

SUPERIOR TOWNSHIP, CHIPPEWA COUNTY  
BRIMLEY, MICHIGAN

WATER USE AND RATE ORDINANCE  
ORDINANCE NUMBER 19

THE TOWNSHIP OF SUPERIOR ORDAINS:

TITLE: This Ordinance shall be known as the Superior Township Water Use and Rate Ordinance.

AN ORDINANCE TO PROVIDE FOR THE PUBLIC HEALTH BY OPERATION OF THE SUPERIOR TOWNSHIP WATER SUPPLY SYSTEM ON A PUBLIC UTILITY BASIS UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN 1933, AS AMENDED, AND TO PRESCRIBE THE CHARGE RATES FOR THE USE OF SAID FACILITIES AND TO PROVIDE FOR OTHER MATTERS PERTAINING TO SAID SYSTEM.

PURPOSE: The purpose of this Ordinance is to establish standards, rules and regulations concerning the use of the Superior Township Water System: to provide for the rates and charges for the connection to, and the use of the System.

I. DEFINITIONS

For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context in which they are used specifically indicates otherwise.

- 1.1 "AWWA" - American Water Works Association.
- 1.2 "Base Rate" means a charge to cover system operation and maintenance expenses and fire protection and includes 1500 cu ft. of water use per quarter.
- 1.3 "Commercial User" - shall mean any use of the System other than a residential user, or buildings used primarily as a domicile.
- 1.4 "Commodity Charge" shall mean a variable unit charge payable by a user based on the actual water consumption as determined in this Ordinance.
- 1.5 "Commodity Surcharge" shall mean a variable unit charge payable by a user for any actual water consumed in excess of the allowance for which a Benefit Charge has been paid.
- 1.6 "Consumer" - The person, or legal entity, served by or using water supplied by the Township.
- 1.7 "Consumer's Installation" - Pipes, valves, stops, plumbing, and contrivances of every kind and nature used in connection with, or forming a part of, the

- consumer's installation for using water for any purpose, connected directly or indirectly with the corporation stop at the main or near the consumer's property line.
- 1.8 "Corporation Stop" - A valve which is inserted into the main for the connection of the water supply service pipes in sizes up to and including two (2) inches in diameter.
- 1.9 "Cross Connection" shall mean 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 because of a reversal of flow.
- 1.10 "Curb Box" - A box or metal housing which encloses, protects and provides access to the curb stop.
- 1.11 "Curb Stop" A valve for insertion in the service pipes, in size of three quarter inch (3/4") to two inches (2") in diameter, inclusive, at or near the property line.
- 1.12 "Department" - The division of water distribution of the Township of Superior.
- 1.13 "Inspector" - The County Plumbing inspector or their designee.
- 1.14 "Lot" - shall mean a parcel of land occupied or intended to be occupied by a main building. A lot may or may not be specifically designated as such on public records.
- 1.15 "Meter Box" - Any approved box or vault for the housing of a water meter.
- 1.16 "Permittee" - A consumer or his agent receiving a permit from the Township allowing a connection to be made to the water system.
- 1.17 "Person" shall mean any individual, firm, partnership, association, public or private corporation or public agency or instrumentality or any other entity receiving water services.
- 1.18 "Premises" shall mean each lot or parcel of land or building having any connection to the Water System.
- 1.19 "Readiness-to-serve charge means a charge to all consumers for the system being in place ready for customer use.
- 1.20 "Revenues" Whenever the words "revenues" and "net revenues" are used in this Ordinance, they shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.
- 1.21 "Service Cock" - A valve for installation in water service pipes, located at or near the main.
- 1.22 "Service control valve box" - A box or metal housing which encloses, protects and provides access to the service control valve.
- 1.23 "Superintendent" shall mean the Superintendent of Water and Sewer Works or their authorized representative. The Superintendent is the person designated by the Township to Supervise the Operation of the Superior Township Water System.
- 1.24 "System" - Shall mean Water System.
- 1.25 "Tap" - The drilling and threading of an opening in a main for insertion of a corporation stop.
- 1.26 "Township" shall mean the Township of Superior, Chippewa County, Michigan, a general law Township and any agent thereof.

- 1.27 "Township Board" - Shall mean the governing body of the Township of Superior.
- 1.28 "Water Connection" shall mean that part of the Water Distribution System connecting the water main to a point terminating at a meter or meter pit or vault.
- 1.29 "Water Service Pipe" shall mean that pipe connecting the water main with the premise served. This includes the connection to the water main with the premise served. This includes the connection to the water main or the corporation cock, the shutoff valve, and the valve on the inlet side of the meter.
- 1.30 "Water Distribution System" shall mean the entire System for distribution of potable water in the Township.
- 1.31 "Water Main" shall mean that part of the Water Distribution System located within easement lines or streets and designed to supply more than one (1) water connection.
- 1.32 "Water System" shall be understood to mean the complete facilities of the Township's Water Supply System including any future wells, water intake and filtration equipment, well houses, pumps water storage facilities, and transmission lines, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired. It shall also consist of all plants, work, instrumentalities, lines and properties now or hereafter existing, used or useful in obtaining of a water supply, its treatment, distribution, and all other necessary functions, whether such installation is owned outright or used under lease or otherwise, by the consumer. The system may be comprised of separate facilities located in separate water supply districts.

