

**ORONOKO CHARTER TOWNSHIP
COUNTY OF BERRIEN
STATE OF MICHIGAN**

WATER USE AND ENFORCEMENT ORDINANCE

ORDINANCE NO. 73

An Ordinance to provide regulations and enforcement for persons located in Oronoko Charter Township using the Village of Berrien Springs municipal water supply system.

CHARTER TOWNSHIP OF ORONOKO ORDAINS:

SECTION 1 TITLE

This Ordinance shall be known and cited as the *Oronoko Charter Township Water Use and Enforcement Ordinance*.

SECTION 2 PURPOSE

Oronoko Charter Township, in order to promote public health, safety, convenience and welfare of inhabitants, has granted a Water Franchise / Water Supply Agreement, dated November 16, 2009 (“Franchise”) to the Village of Berrien Springs, Michigan to operate a water supply system with appurtenances including but not limited to wells, towers, mains and lines. Further, to fulfill the obligations imposed by the Franchise, Oronoko Charter Township hereby adopts this Ordinance pertaining to water usage and regulation and enforcement. All customers, present and future, within Oronoko Charter Township receiving service from the Village of Berrien Springs, through the Village of Berrien Springs municipal water supply system shall be subject to the provisions herein, as amended from time to time as a condition of the service provided.

SECTION 3 DEFINITIONS

As used in this Ordinance, the following terms have the respective meanings set forth below:

Department: shall mean the Department of Public Works of the Village of Berrien Springs, Michigan.

Person: shall mean any individual, sole proprietorship, limited or general partnership firm, joint venture, trust, incorporated organization, association, limited liability company, joint stock company, institution, corporation, public benefit corporation, governmental authority or either entity or organization organized or existing under any law.

Superintendent: shall mean the Superintendent of the Department of Public Works of the Village of Berrien Springs, Michigan, which is the department responsible for providing municipal water services to the Township of Berrien Springs, Michigan.

Township: shall mean the Charter Township of Oronoko, Michigan and any agent thereof.

Village: shall mean the Village of Berrien Springs, Michigan and any agent thereof.

Water Supply System: shall mean the Village of Berrien Springs, Michigan water distribution system, including without limitation, wells, water towers, water mains, treatment works, transmissions lines and all related and associated facilities and appurtenances thereto.

SECTION 4 USE REGULATIONS AND REQUIREMENTS.

- (a) The Village Clerk shall issue all permits for connections with water mains and shall make and keep such records in connection therewith as shall be necessary and convenient for prompt reference thereto.
- (b) The Superintendent of public works shall have the right at all reasonable hours to enter upon any and all parts of premises where village water is used for purposes of inspection or for carrying out any of the sections of this ordinance, but, in an emergency, shall have the right and authority to shut off any and all waters from the users thereof. All of the acts of the Superintendent, however, shall be at all times subject to the control and direction of the Village.
- (c) The Village shall keep a record of all water users, their names and descriptions of locations of water meters and their numbers, together with the purpose for which such water is used on the premises. They shall keep such books and papers as are necessary for the proper entries and business of the department.
- (d) All water meters to be used shall be provided by the Village, and no person shall use any other kind of water meter. Such meters shall be properly attached so as to correctly measure all Village water used by renters.
- (e) No person, unless properly authorized by the Village shall connect, disconnect, remove, repair or otherwise disturb any water meter.

