

**CHARTER TOWNSHIP OF WHITE LAKE
OAKLAND COUNTY, MICHIGAN**

**ORDINANCE NO. 22
WATER SYSTEM OPERATING ORDINANCE**

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**CHARTER TOWNSHIP OF WHITE LAKE
OAKLAND COUNTY, MICHIGAN**

**ORDINANCE NO. 22
WATER SYSTEM OPERATING ORDINANCE**

PURPOSE

AN ORDINANCE PROVIDING FOR THE OPERATION, MANAGEMENT, MAINTENANCE, REPAIR AND CONTROL OF THE WHITE LAKE TOWNSHIP WATER SUPPLY SYSTEM AND ANY EXTENSION THEREOF, FIXING RATES AND CHARGES APPLICABLE TO SAID SYSTEM AND PROVIDING FOR THE COLLECTION THEREOF, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

THE CHARTER TOWNSHIP OF WHITE LAKE, OAKLAND COUNTY, MICHIGAN
HEREBY ORDAINS:

ARTICLE I - DEFINITIONS

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

“Board” and “Township Board” means the Township Board of the Township.

“Capital Surcharge” shall mean an additional charge imposed upon water system customers by the Township Board for the purpose of insuring the payment of all principal, interest and reserve obligations owing as a result of outstanding bonded indebtedness, and the payment for all budgeted capital improvements.

“Cross Connection” shall mean any real or potential connection between a potable water line and any other source of water or liquid.

“Dedicated Well House” shall mean a well house which was built specifically for the use of one or more developments, and which has been designated as such by the Township Board.

“Developer” shall mean the proprietor of a subdivision, developer of a condominium project or owner of a multiple development, or any person, partnership, corporation, or limited liability company or partnership, which makes application to the Township for subdivision approval, site plan approval, approval for a site condominium development, or special land use approval, as described in Section 4.3.

“Main” and “Water Main” mean those pipes, other than supply pipes and service pipes, used for conveying or distributing water.

“Ownership” shall mean the holder of any interest in the real estate for which Township approval is sought and shall include fee simple ownership, land contract purchaser’s interest, tenancies, or an option to purchase property exercisable within the next ten (10) years.

“Parcel” shall mean a continuous area or acreage of land, which has been assigned a separate tax identification number by the Township.

“Premises” means the particular property connected to the system and includes appurtenant land and improvements.

“Related Entity” shall mean a developer, and any of the following:

- a. If the developer is an individual person: any partnership in which such person is a general or limited partner or any corporation or limited liability company in which person is an officer, directors, member or manager, or the owner of more than five percent (5%) of the outstanding stock or more than a five percent (5%) interest in the limited liability company.

- b. If the developer is a partnership (including a limited liability partnership): any general or limited partner of the partnership, or any corporation or where such partnership is, an owner of more than five percent (5%) of the limited liability company or the outstanding stock of the corporation.
- c. If the developer is a corporation: any officer, director, or individual owning more than five percent (5%) of the outstanding stock of the corporation, any parent or subsidiary corporation; any partnership where such corporation is a general or limited partner; or any limited liability company where such corporation is the owner of more than a five percent (5%) interest.
- d. If the developer is a limited liability company, any member or manager of the limited liability company; any partnership where such limited liability company is a general or limited partner; or any corporation or other limited liability company where the limited liability company is the owner of more than a five percent (5%) interest.

“Service pipe” means a pipe extending from the property line into premises supplied with water.

“Supply pipe” means a pipe tapped into a main and extending thence to and including the curb cock or valve at the property line.

“Township” means the Charter Township of White Lake, Oakland County, Michigan.

“Unit” means that measure of potential water consumption equal to the quantity ordinarily consumed by the occupants of a residence by a single family of average size and the number of units assigned to any premises or type of premises 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.

“Water Department” means collectively those officials, employees and agents of the Township invested by the Township Board with the operation, management, maintenance and repair of the Water system.

“Water Department Manager” means the individual appointed by the Township Board to supervise the Water Department.

“Water Distribution System” means that aspect of a complete system, which consists of the water mains and appurtenances used to move the water from the “Water Supply System” to the “Supply Pipe”.

“Water Main Capital Recovery Charge” shall mean an additional charge imposed upon properties connecting to an existing or proposed water main where those properties did not otherwise contribute to the cost of installing the water main and associated appurtenances.

“Water Supply System” means that aspect of the complete system that consists of the wells, pumps and treatment system and storage tanks.