## 2. PROVISIONS DEEMED INCORPORATED IN ALL CONTRACTS

### 2.1 CONTRACT FOR SERVICES

- 2.1.1 All provisions and sections of this Ordinance about the Township Water System(s) and sale and use of water and/or amendments or additions which may be subsequently adopted, shall be considered a part of the contract with every person that is supplied with water through the water system of the Township, and every person by taking water shall be considered to express their consent to be bound thereby, and whenever any provision or section of this Ordinance about the water system is violated, the water may be cut off from the building or place of violation at the discretion of the Township Board and shall not be turned on again except on correction of the violation and payment of the expense of shutting off and turning on.

### 2.2 SAVE HARMLESS CLAUSE

- 2.2.1 The consumer shall indemnify, save harmless and defend the Township against all, claims, demands, cost or expenses 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.

### **3. ADMINISTRATION/MANAGEMENT**

#### **3.1 ESTABLISHMENT OF A PUBLIC UTILITY**

3.1.1 It is hereby determined to be desirable and necessary for the public health, safety and welfare of the Township that the Township's Water System be operated on a public utility rate basis.

3.1.2 The Township shall operate the water system as lessee and Agent of the Chippewa County Water Supply System whenever, and as long as, such contractual agreement is in effect. This applies to any agreements whereby the Township finances improvements and/or additions through Chippewa County.

#### **3.2 SUPERVISION AND CONTROL**

3.2.1 The operation and management of the System shall be under the immediate supervision and control of the Township Board.

#### **3.3 RIGHTS**

3.3.1 The Township has the exclusive rights to establish, maintain and collect rates and charges for water supply service from the water system. The Township Board may make such rules, orders, or regulations as it deems advisable and necessary to assure the efficient management and operation of the System. The Township may employ or contract such person or persons in such capacity or capacities as it deems advisable to carry out the efficient management and operation of the system.

#### **3.4 OPERATING YEAR**

3.4.1 The System operation shall be based on an operating fiscal year commencing on April 1 and ending on the last day of March the next year following.

#### **3.5 COMPLIANCE WITH STATE AND FEDERAL STANDARDS AND REGULATIONS**

3.5.1 Standards and regulations established in this Ordinance or pursuant hereto are deemed to be the minimum standards consistent with the preservation of public health, safety and welfare and are necessary to fulfill the obligations of the Township concerning State and Federal law and the rules and regulations adopted pursuant thereto.

### **3.6 ADDITIONAL REGULATIONS**

- 3.6.1 The Township Board may by resolution make additional rules and regulations concerning the Water Distribution System, connections thereto, meter installation and maintenance, hydrants and water mains and appurtenances thereto and the establishment of all rates and charges which are consistent herewith.

### **3.7 RESTRICTING WATER USE**

- 3.7.1 The Township Board may regulate, limit, or prohibit the use by a consumer of Township supplied water if it is necessary for the health, safety, and welfare of the public including restricting the amount of water that would be available to a consumer because of water shortages emergencies. Such regulations may limit use of water by the consumer to the extent deemed necessary to insure an adequate water supply for the essential needs and for fire fighting.

### **3.8 SPECIAL REQUIREMENTS FOR FEDERAL/STATE FUNDING**

#### **3.8.1 FUNDS ACCOUNTABILITY**

- 3.8.1.1 The Township Treasurer shall be the custodian of all funds of the Township belonging to or associated with the system and such funds shall be deposited in a financial institution insured by the Federal Deposit Insurance Corporation as designated by resolution of the Township Board from time to time.

- 3.8.1.2 In the event that the Federal and/or State Government is a holder of any bonds issued on behalf of the Township, the Treasurer shall execute a fidelity bond in an amount not less than \$10,000 with a Surety Company approved by the government(s). The government(s), the municipality issuing the bond(s) on behalf of the Township and the Township shall be named as co-obligors in such bond and the amount thereof shall not be reduced without prior written consent of all parties.

#### **3.8.2 FUNDS AND ACCOUNTS**

##### **3.8.2.1 RECEIVING FUND ACCOUNT**

- 3.8.2.1.1 All funds of the system on hand and the gross income and revenue of the system shall be set aside into a separate account(s) designated as Township of Superior Water System Receiving Fund Account numbered as determined by the government funding agency.

3.8.2.1.2 Monies so deposited therein shall be expended and used only in the manner and order hereinafter specified.

#### 3.8.2.2 OPERATION AND MAINTENANCE ACCOUNT

3.8.2.2.1 Prior to the beginning of each fiscal year the Township will prepare an annual budget for the system for the ensuing fiscal year itemized on the basis of monthly requirements.

3.8.2.2.2 A copy of the budget shall be mailed to the Federal Government Agency, without request, as long as the federal government is holder of any bonds, prior to adoption, for review and upon written request to any other bond holders.

3.8.2.2.3 There shall be set aside and deposited each quarter, pursuant to the adopted budget, a sufficient portion of the income and revenue into the Operation and Maintenance Account to pay the reasonable and current expenses of administering, operating and maintaining the system for the ensuing quarter.

#### 3.8.2.3 CONTRACT PAYMENT FUND

3.8.2.3.1 There shall be established and maintained a depository account to be designated CONTRACT PAYMENT FUND which shall be used solely for the payment of the Township's obligations when due.

3.8.2.3.2 There shall be deposited in said fund, quarterly, after requirements of the Operation and Maintenance Fund have been met, such sums as shall be necessary to pay said contractual obligations when due.

3.8.2.3.3 Should the revenues of the system prove insufficient for this purpose, such revenues may be supplemental by any other fund of the Township legally available for such purpose.

#### 3.8.2.4 GENERAL PURPOSE ACCOUNT

3.8.2.4.1 The balance of income and revenue, after the transfers required in 3.8.2.3 and 3.8.2.3 have been made, shall be deposited to a General Purpose Account.

