinance.

5. Size and Installation; All water service connections from the curb stop to the required water meter shall be not less than 1 inch in size and shall be installed using copper or HDPE at a depth of not less than **60** inches at the expense of the property owner.
6. **Backflow Prevent**- All connections to irrigation/sprinkling systems shall contain a **backflow** prevent device meeting County Plumbing Code as part of such connections.
7. Contamination- It is **unlawful** for any person, firm or corporation to commit any act or to allow to be committed any act that may contaminate or pollute or contribute to the contamination or pollution to any part of the Township Water System or wells.
8. Cross Connections- No cross connections between any private water system and the Township Water System shall be allowed and no plumbing shall, at any time, be connected to the public system, which is in any manner connected or a part of any private water system.
 - a. This Township adopts, by reference, the water supply cross-connection rules of the State of Michigan Department of Public Health being **R325.431** to **R325.440** of the Michigan Administrative Code.
 - b. Inspection of possible cross-connections-It shall be the duty of the Township's designated representative, to cause inspections to be made of all property served by the Townships public water system where cross-connections with the public water system is deemed possible. The frequency of inspections and reinspections base on potential health hazards involved shall be as established by the township and as approved by the Michigan Department of Public Health.
 - c. Inspection rights- The Township's representative 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 and connection system or systems. On request, the owner or occupant of the property so served shall furnish to the inspector any pertinent information regarding the piping system on the property being inspected. The refusal to provide such information or refusal of access, when requested, shall be deemed evidence of the presence of a violation
 - d. Discontinue of Water Service- The Township is authorized and directed to discontinue water service to any property wherein any connection, if violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water served to such property shall not be restored until the cross-connection or connections have been eliminated in compliance with the provisions of this ordinance.

9. Labeling of Water Outlets- 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 State and County plumbing codes. Any water outlet, which could be used for potable or domestic purposes and which is not supplied by the public water system must be labeled in a conspicuous manner as: "WATER UNSAFE FOR DRINKING".
10. Use of Fire Hydrants- No fire hydrant shall be used for any purpose other than fire protection without the prior approval of the township.
11. Michigan Department of Environmental Quality (MDEQ) Permit- No public water mains shall be made or become operational until the water flowing there from has been certified as safe and free of any harmful contamination by a MDEQ certified lab and a written certificate attesting thereto is on file with the Township.
12. Township/Owner Responsibility- The Township shall be responsible for the Water System including water service up to and including the curb box and curb stop. The Owner shall be responsible for the water service from the curb box and curb stop to the premises.

Section 5; Penalty for Ordinance Violation

1. Penalty- Unless otherwise provided in this ordinance, any violation of the provisions of this ordinance shall constitute a misdemeanor, punishable by a fine of up to \$100. Each day that a violation continues to exist shall constitute a separate offense. The foregoing fines and penalties shall be in addition to the right of termination of public water service to a violator and the right to obtain injunctive relief in a court of law.

Section 6; Township Declaration of Water Emergency

1. Declaration of Existence of Emergency- When the Township shall have declared that a water emergency exists; notice thereof shall be given by releasing such declaration to the official newspaper of the Township and to all radio stations maintaining studios within the Township and/or immediate surrounding area. Such notice shall advise of the time of commencement of such emergency and that such emergency shall continue until the Township through the same media gives notice of termination.
2. Township's Declaration of Water Emergency- At such time as the Township shall determine that water consumption within the Township Water Districts, has or is about to exceed the supply available for its uses on a continuing basis, the Township may declare that a water emergency exists.

3. Water Uses Prohibited During Water Emergency- When the Township has declared that a water emergency exists, the use and withdrawal of water by any person from the Township Water System for any of the following purposes is hereby prohibited:
 - a. Watering of yards. The sprinkling, watering or irrigation of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers and any other vegetation.
 - b. Cleaning outdoor surfaces. The washing of sidewalks, driveways, filling station aprons, porches, patios and other outdoor hard surface areas.
 - c. Swimming pools. The filling of swimming and wading pools not employing a filter and recirculating system.
 - d. Escape through defective plumbing. The escape of water through defective plumbing, which shall mean the knowing permission for defective plumbing to remain out of repair
4. Termination of Emergency- When the Township shall determine that the conditions which caused the declaration of the water emergency no longer exists, it shall so declare and give notice of such determination as noted in section 5.1.
5. Penalty for Violation of Water Emergency Regulation- Any person who shall knowingly, during any water emergency, use or withdraw water from the Township Water System for any of the purposes prohibited in this ordinance, shall be guilty of a civil infraction, and shall be subject to a fine of not to exceed twenty-five dollars (\$25.00) for each violation and, in addition, if said person refuses to discontinue such violation, be subject to the discontinuance of water service during the continuance of such emergency.

