

**BOARD OF TRUSTEES
CHARTER TOWNSHIP OF LAKE
BERRIEN COUNTY, MICHIGAN
ORDINANCE NO.: 23- 12**

**AN ORDINANCE TO AMEND ORDINANCE 73-1 OF THE TOWNSHIP'S
COMPILATION OF ORDINANCES, BEING THE LAKE TOWNSHIP
WATER ORDINANCE IN ITS ENTIRETY**

Boardmember John Willk, supported by Boardmember Nancy Mensinger moved for the adoption of the following Ordinance:

THE CHARTER TOWNSHIP OF LAKE HEREBY ORDAINS AS FOLLOWS:

Section 1. Amendment.

Ordinance 73-1 of the Compilation of Ordinances of the Township is hereby amended in its entirety to read as follows:

Water Ordinance

Section 1. Title.

This Ordinance shall be known, and may be cited to, as the Township's Water Ordinance.

Section 2. Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

Backflow means water from a private system, waste or other contaminants enters the system due to a reversal of flow.

Board and Township Board mean the Township Board of Trustees of the Township.

Critical Customer means a water service connection to which the supply of water through the system cannot be discontinued due to state law, local ordinance, or other applicable regulation, such as life support systems, certain industrial processes, medical facilities, and a nuclear plant.

Cross Connection means a connection or arrangement of piping or appurtenances through which a backflow may occur.

Main and Water Main means those pipes other than supply pipes and service pipes, used for conveying or distributing water in the system.

Property means a parcel of real property to which water from the system is delivered.

System means all plants, lines, mains, appurtenances, properties and instrumentalities, as the same shall from time to time exist, which are used in connection with the obtaining of the water supply, the treatment of water, and/or the distribution of water by the Township.

Service Pipe means pipe extending from the property line onto the property supplied with water from the system.

Service Stop or Corporation Stop means a valve tapped into a main for attaching the service stub.

Service Stub or Water Tap means a pipe connected to the main and extending to and including the curb stop and/or meter pit at the property line.

Spaghetti Line means a service connection through which water from the system passes from one property to another across property lines. Spaghetti lines are prohibited and shall not be used.

Township means the Lake Charter Township, Berrien County, Michigan.

Water Department means collectively those officials, employees and agents of the Township vested by the Board with authority over the system.

Unit means that measure of potential water consumption equal to the quantity ordinarily consumed by occupants of a residence by a single family of average size and the number of units assigned to any premises or type of premises by the Township Board is designed to represent the potential water consumption thereof as a multiple of the quantity ordinarily consumed by occupants of a residence by a single family of average size as determined from time to time by the Township Board.

Section 3. Organization and Management.

Superintendent Appointment and Duties. The operation, management, maintenance and repair of the system, including collection and disposition of the revenues thereof, shall be under the immediate supervision and control of the superintendent of the water system, a qualified nonelective official, who shall be appointed by the Township Board, and shall be subject at all times to the supervisory direction and control of the Township Supervisor. The Township Board shall have ultimate responsibility for the system, and for enforcement of this Ordinance and any additional rules and regulations adopted with respect to the system.

Section 4. Extension of Mains.

- A) **Petition.** Extension of or changes in water mains may be initiated by the Township Board or by petition from property owners or legal agents thereof. Petitions for the construction of new mains shall be addressed to the Township Board. The Township Board may refuse to grant, or may grant the same, and may prescribe the terms and conditions upon which the petition will be granted and may require the written acceptance of such terms and conditions of the petitioners. If the petition is granted, the Township Board will proceed as promptly as practical with the proposed work under the terms and conditions named. The work will be done at the expense of the property owners unless otherwise agreed by the Township, and any and all extensions shall be subject to the provisions of this Ordinance.

- B) **Ownership and Access.** The water mains of the system shall be owned by and under the exclusive control of the Township, and no person shall disturb, tap, change, obstruct access to, or interfere with the system without a permit to do so from the Water Department.

- C) **Permit Required.** Any persons, firms or corporations desiring to install mains at their own expense for shall apply for a permit by submitting complete plans and specifications, prepared by a professional engineer license in the State of Michigan, for such work, to the water superintendent and township engineer for review and approval.