“Water Supply Connection Fee” means a fee to be put in the Capital Account used for purpose of capital improvements, system expansion, and water supply improvements. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

“White Lake Water System”, “Township Water System”, “Water System”, “System” means all aspects of a complete system including the wells, pumps, treatment systems, storage tanks, water mains, supply pipes and appurtenances or combinations thereof.

Any word or term used in this Ordinance not defined herein, but which is defined in White Lake Township Ordinance No. 58, shall have the meaning as set forth in Ordinance No. 58.

ARTICLE II - ORGANIZATION AND MANAGEMENT

Section 2.1 Township & Water Department

The operation, management, maintenance, repair and control of the water system shall be under the immediate supervision and control of the Water Department Director who shall be appointed by the Township Board. The Township Board shall also have the authority to accept such system or systems as gifts from any person, firm, association and/or corporation. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Section 2.2 Fund Carryover

“Funds remaining in any account at the end of the fiscal year may be carried forward in said account to the next fiscal year, at the discretion of the Township Board, so long as such action is not inconsistent with any other provision of this Ordinance.” (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Section 2.3 Account Designation

All revenues generated from the operation of the water system shall be maintained in accounts or sub-accounts opened and maintained by the White Lake Township Treasurer. The accounts shall be designated “White Lake Township Water System-Operating”, “White Lake Township Water System-Capital” and “White Lake Township Water System-Perpetual Reserve.” All accounts shall be opened and maintained and all investments of funds made in accordance with applicable portions of state law.

The White Lake Township Treasurer shall be authorized to open and maintain said accounts.

Section 2.4 White Lake Township Water Supply System Operating Account

This account shall be the financial instrument used for the conduct of day-to-day operating business of the Water Department. All revenues generated from the operation of maintenance of the water system and all expenditures with regard to the water system shall be deposited to and paid from this account except as otherwise provided in this ordinance. The Perpetual Reserve fund referenced in Section 2.5 shall be deposited in this account. The accounting records shall be maintained so that the perpetual reserve fund is segregated from the rest of the operating account.

Section 2.5 White Lake Township Water Supply System Perpetual Reserve Account

The White Lake Township Water Supply System - Perpetual Reserve fund shall be the financial instrument used in effect, as a perpetual care maintenance fund, the primary purpose of being a fund is to provide the repository for monies for major and/or emergency maintenance and repair of the water system (s).

Section 2.6 Annual Budget

A proposed fiscal year operating budget shall be prepared by the Water Department Director (or designee) and approved by the Township Board. The proposed operating budget shall incorporate projected line item revenues and expenditures based upon a minimum of a two (2) year history. The proposed budget shall include a reserve fund entry of five (5) percent (%) of the projected total gross operating expenses. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

The proposed budget may include specific proposed capital improvements.

All expenditures shall be in accordance with the approved budget.

“All privilege fee revenues will be transferred to the perpetual reserve account as they are received.

Section 2.7 Indebtedness and Emergency Situations

The Water Department Director shall have the authority to incur any indebtedness to the said water system or systems or to the Township in an amount not to exceed Two Thousand Dollars (\$2,000) to address emergency situations and pay individual invoices arising from emergency situations. The Township Supervisor or duly authorized designate, in an emergency situation only, shall have the authority to authorize expenditures up to an amount equal to twenty (20) percent (%) of the total gross operating budget. An emergency situation is defined as a breakdown, malfunction or failure of a water system or component thereof that without repair or replacement would render the system inoperative for a period in excess of twenty-four (24) hours or endangers the public welfare. The Water Department Director or designee shall submit a

detailed report and corrective action for each emergency. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Section 2.8 White Lake Township Water Supply System - Capital Account

This account shall be the financial instrument used as the repository of funds generated from capital fees, connection fees and other designated fees, to be used for capital projects as described in this section. For purposes of this section “Capital Project” shall mean a non-recurring, significant, construction, replacement, repair, or modification of physical improvements, of any part of the Township water system including, but not limited to, construction modifications, distribution system modifications, and all associated design costs. Funds shall only be transferred in accordance with the provisions of this section. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

From the total amount contained in the capital account for a particular year, the following disbursements may be made:

- A. Payment of required principal and interest payments for any bonds issued for the water system.
- B. Transfers to the operating fund for capital improvements, which are part of the approved budget for the Water Department.

Section 2.9 Capital Surcharge

(Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

“A capital surcharge may be imposed by resolution of the Township Board. From the total amount received from the capital surcharge for a particular year, the following disbursement may be made:

- A. Payment of required principal and interest payments for any bonds issued for the water system.
- B. After all required principal and interest payments for any bonds issued for the water system have been made, any balance may be transferred to the Perpetual Capital Fund.

