

THE WATER SYSTEM OPERATION ORDINANCE

ADOPTED JUNE 14, 1979 EFFECTIVE AUGUST 1, 1979

Amended October 14, 2004 Effective November 2,2004

TOWNSHIP OF NEGAUNEE MARQUETTE COUNTY, MICHIGAN

ORDINANCE NO WS01

The Board of Negaunee Township of Marquette County, Michigan ORDAINS: That an Ordinance entitled:

"AN ORDINANCE TO SECURE THE PUBLIC PEACE, HEALTH, SAFETY, WELFARE AND CONVENIENCE OF THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF NEGAUNEE, MARQUETTE COUNTY, MICHIGAN, BY PROVIDING FOR THE OPERATION, MANAGEMENT, MAINTENANCE, REPAIR AND CONTROL OF THE NEGAUNEE TOWNSHIP WATER SUPPLY SYSTEM AND ANY EXTENSION THEREOF, FIXING CHARGES APPLICABLE TO SAID SYSTEM AND PROVIDING FOR THE COLLECTION THEREOF, ESTABLISHING RULES AND REGULATIONS GOVERNING SAID SYSTEM AND ANY EXTENSION THEREOF, AND MAKING VIOLATIONS THEREOF PUNISHABLE BY FINE AND/OR IMPRISONMENT."

be adopted as follows:

SECTION I. PURPOSE:

This ordinance has been established for the purpose of by providing for the public peace, health, safety, welfare and convenience of the residents and property owners of the township of Negaunee, Marquette County, Michigan, by providing for the operation, management, maintenance, repair and control of the Negaunee Township water supply system and any extension thereof, fixing charges applicable to said system and providing for the collection thereof, establishing rules and regulations governing said system and any extension thereof.

SECTION II. TITLE:

This Ordinance shall be known and may be cited as "The Water Supply Operation Ordinance of Negaunee Township".

SECTION III. DEFINITIONS:

When used in this ordinance, unless otherwise indicated by the context:

1. "Township" means the Township of Negaunee, Marquette County, Michigan.
2. "Board" and "Township Board" mean the Township Board of said Township.
3. "Negaunee Township Water Supply System", "Water System" and "System" mean collectively all plants, work, properties and instrumentalities, as the same shall from time to time exist, which are used or useful in connection with the obtaining of a water supply, the treatment of water, and/or the distribution of water by the township.
4. "Water Department" means collectively those officials, employees and agents of the township invested by the Board with authority over the system.
5. "Main" and "Water Main" mean those pipes, other than supply pipes and services pipes, used for conveying or distributing water.
6. "Supply pipe" means a pipe tapped into a main and extending thence to and including the curb cock or valve at the property line.
7. "Service pipe" means a pipe extending from the property line into premises supplies with water.
8. "Premises" means the particular property connected to the system and includes appurtenant land and improvements.

9. "Unit" means that measure of potential water connection equal to the quantity ordinarily consumed by occupants of a residence by a single family of average size and the number of units assigned to any premises or type of premises by the Township Board is designed to represent the potential water consumption thereof as a multiple of the quantity ordinarily consumed by occupants of a residence by a single family of average size as determined from time to time by the Township Board.

SECTION IV. ORGANIZATION AND MANAGEMENT:

1. There is hereby created and established in and for the Township of Negaunee, Marquette County, Michigan a water department consisting of a Manager and such other employees as may be from time to time provided for by the Township Board.

2. The Manager of the Water Department shall be a qualified, nonelective official of the Township who shall be appointed by the Township Board and shall serve at the discretion of the Township Board. The Manager shall be responsible for the operation and maintenance of the Water Department, subject to the direction and order of the Township Board.

3. It shall be the responsibility of the Manager of the Water Department to keep or cause to be kept a record of all of the activities of that

department and to make periodic reports to the Township Board on the activities of that department as requested by the Township Board.

4. The Negaunee Township Water Supply System is under the exclusive control of the Negaunee Township Board; any and all persons, firms, partnerships or corporations other than the Manager or employees of the Negaunee Township Water Department are forbidden to disturb, tap, change, obstruct access to, or otherwise interfere with that system in any way, unless prior approval is obtained in writing from the Negaunee Township Board or the Negaunee Township Water Department.

