

**REPUBLIC TOWNSHIP
PUBLIC WATER ORDINANCE
ORDINANCE NO. 2013-21**

AN ORDINANCE TO REGULATE AND CONTROL THE CONSTRUCTION, INSTALLATION, EXTENSION, SERVICE CONNECTION, AND OPERATION OF PUBLIC WATER MAINS AND PUBLIC WATER SERVICE WITHIN THE TOWNSHIP OF REPUBLIC; TO PRESCRIBE PROCEDURES FOR SECURING SUCH PUBLIC WATER SERVICE AND THE RATES AND CHARGES FOR SAME AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH ORDINANCE REGULATIONS.

THE TOWNSHIP OF REPUBLIC, MARQUETTE COUNTY, MICHIGAN ORDAINS:

Section 1: Title

This Ordinance shall be known and hereafter cited as the “Republic Township Public Water Ordinance”.

Section 2: Definitions

- A. “Backflow” means water entering a public water supply system from an external source due to reversal of flow.
- B. “Commercial User” means a person whose premises are used to offer services and/or products such as retail stores, gasoline stations, restaurants, schools, churches, motels, bars, private clubs and governmental buildings.
- C. “Commodity Charge” means a variable charge payable by a user based on water consumption.
- D. “Connection Charge” means the charge imposed for the privilege of connecting premises to the water main and does not pertain to the construction cost of such connection.
- E. “County” means Marquette County, Michigan
- F. “Cross Connection” means a connection or arrangement of piping or appurtenances through which a backflow could occur
- G. “Domestic User” means a person whose premises are domiciles for single or multiple family use
- H. “Industrial User” means a person who operates a manufacturing or process facility which is engaged in producing a product
- I. “Local Distribution Lines” means those pipes which serve only the abutting property within one local service area.
- J. “Premises” means each building, dwelling unit or apartment unit used for human occupancy, employment, recreation or any other purpose
- K. “Service Charge” means the minimum charge payable by a user for the provision of water service
- L. “Service Line” means the line on the premises, installed and maintained by user, connecting the System to the premises
- M. “System” or “Water Supply System” means the Township water supply and distribution system
- N. “Tap-On Charge” means the charge imposed to defray the cost of making a water connection

- O. “User” means the owner, lessee or occupant of any premises connected to or served by the System
- P. “Township” means the Township of Republic, Marquette County, Michigan
- Q. “Township Board” means the governing body of the Township
- R. “Water Connection” means that part of the water distribution system connecting the system to the service line.
- S. “Water Main” means the primary and intermediate transmission lines (including the local distribution lines) of the water supply system
- T. “Water Meter Installation Charge” or “Meter Installation Charge” means the charge for the water meter, meter installation and necessary inspections

Section 3: Regulations

1. Water Connection Required – The owner of each premises situated within the Township water service area, and abutting on any street, alley, or right of way in which there is located a water main of the System shall, provided said water main is within 200 feet of said premises, at owners expense (unless such expense is expressly provided by other sources) install suitable plumbing facilities therein and connect such facilities directly to the water supply systems
2. Connections – Application for connection to the system shall be made to the Township in writing. Water connections, plumbing and water meters shall be installed in accordance with all applicable Marquette /county Health Dept and Marquette County Building Code Regulations.
3. Water Meters – All premises which connect to the Township water distribution system after the adoption date of this Ordinance shall be equipped with a public water meter, so located that all water entering the premises shall pass through such meter and unless otherwise expressly arranged; be measured as to volume consumed for periodic computation of water charges. The Township reserves the right to determine the size and type of meter to be installed. Meters shall be installed in an accessible location approved by the Township.
4. Access to Meters – The Township shall have the right to shut off water service to any premises where the Township is not able to obtain access to the meter. Any qualified employee of the Township 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 the same and no person shall hinder, obstruct or interfere with such employee in the lawful discharge of such duties.
5. Service Line Construction – Construction of a water service line shall be done by and at the expense of the user as expeditiously as [possible after notice to proceed, but the time for construction of the service line shall be at the convenience of the Township. Responsibility for said service line and any and all other piping on the premises, with the exception of the water meter criteria listed in 3.3, is the sole responsibility of the premises owner.
6. Service Line Connection to Main – No person other than an authorized employee of the Township shall make any service line connection to a water main.

