

ORDINANCE NUMBER 19-4-17-1

CHAPTER 271

WATER AND SEWER SERVICE ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWNSHIP OF WORTH, SANILAC COUNTY, TO ADOPT A NEW ORDINANCE 271 KNOWN AS THE WATER AND SEWER SERVICE ORDINANCE AND REPLACE THE EXISTING ORDINANCE 271 IN THE CODE OF ORDINANCES, WORTH TOWNSHIP MICHIGAN.

The Township of Worth, Sanilac County, Michigan ordains:

An Ordinance to regulate and control the construction, installation, extension, service connection, and operation of public water and sewer system mains and public water and sewer system services; to prescribe procedures for securing such public water or sewer service and the rates and charges for the same and to provide penalties for the violation of such Ordinance and regulations.

§ 271-1. Title

This Ordinance shall be known and hereafter cited as the Worth Township Water and Sewer Service Ordinance.

§ 271-2. Authority

Worth Township adopts this Ordinance under its authority to provide and regulate public water and sewer service pursuant, but not limited, to the Sewers and Sewage Disposal Act, Public Act 129 of 1943 (MCL 123.231 et seq); the Natural Resources and Environmental Protection Act, Public Act 451 of 1994 (MCL 324.4301 et seq); the Municipal Water Liens Act, Public Act 178 of 1939 (MCL 123.161 et seq); the Municipal Sewage And Water Supply Systems Act, Public Act 233 of 1955 (MCL 124.281 et seq) and the Revenue Bond Act, Public Act 94 of 1933 (MCL 141.121 et seq) each as adopted or thereafter amended.

§ 271-3. Applications for Connection

- A. Applications. Any person, firm or corporation desiring public water or sewer service shall file an application with the Township Clerk or designee, containing the name and address of the applicant; a description of the land or premises to be serviced; the nature of the use anticipated for the water and the nature and/or type of waste to be discharged; the size of the water service connection pipes desired; the distance, if known, that the property is located from any existing public water or sewer main; the anticipated number of connections from

the property contemplated in the foreseeable future; the applicant must pay in full for the necessary water or sewer extension.

- B. Preliminary Review Fee. All applications for public water or sewer service requiring preliminary engineering analysis, review, and plans shall be paid to the Township in such amount as shall be determined by the Township Board to be sufficient to cover the foregoing engineering work necessary to develop preliminary cost estimates for the proposed project.

§ 271-4. Water and Sewer Authority - Costs, Fees and Regulations

- A. Water and Sewer Authority. The Township Board shall act as the final water and sewer authority for the Township. The Township Board may delegate such duties and positions to a separate appointed board, commission, Township trustee, or Department of Public Works with authority to decide questions that might arise in the interpretation, enforcement, and application of regulations of this Ordinance, and to grant variances from the requirements thereof where, in its opinion, the health, safety, and general welfare of the Township would not be thereby impaired and the spirit and purposes of the within Ordinance would continue to be served. An appeal and request for hearing may be presented to the Township Board from any adverse decision.
- B. Regulations. The Township Board may adopt and prepare, for distribution to interested parties, separate rules and regulations governing the details of application, service connections, extensions, financing of improvements, and rates and charges for both public water and public sewer service, shut off procedures, collection of past due accounts, and shall have the authority to modify, enlarge, and amend the same, from time to time, to meet changing conditions and circumstances, and to promote the health, safety, and general welfare of the Township residents.
- C. Sewer and Water Rates. No free public sewer and water service shall be allowed and all those properties connected to a public water or sewer system shall be subject to the payment of such water and/or sewer rates, user charges, connection charges or other fees, as shall be determined by the Township Board by resolution, which may be amended from time to time to ensure the viability of construction, maintenance and operation of the public water or sewer system.
- D. Department of Public Works ("DPW"). The Township Board may establish a Department of Public Works and adopt regulations to govern employee requirements, construction, maintenance and operation of the water and sewer systems.
- E. Plans and Permits. No public water or sewer main construction shall be commenced until all plans and specifications have been submitted to and approved by the Township, and all required State, County and municipal permits have been obtained.