SECTION V. SERVICE PIPES AND SUPPLY PIPE CONNECTIONS:

1. Before any connection shall be made to any water main, application for same shall be made in writing to the Water Department by the owner of the premises to be served, or by his or her authorized agent, and a tapping permit secured. Such applications shall be made on forms provided by the Water Department. The owner, user, and/or applicant for a water tapping permit by such application impliedly agrees to abide by all rules and regulations of the water department and the provisions of this ordinance and all other township ordinances dealing with the water system, in all aspects, but more especially with those regarding the responsibility for the payment of water and/or sewer billings.

2. All supply and service pipes shall be of Type "K" Copper of size and quality as approved by the Water Department. All fittings and connections, underground, shall be approved by the Water Department.

3. Water shall be taken and used only through water service pipes under the supervision of the Water Department and no connection through which water may pass from one property or premises to another shall be permitted even though the ownership of both properties or premises may be the same.

4. Excessive or unnecessary use or waste of water, whether caused by carelessness or by defective or leaky plumbing or fixtures is strictly prohibited. For disregard of, or repeated violation of this requirement, the water may be turned off by the Water Department.

5. Service pipes shall be the responsibility of a licensed plumber, or a homeowner exercising his constitutional privilege as provided in Section 141 of the State Plumbing Code, and all the fixtures and attachments put in on the premises in connection therewith, must conform in character,

design and quality to the laws of the State of Michigan and the State Plumbing Code as adopted by the Negaunee Township Board.

6. All service pipes must be laid with a minimum of six (6) feet of cover as measured from finished grade. Installation must be inspected by a representative of the Water Department before backfilling. No new connection will be made until written approval is given by the Water Department. As distance of 10 feet from all sewer or septic lines shall be maintained where possible. In areas where bedrock is

encountered, the township may permit installation of service at depth less than six (6) feet provided an approved method of insulation of the water service line is utilized. In no case shall the water service line be installed at a depth less than four (4) feet.

7. A separate gate valve the same size as the meter connections shall be placed on the service pipe on both side of the meter. Such valves shall be equal in quality to the service cock.
8. No supply pipe of less than one inch diameter will be permitted. Supply pipes of larger size shall be determined by the Water Department.
9. The charges for installation of supply pipes and meters shall be paid when application for service is made. For larger sizes than one inch, the charge shall be the actual cost of installation plus 15% thereof. Upon receipt of the application for service requiring such larger sizes, the Water Department will make or cause to be made an inspection of the premises and, unless service is rejected for cause, the applicant will be required to deposit with the Water Department an amount which, in the judgment of the Water Department is sufficient to cover the charge therefor. The Water Department will then make the installation and will keep or cause to be kept a detailed record of the cost including labor and materials and will add thereto the 15% surcharge to cover the cost of supervising, depreciation of equipment, etc. If the deposit exceeds such total charge, the excess will be refunded, but if the total charge exceeds the deposit, the balance shall be paid by the applicant before the water is turned on.
10. At the time application is made for a water service connection to a building under construction, applicant shall pay a flat rate for water usage of \$26.00. Said fee for construction water shall entitle the applicant to water for construction purposes, only, for a period of not more than two months and thereafter, the applicant shall be billed monthly for water used for construction purposes, only, at the rate of \$12.50 per month. Where water is provided, without a meter, for construction of a building, any wasting of water, whether caused by carelessness or by defective fixtures is strictly prohibited. For disregard of, or repeated violation of this requirement, the water may be turned off by the Water Department. The water service shall not be turned on again until an agreement is reached between the applicant and the Water Department.
11. No supply pipe shall be installed when the service pipe is in line with a driveway, tree, fire hydrant, catch basin or other obstruction.
12. All supply pipes from the main to the lot line shall be put in only by properly authorized employees or representatives of the Water Department. Before receiving a permit for a service connection, there must be paid such a sum, as required, to cover the expense of furnishing and installing the supply pipe, curb stop, stop box and meter as provided in the Negaunee Township Water Rate Ordinance (WR-1) as amended.
13. The water supply pipe, from the main to the property line, shall be maintained by the Water Department, but this clause shall not apply to old services installed by private parties. The service pipe from the property line to the premises shall be considered private plumbing and be maintained by the owner of the premise. Failure to keep service line in good repair will result in discontinuance of service.
14. No person shall interfere in any way with the supply pipe installed by the Water Department. No person is permitted to turn water on or off at the curb stop except for the purpose of testing his work, in which case the curb stop shall be left in the same condition and position as previously found.
15. Where the water has been turned off by the authorized agent of the Water Department for any reason, only water personnel shall turn it on again. When this rule is violated, the water may be turned off at the corporation cock, in which case the owner or occupant shall, before it is again turned on, pay in advance the charges made by the Board for turning the water off and turning it on again.
16. No person or persons shall obstruct or interfere in any way with any curb cock, valve or fixture connected with system by placing in, on or about it, building materials, rubbish, soil, shrubbery, flowers or other hindrances to easy and free access thereto.