7. Turn On – No person other than an authorized employee of the Township shall turn on or off any water service to any public or private premises at the curb box connection of said premises to the water main.
8. Water Leakage – It shall be the responsibility of the owner to make arrangements to repair any leaks in the service line within 72 hours of notice by the Township or an additional fee will be charged for estimated water loss. Water service may be shut off until the leak is repaired.
9. Unlawful Connections – No person shall make a connection on a service line between the water meter and the local distribution lines, or install a bypass around the meter, except with written approval of the Township.
10. Sale by Owner Unlawful – No person shall sell water or make any connection through which water may pass from one property or premises to another, even if the ownership of the property or premises is the same, except by written approval of the Township.
11. Cross Connection Control – It shall be unlawful for any owner to install, and the township shall eliminate and prevent all cross connection except by written authorization of the Township and approved by the County, [pursuant to the requirements of the Section 325.111401 through 325.11407 of the 1979 Michigan Administrative Code, as the same may be amended from time to time.
12. Right of Entry – Representatives of the Township shall have the right to enter at any reasonable time any premises served by the water supply system for the purpose of inspecting the water meters, piping system or systems thereof for cross connections. The refusal of such information or refusal of access, when reasonably requested shall be deemed evidence of cross connection.
13. Hydrant Use – No person, except an employee or agent of the Township in the performance of their duties, shall open or use any fire hydrant, except in the case of an emergency, without first securing a written permit from the Township and paying such charges as may be prescribed by the Township.
14. Discontinuance of Services – In the event a user of the system desires water service to be discontinued, said user shall so request in writing not less than 48 hours prior to the time such discontinuation of services is desired. A service fee shall be charged to the customer for this service. Discontinuance will not be done on weekends or holidays.
15. Shut Off of Water – The Township reserves the right at all times and will endeavor to give notice, to shut off the water at the water mains or local distribution lines or to require reduced use or no use of the System for the purpose of making repairs or extensions or for other purposes. All persons having equipment which is dependent upon water from the system are hereby cautioned against danger which might arise from emergency shut off of water. In the event of such emergency the Township may designate in any notice the extent of any regulation limitation or prohibition of and the date and time on which it shall take effect.
16. Additional Regulations – The Township Board may make and issue additional rules and regulations concerning the water supply systems, connections thereto, meter installations and maintenance, connection and meter installation fees, hydrants and water mains and the appurtenances thereto, not consistent herewith.
17. Other Laws – If any statutes of the State of Michigan shall impose greater restrictions than herein set forth, then such ordinances or statutes shall control.

Section 4: Controlled Use

The Township Board may 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 fire fighting. No such regulation, limitation or prohibition shall be effective until 24 hours after the publication thereof in a newspaper of general circulation in the Township except in an emergency as may be determined by the Township. In case of an emergency the regulation, limitation or prohibition shall be and shall take effect as indicated and notice shall be given of such emergency as soon as reasonably possible and given in a manner to reasonably inform the public.

Section 5: Rates and Charges

1. Applicability – The users of the system shall pay rates and charges as set forth in this section. The rates and charges shall be designed to produce revenues which are proportionate to the cost of providing water service to the users of the system. Such costs shall include but not be limited to the cost so construction, improvement, operation and maintenance, replacements, depreciation, administration and a rate of return on the System's investment. No Free water service shall be furnished to any user of the system.
2. Commodity Charge – A commodity charge shall be payable by every user of the System based on water consumption as determined by the meter installed on the premises, or a predetermined monthly flat rate. Current rates and charges shall be listed in Appendix A of this Ordinance.
3. Tap On Charge – A tap-on charge based on actual cost of labor, equipment and materials shall be paid by the user at the time service is connected for all connections. If pavement removal and replacement is required, an additional charge for labor, equipment and material will be charged to the user.
4. Review of Rates and Charges – The Township Board will annually review the rates and charges, Rates and charges will be adjusted to ensure that all cost of the System will be recovered from the users of the System.
5. Billing and Penalties and Remedies for Nonpayment or Late Payment - The owner of any premises receiving water service, and the occupants thereof shall be jointly and severally liable for the water service provided to said premises.