- F. Water Certification. No public water mains shall be made or become operational until the water flowing has been certified as safe and free of any harmful contamination.
- G. Termination of Service. The Township shall have the right to terminate any water or sewer service to any premises within the Township when any delinquency exists with respect to any sewer or water payments due under this Ordinance or otherwise, or where any premises do not comply with law or codes of the State of Michigan or Township Ordinances or regulations, and with any and all restrictions and limitations on the use of the particular water or sewer service imposed by the Township Board. The Township may terminate sewer or water service for failure to allow an inspection of any portion of the system, including but not limited to portions of the systems on private property. The Township Board, or designee, may enforce the terms of this Ordinance and seek any administrative search warrants to the fullest extent of the law.
- H. Lien Rights. All delinquent rates and charges for water and/or sewer service shall constitute a lien upon the premises served, which shall be subject to foreclosure to the fullest extent allowed by the laws of the State of Michigan, including but not limited to, the General Property Tax Act, Public Act 206 of 1893, MCL 211.1a et seq, the Revenue Bond Act, Public Act 94 of 1933, as amended (MCL 141.121 et seq) and the Municipal Water Liens Act, Public Act 178 of 1939, as amended (MCL 123.161 et seq). In addition, after 6 months delinquency, the costs and fees may be certified to the Treasurer, or designee, of the Township annually, on or before October 1st of each year, and entered on the next tax roll against the property served for collection in the same manner as the collection of taxes.
- I. Surplus Funds. Any surplus funds collected from water or sewer service, or from capital improvements or extensions to a public water or sewer system, shall be deposited into a water and sewer improvement revolving fund of the Township for use in further extending, improving, repairing, relocating and/or financing the public water and/or sewer systems of the Township. These funds shall be separated from general Township operating funds.

§ 271-5. Water Service

- A. Water Service Connections. Where, in the determination of the Township Board, public water service is reasonably available to a particular building in which water service is required, no new private wells shall be drilled to provide such water supply and such building shall be connected to the public water system, either at the time of construction, when the existing private well, if any, requires re-drilling, or at any time, in the determination of the Township Board, such connection is necessary for the protection of public health.
- B. Permits. Whenever it shall be necessary to make connections or disconnections from water mains to property lines, the same shall be made only with the permission of the Worth

Township DPW and the cost thereof shall be charged against the property to which the service connection runs. Applications to tap mains and for service shall be filed with the Township and accompanied with a deposit sufficient to defray the cost of installing such service. Every new property or additional structure(s) connecting to the system shall pay a capital service and connection charge based upon meter size as determined by the Township. The charges shall be paid at the time the building permit is taken out.

- C. Under Road Connections. In the determination of the Township Board, when public water service is reasonably available, and therefore required, a service connection shall be installed under the abutting right-of-way to each lot or building site fronting on the right-of-way. The connection shall not be less than required by regulation adopted by the Township Board, and shall be installed at the expense of the property owner from the public connection point.
- D. Stops. All connections hereafter made with water mains shall be provided with a corporation stop at the water main, and a curb stop protected by an iron service box leading from the stop to the surface of the earth, and covered with an iron cover at the lot line. The corporation stops and curb stops are to be opened and closed only by representatives of Worth Township or designee. The purpose of a corporation stop is to allow for the installation of a new water service line without interrupting water main pressure. A curb stop is typically the first (and only) valve installed downstream from the corporation stop, and designed to control the flow of water to the building. Stops shall be the type, specifications and material designated and approved by the Township.
- E. Repairs. Whenever repairs are necessary to the Worth Township Water Infrastructure, the cost of repairs will be charged to the responsible party and/or benefitted property as allowed by law.
- F. Meters. Every connection to the water main shall be equipped with a public water meter as designated by the Township, and so located that all water entering the premises shall pass through such meter and be measured as to volume consumed for periodic computation of water and/or sewer charges. The meter size, type, and location shall be determined and approved by the Township Department of Public Works ("DPW") for accessibility and proper maintenance and operation of the meter. The meter shall be in an accessible position, and free from danger of frost and protected by proper check and relief valves. The installation of said meter shall be paid by the Applicant at the time of applying for water service. The DPW shall have access at all times to meters for the purpose of repairing or checking them for accuracy, and the cost of any repair, necessitated by the negligence of anyone other than the Township, shall be charged to the owner. Meters shall be installed on the first floor, or basement, or other location designated by the DPW. No meters shall be installed in a crawl space unless approved by the DPW. The Worth Township Board may designate the type, design, and specification for all meters and for new or replaced meters, the DPW may

