

**PENTLAND TOWNSHIP WATER ORDINANCE**  
**ORDINANCE NUMBER: 0001**

**1. DEFINITIONS.**

As used in this chapter:

- (a) "Flat rate" and "unmetered service" mean the furnishing of water, the amount of which is not measured.
- (b) "Metered service" means the furnishing of water, the amount of which is measured by Township meters used in conjunction therewith on the premises served.
- (c) "Water rates" means present charges for water, including the supplying and furnishing thereof and any and all service charges incidental thereto.

**2. WATER RATES FOR METERED SERVICE.**

**(a) Rates Established.** Rates and related charges for water furnished by the Township through metered service shall be as established from time to time by resolution of the Board after a public meeting.

**(b) Account Applications and Deposits.** No connection or provision of water service shall be made until an applicant therefor shall complete and sign an application form, which form shall include an agreement that all charges for service shall be promptly paid when billed. The application shall contain the name and address of both the consumer of the service and the owner of the premises to be connected and such other information as the Township Board shall require. In addition to completing an application, the consumer shall make an account deposit as determined by resolution of the Township Board. The Township may require an increase in the initial deposit if the account holder develops a record of delinquent payments after the account has been opened. A new utility account shall not be opened, nor shall any utility services be provided to a person or other legal entity, until all prior unpaid utility charges, interest, penalties and collection fees owed to the Township by that person or other legal entity have been paid in full. The account application shall also state that the applicant consents to allow access to Township meters at reasonable times by Township employees for inspection, maintenance, reading, and calibration.

**3. WATER RATES FOR UNMETERED SERVICE.**

(a) For premises served by the Township's water system the monthly rates for unmetered water shall be as established from time to time by resolution of Township Board based on estimated usage per month. The minimum fixed monthly charge shall be based on the meter size required if the customer were metered. The estimated quantity of water used shall be based on a representative average usage of similar metered customers.

#### **4. TAP-IN CHARGES.**

(a) For each ¾-inch tap-in to the water main, the rate payer shall pay to the Township prior to the work being instituted a sum to be established from time to time by resolution of the Township Board. For said charge, the Township shall provide the water lateral from the main to the shut-off which shall include the following items: copper tubing, shut-off, corporation stops, curb box, street and curb restoration and landscaping as required on Township rights of way.

(b) For each one-inch tap-in to the water main, the rate payer shall pay to the Township prior to the work being instituted a sum to be established from time to time by resolution of the Township Board. For said charge, the Township shall provide the water lateral from the main to the shut-off which shall include the following items: copper tubing, shut-off, corporation stops, curb box, street and curb restoration and landscaping as required on Township rights of way.

(c) In case a specially adapted tap in excess of one inch is needed for a tap-in because of unusual use of the premises, an advance deposit, the amount of which shall be established from time to time by resolution of the Township Board, will be required and the customer shall pay the actual cost of the tap-in.

(d) For the purpose of this section, the Township shall charge a re-connection fee and a fee for sidewalk restoration, as established from time to time by resolution of the Township Board, said fees to be paid in advance by the property owner. Increases in these fees shall be by Township Board Resolution. Re-connection fees caused by water main freeze-up and main replacement shall be waived.

#### **5. CHARGE FOR THAWING FREEZE-UPS AND FIXING LEAKS.**

(a) All frozen water pipes from the shut-off to private dwellings, and on or under private property, shall not be remedied by the Township, but shall be remedied privately by the property owner. Because of potential fire hazard, no thawing service will be done after 8:00 p.m. or before 7:00 a.m. of the following day. The service charge may be amended from time to time by Township Board resolution. Failure to pay this charge shall be grounds for discontinuing service.

(b) All leaks and damage to mains and laterals under the street and up to the shut-off shall be repaired at the Township's expense. But leaks and repairs necessary from the shut-off to private dwellings, and on or under private property, shall not be repaired or remedied by the Township, but shall be remedied privately by the property owner.

#### **6. INSTALLATION AND USE OF METERS AND SPECIAL PIPES.**

(a) All meters of a size over one inch shall be furnished by the Township, but the person requesting said meter shall be charged the cost thereof.

(b) All meters of a size of ¾-inch or less shall be installed free of charge by the Township.

(c) All special pipes or connections and all pipes over one inch shall be charged to the person requesting same.

(d) In the event that a water meter recording device is defective for any reason and fails to record the water passing through the meter from any given period of time, the Township shall estimate the amount of water consumed during the inoperable period of time. The estimate shall be reasonable and based on the past record of consumption as shown on the Township records. The Township shall charge a meter testing fee as established from time to time by resolution of the Township Board, to be paid in advance by the customer. If the meter is found to be defective, it shall be repaired and the meter testing fee returned to the customer. The Township Board may adjust the meter testing fee from time to time by resolution.

(e) If a resident is permitted to allow his or her water to run in order to prevent the water line from freezing, the procedure to be followed shall be as adopted by the Township Board in its Let Run Policy. Said Policy may be amended from time to time by Township Board resolution. Water shall not be permitted to run to prevent freezing without first contacting the Township for written permission.

(f) Water meters shall be installed upon any premises supplied with water by the Township, except as the Township Board shall by resolution provide. Water meters shall remain the property of the Township. The cost of repair or replacement of any water meter that is damaged, except for damage resulting from normal wear and tear, shall be assessed to the occupant or owner of the premises.

#### **7. TURN-OFF OF SERVICE FOR NONUSE OR WASTE.**

The Township shall have the right to turn off the Township connection from the main to any premises where it is apparent that the water is not being used, or that the water is being turned on and wasted for no proper useful purpose.