3.8.2.4.2 The Account funds shall be used and disbursed only for the purpose of paying the cost of repairing or replacing any damage to the System which may be caused by an unforeseen catastrophe and for making extensions or improvements to the system.

3.8.2.4.3 When necessary, funds may be used for the purpose of making payments to the bond holder(s) of the amount in the Contract Payment Fund is not sufficient to meet such payments.

3.8.2.4.4 The total of such deposits to this Account and the balance of said account need not exceed the sum of \$5,000.

3.8.2.4.5 The funds in this Account may be invested in obligations of the United States and will remain a part of this Account.

### 3.8.2.5 SURPLUS MONIES

3.8.2.5.1 Whenever there shall accumulate in the General Purpose Account funds in excess of System Accounts requirements and/or 1.5 times the annual payment of contractual obligations, such excess may be used by the Township for redemption of bonds in the manner specified hereafter.

3.8.2.5.2 All monies remaining in the Receiving Fund at the end of any operating year, after satisfying all of the requirements in 3.8.2.1, 3.8.2.2, 3.8.2.3 and 3.8.2.4, may be paid to Chippewa County and used to call bonds for redemption as provided in the contract with the County or, at the option of the Township, transferred to the General Purpose Account and used for the purpose(s) as established.

### 3.8.2.6 INSUFFICIENT REVENUES

3.8.2.6.1 In the event monies in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any monies or securities in other funds in the system, except sums in the Contract Payment Fund derived from tax levies, shall be transferred to the Operations and Maintenance Fund to the extent of any deficit therein.

### 3.8.2.7 INVESTMENTS

3.8.2.7.1 Monies in any fund or account established under section 3.8.2 may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Act 94, PA 1933, as amended, Michigan.

3.8.2.7.2 In the event such investments are made, the securities representing the same shall be kept on with the financial institution having on deposit the fund or funds from which such purchase was made. Income from such investments shall be credited to the fund from which said investment(s) was made.

#### **4. TOWNSHIP LIABILITY**

- 4.1** The Township shall not be responsible for interruptions of service because of natural calamities, equipment failures, or actions of the system users. It shall be the responsibility of the consumer that all connected equipment remains in good working order. No claim or cause of action may be asserted against the Township by reason of the breaking away of any pipe, service cock, or for any other interruption of the water supply.
- 4.2** The Township shall not be liable for any expenses incurred by a permittee in locating mains, services, curb stops, and water records.

#### **5. ACCESS**

##### **5.1 INSPECTION**

- 5.1.1** The Superintendent and/or other duly authorized representatives of the Township bearing proper credentials and identification shall be permitted to enter upon all properties served by the water system at reasonable times for the purpose of inspection, observation, measurement, sampling and testing to determine compliance with the provisions of this Ordinance. Any person who requests water supply and/or receives water from the Water System under this Ordinance shall be deemed to have consented to inspections pursuant to this section, including entrance upon such person's property at reasonable times to make inspections.

##### **5.2 METER READER ACCESS**

- 5.2.1** Any duly authorized agent or employee of the Township shall have access to the consumer's premises at all reasonable hours for the purpose of reading meters, inspections, doing repairs or installing or removing any or all Township owned apparatus used for providing service to the consumer.

#### **6. USE**

##### **6.1 CONSUMERS USE OF THE WATER SYSTEM**

- 6.1.1** Any person owning property within the water supply service area established by the Township and conforming to the standards, rules and regulations established in or under terms of this Ordinance shall be permitted to receive water from the water system provided necessary water supply lines are in existence and abutting the consumers property.



- 6.1.2 No free service shall be furnished by the System to my person, firm or corporation, public or private, or to any public agency or instrumentality.

## 6.2 REQUIRED CONNECTIONS

- 6.2.1 Each new residential, commercial, or industrial premise built, other than sheds, residential garages, and/or additions to existing structures, abutting the System or contained within the Township Water Service Area within the Township, shall be required to connect to the System within sixty (60) days of delivery of notice to do so.

## 6.3 TURNING ON WATER SERVICE

- 6.3.1 No person other than an authorized employee of the Township shall turn on or turn off any water service at the curb stop. Water service shall not be turned on unless all charges, fees, etc. have been paid.

## 6.4 TURNING OFF SERVICES

- 6.4.1 The Township reserves the right to terminate service to a consumer, after due notice has been given where payment for water supply has not been timely received, and/or for violation of Ordinance or any rules and regulations adopted pursuant thereto. The Township, may shut off the water in any main to make repairs or extensions, or for any other necessary purposes at any time without notice to consumers.

- 6.4.2 The consumer shall maintain all service pipes free from leaks at all times. Whenever a leak appears in a consumer's installation, which allows water to escape without registering upon the meter, the Township shall give the consumer written notice thereof and the consumer shall immediately proceed to repair such service pipe. If such repairs have not been completed within 48 (forty-eight) hours after notice has been given, the Township may stop the service by shutting off the water at the curb stop or by excavating to and closing the corporation stop. The costs incurred by the Township for excavating and shutting off such service shall be paid by the consumer or by the owner of the property before service is restored. If, in the determination of the Township, any leak on the consumer's installation is of such nature that endangers public safety or constitutes a nuisance or a source of waste, the Township may shut off or stop such service until such leak is repaired.

## 6.5 CHANGE OF CONSUMER

When the premises are to be vacated or there is a change of owner, occupant or agent, prompt written notice shall be given to the Clerks Office. The consumer may discontinue service by giving not less than 24 (twenty-four) hours written notice to the Clerk's office during its regular office hours.