- (f) The occupant of any building or premises where a water meter is located shall see that the meter is kept and shall remain free from obstruction on or around the meter and that it is conveniently accessible at all times for the purpose of reading, inspection or repair. The water shall be turned off from any meter that shall not be so kept and shall not be turned on again until there is compliance with this subsection and the cost of turning the water off and on is paid.
- (g) All water meters and water fixtures, appliances and appurtenances on private premises connected with the water supply system shall be open to inspection by the Village at all reasonable and ordinary hours. Any leaky service pipe leading to a meter shall be properly repaired on notice being given by the Village, or water will be shut off.
- (h) No person shall turn on the supply of water to a service pipe from which the supply has been turned off by the Village because of nonpayment of water rates, or for any other reason, without first having obtained a permit to do so from the Village.
- (i) If any water meter fails to register from any cause, the amount charged for water during such period shall be estimated by the Superintendent, such estimate to be based on the average amount registered during a like period.
- (j) No rebate shall be allowed when water is turned off because of any violation of this ordinance or of any rule or regulation relating to the water supply system.
- (k) The water curbstop and box shall be placed inside the road right - of - way, where appropriate. Service pipes intended to supply two or more distinct premises or tenements shall be supplied with a curbstop for each of the premises.
- (l) Connections with a water supply system must be laid at least four feet deep. After service pipes are laid, in refilling the opening on the street, the earth must be laid in layers of not more than nine inches in depth, each layer thoroughly compacted to prevent settlement, and this work, together with the replacing of the sidewalks, ballast and paving, must be done so as to leave the street in as good condition as before it was disturbed and to the satisfaction of the public works superintendent. If excavations are left open at night, barricades, warning lights and other suitable precautions must be maintained until they are filled.
- (m) Persons taking water must keep their service pipes and all fixtures connected therewith in good repair and protected from frost at their own expense.

- (n) The Village shall keep all water meters in repair, except for damage caused by frost and hot water. All repairs made necessary, however, by the acts or neglect of the user shall be charged against the user and shall be added to his or her water bill.
- (o) No owner or tenant of any building or premises supplied with water from the water supply system shall supply water from his pipes or fixtures to any other person or family or shall give permission to any other person to take water from such pipes or fixtures. Any consumer of water who shall permit others who are not members of his family to use from his hydrants, faucets or other devices without knowing that the proper water rate has been paid and anyone who shall obtain water without a permit from the Village Clerk shall be guilty of a misdemeanor, and the water shall remain shut off until the rate is paid.
- (p) No person shall be allowed to put in water hydrants, sprinklers or private fireplugs without a curbstop or auxillary valve.
- (q) No person authorized to open a water hydrant shall delegate his authority or let out or suffer any person to take the wrenches furnished him or suffer the wrenches to be taken from any house, except for purposes strictly connected with the fire department, or as they accompany hose carts on occasion of fires.
- (r) No person except the superintendent or other authorized agent shall unscrew or remove the cap from any fire hydrant except in case of fire.
- (s) All water service pipes, curbstops and other appurtenances must conform to specifications set forth by the superintendent.
- (t) All persons are prohibited from obstructing free access to any fire hydrant, water gate or curbstop in the public streets and from depositing any rubbish or building material in close vicinity to the fire hydrant, water gate or curbstop.
- (u) The Township adopts by reference the water supply cross connection rules of the state department of environmental quality, being R325.11407 of the Michigan Administrative Code. A cross connection shall not be made:
 - (1) between a public water supply system and a secondary water supply;
 - (2) between a public water supply system and piping immersed in a tank or vessel which main contain contaminants;

- (3) between a public water supply and piping which may contain sanitary waste or a chemical contaminant; or
- (4) by submerged inlet.
- (v) This ordinance does not supersede the state plumbing code and Township plumbing or building ordinances, but is supplementary to them.
- (w) It shall be the duty of the superintendent to cause inspections to be made of all properties served by the water supply system where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the department and as approved by the state department of environmental quality.
- (x) The Village shall have the right to enter at any reasonable time any property served by a connection to the water supply system for the purpose of inspecting the piping system thereof for cross connections. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.
- (y) The Village water department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with this ordinance.
- (z) The potable water supply made available on the properties served by the public water supply system shall be protected from possible contamination as specified by this ordinance and by the state and any Township plumbing or building code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: "**Water Unsafe for Drinking**".
- (aa) The Village or the superintendent may, upon being informed that there is a water shortage or an emergency which may endanger water pressure or the water supply system, give notice by publication, posting or mail to all users that such a shortage exists, and the council or the superintendent may thereby regulate and direct the use and conservation of water for the health and general welfare of the community.

