

TOWNSHIP OF YANKEE SPRINGS

ORDINANCE NO. 11-01-2021

ADOPTED: NOVEMBER 11, 2021

EFFECTIVE: 30 DAYS AFTER PUBLICATION AFTER ADOPTION

An Ordinance amending the Yankee Springs Township Water Supply System Ordinance; to provide for severability; to provide an effective date and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF YANKEE SPRINGS
BARRY COUNTY, MICHIGAN**

ORDAINS:

SECTION I

AMENDMENT OF WATER SUPPLY SYSTEM ORDINANCE

The Township of Yankee Springs Water Supply System Ordinance (compiled under Section 126.000 of Yankee Springs General Ordinances) is hereby amended in its entirety to read as follows:

126.000 - WATER SUPPLY SYSTEM UTILITY ORDINANCE

An Ordinance to provide for the operation, maintenance and management of the Yankee Springs Township Water System; to establish connection procedures, permit fees and to regulate the use of said system; to prescribe procedures for securing such public water service and the rates and charges for same; to provide penalties for the violation of said Ordinance; and to repeal all ordinances or parts of ordinances in conflict herewith.

TOWNSHIP OF YANKEE SPRINGS, BARRY COUNTY, MICHIGAN ORDAINS:

ARTICLE I

126.100 - ESTABLISHMENT OF WATER SUPPLY SYSTEM UTILITY

126.101 - Establishment.

Sec. 1.1. The water supply system of the Township of Yankee Springs is hereby established as a water supply system utility for the purpose of providing and maintaining water supply services within the Township of Yankee Springs including the supplying of water, the operation and maintenance of water pumping stations and storage facilities, and the connection, installation and maintenance of water mains.

ARTICLE II

126.200 - DEFINITIONS

126.201 - Definitions.

Sec. 2.1. The following words, terms and phrases, when used herein, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

"Agent" or "Operating agent" or "Authority" shall mean the person, persons, or company so appointed or contracted by the Township as the designated representative of the Township in matters related to the water system of the Township.

"Available Public Water Main" shall mean a public water main with sufficient capacity to which connection can be made and which is located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts upon a Premises and passes not more than two hundred (200) feet at the nearest point from a building using or requiring potable water which is located on the Premises. The System shall also be considered to be available to commercial and industrial buildings located on individual Premises or condominium units divided or created from what was formerly an undivided Premises, if the System would have been available at the time of such division to a building on the undivided premises, pursuant to the preceding sentence, without regard to the 200 foot requirement.

"Connection fee" shall mean the availability charge to premises requesting to connect to the System for the privilege of tapping the main (the construction, use and benefit of the System). The connection fee shall be determined from time to time by resolution of the Township Board.

"Commodity charge" shall mean the quarterly charge for usage to each user of the system for the measured quantity of water consumed.

"Consumer" or "User": shall mean the person, or legal entity, served by or using water supplied by the Township regardless of whether services have been turned-off.

"Consumer's Installation": shall mean all 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 main.

"Corporation Stop": shall mean a valve which is inserted into the main for the connection of the water supply service pipes in sizes up to and including two inches in diameter.

"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 System because of a reversal of flow.

"Curb Box": shall mean a box or metal housing which encloses, protects and provides access to the curb stop.

"Curb Stop": shall mean a valve for insertion in the service pipes, in size of three-fourths inch (3/4" to two inches 2") in diameter, inclusive, at or near the property line.

"Main", "mains", or "water mains" shall mean any pipes as part of the System located in easement lines or streets and designed to supply more than one water connection.

"Owner" shall mean the owner of record, as reflected in the records of the Barry County Register of Deeds, of any premises supplied or to be supplied with the Township water or the duly authorized agent of such owner.

"Operation, Maintenance and Replacement Cost." Shall mean costs, direct and indirect, necessary to provide an adequate, treated water supply on a continuing basis to conform with all federal, state and local water management requirements and to assure optimum long-term administration, regulation, management, operation and maintenance of the Water System and may include a reasonable allowance for debt service, depreciation and replacement.