## **6.6 OUTSIDE SERVICE CONNECTIONS**

**6.6.1** Water main extensions, and domestic water connections to premises outside of water service area(s) are prohibited, except where approved by the Township Board.

## **6.7 WATER EXTENSION**

**6.7.1** The total expense of extending water mains shall be borne by the benefitted property owners in accordance with provisions of a contract or by special assessments levied by the Township in accordance with State law.

## **6.8 CONNECTION PERMITS REQUIRED, APPLICATIONS; DEPOSITS; CONTENTS**

### **6.8.1 APPLICATION**

**6.8.1.1** Any person desiring to connect to the water system shall file a written application to the Township Clerk, pay the water connection fee established by resolution of the Township Board and all other charges, fees, and costs as provided by this Ordinance which would include but not be limited to commodities surcharges and benefit charges. Further, the applicant shall pay any delinquent special assessment installment which are due and owing at the time of the application.

### **6.8.2 PERMIT REQUIRED**

**6.8.2.1** No person in the Township shall connect to the water system unless the proposed connection has been approved by the Township or its designated representative. Such application shall be made on forms provided by the Township and shall contain the street name, house number (if available), lot number, the name of the plumber or contractor, the names of the applicant and the owner, the size of the service pipe required by the consumer, and any other pertinent information which may be required by the Township. An application must be made and approval obtained from the Township at least seventy-two (72) hours before the time a tap is to be made.

### **6.8.3 BUILDERS**

**6.8.3.1** Connection permits will be issued to Builders if the prospective lessee or owner consents in writing to the obtaining of such permit by the Builder.

**6.8.3.2** Water connections shall be installed in accordance with the applicable state laws and codes and regulations of this Ordinance and upon the payment of the required charges and fees.

## **6.8.4 METERS**

**6.8.4.1** All water furnished to structures through the Township's public water supply system shall be measured by a meter or meters owned and controlled by the Township. Duplex residences shall have separate meters and services installed for each dwelling unit. Townhouses or apartments may have separate meters and/or services installed for each dwelling unit upon payment of such costs and fees as determined from time to time by the Township.

**6.8.4.2** The expense of water pipe installation shall be paid by the applicant.

## **6.9 USE ON ONE CONNECTION; LIMITATION**

**6.9.1** Unless written approval is granted by the Township, separate premises shall have separate curb stops, service pipe installations, and shall be separately metered.

**6.9.2** Whenever water is to be supplied to more than one (1) consumer located in a single building and supplied through one (1) service the property owner shall be responsible for the payment of water bills.

**6.9.3** In no event shall a consumer extended service pipes or plumbing across any public way, or to an adjacent property in order to furnish service thereto, even though such adjacent property be owned by them.

## **6.10 EXISTING PRIVATE WELLS**

**6.10.1** Construction of private wells in the established water service area(s) is prohibited.

**6.10.2** Private water wells that are located within a water supply service area and are in operation prior in time to the establishment of the water supply service area can be abandoned and shall not be connected in any way to any building connected to the water system by the property owner in accordance with procedures established by the Chippewa County Health Department prior to connection to the Township Water System.

## **7. SYSTEM PROHIBITIONS**

**7.1** No person in the Township shall:

**7.2** Willfully, negligently or maliciously break, damage, destroy, uncover, deface or tamper with or alter, any structure, property, appurtenance, equipment or any other item which is part of the Water System.

- 7.3 Remove any water meter, water pipe, other water equipment or tools.
- 7.4 Prevent or circumvent a water meter from measuring water supplied by the water system.
- 7.5 Fraudulently obtain water from the water system, or to waste water from the water system.

## 8. ENFORCEMENT

### 8.1 PENALTIES

- 8.1.1 Any person found to be violating any provision of this Ordinance shall be served with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person convicted of a violation of any provision of this Ordinance, shall be punished by a fine of not more than \$500.00 (five hundred dollars), or by imprisonment of not more than 90 (ninety) days or both such fine and imprisonment in the discretion of the court.
- 8.1.2 A violation of this Ordinance is also declared to be a public nuisance and the Township may enforce same by injunction or other remedy, including the right to correct the violation and recover the cost of obtaining the necessary correction from the owner or person in charge of the premises therefore.

## 9. ESTABLISHMENT OF RATES

### 9.1 PURPOSE FOR CHARGES

- 9.1.1 Charges for the installation and use of the Water System are hereby established to recover the costs of administration, construction, reconstruction, maintenance of said system as are necessary to preserve the same in good working order, operation and replacement of the System and to provide for the payment of any debt service obligations of the Township as the same becomes due. Such charges shall be made in accordance with the provisions hereinafter set forth and shall be made against all premises which use the System.

### 9.2 ESTABLISHMENT OF RATES

- 9.2.1 The rates for water service charges, connection fees and other charges are to be established by resolution of the Township Board, and may be established separately from time to time as necessary to ensure sufficiency of revenues in

meeting the expenses of the water system. Rates need not be uniform for any separate water supply service areas.

### **9.3 PUBLICATION**

9.3.1 Following approval by the Township Board of the rates to be charged for the water service under this Ordinance, the rate schedule amendments thereto shall be published. Said notice is to be published in a newspaper of general circulation in the Township immediately following approval by the Township Board.

### **9.4 TYPES OF WATER SUPPLY CHARGES**

#### **9.4.1 BASES RATE CHARGE**

9.4.1.1 All water users shall be charged a base rate charge which includes a base quantity of 1500 cu ft. of water per quarter.

#### **9.4.2 COMMODITY CHARGE**

9.4.2.1 All the water use of residential, commercial, industrial and other consumers connected to the System shall be measured by meter size and the consumers shall be charged a commodity charge for water usage.