#### **8. TURN-OFF OF SERVICE FOR DELINQUENCY; RECONNECTION FEE.**

Bills shall be rendered monthly, payable without penalty within twentyfive days after the date thereon. An account that has not been paid in full within thirty days after the statement is mailed shall be considered delinquent and shall have added to it a penalty in the amount of one and one-half percent. An additional penalty of one and one-half percent shall be added to the unpaid account each month thereafter until the account, including all penalties, is paid in full. If all rates and charges are not paid in full after being delinquent for fifteen days, water service may be shut off and discontinued. Once the account is delinquent, the Township shall mail a notice of delinquency and disconnection , on a form approved by the Township Board, to the consumer and to the owner of the premises, as indicated on the account application, if different from the consumer. The notice shall indicate that the account is delinquent and that services shall be terminated on

the fifteenth day after mailing of the notice of delinquency and disconnection, unless the account is paid in full. Before water is again turned on after such discontinuance, a reconnection fee established from time to time by resolution of the Township Board shall be paid, and provision shall be made to pay the delinquent account.

#### **9. COLLECTION OF CHARGES.**

Charges for water service shall constitute a lien on the property or premises served, and liens for delinquent charges may be recorded against the property with the County Register of Deeds. If payment is not made within six months of the beginning of the delinquency, the same shall be certified to the Township Board at the regular November meeting of the Township Board and the amounts so certified and approved by the Township Board shall be spread upon the December tax roll for collection. This procedure shall not apply if a lease has been legally executed, containing a provision that the lessor shall not be liable for payment of water or sewage bills accruing subsequent to the filing of the written notice and a copy of the signed lease provided by this section. A written notice with respect to the execution of a lease containing this provision shall be filed with the board, commission, or other official in charge of the water works system or the sewerage system, or both, and twenty days notice shall be given by the lessor of any cancellation, change in, or termination of the lease. The written notice shall contain a notation of the expiration date of the lease.

#### **10. USE OF MONIES COLLECTED.**

(a) All monies collected from water rates shall be allocated to the following funds and uses:

- (1) The cost of operation of the water system;
- (2) Reserve for depreciation;
- (3) Capital improvements.

(b) It is the policy of the Township that the Water Division shall be self-supporting or as nearly as may be possible.

#### **11. TAMPERING WITH METERS.**

(a) No person shall remove, circumvent, bypass, tamper with, or interfere with the installation, use, operation, or maintenance of a water meter in the Township, nor shall any premises have a water outlet on the waterline between the curbstop and the water meter.

(b) Whoever violates this section is liable for a civil infraction.

(c) Service to any premises shall be immediately disconnected if any meter is found bypassed, tampered with, or illegally connected, and shall not be reconnected until a correct meter and connection is installed and all past due charges, penalties, and reconnection fees and deposits are paid in full.

## **12. RIGHT OF ENTRY.**

A representative of the Township Division of Water shall have the right to enter, at reasonable times, any premises served by the Township sewer or water service for the purpose of inspecting, maintaining, reading, replacing, or calibrating the meter and piping systems. If the owner or occupant refuses entry, he or she shall then be given written notice (notice to one constitutes notice to both) that water service shall be shut off and discontinued if entry is not permitted within twenty-four hours of personal service of the notice on the owner or occupant, shall remain shut off during the period of such refusal and shall not be re-established until entry is permitted and all charges, penalties, and reconnection fees are paid in full.

## **13. PENALTY.**

Any water meter found to have been tampered with or bypassed, having the capability of being circumvented or with an illegal cross connection present, shall be presumed conclusively to have been in such condition for six months prior to its discovery by the Township. The owner of the premises serviced by a meter which has been bypassed or circumvented, or having the capability of being circumvented, shall be assessed and charged an amount double the water usage of any comparable premises in six months. This charge shall be billed subsequent to discovery of the bypass or circumvention and shall also be recorded as a lien against the premises and certified and spread on the tax rolls. For the purposes of this section, a comparable premises in the case of a dwelling house shall be one with an equal number of adults and children, if said information is available; otherwise the average usage for a similar size dwelling should be used. For other types of premises, a comparable premises shall be a similar establishment, i.e. a church, office, store, etc. Any residence or structure found to be in violation of this section shall be subject to immediate utility disconnect and shall not be reconnected to the utility supply until all bills, penalties, reconnection charges, and deposits have been paid.

## **14. ADOPTION OF RULES OF THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH.**

The Township hereby adopts by reference the Water Supply Cross-Connection Rules of the Michigan Department of Public Health, being Sections R325.11401 et seq. of the Michigan Administrative Code.

## **15. RESPONSIBILITY OF WATER DIVISION.**

The Water Division shall cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Water Division and as approved by the Michigan Department of Public Health.

## **16. RIGHT OF ENTRY.**

The representative of the Water Division shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the Township for the purpose of inspecting the piping system or systems thereof for cross-connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or the refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

#### **17. DISCONTINUANCE OF SERVICE.**

The Water Division is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this chapter 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 or cross-connections have been eliminated in compliance with the provisions of this chapter.

#### **18. PROTECTION OF WATER SUPPLY.**

The potable water supply made available on the property served by the public water supply shall be protected from possible contamination as specified in this chapter and by any other applicable codes and regulations. There shall be no new wells or reconditioning of old wells on any properties served by the public water supply and said old wells must be capped at the expense of the property owner. 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

#### **19. INTERPRETATION.**

This chapter does not supersede the State Plumbing Code and /or any other plumbing or water control ordinance adopted by the Township, but is supplementary to them.

#### **20. VIOLATIONS.**

No person shall violate or fail to comply with any of the provisions of this chapter or with any written order of the Water Division issued pursuant thereto.

#### **21. EFFECTIVE DATE.**

This ordinance shall take effect thirty (30) days following its publication after its adoption.