

## PUBLIC WORKS AND UTILITIES

### **83.000 PUBLIC WATER ORDINANCE ORDINANCE NO. 116**

Adopted: June 11, 1990  
Effective: July 29, 1990

An Ordinance to regulate and control the construction, installation, extension, service connection and operation of public water and public water service within the Township. The Ordinance is further to prescribe procedures for securing such public water or sewer service, the rates and charges for same and also to provide penalties for the violation of these regulations.

#### **A. Title**

This Ordinance shall be known and hereafter cited as the Cooper Township Public Water Ordinance.

#### **B. Unauthorized connection**

No person not duly authorized shall make any connection with any public water main or line.

#### **C. Procedure**

1. **Application.** Any person, firm, corporation or other entity desiring connection to any public water main or line and public water service shall file an application requesting a permit therefore with the Township Clerk, containing the name and address of the applicant, a description of the premises to be serviced, the nature of the anticipated use, and such other pertinent information as may be requested of the applicant by the Township.
2. **Connection Fee.** Owners or occupants desiring to connect any premises to public water for public water service shall pay a connection fee, the amount of such connection fee to be determined by the Township Board from time to time. The amount of the connection charge shall be in the discretion of the Township Board but shall approximate the amount a connector would have paid on a benefit assessment basis had his property been included in a water special assessment district created for the purpose of financing the project. The term "connection fee" as used in this Ordinance pertains to a charge for the privilege of connecting the premises to a water main and does not pertain to the construction cost of such connection.

3. ***User Fees and Charges.*** All those properties connected to public water shall be subject to payment of such user rates and charges as shall from time to time be determined by the Township Board.
4. ***Extension of Water System.*** Where no public water main or line is available for the connection(s) requested in the application, the applicant shall be required to pay a cash deposit sufficient to satisfy all costs of the extension of the existing water system. Costs of each project shall be determined by the Township Board. In the alternative, the applicant may pay the costs of the extension project, together with interest and administrative costs, by installment over a limited number of years through the creation of a special assessment district.
  - a. ***Special assessment district.*** In the event an applicant desires to proceed by installment payments and sufficient similar interest is disclosed on the application or petition by those property owners abutting the proposed water main, special assessment proceedings shall be instituted under Michigan Public Act 188 of 1954, as amended, to accomplish the requested project and if successful, the necessary system will be installed by the Township following the completion of such proceedings and the obtaining of the necessary funds therefore.
  - b. ***Cash deposit:***
    - (1) In the event an applicant desires to deposit with the Township the total cost of the necessary project to furnish the requested water service, as determined by the Township Board, the applicant may do so under a contract with the Township whereby the Township, together with any other municipality participating in the water system, will supervise and/or construct the installation in accordance with the design standards of the said municipality and the Township.
    - (2) Any such contract may provide for reimbursement to the applicant of a portion of the project cost from connection charges collected by the Township from those connecting to the water main who did not contribute to the initial cost thereof and are not the successors in title to any such contributor. Any such reimbursement shall be limited to a period of 10 years following the completion of the project requested and any connection made thereafter shall not require any refund to the applicant.
    - (3) 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 shall be based upon a portion of the total project cost, computed on the cost per lineal foot of main installed; provided, however, that the total refund shall never be greater than the total cost of the project charged to the applicant.

- (4) Any contract with an applicant shall contain, in addition to the foregoing, the following:
- (a) 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.
  - (b) 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.
  - (c) 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.
  - (d) The amount and condition of any performance bond which shall be required in the event the installation is to be made by anyone other than the Township or any other municipality participating in the public water system, which shall be 150% of the total cost of the installation and shall be conditioned upon the completion of the installation in a proper and workmanlike manner in accordance with the plans and specifications of the Township and participating municipality(ities) and the furnishing of satisfactory evidence of the fact the project is free of present and future liens of contractors, subcontractors and material men.
  - (e) The amount and condition of any public liability and property damage insurance which shall be required to insure the Township, or participating municipality(ities), and the County of Kalamazoo in the event that installation is to be made by anyone other than the Township or the other municipality(ities) participating in the water system.
  - (f) The amount, if any, to be paid the Township for administrative, legal and engineering costs or for the value of the availability of the water service to which the property of the applicant is to be connected.