#### **9.4.3 READINESS TO SERVE CHARGE**

9.4.3.1 Consumers of the Water System shall be charged a readiness to serve charge. All consumers of the Water System, whether residential or nonresidential, shall be charged a flat rate based on anticipated water supply demand. Commercial and Industrial facilities with a fire suppression system shall be charged a flat rate depending upon the size of the fire service line.

#### **9.4.4 CONNECTION CHARGE**

9.4.4.1 The Township shall charge and the consumer shall pay as a precondition to connecting to the water mains of the System, a connection charge. The connection charge shall include the cost of a meter acquired by the Township, said charge shall be paid at the time that an application for permission to connect to the water mains of the System is requested.

#### **9.4.5 CONSTRUCTION CHARGES**

9.4.5.1 The property owner shall be responsible for the actual cost of construction of all lines from the curb stop to the premises to be served. The Township shall maintain ownership and maintenance responsibility from the main up to and including the curb stop.

#### **9.4.6 SPECIAL SERVICE CHARGES**

**9.4.6.1** The Township may charge it's customers and the customers shall pay for the special services for which a rate shall be established.

#### **9.4.7 THE COST OF TURN ON/OFF CHARGES**

**9.4.7.1** The Township may establish a charge to the customer, and the customer shall pay the charge whenever the Township is requested to turn water services on or off, provided, however, that whenever the Township is requested to provide turn on or off service at times other than the regular business hours of the Township, the charge will be made on time and material basis. The established fee to turn water on shall be charged to a customer whose service has been disconnected because of non-payment of charge or fee due the Township.

#### **9.4.8 BENEFIT CHARGES**

**9.4.8.1** Those persons owning lands in direct proximity to a Township water system whose lands have not been subjected to a special assessment to pay for the construction of said main, and who make connection to said water main shall pay a benefit charge for the privilege of each connection to said main in addition to all other charges above provided, which benefit charge shall be established from time to time by resolution of the Township Board. Such benefit charge shall be paid in cash or in installments, with interest and penalties, all as shall be established and provided from time to time by resolution of the Township Board.

#### **9.5 RENTAL PROPERTIES**

**9.5.1** All persons who own premises served by the Township water system which are being used as rental properties shall be responsible for paying all charges for service from the water system. When a new renter establishes water service use, an advance deposit of service charges shall be made to the Township prior to beginning use of the water system. The amount of deposit, terms, conditions and return of deposit shall be established from time to time by resolution of the Township Board.

### **10. PAYMENT FOR USE OF THE SYSTEM**

#### **10.1 RESPONSIBILITY FOR PAYMENT**

**10.1.1** The owner of the premises served by the water system shall be liable to the Township for any charges and fees authorized to be charged by this Ordinance.

10.1.2 When a single water service pipe serves two (2) or more consumer units, the owner of the premises shall be responsible for payment of water used on the premises by all the consumer units.

10.1.3 The owner of the premises as well as any user of the water system at the premises shall be responsible to reimburse the Township for any and all administrative costs and fees incurred by the Township arising out of the use of "Miss Dig" services at the premises.

## 10.2 BILLING, COLLECTING AND CUSTOMERS PAYMENTS

10.2.1 Meter shall be read quarterly and annually as deemed necessary.

10.2.2 The Township - shall tender bills for water service and all other charges in connection therewith. Bills for water service shall be sent to consumers by first class mail.

10.2.3 Quarterly water bills for users of the System shall be based upon the readiness to serve charge plus metered water consumption as set forth in the rate resolution.

10.2.4 All bills shall be payable by the due date specified on the bills, and shall be paid at the Office of the Township by mail or as designated by the Township Board.

10.2.5 The Township Clerk shall collect all moneys due for water service and all other charges in connection with the water system.

## 10.3 LATE CHARGES; UNPAID BILLS; LIEN

10.3.1 If any charge for the services of the water system which have been billed to a customer of the water system shall not be paid on or before the due date specified on the bill, a delayed payment charge, as established by resolution of the Township Board from time to time, of the amount of the bill shall be added thereto and collected therewith.

10.3.2 If any bills for the service of the system shall remain unpaid after 30 (thirty) days following the due date specified on the bill therefore, the water supply for the lot, parcel of land, or premise affected may be cut off and if cut off shall not be turned on again except on payment in full of the delinquent charges therefore plus the fee charged for resumption of service. The Township shall send a notice by first class mail to its customers of intent to terminate service.

10.3.3 If payment is not received, or satisfactory agreements have not been made within seven (7) days after the shut off notice is sent to the consumer, the water service shall be shut off. No water service that has been discontinued

because of nonpayment shall be restored until all past due bills are paid or satisfactory arrangements for such payment are made.

- 10.3.4 For any consumer whose water use bills become two (2) quarters in arrears, water service will be shut off five (5) days after shut off notice is sent to the consumer. To restore service, consumer must pay all past due amounts in full, pay shut off/turn-on charges and place two (2) quarters charges on deposit with the Township Clerk. If succeeding bills are paid on time for at least 4 successive quarters, the deposit will be returned. No interest will be paid on the deposited funds.
- 10.3.5 Failure of the consumer to receive any bill shall not relive them of the liability for the charges incurred, and the consumer shall notify the Township Clerk if a bill has not been received by the 20<sup>th</sup> day after the end of a billing period.
- 10.3.6 The Township shall have a security for the collection of water supply rates, assessments or charges due or to become due for the use and installation, repair, or maintenance to any house building, or premises, a lien upon the building or premises, lot or lots, upon which the water system service was supplied. This Lien shall become effective immediately upon the providing of the water system service to the premises or property supplied.
- 10.3.7 The lien created by this Ordinance shall have priority over all other liens except taxes or special assessments.
- 10.3.8 Charges for water services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, shall be made a lien on all premises served thereby. The charges for water furnished to any premises are hereby recognized to constitute such Lien and whenever any such charge against any piece of property or premise shall be delinquent for six (6) months, or more, that fact shall be certified on March 1<sup>st</sup> of each year, to the tax assessing officer of the Township. Whereupon such charge shall be by them entered upon the next tax roll as a charge against such piece of property or premises and the charges shall be collected and the Lien therefore enforced in the same manner as general Township taxes against such premises.