Section 7; Rates and Charges

1. Property Not Having Previously Paid for a Water Main- Those persons owning land adjacent to a Township water main lying within a Ogemaw Township Water District whose lands have not been subject to a special assessment to pay for the construction of said main and who make connection to said main, or those persons owning lands that have been subject to a special assessment to pay for one connection to said main and who are now requesting an additional connection to said main; or those persons owning lands that have been subject to a special assessment to pay for an established amount of REU's who are now requesting additional REU's, shall pay a connection charge in the amount of:
 - a. Four Thousand Five Hundred Dollars (\$4500.00) per REU (Residential Equivalent Unit) located in Water District No. 1.

- b. Five Thousand Six Hundred Dollars (\$5600.00) per REU located in Water District No.2.
- c. Eight Thousand Dollars (\$8000.00) per REU located in Water District No. 3

PLUS AN INCREASE EQUAL TO THE CONSUMER PRICE INDEX PER YEAR STARTING IN YEAR 2006. A Water Connection Permit will not be issued until the connection charge, and charges, due to the Township pursuant to the Township Ordinances, have been paid.

- 2. REU Value- REU's shall be determined as per REU Table in Section 13, however, in no circumstance, can it be less than one (1).
- 3. Water Rates- No free public water service shall be allowed and all those properties connected to the Township Water System shall be subject to the payment of such water rates and charges as shall be determined by the Township Board. The rates set will be sufficient to provide for the payment of the expenses of administration, operation, and maintenance of the Water System as are necessary to preserve the system in good repair and working order, and the creation of a reserve therefore required.
- 4. Township May Estimate Consumption When Meter Fails or When Unable to Read Meter- In the event that a water meter shall fail to register properly, or the Township is unable to gain entry to read the meter, the Township is empowered to estimate the quantity of water used on the basis of information available and bill accordingly.
- 5. Special Rates- For miscellaneous services for which a special rate should be established, such rates shall be fixed by the Township Board. Non-metered services shall insofar as possible be based on a reasonable estimate of the anticipated quarterly water consumption, not to exceed 25% as a safety margin to insure the estimate.
- 6. Basis for Rates- Any new multi-unit establishment shall at the time of connection to the municipal water system either install a separate water meter or, at the Township Board's discretion, install a master meter for the establishment.
- 7. Fees- The fees will be established by the Township board.
- 8. Billing and Late Payment Penalties- Billing for water service charges shall be rendered quarterly on the first of January, April, July and October whenever possible but in no case later than the tenth of the months stated. Bills shall be due and payable upon receipt and without penalty until and including the last day of the month in which the bill was rendered. For all amounts not paid by the first day of the next succeeding month in which the bill was rendered, a penalty of 10% of the amount of such bill shall be added and shall be collected.

9. Lien Rights- In accordance to public act **178** of the Public Acts of 1939, Section **MCL123.161-123.167**. 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 September 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.

Section 8; Revenues of The System

The revenues of the system are hereby ordered to be set aside, as collected, and deposited in a bank duly qualified to do business in the state of Michigan. An account is to be designated "Water Receiving Fund", and the revenues so accounted for in said fund are pledged for the purpose of the following.

1. Supplies
2. Legal Services
3. Audit fees
4. Insurance
5. **Repair/maintenance**
6. **Meter/equipment**
7. Other expenses pertaining to the water system.
8. Future expansion of the water system.

Section 9; Termination of Services

1. By the Township- 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. A warning notice shall be attached to the door of the premises affected prior to actual discontinuation of service. **Water** service so discontinued shall not be restored until all sums then due and owing are paid, plus a turn on charge of \$50.
2. By the Owner- Property owners, according to Township tax records, may remove their name from an account, and cause shut off of the water at their premises, if the premises are not occupied.