5. ***Inspection and Approval of Connection and/or Extension.*** No service connection nor main extension shall be allowed until all fees and charges have been paid to the Township. No connection shall be permitted until the plumbing to be connected has been fully inspected and approved by the Township and the municipality(ities) participating in the water system and is in compliance with the plumbing codes of the municipality(ities).

6. ***Township Reservation of Rights.*** The Township reserves the right to install any required service connection or main extension, to subcontract the same to the municipality(ities) participating in the system or 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.
7. ***Service Deposit.*** The Township or its authorized agent shall have the right to require an initial deposit from any owner or tenant who applies for water as security for the payment of the rates and charges for such service and to apply the same against such rates and charges if and when it deems it advisable. Such deposit or portion thereof not applied as aforesaid shall be refunded to the depositor and his subsequent application for such refund, provided no delinquency then exists.
8. ***Turn-On.*** No person other than an authorized employee of the Township or of the municipality(ities) participating in the water system 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.
9. ***Plans and Permits.*** No public water main construction shall be commenced until all plans and specifications therefore have been submitted to and approved by the Township and any municipality(ities) involved in the system and all required state, county and municipal permits have been obtained.
10. ***County Health Department Certificate.*** No public water mains shall be made or become operational until the water flowing therefrom has been certified as safe and free of any harmful contamination by the County Health Department and a written certificate attesting thereto is on file with the Township.
11. ***Preliminary Deposit.*** All applications for public water or sewer service, other than by petition for a special assessment district, requiring preliminary engineering analysis, review and plans shall be accompanied by a cash deposit with 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.

**D. Termination of service**

The Township shall have the right to terminate any water service to any premises within the Township when any delinquency exists with respect to any fees, charges or costs due under this Ordinance or otherwise, or where any premises does not comply with all applicable plumbing codes and with any and all restrictions and limitations imposed by the Township Board, the contract between the Township and the municipality(ities) participating in the system, the contract between the Township and any applicant, or otherwise.

**E. Lien rights**

All delinquent rates and charges for water service shall constitute a lien upon the premises served which shall be subject to foreclosure in the same manner as mechanics' liens for nonpayment, or after 6 months' delinquency may be certified to the Supervisor and Assessing Officer of the Township Annually, on or before March 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.

**F. Water meters**

All premises connected to a public water or sewer system shall be equipped with a public water meter, 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.

**G. Surplus funds**

Any surplus funds collected from water service or from capital improvements or extensions thereto shall be deposited into a water improvement revolving fund of the Township for use in further extending, improving, repairing, relocating and/or financing the public water systems of the Township.

**H. 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 public system, which is in any manner connected or a part of any private system.

**I. Required 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 redrilling, or at any time, in the determination of the Township Board or the Kalamazoo County Health Department, a health hazard exists or is fairly imminent from the existing water supply.

**J. Printed regulations**

The Township Board shall 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, 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.

**K. Utility Board**

The Township Board shall act as a water and sewer utility board for the Township until such time as it wishes to delegate such duties and position to a separate appointed board or commission, with authority in either to decide all questions which might arise in the interpretation, enforcement and application of the within 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.

**L. Enforcement; violations and penalties**

Any person, firm or corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and shall pay a fine according to the following schedule:

First offense.....	\$ 75.00
Second offense within three years of first offense.....	\$ 150.00
Third offense within three-year period.....	\$ 325.00
Fourth offense within three-year period.....	\$ 500.00

If a determination of responsibility is made by the Court, the Court may impose costs as provided for by law in addition to the fines called for above.

The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Every day that violation is permitted to exist shall constitute a separate offense. The imposition of any fine shall not exempt the offender from compliance with the provisions of this Ordinance. (Amended: Ord. No. 132, Eff. 08/25/1994)

**M. Validity**

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.

**N. Effective date and repeal of conflicting ordinances**

This Ordinance took effect on July 29, 1990. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

*[Amended by Ord. No. 132, Eff. 08/25/1994]*