

**ORDINANCE NO. 1-06**  
**WATER SYSTEM ORDINANCE**  
**TOWNSHIP OF JONESFIELD**  
**SAGINAW COUNTY, MICHIGAN**

**ADOPTED: July 17, 2006**  
**EFFECTIVE: July 27, 2006**

An Ordinance to provide for the establishment and operation of a water supply system for the Township of Jonesfield setting forth a definition of terms, provisions for connections, extensions, rates and charges, designation of an agent or agents to operate the system and all other matters relating to said system and to set forth penalties and remedies for violation thereof and to provide for the public health, safety and general welfare.

The Township of Jonesfield ordains:

Section One (Title): This Ordinance shall be known and hereafter cited of the Township of Jonesfield Water System (the "System") Ordinance.

Section Two (Definitions):

- A. Village: The Village of Merrill
- B. Township: The Township of Jonesfield, including all designated agents which may include The Village of Merrill and its employees
- C. Connection Charges: Village of Merrill and its employees. The cost of installing water service to the property line, including curb stop and water meter.
- D. Water Commodity Charges: Charges made to each premises based on the metered amount of gallons of water connected to the system for water delivered and which may include a minimum or readiness to serve charge.
- E. Benefit Charges: A charge made at the time of the connection, of premises to the system, less the amount, if any, paid as a special assessment, constituting the proportional cost of installing the watermain and other parts of the system.

Section Three (Operation and Control):

- A. The operation, management and maintenance of the system shall be under the immediate supervision and control of the Township Board who may employ, authorize or designate such person, persons or entity, including another municipality, it deems advisable to carry out the efficient management and operation of the system.

B. Printed Regulations. The Township Board shall adopt and prepare for distribution to interested parties, separate rules and regulations governing the details of application, service connections, extensions, financing of improvements, and rates and charges and other matters relating to the system for public water service and shall have the authority to modify, enlarge, and amend the same from time to time to meet changing conditions and circumstances and to promote the health, safety, and general welfare of the Township.

C. Water Quality Standards. All water supplied through the system shall be of such quality as to comply with the requirements of state law and rules.

D. Water Emergencies. The Township Board shall have the authority to restrict the use of water for lawn sprinkling and other uses as it deems necessary to cover emergencies or special conditions and for the protection of public health.

E. Fiscal Year. The fiscal year of the system shall extend from March 1<sup>st</sup> of each year until February 28<sup>th</sup> of the following year.

F. Injury to Facilities. No person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the water system.

G. Books of record, account. The Township, or their agents, including the Village of Merrill shall cause to be maintained and kept proper books of record and account, in which shall be made full and correct entries of all transactions relating to the water system. Not later than four (4) months after the close of each fiscal year, the Township shall cause to be prepared a statement in reasonable detail, showing the cash income and disbursements of the water system at the beginning and close of the operating year and such other information as may be necessary to enable any taxpayer of the Township or user or beneficiary of the service furnished to be fully informed as to all matters pertaining to the financial operation of the water system during such year. Such annual statement shall be filed in the office of the Township Board, where it will be open to public inspection. Such books of record and account shall be audited annually by a certified public accountant, to be designated by the Township and the Village of Merrill and a copy of such audit shall be filed with the Township Board.

#### Section Four (Connections and Meters):

A. Connections and use required; extensions. To ensure the payment of the Township obligations incurred in connection with the creation, maintenance, and extension of the water supply system, and to ensure the public health, safety, and welfare, any structure for which a building permit is obtained after the effective date of this Ordinance which is to be used for human occupancy, employment, recreation, or other purposes and is to be located in an area served by the Township public water supply system, or determined to be reasonably proximate thereto by the Township engineer, shall be connected to and obtain its entire water supply for human consumption purposes, sanitary purposes, irrigation systems, fire hydrants, and fire sprinkler system from the Township public water supply system. Any cost of extending the Township water supply system to lands determined to be reasonably proximate thereto shall be the responsibility of the owner or developer unless otherwise determined and agreed by the



Township. Any extension to the Township water supply system shall be designed and constructed in accordance with the Township engineering and construction standards and applicable state law.