Section 10; Supplementary Clause

This ordinance does not supersede the State Plumbing Codes and the Plumbing Code of the county, but is supplementary to them.

Section 11; Saving Clause

1. In any section, paragraph, clause or provision of this ordinance shall be held invalid for any reason; the same shall not affect the validity of any of the other provisions of this ordinance, which shall remain in full force.
2. The consumer shall indemnify, save harmless and defend the Township against all claims, demands, cost or expense for loss, damage or injury to persons or property in any manner, directly or indirectly, growing out of the transmission and use of water by the consumer from water service pipes installed by the consumer on the consumer's premises.

Section 12; Township's Liability Exemption;

1. Interruption of Service- The Township and or the Authority shall not be responsible for interruptions of service because of natural calamities, equipment failures, or actions of the system users.
2. Plumbing Maintenance and Failure- It shall be the responsibility of the consumer that all connected equipment remain in good working order. No claim or cause of action may be asserted against the Township or the Authority by reason of the breaking away of any pipe, service cock, or for any other interruption of the water supply.
3. Service and Location Costs- The Township shall not be liable for any expense incurred by an applicant in locating mains, services, curb stops, and water records.

TABLE OF UNIT FACTORS
Appendix A to Ordinance
Public Water Ordinance Ogemaw Township, West Branch, Michigan

Table of Equivalent Unit Factors

Usage	Residential Equivalent Unit	Information
	Factors	Source
Single Family Residential	1.0	A-D-F-G
Single Family Residential Where Business is Operated (Home Occupancy)	1.5 Per Dwelling	G
Auto Dealers	.40 per 1,000 Sq. Ft.	D-E
Auto Repair Shops	.30 Per Repair Stall	D
Banks	1.0 Per Bank	G
Barber Shops	.14 Per Chair	A-C
Bars	.04 Per Seat	D
Beauty Shops	.22 Per Booth	D
Boarding Houses	.16 Per Person	A-C-F
Boarding Schools	.27 Per Person	A-C
Body Shops	1.0 Per Ea. 15 Employees or Fraction	G
Bowling Alleys (No Bar or Lunch)	.16 Per Alley	D
Boling Alleys (Bar and/or Lunch)	.60 Per Alley	F
Car Wash (a) Manual, Do-It-Yourself	2.5 Per Stall	D
(b) Semi-Automatic (Mechanical without a conveyer)	12.5 Per Stall	D
(c) Automatic with conveyer	33.0 Per Lane	D
(d) Automatic with Conveyer, conserving and recycling water	8.4 Per Lane	D
Child Care Centers	.05 Per Person	G
Churches	.01 Per Seat	D-E
Cleaners (Pick up Only)	1.0 Per Establishment	G
Clinics (Minimum 1.0/Profession)	.50 Per Doctor	D
Convalescent Homes	.22 Per Bed	D

Convents	.20 Per Person	D
Country Clubs	.08 Per Person	A-C-D
Dairy Stores	.16 Per Employee	D
Department Stores (With Food)	.60 Per 1,000 Sq. Ft.	G
Department Stores (Without Food)	.40 Per 1,000 Sq. Ft.	D-F
Drug Stores (Without Fountain)	.40 Per 1,000 Sq. Ft.	D-F
Factories (exclusive of Excess Industrial Process Water Use)	.50 Per 1,000 Sq. Ft.	D-E
Fire Stations	.20 Per Person/24 Hr.	G
Fraternal Organizations (Members Only)	1.0 Per Hall	D
Fraternal Organizations (Members and Rentals)	2.0 Per Hall	D
Fruit Stand (Cleaning-Seasonal)	1.1 Per 1,000 Sq. Ft.	G
Garden Center (Nursery)	.16 Per Person	G
Government Offices	.40 Per 1,000 Sq. Ft.	D-E
Grocery Stores & Supermarkets	1.1 Per 1,000 Sq. Ft.	D-E
Hospitals	1.09 Per Bed	A-C
Hotels (Private Baths)	.25 Per Bed	A-C-E-F
Laundry (Self Service)	.50 Per Washer	D-E
Lumber Yard	1.0 Per Ea. Employees or Fraction	G
Mobile Home Parks	.50 One Bedroom 1.0 Two Bedrooms or More	G
Motor Freight Terminals	1.0 Per Ea 15 Employees or Fraction	G
Motels	.25 Per Bed	E
Multi-Family Residence (a) One Bedroom	.5 Per Residence	G
(b) Two Bedroom	1.0 Per Residence	G
(c) Three Bedroom	1.0 Per Residence	G
Office Building	.40 Per 1,000 Sq. Ft.	D
Pets, Plants and Fish	1.1 Per 1,000 Sq. Ft.	G
Printing Shop	1.0 Per Ea. 15 Employees or Fraction	G