designate the type of meter, meter pit, and location of installation at or near the roadway or other location as it determines proper.

- G. Installation. Installation of all service lines to the meter will be installed by a licensed plumber and/or contractor. Installation will be subject to an open trench inspection by the DPW.
- H. Inspection of Meters. All meters will be installed at property owners' expense. All water meters shall be under the control of the DPW. The DPW may charge a fee, due at the time of inspection of seal and installation.
- I. Service Leads. All service leads from mains to the water meter, shall be at least 1 inch, type K copper pipe or 1 inch, 200 psi plastic pipe, provided further that all service be installed at a minimum depth of 4.5 feet. No taps smaller than 1 inch will be permitted. A ball valve for shutting off water will be required to be placed on the line immediately before and after the meter connection, the valves and meter must at all times be accessible and in no case covered. No additional shut offs or connections are allowed between the curb stop and the shut off valve before the meter. Emergency leads may be approved by the Worth Township DPW for emergency purposes only. Each water meter requires its own service lead and curb stop at the water main.
- J. Engineer Requirements. Service leads and Meters to multiple residential, commercial, business, industrial and other properties are subject to an engineering review fee and approval and will comply with Township engineer requirements, or designee.
- K. Use of Fire Hydrants. No fire hydrant shall be used for any purpose other than fire protection without the prior approval of the Township Board or the Worth Township DPW.
- L. Failure to Comply. Except as otherwise provided in this Ordinance, failure to comply with Township meter regulations and the service lead requirements constitutes a grade four civil infraction, Chapter 30, Municipal Civil Infractions. In addition, property owners will be responsible for the costs of remedial action.
- M. Tampering designated as a Misdemeanor. Tampering, alteration, bypassing, unhooking a meter to avoid water or sewer charges, or destruction of any system component, meter, or otherwise shall constitute a misdemeanor, punishable by a fine of up to \$500 and/or imprisonment in the County jail for up to 90 days.
- N. Rates. The charge for water furnished shall be according to the amount actually used as registered by the meter, and at such rates as the Township may establish, provided, however, that the Township may establish a minimum rate, to be charged in those cases where service is rendered for only a portion of each year, to defray the additional costs arising in connection with such service. Worth Township reserves the right to estimate water usage and bill water customers based upon past usage or other calculations to reflect the estimated actual amount

of water used. Estimated billing may be used in the event of meter failure, unmetered water usage, or any other problem causing meter reading failure. In addition to other remedies, the Township may look back and amend water fees and charges based upon fee estimation. This section may be supplemented by the Township Board through its rate resolution and rules and regulations for water and sewer Service.