- D) **Improper Installation.** If any persons, firms, or corporations install any mains that do not conform to Township specifications, the Township retains the right to refuse the assumption of responsibility and maintenance of the mains in question. Such mains shall be removed.

- E) **Escrow for Township Costs.** All costs incurred by the Township related to any privately funded project (i.e., sub-division, mobile home park etc.) shall be the responsibility of the project applicant and shall be paid as required by the Township's escrow policy.

Section 5. Service Pipe and Supply Pipe Connections.

Water Tap Application. Before any connection shall be made to any water main, application for same shall be made in writing to the Water Department by the owner on the premises to be served, or by his or her authorized agent, and a tapping permit secured. Such applications shall be made on forms provided by the Water Department. The owner, user, and/or applicant for a water tapping permit by such application impliedly agrees to abide by all rules and regulations of the Water Department in all respects, but more especially with those regarding the responsibility for the payment of water and/or sewer billings.

Spaghetti Line. No spaghetti lines or temporary service connections shall be permitted to exist alongside an existing main.

Water shall be taken and used only through water service pipes under the supervision of the Water Department and no connection through which water may pass from one property to another shall be permitted even though the ownership of both properties and premises may be the same.

Upon the installation of water main in an area where no previous main existed, all existing spaghetti lines and service connections of disproportionate length shall be severed and discontinued. The service connection will then be reattached to the new main at no charge to the customer.

Water Conservation. Excessive or unnecessary use or waste of water, whether caused by carelessness or by defective or leaky plumbing or fixtures, is strictly prohibited. For disregard of, or repeated violation of this requirement, the water may be turned off by the Water Department.

Service Pipes. Service pipes beyond the meter pit or property line shall be the responsibility of a licensed plumber, or a homeowner exercising his constitutional privilege as provided in the State Plumbing Code, and all the fixtures and attachments put in on the premises in connection therewith, must conform to character, design and quality to the laws of the State of Michigan and the State Plumbing Code, and their subsequent updates, as adopted by the Township Board.

All service pipes must be laid with a minimum of four (4) feet of cover. All new service pipe installations and/or repairs of existing service pipe shall be inspected by the Water Department or authorized agents, before backfilled. Water and sewer lines shall be installed according to the State Plumbing Code. No new connection will be made until a tap application is made and paid.

A separate gate valve the same size as the meter connections shall be placed on the service pipe on both sides of the meter for meters not in the standard meter pit. Such valves shall be equal in quality to the service stop.

Service Stub Material. All supply and service pipes from the main to the meter pit shall be Type "K" Copper, that meets AWWA standards with 150 PSI minimum, of size and quality as approved by the Water Department. All fittings and connections underground shall be approved by the Water Department.

Service Stub Sizing. New service stubs of less than one-inch (1") diameter shall not be permitted. Service stubs of larger size shall be determined by the Water Department.

The charges for installation of the service stub shall be as set by the Township Board.

Where the service stub exceeds one hundred (100) feet in length, additional charges shall be made for time and material.

For sizes up to and including 2", the charge shall be the actual cost of installation as noted in the Water Department fee schedule. Upon receipt of the application of service requiring sizes larger than 2", the Water Department will make or cause to be inspected the premises and, unless service is rejected for cause, the applicant will be required to deposit with the Township an amount which, in the judgment of the Township is sufficient to cover the charge thereof plus fifteen percent (15%) administrative costs. The Water Department will then make the installation and will keep or cause to be kept a detailed record of the costs including machine rental, labor, and materials, and will add thereto the fifteen percent (15%) surcharge to cover the administrative costs. If the deposit exceeds such total charge, the excess will be refunded, but if the total charge exceeds the deposit, the balance shall be paid by the applicant within thirty (30) days of notification. Sizes larger than 2" must also pass pressure and bacteriological testing per current AWWA standards before the water is turned on for use.

Service Stub Installation. No service stub and/or meter pit shall be installed when the service pipe is in line with, or within a driveway, tree, fire hydrant, catch basin or other obstruction.