B. Main required for approval. No application for water service will be approved unless a main exists in front of or at the rear of the location desiring service. If a main does not exist in front of or at the rear of his property, the owner must take the necessary steps to have a main constructed.

C. Connections and meters generally.

a. Application for water connections shall be made to the Township or its agent which may include the Village of Merrill on forms prescribed and furnished by it. The Township or its agent may refuse to authorize a larger service pipe than is reasonably required by the premises served.

b. All premises using water shall be metered, except that the Township may authorize service on estimated rate charges, where it is not practical to install a meter.

c. Water connections and water meters shall be installed in accordance with rules and regulations of the Township and upon payment of the required connection fee. Said connection fee and/or related charges shall be established from time to time by the Township. All meters and curb stops shall be the property of the Township. Connection fees shall not be less than the cost of materials, installation and overhead attributable to such connection.

D. Responsibility for connections. The following shall apply in the installation of water connections:

1. The Township shall install that part of the water connection from the water main to and including the curb stop and curb stop box if the service line is one inch or three-fourths of an inch in size. Larger sizes shall be installed by a licensed contractor, under Township supervision, using parts approved by them and in accordance with the adopted plumbing code.

2. The service pipe from the curb stop on the water main to the point of use shall be the responsibility of the owner, including that portion of the service pipe which may be in the public right-of-way and under a roadway. The property owner shall keep the curb stop box visible and in good repair, free from dirt, stones and other substances, and shall do nothing to interfere with the ability of Township employees to operate the curb stop.

E. 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 temporarily turn on or off water service at the curb stop upon receiving approval from the Township or its agent.



F. Water meters. All premises using water shall be metered except as may be allowed under Section 4(c)(b) of this Ordinance. No person except a Township or Village employee shall break or injure the seal or change the location of, alter or interfere in any way with any water meter.

G. Access to meters. The Township or its agent shall have the right to shut off the supply of water to any premises where it is not able to obtain access to the meter. Any qualified employee of the Township or its agent 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 employee in the lawful discharge of his duties in relation to the care and maintenance of such water meter.

H. Reimbursement for damage. Any damage which a meter may sustain resulting from carelessness of the owner, agent, or tenant or from neglect of either of them, to properly secure and protect the meter as well as any damage which may be wrought by frost, hot water, or steam backing from a boiler, shall be paid by the owner of the property to the Township on presentation of a bill therefor; and in cases where the bill is not paid, the water shall be shut off and shall not be turned on until all charges have been paid to the Township.

I. Meter failure. If any meter shall fail to register properly, the public Township shall estimate the consumption on the basis of former consumption and bill accordingly.

J. Inaccurate meters. A consumer may request that the meter be tested. If the meter is found defective, a new meter will be installed and no charge will be made unless the meter is defective due to damage caused as noted in Section 4(H) above.

K. Meter location. Meters shall be set in an accessible location and in a manner satisfactory to the Township. Where the premises contain no basement or cellar or other satisfactory inside location, the meter shall be installed outside in a meter pit or box, the location of which shall be approved by the Township. Where it is necessary to set the meter in a pit or box, such pit or box shall be built at the expense of the owner as directed by Township.

L. The cost of all repairs, maintenance, and replacements of connecting systems (the supply system from the public main up to and including the shutoff curb stop at the property line) shall be borne by the Township except where the damage requiring repair was due to negligent or willful actions of the owner or occupant of the premises or an agent or licensee of such person. Nothing herein shall prevent the Township from recovering the cost of repairs or replacements from third persons responsible therefor. The cost of all repairs, maintenance, and replacements of service lines, the line from the curb stop at the property line up to, but not including, the structure's meter, shall be borne by the property owner. Nothing herein shall prevent such property owner from recovering the cost of repairs or replacements from third persons responsible therefor.

M. Inspection and permit requirements. Connections shall be installed by a licensed plumber or licensed contractor who has been approved by the Township for performing this type of work. The plumber or contractor shall be required to furnish evidence of a current license by



the State of Michigan. All customer service lines shall be subject to inspection. The property owner or his agent shall be required to apply for and secure permits for the installation of the water service and all other plumbing permits required from Township and to secure an inspection of the connection. The inspection fee for connections shall be established from time to time by the Township or its agents. Inspections shall be made after the pipe is installed in the trench and before the trench is backfilled. Backfilling of the trench before visual inspection is made, may be grounds for requiring the uncovering of the pipe prior to approval. The Township or its designated inspector must approve installation. The plumber or contractor shall (a) apply to the Township for a permit, (b) pay the permit fee established by the Township, (c) do the work in accordance with the regulations of the Township, (d) apply to the Township for the water connection and (e) receive approval of the Township or its designated inspector.