"Permittee": shall mean a consumer or his agent receiving a permit from the Township allowing a connection to be made to the System.

"Person": shall mean any individual, firm, partnership, association, public or private corporation or public agency or instrumentally or any other entity receiving water service.

"Premises" shall mean a dwelling or apartment occupied by one family, together with the land connected therewith and such out-buildings as are exclusively in connection therewith, or a room or rooms, building or buildings occupied and used by one or more persons for business or other non-residential purposes.

"Ready-to-serve charge" (Base Charge) shall mean a charge levied on each Consumer based upon the size of Consumer's water meter, for a portion of the fixed expense of the operation, maintenance and replacement costs. Current (2021) Township charge:

- ¾": \$28.00/month
- 1": \$33.00/month
- 1 ½": \$46.00/month
- 2": \$60.00/month

The Base Charge shall be determined from time to time by resolution of the Township Board.

"Service connection" or "water service pipe" shall mean that pipe connecting the curb stop with the premises served which will be installed and maintained by the owner. This includes the connection of the service pipe to the curb stop, the service pipe, stop and waste valves and meter bracket.

"System" or "Township system" shall mean the water main, storage tank, meters, meter pits, remote readers, valves, hydrants, service connections and related appurtenances so installed to distribute public water to premises connected in the Township. The System may be comprised of separate facilities located in separate water supply districts.

"Township" or "Township Board" shall mean the Township Board of Yankee Springs Township, their agents, committee, or their designated agent for the purposes of management of the Water System.

"Water Connection": shall mean that part of the System connecting the water main to a point terminating at a curb stop and curb box which will be installed by the owner and maintained by the Township.

"Water rates" (Usage Charge) shall mean the rates or prices to be charged for water based on the gallons used (metered) as established from time to time by resolution of the Township Board.

Current Township (2021) charge: \$2.00 per 1000 gallons (0.002/gallon)

ARTICLE III

126.300 - CONTROL, OPERATION AND MAINTENANCE OF THE SYSTEM

126.301 - Management and control.

Sec. 3.1. The construction, operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the Township. The Township may employ such person or persons in such capacity or capacities as it deems advisable to carry out the efficient operations and management of the System and may make such rules and regulations as it deems necessary.

126.302 - Ownership.

Sec. 3.2. All water mains or portions thereof and Water Connections located within public right-of-way or easements granted to the Township are and shall be the exclusive property of the Township. All pipes or portions thereof located after the curb stop servicing the premises and located on private property, easements granted to parties other than the Township or other land not under the ownership or control of the Township are and shall be the property of the owner of said property. The water meter shall be the exclusive property of the Township.

126.303 - Operation and maintenance.

Sec. 3.3. The Township shall be solely responsible for operation and maintenance of water mains and appurtenances which are the property of the Township. No other party shall operate valves, adjust boxes or change, modify or operate any other item appurtenant to or connected to said water mains.

126.304 - Right of entry to premises where water used.

Sec. 3.4. Any duly authorized agent or employee of the Township bearing proper credentials and identification shall be permitted to enter upon all Premises served by the 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 System under this Ordinance shall be deemed to have consented to inspections pursuant to this section, including entrance upon such person's Premises at reasonable times to make inspections.

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.

126.305 - Fiscal year.

Sec. 3.5. The system shall be operated on the basis of a fiscal year commencing on July 1 and ending on the following June 30.

ARTICLE IV

126.400 - RULES AND REGULATIONS

126.401 - Additional rules and regulations.

Sec. 4.1. In addition to the rules and regulations set forth in this ordinance, the Township and/or its agents may make and issue additional rules and regulations concerning the water distribution system, connection thereto, meter installations and maintenance, connection and meter installation fees, hydrants and water mains and the appurtenances thereto, not inconsistent herewith. Such rules and regulations shall be effective upon approval and adoption by the Township Board.

126.402 - Winter "let-run" service.