Section 2.10 Water Main Capital Recovery Charge

(Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

An additional charge shall be imposed for connection to the water system if all of the following occur:

- A. An additional charge shall be imposed when the property connects to a water main that was installed at no previous cost to the property.
- B. The amount of the additional water main capital recovery charge to be imposed shall be determined by the Township Board on a case-by-case basis, following recommendation by the Township Engineer, by calculating a specific per foot charge for each separate water main, taking into consideration any other connections or potential connections to the extension. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Notwithstanding the above, the additional charge described in this section shall be waived for connection of a single-family residential structure.

ARTICLE III - DESIGN AND CONSTRUCTION STANDARDS

Section 3.1 Design and Construction Standards

(Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

The design and construction of water systems within the boundaries of the Charter Township of White Lake, Oakland County, Michigan, shall be in accordance with White Lake Township Municipal Standards, to wit:

1. White Lake Charter Township Engineering Design Standards
2. Municipal Wells and Well Houses Design and Construction Standards
3. White Lake Charter Township Standard Details
4. Water Storage Tanks Design and Construction Standards
5. White Lake Charter Township Wellhead Protection Standards (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

in addition to applicable State of Michigan Standards. In case of conflict, where the Township Standards are more stringent than the State of Michigan Standards, said Township Standards shall take precedence.

Section 3.2 Water System Application

Any persons, firms or corporations installing a water system or any portion thereof at their own expense shall first submit an application together with complete plans and specifications, prepared by a Registered Civil Engineer in the State of Michigan, for such work, to the Township Planning and Water Department. The Township Planning Department and Water Department, in consultation with the Township Engineer, shall determine the conditions for such installation. An application fee, as established by resolution, for the cost estimates for the system shall accompany the application. Said application fee shall cover the Township's costs for the review of the developer's plans and all necessary inspections by the Township Engineer. The unused portion of the application fee shall be returned to the applicant after the township administrative

fees of ten (10) percent (%) and the actual costs have been covered. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

ARTICLE IV - EXTENSION OF WATER SYSTEM

Section 4.1 Intent and Policy

It is hereby determined to be the policy of the Charter Township of White Lake that the distribution of potable water to the citizens of the Township is best performed through water distribution systems, because such policy:

- a. Will provide for a high quality of potable water, and lessen the possibility of water contamination; and,
- b. Will allow for enhanced fire-fighting capability by the Township fire department.
- c. Will promote and protect the public health, safety, and welfare by the prevention and elimination of cross connections, which have been recognized as the cause of public health problems due to the hazard caused to drinking water quality. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Section 4.2 Extension or Changes in Water System

- A. Extension of or changes in water systems may be initiated by the Water Department, Planning Department, or Planning Commission or by petition from property owners. Petitions for the construction of new water systems or the extension of an existing system shall be addressed to the Township Water Department upon blank forms provided for that purpose. The Township Board may grant, or refuse to grant the request, and may prescribe the terms and condition upon which the request shall be granted, and shall require the written acceptance of such terms and condition by the petitioning party. If the petition is granted, the applicant shall proceed as promptly as practical with the proposed work under the terms and conditions named. However, all work must be commenced within six (6) months of approval and be diligently prosecuted thereafter. The said work will be done at the expense of the property owners unless otherwise stipulated and any and all new water system construction or extension of existing systems shall be subject to the provisions of this ordinance or as indicated in Paragraph 4.2.B. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)
- B. Unless the water system improvement is to be financed by creation of a special assessment district or under Section 3.2 and/or Section 3.3 above, the property owner shall provide an irrevocable letter of credit or pay to White Lake Township the cost of system design, layout and inspection as estimated by the Township's Consulting Engineer. The Township will then proceed with the necessary engineering including obtaining agency approvals. At the discretion of the Township, the Township may also advertise for bids, award construction contracts and shall construct said improvements. The Township shall be authorized to require security from the property owner prior to

distance equals 50 feet times the number of units plus 150 feet from the existing Township water system.

5. White Lake Township Water Master Plan will be the guideline for design and connection of water supply and distribution systems.
6. Where property is to be connected to the water distribution system, and the water distribution system does not extend the full width of the owner's property, the property owner shall be responsible for extending the water distribution system at the owner's cost across the entire width of such owner's property, so as to allow further extension of the water system to adjoining properties. In the event of a corner lot, the property owner shall be responsible for extending the water system along both the width and length of the property, along both roads upon which the property is located. (Same as Ordinance 108 section 4.14) (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

B. In applying this section;

1. "Developments" shall include any land use for which the Township is required to grant subdivision approval, site plan approval, or special land use approval.
2. The number of lots, units, apartments, or dwelling units shall include the sum of all the following:
 - a. The number proposed to be included in the development for which Township approval is currently sought;
 - b. The number which represents the maximum number which could be constructed or developed pursuant to the then current Township ordinances and any other applicable regulations on the balance of the parcel for which a Township approval is sought, (if less than the entire parcel is proposed to be currently developed), plus any contiguous or adjacent property under the ownership of the developer or a related entity, regardless of whether such lots, units, apartments, or dwelling units are proposed to be constructed in one or more phases.
 - c. The number which have been approved or constructed within the last ten (10) years prior to the current application for Township approval, but following the effective date of this ordinance, on:
 - i. The parcel of property for which the current approval is being requested.

