

WATER SERVICE ORDINANCE
#2001-02
Adopted August 13 2001

AN ORDINANCE TO REGULATE WATER SERVICE AND RATES FOR CUSTOMERS SERVED BY THE TOWNSHIP OF FAIRFIELD WATER DISTRIBUTION SYSTEM.

THE TOWNSHIP OF FAIRFIELD ORDAINS:

Section 1. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- a. *Township:*
Fair-field Township, P. O. Box 286, Jasper, Mi. 49248
- b. *Utility Clerk:*
The person designated by the Township of Fairfield to be in charge of billing.
- c. *Water Inspector:*
The person designated by the Township of Fairfield to inspect installation of water lines from curb box, cross connect, and meter installation.
- d. *Lot:*
Each lot as platted.
- e. *Cross connection:*
A connection or arrangement of piping or appurtenances through which water of questionable quality, wastes, or other contaminants could possibly flow back into the Water Distribution System due to reversal of flow.
- f. *Water Distribution System:*
The entire system of distributing drinking water in the Township of Fairfield.
- g. *Water Connection:*
That part of the Water Distribution System connecting the water main to a point between the water main and the property line, including the curb box and curb stop.

- g. *Water Main:*
That part of the Water Distribution System located within easement lines or streets and designated to supply more than one water connection.
- h. *Water Service Pipe:*
That part of the Water Distribution System between the water connection and the premises served.

Section 2. **WATER CONNECTIONS.**

- a. Water connections shall not be made unless authorized by the Township. Water connections and water service pipes shall not cross from one lot to another.
- b. Water connection shall be made by the Township or its designated contractor. Any repair to a water service pipe shall be made at the expense of the homeowner whose premises are served by the water service.
- c. Water connections to the water system may be made upon approval of the Fairfield Township Board.
- d. There shall be an assessment charge for each and every water connection to the water distribution system and when there is more than one building or structure being served by a single connection there shall be a separate assessment charge for the additional building or structure connected to the water distribution system. The amount of the assessment charge shall from time to time be set by the Township Board. The assessment charge shall be computed using the schedule for residential equivalency units which is attached hereto and incorporated by reference.
- e. A separate and independent water connection shall be provided for each and every lot or parcel of land connected to the Township water distribution system.

Section 3. **TURNING ON WATER SERVICE**

No person other than an authorized employee of the Township, shall turn on or off any water service, except that a licensed plumber may turn on any service for testing his work (then it must be immediately turned off) or upon receiving a written order from the Township.

Section 4 **WATER METERS**

The Township shall provide all residential users with a water meter, at a cost determined by the Township. No meters other than those supplied by or approved by the Township may be used in any residential application. All other users, including without

limitation, industrial and commercial users, shall, at their own cost, purchase and install such water meters as shall be directed by the Township. No person except an authorized employee of the Township, shall break or injure the seal or change the location of, or alter or interfere in any way with any water meter.

Sections. **ACCESS TO METERS.**

The Township shall have the right to shut off the supply of water to any premises when the Township is unable to obtain access to the meter and /or reader touchpad. 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 same and no person shall hinder, obstruct, or interfere with such employees in the lawful discharge of his duties.

Section 6. **METER FAILURE**

If any meter shall fail to register properly, the Township shall estimate the consumption on the basis of former consumption and bill accordingly.

Section?. **INJURY TO FACILITIES**

No person shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the Township Water System.

Sections. **RULES ADOPTED**

The Township adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Public Health being R 325.431 to R 325.440 of the Michigan Administrative Code. Fairfield Township Ordinance # 2001 -01.

Section 9. **REFUSAL OF INFORMATION**

Whenever requested by the Township, the owner or occupant of any lot or parcel of land serviced by the Water Distribution System shall furnish to the Water Inspector all information requested concerning the piping system or systems servicing the said lot or parcel of land in question to make such inspections or investigation as he shall deem to be necessary. The refusal to permit access when requested, shall be deemed to be a prima facie evidence of the presence of cross connection of the type prohibited by the ordinance.

Section 10. **SERVICE DISCONTINUED**

Whenever the Utility Clerk shall find any violation of this ordinance the Utility Clerk is authorized and directed to discontinue water service to that lot. Notice shall be given to the owner or occupant of the lot in question by first class mail or by personal service five (5) days in advance of discontinuing the water service. For purposes of this ordinance, notices addressed to the owner of the land shown on the Assessment Rolls of the Township of Fairfield shall be sufficient notice to the owner, and notice addressed to an occupant at the street address of the land in question shall be sufficient notice to an occupant. The Utility Clerk is further authorized and directed to take such other precautionary measures as may be deemed necessary to eliminate any danger of contamination of the water distribution system. Water service to the land in question shall not be restored until either the cross-connection has been eliminated or evidence furnished and access permitted to enable the Water Inspector to determine that no cross-connection prohibited by this chapter exists.

Section 11. **PROTECTION BEYOND THE METER**

The potable supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this ordinance, by the State Plumbing Code, and Fairfield Township Cross Connection Regulations.

Section 12. **WATER RATES**

Water Rates shall be set for each water district by the Township Board action. The water rates shall be based on the cost to provide water service to each specific water district.

Section 13. **BILLING**

Billing will be on the basis of the adopted water rates for each water district and the equivalent residential units determined for each customer. Billing will be based on metered consumption.

Section 14. **COLLECTION**

The payment of charges for water service to any premises may be enforced by discontinuing the water service, after an adopted rule of a non-payment period, to such premises and legal action may be instituted by the Township for collection of any amount owed by the customer. The charges for water service, which, under the provisions of Act 94, Public Act of 1933 of the St. of Michigan, as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute such lien; and the

Township Utility Clerk shall, annually, report all unpaid charges for such services furnished to any premises.

Section 15. **PENALTY**

Every person convicted of a violation of any provision of this Ordinance or any rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not less than Fifty (\$50.00) Dollars or more than Five Hundred (\$500.00) Dollars 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, The imposition of any such sentence shall not exempt the offender from compliance with the Ordinance.

Section 16. **SEVERABILITY**

If any court of law of equity within the State of Michigan determines that any provision within this Ordinance is unconstitutional, void, voidable, or unenforceable, the remaining provisions of the same Section and other Sections of this Ordinance shall be deemed separate, distinct and valid in all respects from said provision.

Section 17. **ENFORCE ABILITY OR MANDATORY INJUNCTION**

As a cumulative remedy to Section 10 above entitled SERVICE DISCONTINUED and Section 15 above entitled PENALTY any person who violates any provision of this Ordinance or any rule or regulation adopted or issued in pursuance thereof, may be made a Party Defendant in an suit in the Circuit Court for the County of Lenawee: The Township of Fairfield shall have the power, through its attorneys, to request that said Circuit Court issue a Mandatory Injunction compelling the said Party Defendant in violation of this Ordinance to forthwith comply with said Ordinance.

Section 18. **EFFECTIVE DATE**

This Ordinance shall become effective thirty (30) days after its adoption.

Yeas: (5)
Nays (0)
Absent: ()

CERTIFICATION OF ADOPTION AND PUBLICATION

I, Carol DeLong, the duly elected Clerk of Fairfield Township certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of Fairfield on August 13 2001 and published in the Adrian Daily Telegram, a newspaper circulated in the Township of Fairfield on August 20 2001.