SECTION 5 RATE AND CHARGES

- a. The rate and demand charges including water taps or connection permits, water debt service charges and water deposit charges to be charged to persons using the Village water service system shall be as established from time to time by Resolution of the Village Council, subject to the multiplier set forth in the Franchise between the Village and the Township.

- b. No water taps or water connections shall be made unless a special permit therefore is first secured from the Village. No such special permit shall be issued by the Village unless a fee for making the water tap or connection accompanies the application for the special permit. The fees for special permits for different sizes of pipelines extending from the water user's property are as established from time to time by resolution of the Village council.

- c. In addition to the water tap or water connection fee as provided in subsection (b) of this section which is to accompany the application for the special permit, there shall also be due to the Village from the prospective water user a debt service charge as established from time to time by resolution of the Village council.

- d. There shall also be paid at the time such permit shall be issued or when water service is turned on or service is placed in the name of a new customer an additional sum which shall be and shall remain as an advance payment. The advance payment shall be a continuing guarantee of payment for future water rent, as established from time to time by resolution of the Village council.

- e. The charges for services which are under the provisions of section 21 of Public Act No. 94 of 1933 (MCL 141.121), made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six months, the Village official in charge of the collection thereof shall certify annually, on March 1 of each year, to the Village tax assessing officer, the fact of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Village taxes against such premises are collected and the lien thereof enforced. However, where notice is given that a tenant is responsible for such charges and service, no further service shall be rendered such premises until a cash deposit as specified by the Village council shall have been made as security for payment of such charges and service.

- f. In addition, the Village shall have the right to shut off water service to any premises for which charges for water service are more than three months delinquent, and such service shall not be re - established until all delinquent charges and penalties and a turn on charge, to be specified by the council, have been paid. Further, such charges and penalties may be recovered by the Village by court action.

SECTION 6 CREATION AND ENFORCEMENT OF LIEN

The provisions of MCL 128.161 through 123.167, inclusive, are hereby adopted by reference as a part of this Ordinance, pursuant to MCL 42.23.

SECTION 7 VIOLATION

Any person who violates any provision of this Ordinance upon conviction shall be guilty of a misdemeanor, punishable by a fine of not more than one hundred dollars (\$100.00) and costs of prosecution or imprisonment for not more than ninety (90) days or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur, shall constitute a separate offense.

In addition to any remedy available, the Village shall have the right to shut off and discontinue the supply of water to any property and / or customer for non - payment of any fee and / or charge herein. Water services so discontinued shall not be restored until all sums due and owing are paid, together with all fees and charges as determined by the Village. All delinquent fees and charges may be recovered through court action.

SECTION 8 SAVING UPON INVALIDITY

If one or more sections, provisions, phrases or words of this Ordinance are declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, this Ordinance is declared to be severable.

SECTION 9: EFFECTIVE DATE

This Ordinance shall take effect upon publication of its enactment as required by statute.

SECTION 10: PUBLICATION OR POSTING

The Township Clerk shall certify to the adoption of this Ordinance and cause the same to be posted or published as required by law.

MOTION TO ADOPT ORDINANCE

Proposed by Board member Treasurer Hill
Supported by Board member Trustee Kerlikowske
Roll Call:

Ayes: Trustee Zielke, Clerk Renton, Trustee Kerlikowske, Treasurer Hill, Trustee Riess, Supervisor Hildebrand.
Nays: None.
Abstain: None.
Absent: Trustee Hildebrand.

ORDINANCE DECLARED ENACTED

The foregoing Ordinance was enacted by the Oronoko Charter Township Board of Trustees, Berrien County, State of Michigan on the 14th day of February, 2012 and approved by its Supervisor and Clerk on said date.

ORONOKO CHARTER TOWNSHIP

By: _____
Ernest Hildebrand, Supervisor

and

By: _____
Suzanne Renton, Clerk

First Reading: January 10, 2012
Second Reading: February 14, 2012
Publication of Notice: February 22, 2012