- ii. Any part of a parent parcel, within which the parcel proposed to be developed was a part within the last ten (10) years.
 - iii. Any parcel or parcels of property contiguous or adjacent to the parcel for which the current approval is being requested, and which was at any time within such ten (10) year period under the ownership of the developer or a related entity.
- C. Notwithstanding the provisions of Section 4.3 (B) (2) (b), a new water supply and distribution system shall not be required if all of the following occur:
 - 1. The development for which approval is currently sought would not be required to construct a water distribution system except for the provisions of Section 4.3 (B) (2) (b).
 - 2. The developer executes an agreement with the Township, in the form of a deed restriction, approved by the Township attorney, which:
 - a. Provides that if the balance of the parcel, or contiguous or adjacent property is ever developed, and the total aggregate density of all such developments exceeds the density requirements of this Section, the developer, or the developer's heirs, successors or assigns shall be required to construct a water distribution system as required by this ordinance to service the development for which approval is currently sought, plus all future developments, irrespective of whether individual wells are used to service any part of the development.
 - b. Is recorded at the office of the Oakland County Register of Deeds against all property described in Section 4.3 (B) (2), prior to final Township approval.
- D. Any new residential, commercial or industrial development or addition thereto of any size, which is adjacent to or within two hundred (200) feet of the Township's water system, must be extended and connected by the developer to the Township water system. A new well or other system improvements, may be required if the quantity of water or pressure of the existing water system during peak demand cannot meet minimum requirements at any point in the proposed system.
- E. If no existing municipal water system is available within two hundred (200) feet of any new residential, commercial or industrial development as described in Section 4.3(A) and (b), the developer must construct a new water system as part of such development or extend the existing Township system to service the development.

- F. The Township Board may grant a variance from the applicability of this Section to a particular development if the developer demonstrates that the application of this Section shall either a) result in the preclusion of any viable economic use of the property; b) result in a development that is materially inconsistent with the Township's master land use plan; or c) otherwise violates applicable provisions of state or federal Constitutions or laws. The burden shall be on the developer to demonstrate, with clear and convincing evidence, that circumstances are present that justify granting him a variance. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

In granting any variance, the Township Board may prescribe appropriate conditions. Violations of such conditions shall be deemed a violation of this Ordinance and punishable under applicable provisions of this Ordinance. Conditions imposed shall meet all the following requirements: (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

1. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well being of those who will use the premises and the community as a whole;
2. Be related to the valid exercise of the Township's powers and purposes as to the specific development proposal;
3. Be necessary to meet the intent and purpose of the Water Ordinance.

- G. All developments not providing a water distribution system shall provide an adequate water supply for fire protection in accordance with standards found in the White Lake Township Zoning Ordinance (Ordinance No. 58) for the National Fire Protection Association ("NFPA") Publication 1142 Latest Edition, as amended. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

1. The NFPA publication contains guidelines for alternative sources of water for fire protection, which provisions are incorporated herein by reference.
2. The required alternative fire protection water supply shall be a hydrant well, if an aquifer is available. The hydrant well shall be designed in accordance with White Lake Township Fire protection Water Supply, Standard Details and Notes detail sheet, the provisions of which are incorporated herein by reference.
3. The alternative fire protection system shall be conveyed to and accepted by the Township, before a building permit issued for any portion or the development for which the alternative fire protection is required, except the building permits for up to three structures, to be used as models, may be

issued before conveyance and acceptance. The documentation set forth in Section 4.7 shall be provided in connection with the conveyance. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Section 4.4 Procedure for Approval of New Water Supply and/or Distribution Systems