Public Institutions (Other than Hospitals)	1.0 Per Ea. 15 Employees or Fraction	G
Research and Testing Laboratories	1.0 Per Ea. 15 Employees or Fraction	G
Restaurants		
(a) Conventional Type (with or without drinks)	0.13 ³ Per Seat	A-B
(b) Quick Serve, Franchise Type, without dishes dealing mainly in hamburgers and Sandwiches with or without eating in building. Includes, but not limited to: McDonalds, Burger Chef, Burger King, Red Barn, Hardees and Arbys	5.6 Per Restaurant	D
(c) All other restaurants, includes but not limited to: Drive-Ins, Snack Bars, Carry-Outs, such as Fried Chicken and Pizza. Could have limited Eating in Building without Dishes.	1.8 Per Restaurant	D
Rooming Houses (No Meals)	0.167 Per Person	E
Schools	1.5 Per Classroom	C-E
Sports Centers	1.0 Per Ea. 15 Employees or Fraction	G
Service Stations	1.0 Per Station	G
Service Station (with Car Washing Limited)	1.25 Per Station	G
Stores Other than those Specifically Listed)	1.0 Per Ea. 15 Employees or Fraction	G
Swimming Pools	2.85 Per 1,000 Sq. Ft.	D
Take-Out (Beer and Liquor)	1.0 Per Ea. 15 Employees or Fraction	G
Tennis Club	.08 Per Member	A-C-D
Theater (Drive-In)	.006 Per Car Space	B-C
Theaters (Inside)	.0001 x Weekly hours of Operation x No. of Seats	B-C-E
Travel Trailer Park (Individual Bath Units)	.27 Per Cubical	A-B-C-E

Travel Trailer Park (Individual Bath Units – Seasonal Only)	.27 Per Cubical	A-B-C
Used Auto Sales	1.0 Per Ea. 15 Employees or Fraction	D-E
Vacant Land	1.0 Per 2 Acres	
Veterinarian Hospitals	2.0 Per Veterinarian	G
Warehouses	.10 Per 1,000 Sq. Ft.	D-E