Bills for rates and charges as herein established shall be mailed to users monthly. All bills shall be payable by the Fourth (4th) Wednesday of the month following the period of service and shall be payable to the Township.

Water services may be disconnected to any premises to enforce the payment of rates and charges after the user has been given the opportunity for review by the Township Supervisor or designated representative to show cause by service should not be discontinued. Services so discontinued shall not be restored until such time as all rates, charges and penalties are paid or satisfactory arrangements made for the payments thereof.

Delinquent bills may be collected by any method authorized by the law including, without limitation, making such amounts due a lien on the premises served.

6. Unpaid Charges – Any rates or charges remaining unpaid shall be charged against the real property on which the service was rendered, and may be spread on the next regular Township Ad Valorem property tax roll after the date on which such charge shall become due and payable, and shall become a lien on the same character and effect as the lien created by the State of Michigan and the County regarding Ad Valorem property taxes until paid.
7. Failure of the System – There shall be no reduction in water rates or charges in case of failure of the water supply system regardless of the reason for the failure.

Section 6: Enforcement

1. Penalties for Violation of Ordinance – Whoever violates or fails to comply with any portion of this Ordinance shall be fined up to Five Hundred Dollars (\$500.00), imprisoned not more than ninety (90) days or both. A separate offense shall be deemed committed for each day during which a violation or noncompliance occurs or continues. The Township Supervisor, The Republic Township Police Department or the County Sheriff or his deputies may issue appearance citations for violation of this Ordinance.
2. Civil Action – The Township may institute any action at law or equity to compel compliance with this Ordinance. If such action is instituted the Township shall recover the costs and expenses incurred to bring and maintain the action including without limitation, actual reasonable attorney fees.
3. Lien – All rates, fees and charges billed or due hereunder including those due pursuant to Section 6.2 hereof shall, to the extent permitted by law, be liens upon the premises served by the water supply system, which shall be enforceable in the same manner as Ad Valorem property tax liens.

Section 7: Miscellaneous

1. This Ordinance shall take effect ten (10) days after its publication in a newspaper of general circulation in the Township of Republic.
2. The Township Clerk shall publish this Ordinance in a newspaper of general circulation in the Township of Republic, Marquette County, Michigan.
3. The Township reserves the right to amend, revise, repeal or supplement this Ordinance.
4. Any Ordinance or resolution or parts of same conflicting with this Ordinance are hereby repealed.
5. Each Section of this Ordinance and every paragraph or each section is hereby declared to be separable and the holding of section or paragraph thereof to be void, ineffective or unconstitutional for any cause shall not affect any other section or par thereof.

APPENDIX A: Current Rates and Charges

As of the Adoption of this Ordinance, and until specifically amended by Board resolution, water meters shall not be used to calculate water service rates for residential premises and all others not specified. Said users shall be charged a flat monthly rate as set forth below:

Residential premises and all others not specified \$12.00 per month
 Grocery Stores\$15.00 per month

Meters		
0 – 2500	gallons	\$18.75
2500 – 15000	gallons	\$26.62
15000 – 20000	gallons	\$35.62
20000 – 25000	gallons	\$43.12

Volume in excess of these amounts is computed at \$.0050 per gallon

A.2 AMENDMENT 11/21/94

Effective 30 days after adoption of this element, Section 5.3 shall be amended to read as follows:

5.3 Tap on charge – A tap on charge of \$2,200 shall be paid by the user at the time service is connected for all connections. In addition, actual cost of labor, equipment and materials shall also be paid by the user at the time service is connected for all connections. If pavement removal and replacement is required, an additional charge for labor, equipment and materials is will be charged to the user.

This Ordinance was previously adopted by Supervisor Johnson, Clerk Skogman, Treasurer Mattila, Trustee Oja, and Trustee Allain in 1993.