Sec. 4.2. No owner receiving water from the System shall be authorized to "let-run" the water in any premises during the winter months unless written permission shall have been received from the Township or its agent. Before the Township shall issue such permission to let-run, the Owner shall establish to the satisfaction of the Township or its agent that freezing of the lines in question cannot be prevented by insulation, heat cables or the application of any other reasonable means. The Township or its agent is specifically authorized to direct that the Owner requesting a "let-run" shall insulate the water lines or attach heat cables thereto, or take such other reasonable precautions to prevent freeze-ups, at the Owner's expense. In the event that any premises, consumer, user or service shall "let-run" water with or without written permission of the Township or its agent, such Owner shall be billed for water service at the regular rate for such service.

126.403 - Lawn sprinkling.

Sec. 4.3. The Township may issue regulations governing the use of water for sprinkling lawns and gardens and the hours for such use.

126.404 - Turning on water service.

Sec. 4.4. No person other than an authorized agent of the Township shall turn on or off any water service, except that a licensed plumber may turn on water service for testing his work (after which it must be immediately turned off), or upon receiving a written permit from the Township or its agent, water may be turned on for construction purposes only, prior to granting a certificate of occupancy for the premises, and upon payment of the charges applicable thereto.

126.405 - Limitations on use of water.

Sec. 4.5. The Township may, when the public health and safety require it, regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for firefighting. All such regulations, limitations or prohibition shall be effective immediately after the information is transmitted via radio announcement to the area at large or by a local circular to the effected homes. If, however, the information is transmitted by notice in a public newspaper of general circulation within the township then no such regulations, limitations or prohibition shall be effective until 24 hours after such notice.

126.406 - Cross connections.

Sec. 4.6. No connection shall be installed which will connect the Township water supply to any system of pipes or piping which may also be supplied from any other source. The use of check valves or valves of any kind to separate the Township supply from any other supply will not be permitted. There must be an absolute physical separation of the Township water supply and any other supply. The Township and its agent shall, upon discovery or suspecting conditions whereby the health, safety and welfare of the system users is endangered, immediately take precautionary measures to isolate the suspected premises and to promptly investigate any remedial action necessary. The Township adopts by reference the Cross Connection Rules Manual which has been incorporated as a Supplement to Part 14 of the Administrative Rules under the Michigan Safe Drinking Water Act.

126.407 - Water purity.

Sec. 4.7. No public water mains shall be made or become operational until two consecutive samples of the water flowing therefrom are tested by state approved methods and the water proved safe and free of any harmful contamination.

126.408 - Compliance with State and Federal Standards and Regulations.

Sec. 4.8. Standards and regulations established in this Ordinance or pursuant hereto are deemed to be the minimum standards consistent with the preservation of the 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.

126.409 - Contract Service.

Sec. 4.9. All provisions and sections of this Ordinance about the Township System 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 consumer that is supplied with water through the water system of the Township, and every consumer by taking water shall be considered to express his consent to be bound, 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 and shall not be turned on again except on correction of the violation and payment of the expenses of shutting off and turning on.

126.410 - Save Harmless Clause.

Sec. 4.10. The consumer shall indemnify, save harmless and defend the Township against all claims, demands, cost or expense 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.

ARTICLE V

126.500 - LIABILITY OF TOWNSHIP

126.501 - Township not liable.

Sec. 5.1. The Township shall not be liable to any person or premises, under any circumstances, for any failure of or deficiency in the supply of water. Further, should it become necessary to interrupt water service from any premises or area because of accidents or act of God or for the purpose of making repairs or extension, the Township or its agent will endeavor to give timely notice to Owners affected thereby. The Township or its agent shall, so far as is practical, use its best efforts to prevent inconvenience and damage arising from any such interruption, but failure to give such notice of shut-off shall not render the Township or its agent responsible or liable for damages that may result therefrom, or for any other cause. Further, no claim shall be made against the Township or its agent by reason of freezing or breaks of any service pipes, stop cocks or other appurtenances.

126.502 - Continuous service.

Sec. 5.2. The Township and its agents will endeavor to furnish continuous water service to the users, but does not guarantee uninterrupted service and will not be liable for any damage which the user may sustain by reason of the failure of the service, whether caused by accident, repairs or otherwise, nor will the Township, its agents and employees be liable for damages which the consumer may sustain by reason of failure of the water supply or for damages to persons or property arising, accruing or resulting from the supply of water or from any apparatus or appurtenance in connection therewith.

