

Water Service Ordinance

An ordinance to regulate water service and rates for customers served by the Charter Township of Madison water distribution system.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

- a. *Department*: The Water Department of the Charter Township of Madison.
- b. *Cross connection*: A connection or arrangement of piping or appurtenances through which water of questionable quality, wastes, or other contaminants could possibly flow back into the Water Distribution System due to reversal of flow.
- c. *Lot*: Each lot as platted.
- d. *Superintendent*: The person designated by the Charter Township of Madison to be in charge of the water system.
- e. *Township*: The Charter Township of Madison having an office at 4008 S. Madison Highway, Madison, Michigan.
- f. *Water distribution system*: The entire system of distributing drinking water in the Charter Township of Madison.
- g. *Water connection*: That part of the Water Distribution System connecting the water main to a point between the water main and the property line, including the curb box and curb stop.
- h. *Water main*: That part of the Water Distribution System located within easement lines or streets and designated to supply more than one water connection.
- i. *Water service pipe*: That part of the Water Distribution System between the water connection and the premises served.

Section 2. Water Connections

- a. Water connections shall not be made unless authorized by the Township. Water connections and water service pipes shall not cross from one lot to another.
- b. Water connection shall be made by the Township or its designated contractor. Any repair to a water service pipe shall be made at the expense of the homeowner whose premises are served by the water service.
- c. There shall be a connection charge for each and every water connection to the water distribution system and when there is more than one building or structure being served by a single connection there shall be a separate connection charge for additional building or structure connected to the water distribution system. The amount of the connection charge shall from time to time be set by the Township Board. The connection charge shall be computed using the schedule for residential equivalency units which is attached hereto and incorporated by reference.
- d. A separate and independent water connection shall be provided for each and every lot or parcel of land connected to the Township water distribution system.

Section 3. Turning on Water Service

No person other than an authorized employee of the Township, shall turn on or off any water service, except that a licensed plumber may turn on any service for testing his work (then it must be immediately turned off) or upon receiving a written order from the Township.

Section 4. Water Meters

All users, including without limitation, residential, industrial and commercial users, shall, at their own cost, purchase and install such water meters as shall be directed by the Township. Any meter purchased shall be of a manufacturer and model approved by the Township. No person except an authorized employee of the Township, shall break or injure the seal or change the location of, or alter or interfere in any way with any water meter.

Section 5. Meter Location

Water meters shall be set in accessible location and in a manner satisfactory to the Township Water Department. Where the premises contain no basement or cellar the meter shall be installed in a location, which shall be approved by the Township Water Department. Where it is necessary to set the meter in a pit, such pit shall be built at the expense of the owner as directed by the Township Water Department.

Section 6. Access to Meters

The Township shall have the right to shut off the supply of water to any premises when the Township is unable 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 same and no person shall hinder, obstruct, or interfere with such employees in the lawful discharge of his duties.

Section 7. 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.

Section 8. Owner Responsibilities

- a. *Due Care.* The owner or occupant of the premises where a water meter is installed will be held responsible for its care and protection from freezing and from injury or interference by any person.
- b. *Notice of deficiency.* If injury to the meter occurs or in case of its stoppage or imperfect operation, the owner or occupant of the premises shall give immediate notice to the Water Department.

Section 9. Prohibited Conduct

- a. *Injury to Facilities.*
 1. No person shall willfully or carelessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the Township water distribution system; provided, however, that Township employee, in the performance of duties, may take such reasonable action as may be necessary to appropriately and safely fulfill those duties.
 2. No person shall so alter or manipulate a water meter so as to cause a water meter to be bypassed or to not otherwise properly measure water use. Such person, in addition to being subject to the penalties provided herein, shall pay for the amount of water consumed which shall be determined using the highest reading per billing period in the previous two (2) year period.
- b. *Pollution of Wells.* It shall be unlawful for any person to construct or maintain, or permit to be constructed or maintained within a radius of 200 feet from any of the municipal water wells any source of possible contamination or pollution of such wells. It shall be likewise unlawful to do any act or to allow to be done any act that may contaminate or pollute or contribute to the contamination or pollution of the water supply wells or water system of the Township.

- c. *Climbing Upon Elevated Tank.* It shall be unlawful for any person, except Township employees and other persons authorized by the Township, to be upon or climb any elevated tank within the Township.
- d. *Obstructing Fire Hydrants.* All persons are prohibited from obstructing free access and from depositing any rubbish or building material in proximity to any fire hydrant, water valve or shut off in the public street.
- e. *Opening Streets.* In putting down or repairing service pipes, the street must be opened in such a manner as will occasion the least inconvenience to the public. No excavation in any public place shall be left open during the night unless amply protected to prevent accident, by the person to whom the permit has been granted.
- f. *Interference With Service Shut Off Box.* It shall be unlawful for any person to take or break any service box or cover, or to cover any service box with earth or other material or obstruct free access to the service box.
- g. *No Free Service.* No free water or sewer service shall be furnished by such system to any person, firm or corporation, public or private or to any public agency or instrumentality.
- h. *Taking of Water Without Permission.* No person shall take water from any fire hydrant, valve, faucet, pipe or any other opening connected to the Township water system. Nor shall any person open any such fire hydrant valve or faucet for the purpose of taking water, or for any other purpose, unless such person shall have made application for use of water for such purpose and received permission from the Water Department, or unless such person is Township employee and is acting in the discharge of duties.