## 11. METERS

### 11.1 METERS REQUIRED: USE

- 11.1.1 All Township water used on any premises must pass through a water meter. Any bypass between the meter and the main is prohibited.
- 11.1.2 All premises using Township water shall be metered and shall pay for water at the rates specified.



11.1.3 Water meters shall be obtained from the Township.

11.1.4 Each water meter shall be served by its own water connection and water service pipe unless another system incorporating exterior valves to control water flow to each meter is approved by the Township.

## 11.2 WATER METERS; TYPE; SIZE DETERMINATION.

11.2.1 Unless otherwise authorized by the Township, all meters shall be of the disc type and read in cubic feet.

11.2.2 All meters shall be under the control of the Township and shall be equipped with an instrument capable of being remotely connected and read away from the meter itself. Such instrument shall be installed on the exterior of the building/structure/meter pit as directed by the Township.

11.2.3 All new inside meters will require remote registers, or remote telephonic reporting as the Township may specify.

## 11.3 SIZE

11.3.1 When requesting connection to the Water System, the consumer shall furnish information about the amount of contemplated water supply demand and the Township shall determine the size and type of meter to be installed.

11.3.2 For usual single family domestic use and consumption water, 3/4 inch meter shall be installed by the consumer.

11.3.3 For multiple dwelling the meter size shall be one (1) inch for 2 (two) to 4 (four) dwellings and 1 ½ (one and one half) for 5 (five) to 10 (ten) dwellings.

11.3.4 Except as stated above, where an application is made for a meter larger than three quarters inch (3/4") the Township shall determine whether a meter of such size is required or authorized.

11.3.5 The use of meters larger than one and one half inch (1 ½") will be permitted only upon specific written approval by the Township after due consideration of pertinent factors, such as the probable effect of their demand on the installed capacity of water mains and water supply and the means of sewage disposal.

## 11.4 WATER METERS, INSTALLATION, LOCATION: REGULATIONS

11.4.1 All meters shall be installed in readily accessible location and in a manner satisfactory to the Township.

- 11.4.2 Any meter shall not be installed in a place where it cannot be readily reached by the meter reader.
- 11.4.3 All meters shall be installed horizontally in dry, clean, sanitary location and in such places that small leaks and the spilling of water will do no damage.
- 11.4.4 All meters shall be in a suitable location to prevent the pipes and meters from freezing in cold weather.
- 11.4.5 If a suitable and readily accessible location is provided in a dry basement sufficiently well heated to prevent freezing of the meter during the winter, the meter may be placed in the basement.
- 11.4.6 Where the premises contains no basements or cellar, the meter shall be installed in a location which shall be approved by the Superintendent.
- 11.4.7 Where it is necessary to install the meter in a pit outside a building, such Pit shall be built as directed by the Township.
- 11.4.8 With Superintendent approval and when a sump pump or drain is provided, meters may be installed below grade-line in a brick or first floor meter pit.
- 11.4.9 All meter pits shall be built in accordance with specifications furnished by the Township, with cover openings directly over meters.

#### 11.5 FAILURE TO REGISTER, WATER USAGE, CONSUMPTION

- 11.5.1 If any meter or metering system fails to register properly or if a meter is inaccessible for reading, the Township shall estimate consumption based on former consumption.
- 11.5.2 Should a meter become defective or fail to register correctly, the quantity of water used shall be determined by the amount used during the corresponding period of the preceding year, or at the option of the Township, by averaging the amount for the period immediately preceding and subsequent to the period wherein the meter registered quantities of water usage.

#### 11.6 WATER METERS, TEST, INSPECTIONS

- 11.6.1 The accuracy of the meter on any premises may be tested by the Township or upon written request of the owner and/or user who shall pay in advance a fee to cover the cost of the test. If on such test, the meter shall be found to register over three percent (3%) more water than passes through it, another meter will be substituted therefor, and the fee will be refunded, and the water bill will be adjusted from the immediately preceding and current billing periods, if appropriate in the judgment of the Township Board.

## **11.7 METER REPAIRS**

**11.7.1** The expense of maintaining meters will be borne by the Township.

## **11.8 METERS, SEALS, TAMPERING, ETC., PROHIBITIONS**

**11.8.1** Meters shall be sealed by the Township and no person except an authorized employee of the Township shall break such seals. No unauthorized person shall change the location of, alter or interfere in any way with any meter.

# **12. CONNECTIONS**

## **12.1 WATER CONNECTIONS**

**12.1.1** Water Connections shall not be made unless the water main is located on a portion of the frontage of a lot to be served or a portion of the frontage of the lot facing one (1) street in the case of a corner lot.

## **12.2 TAPPING MAINS, APPLICATIONS, REQUISITES**

**12.2.1** All taps shall be made after proper applications for service by consumers or their authorized agents.

**12.2.2** All connections to the System shall be made by a licensed contractor with the proper tools and equipment for performing connections to the System's mains. All taps and connections to the Water Main shall be installed at the main by the Township or under direct supervision of the Township.