ARTICLE VI

126.600 - METERS AND APPURTENANCES

126.601 - Unauthorized tampering with or injuring of the system and its appurtenances.

Sec. 6.1. No person shall willfully or carelessly break, damage, destroy, uncover, deface or tamper with any meter, seal, stop cock, curb box, service pipe, hydrant or other apparatus of the system or prevent any water meter belonging to the Township from duly registering the quantity of water passing through the same, or in any way hinder or interfere with its proper action or just registration, or attach any line or pipe to any line belonging to the Township. No person, unless he is a fireman or an authorized agent of the Township, shall willfully open or tamper with a fire hydrant. No person other than an authorized agent shall turn on water at the curb box or elsewhere after which the water shall be turned off by the authorization of the Township.

126.602 - Permit for hydrant use.

Sec. 6.2. No person, except the agent of the Township in the performance of his duties, shall open or use any fire hydrant except in case of emergency, without first securing a written permit from the Township or its agent.

126.603 - Service of more than one premises by the same meter.

Sec. 6.3. Whenever reasonably possible, at the discretion of the Township, each premises shall be serviced independently with a water meter of appropriate size.

126.604 - By-passing meter prohibited.

Sec. 6.4. It shall be unlawful for any person to open any valve or make any connection which will make possible the use of water which has not passed through a meter properly installed and recorded on the records of the Township except for as otherwise may be provided within this Ordinance.

126.605 - Use of water pipes as electrical ground.

Sec. 6.5. It shall be unlawful for any person to ground or electrically connect any radio, telephone or other electrical system to any pipes or appurtenances connected to the discharge side of any water meter; however, the Township may grant exception hereunder provided that:

- a) A shunt is placed around the water meter so as to shunt or by-pass any electric current that might otherwise flow through the water meter; and/or
- b) Ten feet or more of water pipe connected to the discharge side of water meter is buried in the moist earth; and/or
- c) Said electrical service is approved by the Township electrical inspector.

Any shunt placed around a water meter shall be so placed that the meter may be removed without disturbing same and no electrical connection whatever shall be made to the meter itself or to the meter union or meter tail piece. The "tail piece" shall be construed as the short piece of special pipe (usually brass) which is immediately adjacent to the meter and connected thereto by the meter union.

126.606 - Repairs.

Sec. 6.6. In case of damage due to freezing, breakage or leaking, the Township shall repair or cause to have repaired that portion of the Water Connection, and the owner or tenant of the adjoining premises shall be responsible for the repair of the Service Connection. The repair of the meter shall be made only by the Township or their authorized agent.

126.607 - Location of meter and responsibility therefor.

Sec. 6.7. The Township and/or its agents shall have sole discretion for the meter location on each premises, however, the owner of the premises may indicate upon application to connect, whether he desires the meter to be located within the premises (indoors), or located adjacent to the public right-of-way within a meter pit. The Township shall inspect the premises and ascertain the suitability of the desired location for the meter so as to attempt to achieve consistency among

all users for meter placement. Suitability for indoor placement may require the following conditions to be met:

- a) The meter must be located within 10 feet of the front of the premises (home), "front" being that part of the occupied structure closest to the public water main, and
- b) The meter must be located in a room at least 6 feet in height, (crawl spaces are not acceptable), or
- c) The meter must be located in a room with a minimum of 100 square feet, and
- d) A remote read-out device must be able to be installed upon the outside of the premises.

The owner of the premises within which a meter is permitted to be installed is hereby made responsible for the safekeeping of said meter. If by any manner the meter is damaged or stolen, such incident must be reported to the Township at once. It shall be the duty of the Township to make all meter repairs and charge same to the party made responsible for the meter. If any damage occurs to the meter through the fault of the water mains, repair will be made at the expense of the Township. The Township shall not be responsible for any loss of water or meter repair due to the freezing of any water meter located indoors.

126.608 - Return of meters to Township.