- O. Special Rates. For miscellaneous services for which a special rate shall be established, such rates shall be fixed by resolution of the Township.
- P. Responsibility of Owner. To the extent allowed by law, all charges for water furnished shall be the responsibility of the owner of record of the real property to which the water is furnished.
- Q. Meter Reading. All meters shall be read in accordance with the schedule as deemed by the Worth Township Board, and charges for water consumed as shown by such readings, shall be due and payable on or before the due date. If for any reason a meter is not read until after the time herein specified, the due date for payment of the charge may be extended by the Township Board so as to give reasonable time for the payment of the same. In the event of failure or tampering of water meters, the Township may estimate cost of the service and bill the owner/service customer accordingly.
- R. Water Charges. The DPW shall have charge of the reading of all meters and shall keep a record of all meter readings. Charges for water service to a property shall begin on the date the property is physically connected to the Township's water supply system even though the property may not yet be occupied. The Utilities Billing Clerk, or designee shall keep accounts of the charges for water furnished to all premises, upon the meter rate, and shall render bills for the same. All water charges shall be collected by the Township.
- S. Delinquency. All water charges shall be deemed delinquent if not paid prior to the due date and penalty as set by the Township Board. The water supply to any premises where the charges have been delinquent for a period of one (1) month or more, may be shut off and withheld until payment of such delinquent charges is made to the Township.
- T. Discontinuation. The supply of water may be withheld from the premises if the Ordinances, rules, and regulations of the Township in any way may have been violated; if any person shall, after the water has been shut off from any premises, cause or suffer such premises to be supplied with water, without the Township's permission, from other premises, such other premises may be disconnected from the distribution pipes of the Township. If a property owner chooses to disconnect from the Worth Township municipal water system the owner needs to do so in accordance with the direction from the DPW and may still be responsible for monthly charges. Property owners are not allowed to leave the municipal system by utilizing an alternative water source.

- U. Turn Offs and Turn Ons. 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. A fee as set by the Township Board shall accompany all requests to have water turned off and the draining and resealing of the meter. A fee as set by the Township Board shall accompany all requests to have water turned on. All charges and requests for services shall be made with the Township Billing Clerk, or designee.
- V. Rules and Regulations. The Township shall establish from time to time all necessary rules and regulations in respect to the use and operation of the water systems of the Township in accordance with the provisions of this Ordinance. All materials and workmanship in connection with water service shall be subject to inspection by the Township and shall conform with rules and most recent regulations of the State Plumbing Board, the Michigan Plumbing Code and rules or regulations and amendments thereto, except where said rules and regulations are inconsistent with the provisions of the Ordinance.
- W. Appeal Rights: Under this subsection, or any section of this Ordinance, the customer/property owner has a right to use an administrative process to appeal a shut off or other adverse decision to first the Township billing clerk or designee and then to the Township Board by requesting an appeal in writing to the Township Clerk at the Township principal office.
- X. Appurtenance and Affixture. As a condition to using the system, any meter or other appurtenance or affixture attached to the water or sewer system shall be owned by Worth Township, regardless if the property owner pays for the affixture. No owner may remove any affixture to the system without the written permission of the Township. Any affixture to the system shall become part of the system and owned by Worth Township.

#### § 271-6. Private Wells Prohibited

- A. Private Wells Prohibited. Pursuant to its authority under MCL 41. 181 to regulate the public health, safety, and general welfare of persons and property, the Township determines that in order to provide a safe and reliable supply of public water in the water service district, it is necessary to ban the drilling of private wells in the water district. Effective immediately, no new wells shall be drilled on any property in the water district to which water service is available from the water supply system of the Township. The Worth Township Board of Trustees, or designee, may grant a special use exception for nonpotable wells for gardens, farming or other uses. In no event shall approved wells be connected to the public water supply system. The application shall be in writing on a form approved by the Board of Trustees. The applicant has the burden to show the proposed well will not contribute to sewage or water contamination. The applicant must comply with all Sanilac County Health Department requirements, State of Michigan law, in particular the Natural Resources and Environmental Protection Act, Act 451 of 1994.

- B. The Applicant shall pay an application fee and all actual costs of any review. The applicant shall provide the location, type, and other information as the Township may request in making a decision on the well application. The applicant may appeal to the Township Board after an administrative denial of a special use exception.
- C. In addition to other penalties provided under this Ordinance, the Township Board may seek relief to abandon a well for noncompliance with this Ordinance and assess those costs as a lien against the property to the fullest extent allowed by law.
- D. Sewer and Water District Maps as amended from time to time are incorporated by reference as Appendix A of this Ordinance.