## **12.3 LOCATION**

**12.3.1** Before an owner, user, or contractor installs a water service pipe, he shall obtain from the Township the location for making the connection of the water service. The terminus of the water service pipe shall be located such that the water service pipe is installed to the water main in a straight line perpendicular to the main, and there are no obstructions such as driveways, manholes, trees, and hydrants, or any other obstacles.

## **12.4 SINGLE CORPORATION STOPS, OR PIPE SADDLES, SUPPLY SERVICES**

**12.4.1** On approved two (2) and three (3) inch services, a four (4) inch valve shall be required. Approved services four (4) inches and over shall have the same size connection as the service.

- 12.4.2 No permittee shall turn water off or on at the corporation or stop cock to any service pipe. No unauthorized person shall turn the water off or on at the corporation or stop cock.
- 12.4.3 Pipe from the main to the curb stop shall be a minimum grade Type K soft tenser copper not less than three quarter inch (3/4") in diameter.
- 12.4.4 All holes or trenches dug in the public streets or roads shall be backfilled to a minimum of 95% (ninety-five percent) density by thoroughly tamping dry sand in layers not to exceed 12" (twelve inches). All excavated material shall be entirely removed from the street. Excavated material that is wet, or otherwise unfit for backfill, shall be entirely removed and the backfilling done with suitable dry sand hauled in for the purpose.
- 12.4.5 Open cuts shall be allowed in graveled streets with prior Road Commission and Township approval.
- 12.4.6 Connections under hard surfaced paving shall be made only by boring or jetting with the prior approval of the Chippewa County Road Commission and the Township Superintendent.
- 12.5 SERVICE CONTROL VALVES, AND CURB BOXES; LOCATION
- 12.5.1 The township will provide and install a shut off valve in the form of a curb stop and curb box as near the road right-of-way line as possible.
- 12.5.2 An approved type round way, inverted core, Minneapolis pattern, tee head curb stop of good bronze material shall be installed on all three quarters (3/4") and one inch (1"), one and one-half inch (1 1/2"), and two inch (2") service lines at a point as near the road right-of-way line as practical and permissible.
- 12.5.3 Valves of non-rising stem gate valves or plug type valves may be used for the larger size connections. They shall be of approved standard manufacture, and housed in an approved type service or roadway valve box.
- 12.5.4 An extension curb box of an approved pattern shall be centered over the curb stop so that it is readily accessible for turning on and off by Township representatives. Curb stop boxes shall be Minneapolis threaded base type to 6 (six) foot long, in two (2) sections with a lid. The top of the stop box shall be so placed that it is never below the grade nor over three inches (3") above grade and must be set on a brick or concrete foundation to prevent settlement.
- 12.5.5 No person is permitted to turn water on or off at the curb stop unless the Superintendent permits for the testing of their work, in which event the curb stop shall be left in the same condition and position as they found it.

## 12.6 WATER SERVICE PIPE: INSTALLATION, REQUIREMENTS

- 12.6.1 Water Service Connections shall be installed in accordance with State and local building regulations. Water Service Connections shall also be installed in compliance with the following, specifications:
- 12.6.2 The connection of the Type K copper service pipe to the corporation stop shall be made by using an approved adapter fitting.
- 12.6.3 Water connections and water service pipes shall be installed in a separate trench from the sewer service. The water service pipe may not be placed in the same trench with the building drain. The water service pipe and the building sewer must be ten feet (10) apart.
- 12.6.4 All Water Service Pipe on either private or public property shall be laid on a solid bottom not less than four and one-half feet (4 ½') below ground surface or the established grade.
- 12.6.5 The consumer shall continue the water service pipe connection from the valve at the road right of way line to the riser pipe and valve inside the building entirely at their expense.
- 12.6.6 The service line from the main to the premises shall have an inside diameter no smaller in diameter than three quarters (¾"). All service pipes of two inches (2") or less, in diameter, shall be of U.S. Government specification Type K copper tubing; or one (1") ips 160 lb. Plastic, other service pipe materials must be approved by AWWA. Those over two inches (2") in diameter may be of 160 psi PVC or C900 NSF approved.
- 12.6.7 The water service pipe shall be laid to provide for earth settlement and for contraction and expansion through arching or beading to form an expansion loop in the form of a half "S" bend, and shall contain at least six inches (6") of excess material to provide for settlement and flexibility.
- 12.6.8 There shall be no joints between the curb stop and the meter unless commercial lengths are not available to allow for this provision. Only three (3) part flared unions shall be used for connections in copper pipes and all other types of flared unions are prohibited.
- 12.6.9 Plugged tees, or other accessible outlets between the meter and the main are prohibited. No connections or outlets shall be made on this line other than for fire fittings. It shall be unlawful for the customer, or any employee or agent of the customer, to make any connections on or use said sprinkler system for any purpose or purposes other than for fire protection; and any other use thereof shall be and constitute a violation of this Ordinance and also the general Ordinances of the Township.

12.6.10 Any repairs to any water service pipe not under the jurisdiction of the Township shall be made at the expense of the owner whose premises are served by the water service pipe.

12.7 COMPLETION OF WORK, INSPECTION REQUIRED.

12.7.1 Upon completion of any new service pipe installation or repairs, it shall be the duty of the permittee to obtain approval by the Superior Township Water Department before covering same.