All service stubs from the main to the lot line shall be put in only by properly authorized employees of the Water Department. Before receiving a permit for a service connection, there must be paid such sum as required, to cover the expense of furnishing and installing the service stub, curb stop, pit and meter.

The water service stub, from the main to the property line, shall be maintained by the Water Department, but this clause shall not apply to old services installed by private parties. The service pipe from the property line to the premises shall be considered private plumbing and be maintained by the owner of the premises. Failure to keep service pipe in good repair will result in discontinuance of service.

No person shall interfere in any way with the service stub installed by the Water Department. No person is permitted to turn water on or off at the curb stop or meter pit except for Water Department personnel.

Where a building originally built as a single building or premises and fitted with one service pipe has been subdivided by sale or otherwise to create additional premises (e.g. single family home converted into a duplex), each separate premise must have its own service stub approved by the Water Department.

Service Stub Charge. Each premises upon which a dwelling or other building is constructed, after the effective date of this Ordinance, shall connect to the Township water supply system and pay service stub charges.

Premises now connected to water lines which are to be taken over by the Lake Charter Township Water System shall pay a charge equal to the service stub which will include the cost of an approved meter. If the premises has an acceptable meter, the charge may be reduced.

Existing water lines which do not meet Township standards may be replaced before water is delivered to the present users and the cost charged against the benefiting property.

Chlorination corporation stops may not be used for service stubs.

Section 6. Use of Water.

No person shall take or use water from premises other than his own, or of which he has possession.

Where one ownership of property is occupied by two or more distinct families, or where a business building is occupied by two or more firms or persons, a single charge for water will be made against the owners of the property equivalent to the number of units being served (REU).

Where the water has been turned off by the authorized agent of the Township Board for any reason, only authorized personnel shall turn it on again. When this rule is violated, the water may be turned off at the corporation stop, in which case the owner or occupant shall, before it is again turned on, pay in advance the charges made by the Board for turning the water off and turning it on again.

No person or persons shall obstruct or interfere in any way with any curb stop, valve or fixture connected with the system by placing in, or about it, building materials, rubbish, soil, shrubbery, flowers or other hindrances to easy and free access thereto.

Cross Connections. All cross connections, between any type of water supply and municipal water supply are strictly prohibited. In the event a cross connection is discovered the water will be turned off at the curb stop until the cross connection is severed. No direct connection of any type to a sewer line shall be allowed.

Only approved water conserving type air conditioning units shall be allowed. An approved water conserving type shall be one:

- a. Which is equipped with cooling tower, atmospheric condenser, spray pond, or other equipment which shall directly or indirectly cool refrigerant, and,
- b. Which can use water from the Lake Township Water System only for makeup water to replace water lost by evaporation or by flushing of the equipment, and
- c. Which uses an average of less than twelve (12) gallons of water from the Lake Township Water System per hour per ton of cooling capacity when the unit is operating, and
- d. Which has no piping connection to allow operation of the air conditioning unit by direct use of water from the Lake Township Water System either in conjunction with or in place of such cooling tower, atmospheric condenser, spray pond, or other recirculating and heatexchanging equipment.

- e. No steam boiler shall be directly connected to the water service pipe. The owner shall provide a tank of sufficient capacity to afford a supply for at least ten (10) hours, into which the service pipe shall discharge. The potable supply to the boiler shall be equipped with a reduced pressure zone (RPZ) backflow preventer complying with current ASSE and/or AWWA standards.

The Township has included the adoption by reference of the State Plumbing Code and the Michigan Safe Drinking Water Act, Act 399 of 1976 (R 325.10101 *et seq.*) along with the adopted Administrative rules promulgated thereunder (R 325.10101 *et seq.*), and the Lake Charter Township Water System Cross Connection Control Program as amended.

A cross connection control program is hereby established as set forth in the attached Exhibit A.

Testing

All testable backflow prevention assemblies shall be tested initially upon installation, relocation and/or repair to be sure that the assembly is working properly. Subsequent testing of assemblies shall be on an annual basis or as required by the Township and in accordance with Michigan Department of Environment, Great Lakes, and Energy requirements.