SECTION VI. USE OF WATER:

1. No steam boiler shall be directly connected to the water service pipe.
The owner shall provide a tank of sufficient capacity to afford a supply for at least ten (10) hours, into which the service pipe shall discharge.
2. No person shall take or use water from premises other than his own, or of which he has possession.
3. Where ownership of property is occupied by two or more distinct families, or where a business building is occupied by two or more firms or persons, a single charge for water will be made against the owners of the property, for the whole:
Provided, however, that a building or buildings under one ownership consisting of several premises may be served by more than one water service and meter upon approval of the Water Department. In multiple meter installations, no master meter will be allowed. When more than one meter is served by one water service, all the meters served by the service must operate from a manifold type arrangement. Failure of one unit in a manifold arrangement to pay for water received will result in a discontinuance of water to that meter.
4. Where a building, originally built as a single building or premises and fitted with one service pipe, but capable of being divided by sale or otherwise has been or may he hereafter subdivided and each subdivision shall be separately owned, the separate division or divisions so made must be connected to the main by separate service pipes within thirty (30) days after such division.
5. All cross-connections between any type of water supply and the Negaunee Township Water Supply System are strictly prohibited as set forth in the Negaunee Township Cross-Connection Ordinance, as amended. In the event a cross-connection is discovered, the water shall be turned off at the curb cock until the cross-connection no longer exists as required and as provided for in the Negaunee Township Cross-Connection Ordinance, as amended.
6. Only approved water conserving type air conditioning units will be allowed. An approved water conserving type shall be one:
 - a. Which is equipped with cooling tower, atmospheric condenser, spray pond, or other equipment which shall directly or indirectly cool refrigerant, or,
 - b. Which can use water from the Negaunee Township System only for makeup water to replace water lost by evaporation or by flushing of the equipment, or
 - c. Which uses an average of less than 12 gallons of water from the Negaunee Township Water System per hour per ton of cooling capacity when the unit is operating, or,
 - d. Which has no piping connection to allow operation of the air conditioning unit by direct use of water from the Negaunee Township Water System either in conjunction with or in place of such cooling tower, atmospheric condenser, spray pond or other recirculating and heat-exchanging equipment.

SECTION VII. FIRE HYDRANTS

1. Fire hydrants shall be provided as determined by the Negaunee Township Board for the use by the Water Department and the Fire Department of Negaunee Township and by such other persons as may be specifically authorized in writing by the Water Department.
2. No person, firm, partnership or corporation shall open or cause to be opened any fire hydrant, except for members and employees of the Negaunee Township Water Department and Fire Department, without first securing a "Permit To Use Fire Hydrant", at the Water Department Office. A deposit of Fifty (\$50.00) dollars will be required. Such person, firm or corporation must report to the Water Department when such use is terminated, at which time a hydrant inspection will be made. If the hydrant has not been broken charges for use as described below will be used. If the hydrant is broken the cost

of repairing the hydrant, if any, shall be deducted from the deposit and the difference (if any) refunded to the depositor. If the deposit is insufficient to cover said costs, the permit holder shall pay the deficit. Minimum fee shall be \$25.00 to install, remove and inspect the meter and hydrant. If the meter is to remain in place longer than one week a weekly rental fee of \$20.00 or \$4.00 per day, if less, shall be applied. All water metered shall be billed at the current rates.

3. The Water Department must approve the type, size of openings, and types of nozzle thread on all hydrants installed on private property serviced by Township water.