N. Meter and building connection requirements. All details of a building connection to the system including service locations, valves and meter placement, shall be subject to the approval of the Township. Further, materials used for connections shall be as specified in the duly adopted policies, rules or regulations of the Township. The meter setting shall be supplied by the Township and installed by the property owner or his contractor. In cases where a larger meter is required, the Township shall supply the meter and the property owner shall be responsible for the additional cost thereof. All meters of sizes five-eighths (5/8) inch, three-fourths (3/4) inch, and one (1) inch shall consist of a meter together with a valve immediately before the meter and a suitable connection with the service pipe. The property owner or his agent shall be required to install such meters and to furnish and install gate valves immediately before and after the meter and a one and one-half ( 1 ½) plugged test outlet between the meter and the valve following. The Township shall approve the installation before the water is turned on.

#### Section Five (Fire Hydrants):

Fire hydrants may be opened and used only by Township personnel or by such persons as may be specifically authorized by the Township . No person shall, in any manner, obstruct or prevent free access to any fire hydrant by placing or storing temporarily or otherwise any object or materials of any kind within 20 feet of any fire hydrant.

#### Section Six (Cross Connections):

A. 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 system.

B. The water supply cross connection rules of the Michigan Department of Public Health, being R 325.11401 through R 325.11407 of the Administrative Code, are adopted by reference. No person shall violate those rules.

C. It shall be the duty of the Township to cause inspections to be made of all properties served by the water supply where cross connections with the public water supply are deemed possible. The frequency of inspections shall be established by the Township as



approved by the Michigan Department of Public Health. It shall be the duty of the owner, lessees, or occupants of any property served by the water supply, to furnish the services area any pertinent information regarding the piping system or systems on such property.

D. The Township is authorized to discontinue water service to any property where there is evidence that a connection in violation of this chapter exists. Failure to permit inspection of the piping system on property or to supply pertinent information requested by the public services area shall be deemed evidence of a connection in violation of this chapter.

E. At such time that the condition of a private water well fails and repairs require a permit from the Saginaw County Health Department to replace such well or to repairs thereto that lengthen or repair the casing, or change the aquifer or adapter pit, the premise must at that time connect to the system and pay all fees and charges pertaining thereto.

#### Section Seven (Rates and Charges):

A. Intent. The water system shall be operated by the Township on a public utility basis as authorized by law. It is hereby declared to be the intent and purpose of the Township Board to establish and maintain reasonable and uniform rates and charges applicable to various classifications of users so as to provide funds to:

1. Operate and maintain the facilities of the water system.
2. Make the contractual payments required by contracts heretofore entered upon or required by future obligations of the Township incurred with respect to the acquisition or construction of additional facilities for the water system.

3. Make additions, extensions and improvements to the water system.

B. Generally. Charges shall be made to all premises connected to the water supply system as provided in this Section. Charges shall include a connection charge as set forth in Section Four of this Ordinance, a benefit charge to pay for the construction of the water main adjacent to the property, a commodity charge for the volume of water used, and other charges and costs for services which are equivalent to the cost of providing such services.

C. Water Commodity Charges. Rates sufficient to provide for the payment of the expenses of administration and operation of the water system and such expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order; to provide for the payment of contractual obligations, as and when the same shall become due and payable, and to provide for such other expenditures and funds for the system as are required by law shall be fixed and revised from time to time by resolution of the Township Board so as to produce the aforementioned amounts. The Township may also establish charges for bulk sales of water, the filling of swimming pools or other large scale purchases.