Qualified individual(s) to perform such testing shall be a master plumber, journey plumber, or an apprentice plumber under the direct supervision of a journey or master plumber to test in Michigan and hold an active ASSE 5110 tester's certification. The individual(s) shall certify the results of his/her testing.

Section 7. Fire Hydrants.

Fire Hydrant Usage. Fire hydrants are provided for the use of the Water Department and Fire Department of the Township or by such persons as may be specifically authorized by the Water Department.

No person, firm or corporation shall open or cause to be opened any fire hydrant including private hydrants without first securing permission from the Water Department. Unauthorized use of any fire hydrant of the township is prohibited. Any person, firm or corporation found responsible for such unauthorized use shall pay the township an inspection fee, shall be responsible for any damages associated with the repair, replacement or maintenance of the system, or any part(s) thereof, deemed necessary by the Water Superintendent, and shall pay for all water used or lost from such unauthorized use. The Water Superintendent may estimate the amount of water used or lost under this section.

Fire Hydrant Location. No person, firm or corporation shall in any manner obstruct or prevent free access to, or place or store temporarily or otherwise any object, material, snow, debris, automobile, or structure of any kind within a distance of twenty (20) feet of any hydrant. Any such obstruction when discovered may be removed at once

by the Water Department at the expense of the person, firm, or corporation responsible for the obstruction.

Hydrants shall be located within the road right of way or easement. Any person, firm or corporation desiring to have a hydrant installed at another location, not within the road right of way or easement shall bear the complete cost of installing said hydrant. Hydrants located outside of the road right of way or easement, shall be considered a "private hydrant"

Private hydrants shall only be used for fire protection. Other than annual maintenance, all use of a private hydrant is prohibited. Private hydrants shall not be opened, operated, or used in any manner. The owner is responsible for testing, and maintenance of privately owned fire hydrants and assumes all liability for the proper operation, maintenance, and marking of private hydrants. Maintenance, testing, and inspection of private hydrants may only be performed complying with AWWA Manual M17 and/or NFPA 25 standards. A copy of all annual maintenance records shall be submitted to the Water Department for official record. The Township Water Department must approve the type, size of openings, and types of nozzle thread on all hydrants installed on private property serviced by Township water.

Where pipes are provided for fire protection in any premises or where hose connections for fire apparatus are provided on any pipe, each connection or opening on said pipes shall have not less than twentyfive (25) feet of firehose constantly attached thereto, and no water shall be taken or used through such openings or hose for any purpose other than for extinguishing fires, except for the purpose of testing said fire equipment. In such case the test must be conducted under a special permit and under the supervision of the Water Department.

Premises to or for which a separate unmetered fire line connection is provided for fire protection or private hydrant service shall pay therefor a monthly charge as set by the Township Board.

No free water shall be supplied to any person, business, or governmental agency.

The Township shall pay for all water used by it at the established rate and may provide for fire hydrant rental to be paid from the general fund or assessed against benefiting properties within the district. Such rental shall be payable in equal quarterly installments.

Section 8. Water Meters.

All service connections except separate fire connections shall be metered and shall pay for water at the rate established by the Township Board. In no case will water be supplied, except for temporary use with Water Department approval, at other than the established water rate.

The service stub and meter, installation charge shall include the cost of the water meter furnished by the Water Department and the installation thereof, but such meter

shall remain the property of the Department and will at all times remain under its control. The meter couplings or flanges will be furnished by the Department. The maintenance of the meter will be the obligation of the Department, provided, that where replacements, repairs or adjustments of the meter are made necessary by the act, neglect or carelessness of the owner or occupant of any premises, the expense to the Department caused thereby may be charged against and collected from the owner or occupant of the premises.

The Township may elect to install meters in pits or in buildings with outside readers and increase charges hereof to cover the additional cost. All meters shall be set horizontally. If not installed in a meter pit, meters shall be installed in dry, clean, sanitary places, accessible, no less than 12" from floor level or more than 24" from floor level, with a minimum of 6" from any wall, 12" from top for reading purposes to immovable object, with a gate valve on both sides of the meter, and where a small leak or the spilling of water will do no damage. No meters shall be installed in crawl spaces or similar confined spaces.