§271-7. Cross Connections

- A. Cross Connections. No cross connections between any private water system and the Township water system shall be allowed and no plumbing shall, at any time, be connected to the Township water system, which in any manner is connected to or a part of any private system.
- B. Rules. To the extent applicable, the Township hereby adopts by reference the Michigan Safe Water Drinking Act, Public Act 399 of 1976, MCL 325.1001 et seq and the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality being R 325.11401 to R 325.11407 of the Michigan Administrative Code.
- C. Inspections. It shall be the duty of the Township to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Township and as approved by the Michigan Department of Environmental Quality.
- D. Right of Access. The representative of the Township 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 refusal of access, when requested, shall be deemed evidence of the presence of cross connection.
- E. Discontinuation of Service. The Township 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(s) has been eliminated in compliance with the provisions of this Ordinance.



- F. Backflow Prevention Devices. All testable backflow prevention assemblies shall be tested at the time of installation or relocation and after any repair. Subsequent testing of devices shall be conducted at a time interval specified by the Township and in accordance with Michigan Department of Environmental Quality requirements. Only individuals that hold a valid Michigan plumbing license and have successfully passed an approved backflow testing class shall perform such testing. Each tester shall also be approved by the Township. Individual(s) performing assembly testing shall certify the results of his/her testing. All hose bibs hooked to the municipal water are required to have backflow prevention devices built in or connected to the output of the hose bib.
- G. Unsafe Water. The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this Ordinance and by the state plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the public potable system must be labeled in a conspicuous manner as:

WATER UNSAFE  
FOR DRINKING

- H. Supplementary. This Ordinance does not supersede the State Plumbing Code or any Township plumbing Ordinances, but is supplementary.

§ 271-8. Sewage Disposal System

- A. Public Sanitary Sewer System. As used herein, "available public sanitary sewer system" means a sanitary sewer or combined sanitary and storm sewer used or intended for use by the public for the collection and transportation of sanitary sewage for treatment or disposal that is located in a right of way, easement, highway, street, or public way which crosses, adjoins, or abuts upon property and passing not more than 200 feet at the nearest point from a structure on such property in which sanitary sewage originates.
- B. Connection to Sewer System. All structures in the Township in which sewage originates shall be connected to an available public sanitary sewer system as prescribed by Section 12753 of the Public Health Code, Public Act 368 of 1978, as amended (MCL 333.12753) as soon as reasonably practical but no later than the first to occur of the following events:
  - 1) The Worth Township Board determines that connection to the available public sanitary sewer system is required; or
  - 2) within 18 months after the date the public sanitary sewer system first becomes available; or

- 3) an occupancy permit is issued for a new habitable structure.
- C. Approval. All connections to the sewer system must be approved by Worth Township DPW.
  - D. Service Leads. Installation of any service line from private premises to the public sewer lead shall be the responsibility of the property owner. The connection to the public sewer system shall be made with glued SDR 26 fittings or a gasketed SDR 26 slip joint utilizing SDR 26 pipe and shall include a clean out at the property line with a service plug. Fernco or flexible connections to the public sewer system are prohibited. This service plug shall be provided by the Township as part of the connection charge. Installation of any service leads from private premises to the public sewer system shall be upon application to the Township. Installation of all service lines to the public sewer system, will be installed by a licensed and insured plumber and/or licensed and insured builder. Installation may be subject to an open trench inspection by the DPW.
  - E. Standards. All premises connected to the sewer system shall meet the standards adopted by the Worth Township Board, including but not limited to State and County Codes and requirements, including but not limited to, minimum size of the building drain/sewer, including required cleanouts and grease traps. A clean out will be installed at the location that the property owner's sewer lead connects to the municipal sewer system at finished grade with a metal lid for purposes of the DPW to inspect and clean the municipal system if required.
  - F. Grease Traps. For purposes of this section, "grease trap" means a device designed to intercept, separate and retain fats, oils, and grease from liquid waste and permit the liquid waste to discharge into the sewer system. Grease traps which shall be installed at the sole expense of the discharger if:
    - 1) The Township determines a grease trap is necessary for the proper handling of liquid wastes containing grease in excessive amounts: or
    - 2) The Township, State, County requirements or other adopted Codes require such installation; or
    - 3) Any regulatory agency having jurisdiction determines that existing installations are inadequate to protect the sewer system.