D. Connection Charges. As set forth in Section Four(C)(c).



E. Benefit Charges. Those persons owning lands in direct proximity to a Township water main whose lands have not been subjected to a special assessment to pay for the construction of such main or who have been assessed for a vacant parcel but have executed a document requesting deferment of such assessment upon sale of such vacant parcel, if buildable, or who make connection to such water main shall pay a benefit charge for the privilege of each connection to such main in addition to all other charges above provided, which benefit charge shall be as 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.

F. Free Service. No free water service shall be furnished to any person.

G. Charges for Service to Township. The Township shall pay the same water and sewer rates for service to it as would be payable by a private customer for the same service. All such charges for service shall be payable quarterly from the current funds of the Township or from the proceeds of taxes.

H. Billing. Charges for all water services rendered by the system shall be billed and collected at least quarterly. The frequency of billings shall be established from time to time by resolution of the Township Board. All bills paid on or before the 20<sup>th</sup> day of the month next following the date of billing shall be without penalty, but if unpaid by such date shall thereafter be considered delinquent and shall be subject to a five percent penalty.

I. Collection. The Township is hereby authorized to enforce the payment of charges for water service to any premises by discontinuing the water service to the premises and a civil action may be instituted by the Township against the customer. Where the water service to any premises is turned off to enforce the payment of water service charges, the water service shall not be reconnected until all delinquent charges have been paid, including any turn-on charges established by (Board) resolution.

The charges for water service are hereby recognized to constitute a lien on the premises to which furnished; and the Board shall annually, report to the Township, all unpaid charges for services furnished to any premises which have remained unpaid for a period of six months. The Township Board may thereupon, after due notice to the owners of the premises so served, assess the amount so found to be due as a tax against the premises, and the same shall be certified to the Township Assessor who shall place the same on the next tax roll of the Township. Charges so assessed shall be collected in the same manner as general Township taxes. In cases where the Township is properly notified in accordance with applicable statutory provisions, that a tenant is responsible for water service charges, no such service shall be commenced or continued to the premises until there has been deposited with the department of utilities, a sum sufficient to cover twice the average quarterly bill for such premises as estimated by the director of the department of utilities, the deposit to be in no case less than the amount established from time to time by resolution of the Board.



A similar deposit may also be required by the Township in cases where the person applying for services has a delinquent utility account owing or has had services shut off in the last 180 days because of non-payment at another location. Such deposits shall be applied against any delinquent water or sanitary sewer service charges. If the application thereof satisfies the delinquency, such service shall not be discontinued.

No deposit shall bear interest and the deposit, or any remaining balance thereof shall be returned to the customer making the same, when he or she shall discontinue receiving water and sanitary sewer service or, except as to tenants as to whom notice of responsibility for such charges has been filed with the City, when any eight successive quarterly bills shall have been paid by that customer with no delinquency.

#### Section Eight (Watermain Extensions):

##### A. Procedure.

1. Application. Any person, firm or corporation desiring public water service shall file an application with the Township Board, 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; the anticipated number of connections from the property contemplated in the foreseeable future; and whether the applicant wishes to pay cash for the necessary water main extension or wishes to be included in a special assessment district for the payment of such cost over a limited period of years, together with interest and the administrative costs. The application may take the form of a petition if several different persons are jointly interested in a particular project.

2. Special Assessment District. In the event an applicant desires to proceed by installment payments and sufficient similar interest is disclosed on the application or petition by those property owners abutting the proposed watermain, special assessment proceedings shall be instituted under Act 188 of 1954 to accomplish the requested project and if successful, the necessary system will be installed by the Township following the completion of such proceedings and the obtaining of the necessary funds.

##### 3. Cash Deposit.

1. In the event an applicant desires to deposit with the Township the total cost of the necessary project to furnish the requested water service, as determined by the Township Board the applicant may do so under a contract with the Township, whereby the Township will supervise and/or construct the installation, in accordance with the Township design standards.

2. Any such contract may provide for reimbursement to the applicant of a portion of the project cost from connection charges collected by the Township from those connecting to the water or sewer main, who did not contribute to the initial cost thereof and are not the successors in title to any such contributor. Any such reimbursement shall be limited to a



period of seven years following the completion of the project requested and any connections made thereafter shall not require any refund to the applicant. The amount of the connection charge shall be in the discretion of the Township Board but shall approximate the amount a connector would have paid on a benefit assessment basis, had his property been included in a water or sewer special assessment district created for the purpose of financing the project. The term "benefit charge" as used in this ordinance pertains to a charge for the privilege of connecting premises to a water or sewer main and does not pertain to the construction cost of such connection.