12.7.2 The service trench shall not be covered, backfilled, or floored - until the tap has been completed and the Superior Township Water Department has approved the installation. Clean earth or sand shall be carefully tamped every two feet (2') above the top of the service line. This material shall be carefully and solidly rammed with proper tools. The use of clay for such purpose is prohibited.

12.7.3 If any building drainage or plumbing system or part thereof which is installed, altered or repaired, is covered prior to inspection, it shall be uncovered for inspection after notice to the plumber, contractor, owner, or other person to uncover the work has been issued either by the Township or the Chippewa County Plumbing Inspector.

12.7.4 A separate valve must be placed on the water service pipe just inside the building wall so that the water may be turned off and drained from the pipe in the event of accident or in order to make repairs. Such stop shall be equal in quality to the curb stop.

12.8 REPAIR; DAMAGE TO PIPE OR METER

12.8.1 Water Service Pipe from the curb stop and all water service pipe from the property line to the meter shall be the responsibility of the owner of the premises.

12.8.2 Any plumber called upon to shut off water and drain pipes in any premise shall do so inside the building only.

12.8.3 Persons taking water must keep their service pipe and their meter protected from frost and hot water at their own expense. Where the service pipe or meter is damaged by frost or hot water, the service pipe shall be repaired by a licensed plumber, to be employed and paid by the customer. The water meter shall be repaired by the Township at the expense of the customer.

### 13. HYDRANTS AND USE

- 13.1 All water mains and hydrants on private property, shall be installed at the property owner's expense and may be conveyed to the Township, if the Township at their sole option choose to accept, by the property owner, and at their expense the property owner shall provide a recorded easement sufficient for maintenance and repair of the same prior to any such acceptance by the Township.
- 13.2 No person shall open a Township owned or maintained fire hydrant without the express permission of the Superintendent, excepting a municipal fire department, who may at any time open a fire hydrant for the purpose of obtaining water for extinguishment of fires.

### 14. CROSS-CONNECTIONS RULES ADOPTED

#### 14.1 CROSS-CONNECTION; PROHIBITION

- 14.1.1 Cross connections shall be prohibited. It shall be Unlawful for any person to make, permit to be made, any cross connection on any lot or parcel of land owned or occupied by them.
- 14.1.2 The Township adopts by reference the Water Supply Cross Connection rules of the Michigan Department of Public Health being R325.11401 to R325.11407 of the Michigan Administrative Code, as amended.

#### 14.2 INSPECTIONS

- 14.2.1 It shall be the duty of the Township to cause inspections to be made of all properties served by the public water supply where a cross connection with the public water supply is deemed probable. The frequency or inspections and re-inspection based on potential health hazards involved shall be borne and paid by the property owner upon which the inspection takes place.

#### 14.3 ENTRY RIGHTS

- 14.3.1 The Superintendent, or their designee shall have the right to enter at any reasonable time any property served by a connection to the public water supply of the Township, for the purposes 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 prima facie evidence of the presence of cross connections.

**14.4 CROSS-CONNECTION SHUTOFF**

- 14.4.1 Where contamination of any water main is an immediate possibility or where contamination of any main occurs and a cross-connection is found, the Township may order the water to be immediately shut off without giving notice to the owner or occupant of land as prescribed herein.

**14.5 CORRECTION REQUIRED**

- 14.5.1 Water service to such property shall not be restored until the cross connection(s) have been eliminated in compliance with the provisions of the Ordinance.

**14.6 PROTECTION AND NOTIFICATION**

- 14.6.1 The potable water supply made available on the properties served by the Water Supply System shall be protected from possible contamination as specified by this Ordinance and by the State and County Plumbing Code as adopted by Chippewa County. 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**  
\*\*\*\*\*

**14.7 SUPPLEMENTAL**

- 14.7.1 This Ordinance does not supersede any State of Michigan or Chippewa County Plumbing Code or Ordinance, and it shall be supplementary to such other lawful regulations as may from time to time be adopted.
- 14.7.2 The Township is authorized and directed to take such other precautionary measures as may be deemed necessary to eliminate any danger of contamination of the water 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 Township to, determine that no cross-connection (prohibited by this Chapter) exists.



## 15. COORDINATION WITH OTHER MUNICIPALITY

- 15.1 The Township may delegate administrative duties and functions, including but not limited to, inspections, meter readings and billing, and maintenance to any other municipality if so provided by resolution of the Township Board.

## 16. SEVERABILITY

- 16.1 If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

## 17. CONFLICTS; REPEALER

### 17.1 CONFLICTS

- 17.1.1 All previous Ordinances are hereby repealed.

### 17.2 REPEALER

- 17.2.1 If part or parts of this Ordinance are for any reason held to be invalid or unconstitutional such decision shall not affect the validly or constitutionally of remaining portion of this Ordinance.

## 18. PUBLICATION

- 18.1 This Ordinance shall be published once in full, in a newspaper of general circulation within the boundaries of the Township, promptly after its adoption, and the same shall be recorded in Ordinance Book of the Township and filed with the County Clerk, and such recording authenticated by the signatures of the Township Supervisor and Township Clerk.

## 19. EFFECTIVE DATE

- 19.1 This Ordinance shall become effective upon publication. Adopted at a Regular session of the Township Board for Superior Township on June 6, 2001.

20. CERTIFICATION

20.1 CERTIFICATE OF ADOPTION

I, MARY LINK, Superior Township Clerk, hereby certify that the foregoing is a true, correct, and complete copy of the Superior Township Water Use Ordinance adopted by the Superior Township Board at a regular meeting held on \_\_\_\_\_, 2001 and that public notice of said meeting was given according to the requirements of law, as made and provided.

Mary Link  
Clerk