All grease traps shall be of a type and capacity approved by the Township or by other regulatory agencies having jurisdiction, and shall be located so as to be readily accessible for cleaning and inspection. The Township Department of Public Works shall have the authority to inspect any portion of the sewer system and may seek administrative warrants to the fullest extent of the law.

G. Pollutants Prohibited. No person or entity shall introduce into the Worth Township Sewer System any pollutant(s) or other substance which may cause pass through or interference with the Sewer System. In addition to all other applicable Federal, State or Local pretreatment standards, prohibitions or requirements (including those of the sewage treatment/lagoon facility that treats the sewage), the following general and specific prohibitions apply to each pollutant into the Worth Township Sewer System:

- 1) Pollutants which create a fire or explosion hazard in the Worth Township Sewer System, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade.
- 2) Solid or viscous pollutants in amounts that will cause obstruction to the flow in the Worth Township Sewer System or result in interference.
- 3) Pollutants which cause corrosive structural damage to the Worth Township Sewer System.
- 4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, or that constitutes a hazard to humans or animals or exceeds the limitations set forth in a categorical pretreatment standard.
- 5) Any noxious or malodorous liquids, gases or solids which either singly, or by interaction, are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- 6) Any substance which, alone or in conjunction with a discharge or discharges from other sources, may cause a violation of the applicable NPDES permit or any applicable State or Federal water quality standards, or interferes with any treatment process, or causes treatment residues, sludge or scum, to be unsuitable for reclamation or reuse, or to interfere with the reclamation process.
- 7) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- 8) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the Worth Township Sewer System.
- 9) Any unpolluted water including, but not limited to, non-contact cooling water, unless a discharge authorization is approved by the Township.
- 10) Any wastewater containing any radioactive wastes or isotopes that violate any Local, State or Federal laws.

- 11) Pollutants which result in the presence of toxic gases, vapors or fumes within the Worth Township Sewer System in a quantity that may cause acute worker health and safety problems.
  - 12) Any other contaminants identified by the Worth Township Rules and Regulations, or State or Federal law.
- H. Unreasonable Burden of Sewage. In the event any sewage discharged into the system imposes an unreasonable or additional burden upon the sewer system, or the public primary or secondary treatment plants treating such sewage, above that imposed by the average sewage entering such treatment plants, the Township shall have the option to impose an additional charge for such treatment against such customer to defray the additional cost of such treatment and any damage caused thereby. Further, the Township may require the customer to pretreat such sewage before the same enters the public system. The Township may terminate sewer service to any premises that fail to comply with the foregoing. All sewage discharged into the sewer collection system shall comply with the requirements of the Township's Michigan Department of Environmental Quality permit.
- I. Disposal of Stormwater. Water from roofs of buildings, window wells, driveway drains, catch basins or any other source of surface water from real property shall not be discharged to a sanitary sewer but may be discharged to the ground surface or to a storm sewer, if available. Water from footing drains from any new construction shall not be discharged to a sanitary or combined sewer. Footing drains must be discharged through a sump pump directly to a storm sewer, drain, natural watercourse/water feature, ditch, if available, or to the surface of the ground.

#### § 271-9. Newly Developed Districts

- A. New Development. The Township Board upon (a) an application by property owners to create a new water or sewer district, or (b) the Township Board on its own motion determines to undertake the construction of a water or sewer project, may assess all or a portion of the cost of such project under the Public Improvements Act, Public Act 188 of 1954 as amended or other applicable law.
- B. Deposits. In the alternative to bonding and special assessment financing above, the Township may require a deposit, bond, guarantee or payment for the total cost of a project to furnish the requested water or sewer service, as determined by the Township Board. The applicant may do so under a contract with the Township, whereby the Township will supervise and/or construct the installation, in accordance with the Township's design standards.
- C. Connection Charge. The amount of the connection charge shall be at the discretion of the Township Board, but shall approximate the amount a connector would have paid on a benefit

assessment basis, had the property been included in a water or sewer special assessment district created for the purpose of financing the project, plus costs of inflation or other rationally related basis for the charge. The term "connection charge," as used in this Ordinance, pertains to a charge for the privilege of connecting premises to a water or sewer main and does not pertain to the construction cost specially assessed. A connection charge may be imposed by the Township Board without the Township entering into a contract with an applicant as provided in this section.