3. The amount of refund, if any, to an applicant, per connection charge collected by the Township shall be specified in the contract with the applicant and shall be based upon a portion of the total project cost, computed on the cost per lineal foot of main installed; provided, however, that the total refund shall never be greater than the total cost of the project charged to the applicant.

4. No service connection nor main extension shall be allowed until the full charge has been paid to the Township in such an amount as is determined for each project by the Township Board and the plumbing to be connected has been fully inspected and approved by the Township as in compliance with the plumbing codes of the Township. Such charges may be changed from time to time by the Township Board to reflect changes in construction costs and to maintain a fairly uniform charge between different current projects and special assessment districts.

The Township reserves the right to install any required service connection or main extension, to subcontract the same to any private licensed contractor, or to permit the owner or owner's contractor to construct the same, provided that in such latter event, an inspection and supervision fee shall be paid by the applicant to the Township.

5. Any contract with an applicant shall contain, in addition to the foregoing, the following:

a. A description of the district within which extensions or connections may be made to the system, entitling the applicant to a refund of a portion of his initial project cost.

b. A map disclosing the design of the system and the location of the mains, valves, fittings, and all other accessories thereto which are to be installed.

c. A description of the area, if any, within which no connection charges are to be made by the Township and no refunds are to be made to the applicant.

d. The amount and condition of any performance bond that shall be required in the event the installation is to be made by any one other than the Township, which shall be 150% of the total cost of the installation and shall be conditioned upon the completion of the installation in a proper and workman-like manner in accordance with the plans



and specifications of the Township and the furnishing of satisfactory evidence of the fact the project is free to present and future liens of contractors, subcontractors and material men.

e. The amount and condition of any public liability and property damage insurance that shall be required to insure the Township in the event the installation is to be made by any one other than the Township, which shall be not less than \$300,000 and \$500,000 respectively.

f. The amount, if any, to be paid the Township for administrative, legal and engineering cost or for the value of the availability of the water or sewer service to which the property of the applicant is to be connected.

#### SECTION 9 (Violations and Penalty):

Violation of this Ordinance is a civil infraction. Each day that a violation is permitted to continue shall constitute a separate offense.

The sanction for a violation shall be a civil fine in the amount as provided by this Code or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

1. Unless otherwise specifically provided for a particular municipal civil infraction violation by this Code or any ordinance, the civil fine for a violation shall be not less than \$95.00, plus costs and other sanctions, for each infraction.

2. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Code or any ordinance. As used in this Section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within (specify period) (unless some other period is specifically provided by this Code or any ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Code or any ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

A. The fine for any offense which is a first repeat offense shall be not less than \$145.00; plus costs.

B. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$250.00, plus costs.

C. The term violation of this Ordinance means any of the following:

1. Doing an act that is prohibited or made or declared unlawful, an offense, a municipal civil infraction, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.



2. Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.

3. Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a municipal civil infraction, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.

D. Violations of this Ordinance that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief or civil or quasi-judicial enforcement.

Section 10 (Severability):

The invalidity of any clause, sentence, paragraph or part of this ordinance shall not affect the validity of the remaining parts of this ordinance.

Section 11 (Saving Clause):

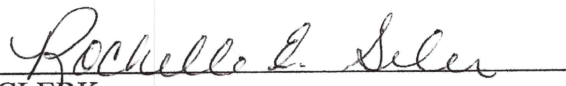
A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

Section 12 (Publication and Effective Date):

This ordinance or a summary thereof, is ordered to be published in The Saginaw News, a newspaper of general circulation within 10 days and is declared necessary for the peace, health and safety of the Township of Jonesfield and it is effective upon publication.

**CERTIFICATE**

I certify that the foregoing is a complete and correct copy of an (ordinance) (ordinance summary) adopted by the Township Board of Jonesfield at a meeting of said held on July 17, 2006. That said meeting was conducted in accordance with the Open Meetings Act and that the minutes of said meeting have been made available to the public as required by said Act.

  
CLERK