Sec. 6.8. No person shall fail to deliver forthwith to the Township any water meter after he shall have removed or have caused the removal of same from the premises of a user.

ARTICLE VII

126.700 - PERMITS; PERMIT FEES; INSTALLATION

126.701- Application.

Sec. 7.1. Any person desiring to connect to an Available Public Water Main shall file a written application to the Township and pay the water Connection Fee established by resolution of the Township Board. No person in the Township shall connect to the 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, parcel ID, 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 at least seventy-two (72) hours before the time a tap is to be made.

126.702 - Consumer's Installation.

Sec. 7.2. The Consumer's Installation connecting to the Available Public Water Main shall be installed only by a licensed master plumber or qualified contractor (as determined by the Township) at the owner's expense in a manner approved by the Township and only after issuance of the connection permit by the Township. All contractors working in the public right of way shall be responsible for obtaining any required permits from the Barry County Road Commission or Michigan Department of Transportation, and for complying with all the requirements of those agencies.

- a) All costs and expenses related to or incidental to the installation and connection of the Consumer's Installation shall be borne by the owner. The owner shall indemnify the Township and its authorized representatives against any loss or damage, including attorney fees, that may directly or indirectly result from the installation and connection of the Consumer's Installation, including but not limited to damage to the System, cost of cleaning the System, damage caused to other properties as a result of loss of service or similar cause, and all other similar expenses.
- b) The materials, construction, installation, and testing of the Consumer's Installation, shall be pursuant to the Authority's then current Standard Construction Requirements.
- c) The Permittee responsible for the connection shall notify the Township when the Water Connection and Service Connection are ready for inspection and connection. The Water Connection and Service Connection shall be left uncovered and unconnected until inspected by the Township. The connection shall be made under the supervision of the Township.
- d) All excavations for Water Connection and Service Connection installation and connection shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the cost of the property owner in a manner satisfactory to the Township.

126.703 - Interior connection of plumbing.

Sec. 7.3. Once a meter is set for service to a premises, the owner of such premises shall retain the services of a licensed Master Plumber to connect the interior plumbing of the premises to the discharge side of the water meter. Connection of the premises water piping to the discharge side of the meter shall be made only by a licensed Master Plumber whose work shall be inspected pursuant to applicable plumbing codes and ordinances as may then be in effect.

ARTICLE VIII

126.800 - USER RATES; COLLECTIONS; ACCOUNTABILITY

126.801 – Establishment of Rates.

Sec. 8.1. Charges for installation and use of the System are hereby established to recover the costs of administration, operation, construction, reconstruction necessary, maintenance of said system 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.

The rates for water service 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 System. Rates need to be uniform for separate water supply districts.

126.802 - Types of Rates.

Sec. 8.2.

1. Water Rates (Usage Charge). See Definition
2. Ready to Serve Charge (Base Charge). See Definition
3. Connection Fee. See Definition.
4. Miscellaneous Consumer Fee. The Township shall, from time to time, establish or charge a Miscellaneous Consumer Fee, as necessary, for miscellaneous services, repairs and related administrative costs associated with the System, including without limitation, unauthorized connection to and use of the System, services to turn water service on or off, damages to the System, disconnection from the System, inspections, costs and expenses incurred by the Township as a result of damage to other premises, attorney fees for enforcement of violation of the Ordinance, and similar fees which are the result of an Ordinance violation, or a negligent or wrongful act of the Consumer.

126.803 - No free service.

Sec. 8.3. There shall be no free water service rendered by the Township to any user or user premises so connected to the system.

126.804 - Due date for billings.

Sec. 8.4. All charges set forth by the Township shall become due and payable on or before the due date as indicated on each bill. Payments made after the due date shall include an additional ten percent late charge on the net amount due. The Township may adjust the billing due dates and penalties for late payment by resolution from time to time.

126.805 - Accounts.

Sec. 8.5. There shall be a separate accounting for all revenues received from the system by the Township or their agent. There shall be established the following funds as a minimum:

- a) Operations and Maintenance Fund
- b) Replacement Fund
- c) Capital Improvement Fund

126.806 - Adjustments for inaccurate meters or meter failure; estimating consumption.