- D. Refunds. The amount of refund, if any, to an applicant, per connection charge collected by the Township, shall be specified in the contract with the applicant and, to the extent applicable, shall be based upon a portion of the total project cost, or computed on the cost per lineal foot of main installed or other acceptable method approved by the Township; provided, however, that no refund shall ever be greater than the total cost of the project charged to the applicant.
- E. Approval. Neither service connection nor extension shall be allowed until the full charge has been paid to the Township in such an amount as is determined for each project by the Township Board and the plumbing to be connected has been fully inspected and approved by the Township in compliance with the Township Ordinances and Codes of the State of Michigan or Township regulation. Such charges may be changed from time to time by the Township Board by resolution to reflect changes in construction costs and to maintain a uniform charge between different current projects and special assessment districts.
- F. Extensions. The Township reserves the right to install any required service connection or main extension, to subcontract the same to any private licensed contractor, or to permit the owner or owner's contractor to construct the same, provided that in such latter event, an inspection and supervision fee shall be paid by the applicant to the Township.
- G. Contracts. Any contract with an applicant shall contain, in addition to the foregoing, the following:
  - 1) A description of the district within which extensions or connections may be made to the system, entitling the applicant to a refund of a portion of his initial project cost.
  - 2) A map disclosing the design of the system and the location of the mains, valves, fittings, and all other accessories thereto which are to be installed.
  - 3) A description of the area, if any, within which no connection charges are to be made by the Township and no refunds are to be made to the applicant.
  - 4) The amount and condition of any performance bond that shall be required in the event the installation is to be made by any applicant other than the Township, which shall be at least 100% of the total cost of the installation, plus contingency allowance or as otherwise allowed by law and agreeable by the Township, and

shall be conditioned upon the completion of the installation in a proper and workman-like manner in accordance with the plans and specifications of the Township. The Township has authority to approve the bonding company, including but not limited to, a bond company licensed to do business in Michigan, with an industry rating to the satisfaction of the Township. The Township may also require casualty and loss insurance from a company agreeable to the Township and the naming of the Township as additional insured with provisions for notice of termination.

- 5) The amount and condition of any public liability and property damage insurance that shall be required to insure the Township in the event the installation is to be made by anyone other than the Township, shall be not less than the project cost and shall be in an amount to be determined by the Township Board for casualty and property loss and bonding requirements on a per project basis. The Township may allow less insurance casualty loss based upon factors, such as the size of the project.
- 6) The Township may require bid, performance, and labor bonds for each project, and require to be added as an additional insured based upon factors such as the size of the project
- 7) The amount, if any, to be paid to the Township for administrative, legal and engineering costs, or for the value of the availability of the water or sewer service to which the property of the applicant is to be connected.
- 8) At the time of completion of the sewer extension 5 paper copies of the as-built drawings and an electronic copy of finished CAD drawings and a pdf of each page of the as-built drawings will be provided to the township.

§ 271-10. Penalty.

A. Municipal Civil Infractions. Except as otherwise provided herein, the penalty for violation of this Ordinance shall be a municipal civil infraction punishable under Chapter 87, Municipal Civil Infractions, Revised Judicature Act of 1961, Public Act 236 of 1961, as amended (MCL 600.8701 to 600.8735);

- (l) In addition to any other remedy at law or equity, a person or entity that violates any provision of this Ordinance is responsible for a municipal civil notice violation, subject

to civil violation notice fines as set forth in Chapter 30, Grade 4 offense of the Code of Worth Township Ordinances. Each day that a violation continues to exist shall constitute a separate offense. The foregoing fines and penalties shall be in addition to the right of termination of public water and/or sewer service to a violator.

(2) A notice of violation is payable to the Township Treasurer.