Section 10. Cross Connection Inspections

- a. The Township adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Public Health being R 325.11401 to R 325.11407 of the Michigan Administrative Code.
- b. The Township is authorized and required to inspect all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Township and as approved by the Michigan Department of Public Health.
- c. The representative of the Township shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of Township 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 connections.

- d. The Township 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.
- e. 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 state and Township 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.
- f. This ordinance does not supercede the state plumbing code and/or the Township State Construction Code Ordinance (No. 30), but is supplementary to them.
- g. That any person or customer found guilty of violating any of the provisions of this ordinance or any written order of a representative of the Township in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred (\$100) dollars for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this ordinance.

Section 11. Refusal to Provide Information

Whenever requested by the Township, the owner or occupant of any lot or parcel of land serviced by the Water Distribution System shall furnish to the Superintendent all information requested concerning the piping system or systems servicing the said lot or parcel of land in question to make such inspections or investigation as he shall deem to be necessary. The refusal to permit access when requested, shall be deemed to be a prima facie evidence of the presence of cross-connections of the type prohibited by the ordinance.

Section 12. Protection Beyond the Meter

The potable supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this ordinance, by the State Plumbing Code, and the Charter Township of Madison Cross Connection Regulations.

Section 13. Water Rates

Water rates shall be set for each water district by Township Board action. The water rates shall be based on the cost to provide water service to each specific water district.

Section 14. Billing

Billing will be on the basis of the adopted water rates for each water district and the equivalent residential units determined for each customer. Billing based on metered consumption may be requested by any customer with meter purchase, installation and maintenance the requesting party's responsibility.

Section 15. Collection

The payment of charges for water service to any premises may be enforced by discontinuing the water service to such premises and legal action may be instituted by the Township for collection of any amounts owed by the customer. The charges for water service, which, under the provisions of Act 94, Public Acts of 1933 of the State of Michigan, as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute such lien; and the Township Supervisor shall, annually, report all unpaid charges for such services furnished to any premises.

Section 16. Service Discontinued

Whenever the Superintendent shall find any violation of this ordinance the Superintendent is authorized and directed to discontinue water service to that lot. Notice shall be given to the owner or occupant of the lot in question by first class mail or by personal service five (5) days in advance of discontinuing the water service. For purposes of this ordinance, notices addressed to the owner of the land shown on the Assessment Rolls of the Charter Township of Madison shall be sufficient notice to the owner, and notice addressed to an occupant at the street address of the land in question shall be sufficient notice to an occupant. The Superintendent is further authorized and directed to take such other precautionary measures as may be deemed necessary to eliminate any danger of contamination of the water distribution system. Water service to the land in question shall not be restored until either the cross-connection has been eliminated or evidence furnished and access permitted to enable the Superintendent to determine that no cross-connection prohibited by this chapter exists.

Section 17. Penalties and Remedies for Violations

As a cumulative remedy to Section 16 above entitled "Service Discontinued" any person found to be violating the provisions of this Ordinance shall be subject to the following penalties and remedies:

- a. *Misdemeanor.* Penalties may be imposed up to ninety (90) days incarceration in the

County Jail and or fines up to five hundred (\$500.00) dollars plus the costs of prosecution. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. The imposition of any such sentence shall not exempt the offender from compliance with the Ordinance.

b. *Civil Infraction.*

1. Any person violating any provision of this Ordinance shall be deemed responsible for a civil infraction.
2. Penalties may be imposed in fines as follows:
 - i first violation \$100.
 - ii second violation within a 4 year period \$125.
 - iii third violation within a 4 year period \$250.
 - iv fourth or subsequent violation within a 4 year period \$400.
3. In addition to the penalties any person deemed responsible for a civil infraction shall also be liable for the cost to the Township to prosecute any such violation.

- c. *Equitable Relief.* In addition to the foregoing, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief. Further, upon a determination by a court that a person has violated the this Ordinance thereby creating a nuisance per se, the Township shall be entitled to its actual attorney fees incurred in seeking abatement of the nuisance.

Section 18. Severability

If any court of law of equity within the State of Michigan determines that any provision within this Ordinance is unconstitutional, void, voidable, or unenforceable, the remaining provisions of the same Section and other Sections of this Ordinance shall be deemed separate, distinct and valid in all respects from said provision.

Section 19. Effective date

This Ordinance shall become effective thirty (30) days after its adoption.

Section 20. Repealer and Replacement

Ordinance 13 which was adopted by the Township on November 12, 1996 is repealed in its entirety and is replaced by the provisions of this ordinance which shall hereafter be known as "ORDINANCE NO. 13, Water Service Ordinance." Any other ordinance inconsistent with the provisions of this ordinance is also hereby repealed.

Adopted: March 8, 1983
Amended: November 12, 1996
September 15, 2009