Sec. 8.6. If any owner suspects that the meter readings of a particular meter are inaccurate, said owner may request in writing that the meter be tested. The Township shall install one replacement meter (factory tested) upon the premises. For each additional request by a particular owner there shall be a \$30.00 fee established by the Township for the replacement and rebuilding/testing. Said fee may be adjusted by the Township by resolution from time to time.

The Township may estimate the consumption of any user on the basis of former (or average user) consumption and bill accordingly, providing that appropriate adjustment is made with the next actual reading.

126.807 - Termination of service—Voluntary or otherwise.

Sec. 8.7. The Township shall have the right to discontinue water service to any premises within the Township when any delinquency exists with respect to any water payments (including contractor installation costs) under this Ordinance, or any violation of the Ordinance, or otherwise if so requested in writing by the owner of record; or where any premises does not comply with all the plumbing codes of the Township and with any and all restrictions and limitations on the use of the particular water service imposed by the Township Board.

A shut-off/turn-on charge of \$75.00 shall be imposed upon the premises so terminated and said service shall not be reinstated until all delinquent payments plus the shut-off/turn-on charge are paid and/or violations of codes and restrictions have ceased, or the owner requests turn-on in writing, and all the above conditions are satisfied. The charge of \$75.00 shall provide for both the shut-off of the service and the turn-on of the identical service at a later date. The Township may elect, at the time of shut-off and turn-on, to remove and reinstall respectively, the meter servicing the premises.

Persons requesting seasonal shut-off/turn-on shall not be required to pay the required shut-off/turn-on charge. Said temporary discontinuation of service for seasonal reasons shall not relieve the owner from the obligation to pay quarterly fees such as "ready-to-serve" and "commodity charge" hereunder.

126.808 - Lien rights.

Sec. 8.8. All delinquent rates and charges for water connection and service shall constitute a lien upon the premises served which shall be subject to foreclosure in the same manner as construction lien for non-payment or after six months' delinquency, may be certified to the Supervisor and Assessing Officer of the Township annually, on or before September 1st of each year and entered by him upon the next tax roll against the property served, for collection in the same manner as the collection of taxes. The Township shall apply penalties to delinquent water charges as it does delinquent tax accounts.

126.809 - Adoption of budget and annual audit.

Sec. 8.9. The Township shall annually adopt expenditure and revenue budgets, repair and replacement budgets and capital improvements budgets for the system which may be prepared and presented by its agents. The Township shall adopt rates and charges necessary to provide revenue for the operation of the water system.

An annual audit of the system expenditures and revenues shall be performed by Certified Public Accountants.

ARTICLE IX

126.900 - CONNECTION FEES; CHARGES; PROCEDURES

126.901 - Connection fees.

Sec. 9.1. The Connection Fee at this time shall be \$4,000.00 (includes inspection).

Additional inspections - \$50.00

126.902 - Connection fees—Residential use, etc.

Sec. 9.2. The above charges under this section represent charges to single-family premises, and connection fees to users other than single-family shall be determined from time to time by the Township Board based upon available studies and actual operation experience. The Township may, if the circumstances justify, assign more than one unit to a dwelling occupied by a single-family, however, no less than one unit shall be assigned to each premises. All charges under this section shall be payable in cash to the Township or their agent at the time of issuance of the Connection permit.

126.903 - Changes in use.

Sec. 9.3. If, once connected, subsequent changes in the character of the use or type of occupancy of such premises at any time increase the amount of water used by the premises, the Township Board may increase the number of units assigned to said premises and thereupon the appropriate connection fees chargeable to such premises shall be increased at the unit rates (factor) specified herein, payable in cash as of the date any construction or other permit is issued by the Township for an improvement which will result in such change in the character of use or type of occupancy, or if no permit is issued or required, as of the date such a change in the character of use or type of occupancy occurs.

Extensions. The total expense of extending water mains shall be borne by the benefited property owners in accordance with provisions of a contract, Township Ordinances, or by special assessments levied by the Township. The Township may establish separate water supply districts for such extensions.