At the time application is made for a water service connection to a building under construction, the applicant must pay a flat rate for water usage as determined by the Water Department. Said fee for construction water shall entitle the applicant to water for construction purposes for a period of not more than three (3) months. Where water is provided without a meter for construction of a building, any wasting of water, whether caused by carelessness or by defective fixtures, is strictly prohibited. The use of a reduced pressure zone (RPZ) backflow preventer is mandatory for containment purposes and failure to use an RPZ will result in the Water Department turning off the water. If the water service is turned off, it shall not be turned on again until an agreement is reached between the parties involved.

A building or buildings under one ownership consisting of several premises may be served by more than one water service and meter upon approval of the Water Department. When more than one meter is served by one water service, all the meters served by the service must operate from a manifold type arrangement. Failure of one unit in a manifold arrangement to pay for water received will result in a discontinuance of water to that unit/meter.

In multiple meter installations, no master meter will be allowed unless approved by the Water Department.

All Township water used on any premises where a meter is installed must pass through the meter. Bypasses are required on all 6" and larger meter installations. Bypasses will not be allowed on smaller meters except for critical customers as determined by state and local statutes.

All services 1" or larger must have, between the meter and outlet, a valve to be used for testing the water meter without its removal. The size of the side opening of this tee shall be 1" for 1" service pipes, 2" for all service pipes up to and including 4", 3" for all larger service pipes. The side opening of such tee shall be plugged and sealed.

The owner of any premises where a meter is installed shall be held responsible for its care and protection from freezing or damage by hot water and from injury or interference by any person or persons.

If a meter fails to function or register, the consumer will be charged at the average quarterly consumption, as shown by the meter when in order. The accuracy of any meter installed in any premises will be tested by the Water Department upon request of the customer, who shall pay in advance a fee as set by the Township Board to cover the cost of the test. If, on such test, the meter shall be found to register over five percent (5%) more water than actually passes through it, another meter will be installed and the fee will be refunded to the customer, and the water bill may be adjusted as hereinafter provided.

All persons are forbidden to interfere with or move a water meter from any service connection without first receiving permission from the Water Department. No person shall remove or break a seal on meters or bypass valves.

All manufactured home communities, and campgrounds shall be considered a private system. All private systems shall be supplied by a master meter and backflow prevention as required by the State Plumbing Code.

Section 9. Inspection and Inspectors.

Inspectors, foremen and employees of the Township Board whose duty it may be to enter upon private premises to make inspection and examination of the pipes, fixtures or attachments used in connection with the water supply, will be provided with a badge or such other credentials as the Board may deem proper to identify them as authorized agents of the Department. No inspector, foreman, or other employee of the Board shall be entitled to enter upon any private premises, unless he carries and exhibits such badge or credentials.

If inspections are required by State, Federal or reasons of apparent emergency, credentialed officials may request entry to a property, structure or building for reasons of inspection, to secure, or complete the requirements of this section. Other than an emergency, an appointment will be requested and secured. If entry is not permitted, for reasons of this section the Township will at last resort discontinue the water service to the property, structure or building until the inspections and or corrections can be made.

Section 10. Rates and Charges.

A minimum quarterly water consumption charge shall be made for water furnished to each premises connected to the system.

- (a) The minimum quarterly charge shall be set by the Township Board and computed based on meter size as set in the Township fee schedule.
- (b) In cases of multiple dwellings or multiple commercial premises served by only one service line and meter, such minimum quarterly charge shall be based on meter size.

Should more water be consumed by any premises in any quarter than the quantity permitted for the minimum charge, then an additional water consumption charge shall be made for all water consumed in excess of those specified quantities.

The water consumption rates set forth in this section shall become effective as to each premises upon its connection to the system.

Section 11. Collection of Rates and Charges.