4. No person, firm, partnership or corporation shall in any manner obstruct or prevent free access to or place or store temporarily or otherwise any object, material, snow, debris, automobile or structure of any kind within a distance of twenty (20) feet of any fire hydrant. Upon the failure of said person, firm, partnership or corporation to remove said obstruction which shall be set forth in a notice which shall be mailed to said person, firm, partnership or corporation by the Water Department by first class mail, the Water Department is hereby authorized and empowered to remove said obstruction and charge the cost of said removal to said person, firm, partnership or corporation.

5. Where fire hydrants are located within the road right of way or easement and any person, firm, or corporation desiring to have a fire hydrant moved to another location shall bear the complete cost of moving said fire hydrant.

6. Where pipes are provided for fire protection in any premises or where hose connections for fire apparatus are provided on any pipe, each connection or opening on said pipes shall have not less than twenty-five feet of firehouse constantly attached thereto, and no water shall be taken or used through such openings or hose for any purpose other than for extinguishing fires, except for the purpose of testing said fire equipment. In such case the test must be conducted under a special permit and under the supervision of the Water Department.

7. Each premise to or for which a separate unmetered fire line connection is provided for sprinkler or hydrant service shall pay therefor a quarterly charge as follows:

- a. For 4" service connection - \$65.00
- b. For 6" service connection - \$85.00
- c. For 8" service connection - \$100.00

SECTION VIII. WATER METERS:

1. All service connections except separate fire connections shall be metered. All water provided by the System used on any premises where a meter is installed must pass through the System.

2. The supply pipe and meter, installation charge for which provision is made in Section VI, Paragraph 9 shall include the cost of the water meter furnished by the Water Department, and the installation thereof, but such meter shall remain the property of the Water Department and

will at all times remain under its control. The meter couplings or flanges will be furnished by the Water Department. The maintenance of the meter will be the obligation of the Water Department, provided, that where replacements, repairs or adjustments of the meter are made necessary by the act, neglect or carelessness of the owner or occupant of any premises, the expense to the Water Department caused thereby may be charged against and collected from the owner or occupant of the premises.

3. All meters shall be set horizontally in dry, clean, sanitary places, perfectly accessible, no less than 12" from floor level or more than 24" from floor level, with a minimum of 6" from any wall, 12" from top for reading purposes to immovable object, with a gate valve on both sides of the meter, and where a small leak or the spilling of water will do no damage.

4. By-passes are required on all 1-1/2" and larger meter installations.

By-passes will not be allowed on 1" meters or smaller.

5. All services 1-1/2" or larger must have a tee between the meter and outlet valve, to be used for testing the water meter without its removal. The size of the side opening of this tee shall be 1-1/2" for 1-1/2" service pipes, or 2" for all service pipes up to and including 4", 3" for all larger service pipes. The side opening of such tee shall be plugged.

6. The owner of any premises where a meter is installed shall be held responsible for its care and protection from freezing or damage by hot water and from injury or interference by any person or persons.

7. If a meter fails to function or to register, the consumer will be charged at the average quarterly consumption, as shown by the meter when in order. The accuracy of any meter installed in any premises will be tested by the Water Department upon request of the customer, who shall pay in advance a fee of five (\$5.00) dollars to cover the cost of the test. If, on such test, the meter shall be found to register over five per cent more water than actually passes through it, another meter will be installed and the fee of \$5.00 will be refunded to the customer, and the last quarterly water bill shall be adjusted by reducing the same by the percentage of error registered during the test of the meter.

8. All persons are forbidden to interfere with or move a water meter from any service connection without first receiving written permission from

the Water Department. No person shall remove or break any seal on meters or by-pass valves.

SECTION IX. EXTENSION OF MAINS:

1. Extension of or changes in water mains may be initiated by the Township Board or by petition from property owners. Petitions for the construction of new mains shall be addressed to the Township Board upon blank forms provided for that purpose. The Township Board may refuse to grant, or may grant the same, and may prescribe the terms and conditions upon which the petition will be granted and may require the written acceptance of such terms and conditions by the petitioners.

If the petition be granted, the Township Board will proceed as promptly as practical with the proposed work under the terms and conditions named. The said work will be done at the expense of the property owners unless otherwise stipulated, and any and all extensions shall be subject to the provisions of this Ordinance.

2. Any persons, firms, partnerships or corporations installing mains at his/hers/theirs/ or its own expense shall first submit complete plans and specifications, prepared by a Registered Civil Engineer, in accordance with the adopted standards of the Township, for such work, to the Township Board for approval, at which time, the Township Board shall determine the conditions for such installation.