126.904 - Connection of New Construction to System.

Sec. 9.4. All owners of Premises located in the Township which are presently undeveloped and which are hereafter improved by a building using or requiring potable water are hereby required at their expense to install suitable plumbing fixtures and connect such facilities directly with an Available Public Water Main. The Township Board may require such owners, pursuant to authority conferred upon the Township Board by law or ordinance, to make such installations or connections.

126.905 - Connection of Existing Improved Properties to System.

Sec. 9.5. Owners of an existing building using or requiring potable water, which are located in the Township and which are currently served by a private water well, shall not be required to connect to an Available Public Water Main until such time as:

- a) A new private water well is required;
- b) The existing private water well fails to the extent it would be necessary to drill a replacement well;
- c) An existing single family or multiple family residence is changed from a residential to a non-residential use;

- d) Connection of all improved properties, within the area in which said Premises are located, is declared a necessity by the Township Board or County for the public health and welfare; or

Upon the occurrence of any such event, connection shall be made to an Available Public Water Main in accordance with this Ordinance.

126.906 - Water System Connection Deadline.

Sec. 9.6. When connection to an Available Public Water Main is declared a necessity by the Township Board for the public health and welfare, all connections to the Available Public Water Main required hereunder shall be completed no later than twelve (12) months after the last to occur of the date of official notice by the Township to make said connections or the modification of a building so as to become a building using or requiring potable water. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Notwithstanding the preceding, if the Township Board or Health Department requires completion of a connection within a shorter period of time for reasons of public health, such connection shall be so completed. Persons who fail to complete a required connection to an Available Public Water Main when required shall be liable for a Miscellaneous Consumer Fee equal in amount to the Ready to Serve Charge that, based upon similarly situated Consumers, would have accrued and been payable, effective upon the expiration of the connection period, had the connection been made as required.

126.907 - Enforcement in the Event of a Failure to Connect to System.

Sec. 9.7. In the event a required connection to an Available Public Water Main is not timely made, the Township Board shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the Available Public Water Main and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Township ordinance. In the event the required connection is not made within 90 days after the date of mailing or posting of the written notice, the Township Board may bring an action in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property to the Available Public Water Main.

ARTICLE X

126.1000 - VIOLATIONS AND ENFORCEMENT

126.1001 - VIOLATIONS AND ENFORCEMENT

Sec. 10.1.

A. Municipal Civil Infractions. Except as otherwise provided in this section, a violation of any of the provisions of this Ordinance shall constitute a municipal civil infraction.

Upon determination of responsibility for a municipal civil infraction, the person or entity shall pay a fine according to the following schedule:

First offensenot less than \$125.00 nor more than \$500

Second offense within three years of first offensenot less than \$200.00 nor more than \$1,000

Third offense and each subsequent offense within three-year period are eachnot less than \$1,000 nor more than \$2,500

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

Each violation which either continues or is repeated subsequent to a citation or warning being issued by an authorized enforcement officer shall be considered and may be prosecuted as a separate violation of this section. The imposition of a fine shall not exempt an offender from compliance with the provisions of this Ordinance.

Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.

B. Misdemeanor. Except as otherwise provided in this section, a violation within 4 hours of committing a prior violation of this Ordinance shall be deemed a misdemeanor. Any person, or entity upon conviction of this misdemeanor shall be subject to a fine of up to \$500.00 or imprisonment in the County jail up to ninety (90) days, or both such fine and imprisonment. Each such violation which either continues or is repeated subsequent to a citation or warning being issued by an authorized enforcement officer shall be considered and may be prosecuted as a separate violation of this section.

C. Authorized Enforcement Officer. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of the Township and by such other person or persons as the Township Board may designate.

SECTION II **SEVERABILITY**

Should any section, clause or provision of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, then and in that event, such portion thereof shall not be deemed to affect the validity of any other part or portion of this Ordinance.

SECTION III **EFFECTIVE DATE/REPEAL**

This Ordinance shall take effect thirty (30) days after publication after adoption. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Mike Cunningham, Clerk
Township Yankee Springs