Rates and charges shall be billed and collected quarterly or as determined by resolution of the Township Board. Failure to receive a bill shall not excuse failure to pay the bill when due. Bills shall be due and payable, without discount, at such times as the Township Board shall determine, but not more than twenty (20) days after rendered, and such due date shall be indicated on the face of each bill. If any bill is not paid when due, then a penalty of ten percent (10%) shall be added thereto. If such bill is not paid within thirty (30) days after due, a shutoff notice shall be sent to the customer, and if the bill is not paid within the time stated in the notice (which shall be not more than an additional thirty (30) days), then all water service to the premises shall be discontinued. An additional penalty as set by the Township Board, shall then be charged, and shall be paid together with all unpaid charges before service shall be restored.

Service stub installation charges, availability, or frontage charges and connection charges shall be the obligation of the owner of the premises served. Consumption charges shall be the obligation of both the owner and the occupant of the premises. All such installation, availability, and consumption charges may be collected by personal action against any person liable therefore and shall, in addition, be a lien upon the premises served. Any charges which, on September 1 of each year, have been delinquent for ninety (90) days or more shall be certified to the next Township tax roll as provided in Act 188 of 1954, together with a penalty of six percent (6%) on such delinquent amount, against the premises served and shall be collected and said lien enforced in the same manner as provided in respect to Township taxes assessed on said roll.

Section 12. General.

Should it become necessary to discontinue the water service from any section of the system because of accidents or for the purpose of making repairs or in case of construction, the Township Water System will endeavor to give timely notice to the consumers affected thereby, and will, so far as practical, use its best efforts to prevent inconvenience and damage arising from any such causes, but failure to give such notice will not render the Township responsible or liable for damages that may result therefrom, or from any other cause.

Whenever notice is required to be given hereunder, the same may be given, either by personal service of a notice in writing to the person, firm or corporation to be notified; or by sending an employee of the Water System to the premises with a written or printed notice, which shall be served on the person, firm, or corporation to be notified or in case it is impossible to make such service at that time, the same may be posted in some

conspicuous place on the premises; or by enclosing a copy thereof in an envelope with postage prepaid, plainly addressed to the person, firm or corporation to be notified, at the post office or residence address of such person, firm or corporation, as the same appears on the books of the Water System, mailing it by first class mail service. Notice shall be conclusively deemed to have been given at the time of mailing as set forth above.

If any one or more provisions of this Ordinance shall ever be held by a court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining provisions hereof shall nevertheless be continued in full force and effect, it being expressly recited and declared that such remaining provisions would have been enacted despite the invalidity of such provision or provisions so held to be invalid.

Any person, firm or corporation violating any of the provisions of this Ordinance, shall be deemed guilty of a civil infraction punishable in accordance with the stipulations and orders of the Lake Charter Township Municipal Civil Infraction Ordinance.

Section 2. Publication. Within seven (7) days of its adoption, this Ordinance or a summary thereof, as required by law, shall be published by the Township Clerk in a newspaper of general circulation in the Township.

Section 3. Effective Date. This Ordinance shall be effective seven (7) days after its publication, or a publication of a summary thereof, in a newspaper of general circulation in the Township.

Approved this 18th day of October, 2023

ROLL CALL VOTE:

YEAS: Carson, Wilk, Drew, Mensinger, Essig, Companion


NAYS: 0

ABSENT: Clark


ABSTAIN: 0

ORDINANCE DECLARED ADOPTED.

Date: October 18, 2023



Zach Carson, Supervisor
Lake Charter Township

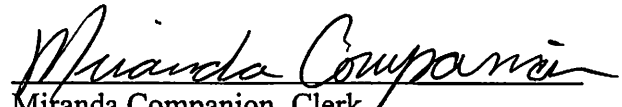


Miranda Companion, Clerk
Lake Charter Township

CERTIFICATION

I, the undersigned Clerk of the Charter Township of Lake, certify that the above Ordinance is a true and complete copy of an Ordinance adopted at a regular meeting of the Township Board of Trustees held on October 18, 2023, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents, was published in the Mailmax on December 9th, 2023. I further certify that the above Ordinance was entered into the Ordinance Book of the Township on November 30th, 2023, and was effective December 9th, 2023, on the date of its publication.

Date: December 1st, 2023


Miranda Companion, Clerk
Lake Charter Township