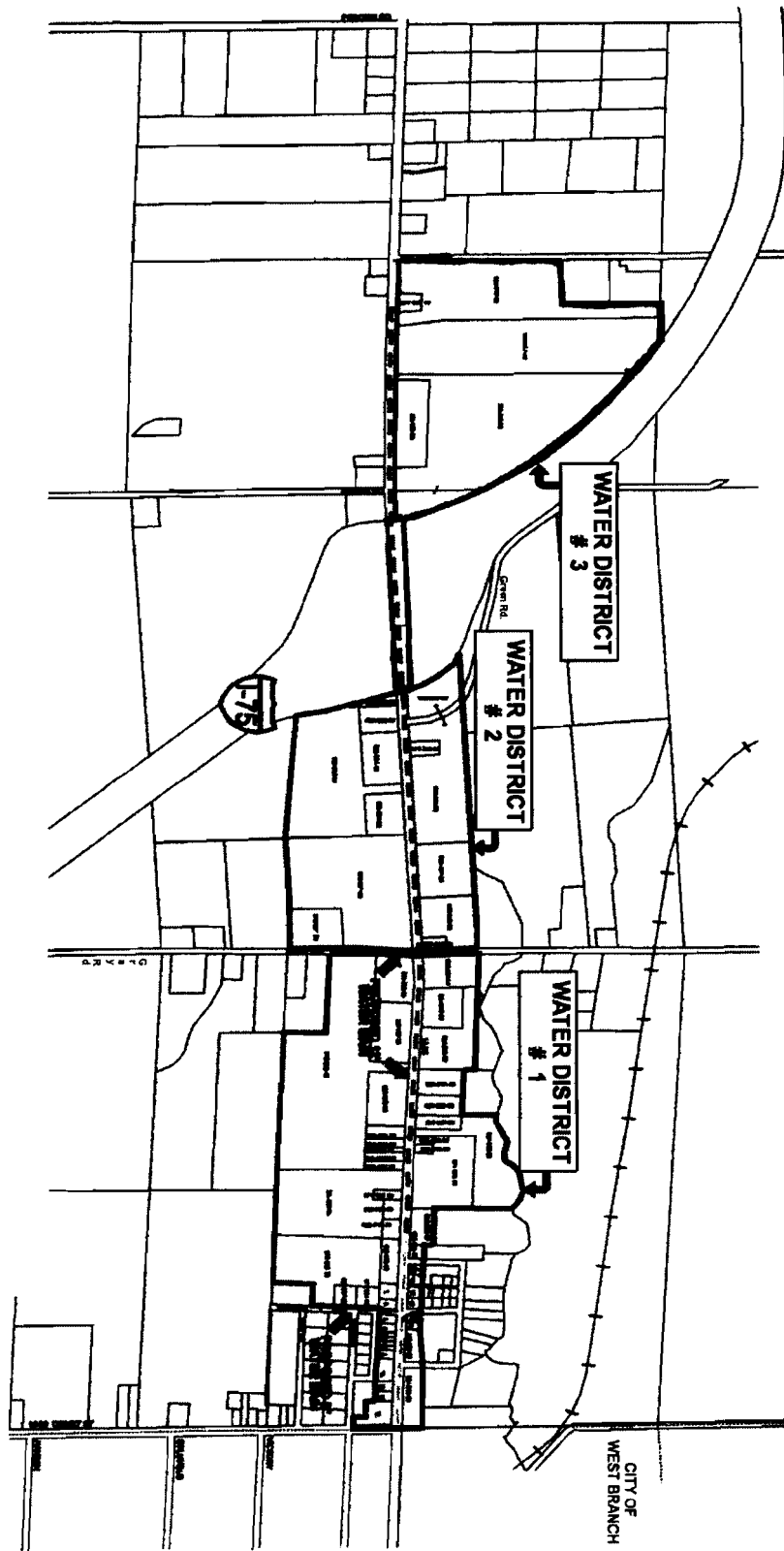
Where multiple businesses exist at one location (shopping centers), the various businesses will be combined for equivalents.

Note: 1 unit equals 240 Gallons per day or 86,400 gallons per year or 32.75 Cu. Ft. per day or 11,550 Cu. Ft. per year.

INFORMATIONAL SOURCES:

- A. Cincinnati Report
- B. Gordon MacDougal Report to Wayne County
- C. Manual of Septic Tank Practice – Publication No. 526, U.S. Department of Health
- D. Oakland County Department of Public Works
- E. Genesee County Department of Public Works
- F. New Jersey State Department of Public Works
- G. Stauder, Barch & Associates Analysis

Appendix B to Ordinance
Water District Map



Section 14; Effective Date

This ordinance shall take effect 20 days after publication. All ordinances or parts of ordinances in conflict are hereby repealed.

At a regular meeting of the Ogemaw Township Board held at the Township Hall on the

10 Day of MAV, 2005

Motion by: Ronald Nantz

Second by: Sandra Hodgins

Yeas: 5

Nays: 0

Absent: 0

Abstain: 0

Ordinance enacted

Denis D. Stephens Ogemaw Township Supervisor

Virginia Linsenman Ogemaw Township Clerk

Clerks Certification

I, Virginia Linsenman Clerk of Ogemaw Township, Ogemaw County, hereby certify that:

1. The foregoing is a true, correct, and complete copy of Public Water Ordinance, Ogemaw Township, West Branch, Michigan adopted by the Ogemaw Township Board at a regular meeting held on May 10, 2005
2. Notice of the aforementioned meeting complied with public notice requirements.
3. The Ordinance was published in the Ogemaw County Herald on, May 19, 2005, which was within 15 days of adoption.
4. The Ordinance was entered into the Ogemaw Township Record of Ordinances upon enactment.

Virginia Linsenman ON May 20, 2005
Clerk, Ogemaw Township