(3) The Township Supervisor or designee is authorized to enforce this Ordinance in a court of competent jurisdiction. To the extent a municipal civil infraction is enforced in a court of law, the costs and fees shall be to the fullest extent allowed under Chapter 87, Municipal Civil Infractions, Revised Judicature Act of 1961. Public Act 236 of 1961, amended (MCL 600.8701 to 600.8735).

(4) Nothing in this Ordinance shall be deemed to require the Township to initiate its municipal civil infraction Ordinance enforcement activity through the issuance of an Ordinance violation notice. As to each Ordinance violation designated as a municipal civil infraction, the Township may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or provide a notice of infraction or take such other enforcement action, including misdemeanor prosecution or a request for injunctive relief to Circuit Court, as is authorized by law.

B. Misdemeanor. Tampering, alteration, bypassing, unhooking to avoid water or sewer charges, or destruction of any system component, meter, or otherwise shall constitute a misdemeanor, punishable by a fine of up to \$500 and/or imprisonment in the County jail for up to 90 days.

C. The foregoing fines and penalties shall be in addition to the right of termination of public water and/or sewer service to a violator, and the right to obtain injunctive relief in a court of law.

#### § 271-11. Saving Clause.

If any section, paragraph, clause or provision of this Ordinance shall be held invalid for any reason the same shall not affect the validity of any of the other provisions of this Ordinance, which shall remain in full force and effect.

#### § 271-12. Repealed, Severability, Publication and Effective Date

A. This Ordinance repeals and replaces the existing Chapter 271 Water and Sewer Service Ordinance. All other Ordinances and parts of Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of the inconsistency or conflict. The current Ordinance Chapter 271 shall remain effective until this Ordinance is effective.

- B. The Township Clerk shall publish the Ordinance, or summary of the Ordinance, within 30 days after the passage of the Ordinance by inserting either a true copy or a summary of the Ordinance once in a newspaper of general circulation within Worth Township or as otherwise required pursuant to Section 4 of Public Act 246 of 1945, as amended (MCL 41.184).
- C. The Township Clerk shall designate in the publication the location in the Township where a true copy of the Ordinance can be inspected or obtained.
- D. Following adoption and publication of the Ordinance a true copy shall be available to review or obtain at the Worth Township Office and at the office of the Sanilac County Clerk.
- E. This Ordinance shall take effect as required by law under Township Ordinances, Public Act 246 of 1945, MCL 41.184.
- F. Record of Ordinances. Upon enactment, the Ordinance shall be recorded by the Township Clerk in the codification and the Record of Ordinances.

MOTION VOTE

ON THIS 17 DAY OF April, 2019, A MOTION WAS MADE BY WORTH TOWNSHIP TRUSTEE Woodruff supported by Wylie TO ADOPT AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWNSHIP OF WORTH, SANILAC COUTNY, MICHIGAN, TO ADD A NEW CHAPTER KNOW AS CHAPTER WORTH TOWNSHIP WATER AND SEWER SERVICE ORDINANCE.

Roll Call vote on this Ordinance was as follows:

	Yes	No	Abstaining
Philip G. Essenmacher, Supervisor	<u>X</u>	_____	_____
Jennifer Stanyer, Clerk	<u>X</u>	_____	_____
Jennifer Woodruff, Treasurer	<u>X</u>	_____	_____
Walter F. Badgerow, Trustee	_____	<u>X</u>	_____
John R. Wylie, Trustee	<u>X</u>	_____	_____

AUTHENTICATION AND CERTIFICATION

We hereby certify that the foregoing constitutes a true and complete copy of the Ordinance adopted by a majority vote at a Regular Meeting of the Worth Township Board at the Township Hall on the 17 day of April, 2019.

Philip G. Essenmacher  
Philip G. Essenmacher, Supervisor



  
\_\_\_\_\_  
Jennifer Stanyer, Clerk

PUBLICATION

I do hereby further certify that this Ordinance or summary was published as required by State Law in the Sanilac County newspaper published and circulated in Worth Township, Michigan, on the 17 day of April, 2019.

  
\_\_\_\_\_  
Jennifer Stanyer, Clerk