SECTION X. INSPECTION AND INSPECTORS:

1. The Manager, and all other officers, agents and employees of the Water Department are hereby authorized and empowered to enter upon any and all premises supplies with water from the System, during reasonable hours, to make any inspection and examination of the pipes, fixtures or attachments used in connection with the System or the supplying of water from the system to and within the premises.

2. No person shall refuse to admit upon any premises served by water from the System, the Manager or any other official, agent or employee of the Water Department who seeks to undertake an inspection as herein above authorized, or being admitted, shall hinder or prevent the making of such inspection. In addition to any and all other penalties provided for in this Ordinance for the violation of the provisions of this Ordinance, the Water Department may, upon receiving notice of a

violation of the provisions of this paragraph, turn off the water supplies to said premises after giving 24 hours notice to the owner or occupant of said premises.

SECTION XI. WATER RATES:

1. Except as otherwise provided herein, charges for the providing of water and services by the System shall be the same as those established by the Negaunee Township Water Rate Ordinance (WR-1), as amended.

2. All revenues of the System shall be set aside and paid or transferred into the several funds of the System as provided for in the Negaunee Township Water Rate Ordinance (WR-1), as amended, and the Negaunee Township Revenue Bond Ordinance (WB-1), as amended.

3. The collection of any charges for the supplying of water or the performing of any other service by the System may be undertaken by personal action against any person liable therefor and shall, in addition, constitute a lien against the premises served and may be collected as provided in the Negaunee Township Water Bond Ordinance (WB1) as amended.

SECTION XII. INCORPORATION OF STATE STATUTES

1. The requirements of this Ordinance as herein set forth are not to be deemed to supersede the provisions and requirements of the State Plumbing Code, as amended, or any other applicable State Laws, but are deemed to be supplementary thereto, and to that end and to the extent that the provisions of this Ordinance are not inconsistent therewith, any violations of the violation of the State Plumbing Code, as amended, or any other applicable State Law is to be considered a violation of this Ordinance.

SECTION XIII. TEMPORARY SHUT-OFF

1. Should it become necessary to shut off the water from any section of the System because of accidents or for the purpose of making repairs or in case of construction, the Water Department will endeavor to give timely notice to the consumers affected thereby, and will, so far as practical, use its best efforts to prevent inconvenience and damage arising from any such causes, but failure to give such notice will not render the

Township Board responsible or liable for damages that may result therefrom, or from any other cause.

2. Whenever notice is required to be given hereunder, the same may be given, either by personal service of a notice in writing to the person, firm, or corporation to be notified; or by having the Manager or other officer, agent or employee of the Water Department go to the premises with a written or printed notice, which shall be served on the person, firm, partnership or corporation to be notified or in case it is impossible to make such service at that time, the same may be posted in some conspicuous place on the premises; or by enclosing a copy thereof in an envelope with postage prepaid, plainly addressed to the person, firm, partnership or corporation to be notified, at the post office or residence address of such person, firm, partnership or corporation, as the same appears on the books of the Board, and depositing the same in any United States Office; such notice so given shall be conclusively deemed to have been given at the time of such depositing.

SECTION XIV. PENALTIES:

1. Any person violating any of the provisions of this Ordinance shall be deemed guilty of misdemeanor and shall be subject to a fine not exceeding Five Hundred (\$500.00) Dollars or imprisonment in the Marquette County Jail for period not exceeding Ninety (90) days or both such fine and imprisonment.

SECTION XV. SEVERABILITY:

1. The several Sections of this Ordinance shall be deemed severable, and should any Section, Clause, Paragraph or Provision thereof be declared unconstitutional or contrary to the laws of the State of Michigan and therefore voided by any Court of competent jurisdiction, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than that part or section so declared to be unconstitutional or invalid.

SECTION XVI. REPEAL OF CONFLICTING ORDINANCES:

1. All Ordinances, Resolutions, or Orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such a conflict, hereby repealed.

SECTION XVII. PUBLICATION:

1. This Ordinance shall be published in the Marquette Mining Journal, a newspaper of general circulation in said township, within thirty (30) days following the adoption thereof and shall become effective thirty (30) days after said publication.

By: _____
William Carlson, SUPERVISOR

Attest: _____
Rachel Sertich CLERK

Amended October 14, 2004