- A. The water system for a development must be approved by the Township as provided herein prior to commencement of any construction of the development.
- B. At the same time site plan approval is requested, the applicant shall submit eleven (11) sets of plans for the proposed water system to the Water Department Manager. Such plans shall include, without limitation, well site layout, boring logs (at least two [2]), hydrological results and the well log of a test well. The Water Department Manager shall submit three (3) sets of plans to the Township Engineer for review.
- C. The applicant shall pay a fee for review of the application, as required by Section 3.2.
- D. The Township Engineer shall review the plans for conformity to the Design and Construction Standards and return one (1) of the sets to the applicant and to the Township Building Official with appropriate comments. The applicant, after making any requested changes, shall submit eleven (11) sets of revised plans to the Township Engineer for final approval. If the Township Engineer finds that the revised plans conform to the Design and Construction Standards, the Engineer shall so advise the Township Water Department Manager. The Township Engineer shall, on behalf of the Township, approve said plans and forward it to the MDEQ for the issuance of permits.
- E. After approval by the Township Engineer, the applicant shall then proceed to obtain any necessary approvals or permits from state and local authorities, and submit a detailed estimate of costs to the Township Water Department Manager.
- F. The Township Board shall grant final approval to all new water distribution systems, required by this ordinance, if such system complies fully with all provisions of this Ordinance.

Section 4.5 Standards for Design and Construction

Design and construction of each Water Distribution System shall be done in strict accordance with the Design and Construction Standards referenced in Article III.

Section 4.6 Inspections

Full time inspection shall be required during the construction of the water mains for any Water Distribution System. Part time inspection shall be required during the construction of the pumping facilities and structure. The Township or its agents shall provide inspection personnel.

All estimated costs incurred for inspection shall be a part of the fee required by Section 3.2 and must be paid prior to the start of any construction.

Section 4.7 Requirements for Acceptance of Water Distribution System

- A. Any new water system, extension and/or portion thereof constructed by any person, partnership, corporation, limited liability company, or other legally recognized entity shall be transferred to the Township upon satisfactory completion of all necessary inspections by the Township and prior to the system, extension and/or portion thereof being placed in service.
- B. Acceptance of the system shall be made by the Township Supervisor, following recommendations for acceptance by the Township Engineer, Township Attorney, and Township Water Department Director or his/her duly designated representative.
- C. The following shall be provided and approved by Township consultants and/or staff before the system is accepted by the Township:
 - 1. As-Built Plans per the Township's Design and Construction Standards. As built plans submitted in digital form is acceptable as long as compatible with current Township system.
 - 2. Such bill of sale, easements and other dedication documents of conveyance, together with appropriate evidence of title, as may be required to convey title to the water distribution system to the Township.
 - 3. Documentation evidencing all required approvals from the Michigan Department of Environmental Quality or any other state or county agency with jurisdiction.
 - 4. Documentation indicating that all subcontractors, suppliers or laborers involved with the construction of the water system have been fully paid, and confirming that no liens have been recorded regarding the system.
 - 5. A maintenance bond equal to fifty percent (50%) of the value of said system, extension and/or portion thereof. The bond shall cover a period of two (2) years from the installation of the water meter for the system. The purpose of the bond is to effectively warrant said system, extension and/or portion thereof from defects and design, material and/or workmanship as determined by the Township Water

Department Director or his/her duly designated representative.

(Amended 7/17/2007)

Section 4.8 Water System Control

The water system pump houses, appurtenances and contents as well as water mains and appurtenance of said system are under the exclusive control of the Township Board and all persons other than those authorized by the Water Department Manager are forbidden to disturb, tap, change, obstruct access to, or interfere with them in any way. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

ARTICLE V - SERVICE PIPES, SUPPLY PIPES AND CONNECTIONS

Section 5.1 Application for Connection

Before any connection is made to any water main, application for it shall be made in writing to the Water Department by the owner of the premises to be served, or by his or her duly authorized agent, and a Water Permit secured. Such application shall be made on forms provided by the Water Department. The owner, user and/or applicant for a Water Permit by such application agrees to abide by all rules and regulations of the Water Department and all provisions of this Ordinance. The fees specified hereafter, which will be returned if the application shall not be granted must accompany the application. Water permits can be applied for only after a building permit is secured from the White Lake Township Building Department.

Section 5.2 Tapping Fee

(Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

A Tapping Fee for the installation of, including labor and material, supply pipes and appurtenances, fixtures, curb cocks, etc., and including the cost of the meter and remote reader shall be equal to the cost of materials and labor plus a percentage established by resolution. Said fee to be payable at the time application is made for water service. All other connections shall be charged to the owner of the premises on a basis of actual cost of installation and cost of materials plus percentage established by ordinance. An inspection fee for the water main tap, as passed by ordinance, will apply.

Section 5.3 Privilege Fee

The Privilege Fee is a one-time fee, which shall be charged to all new users for the privilege of connecting to the Township Water System. The Privilege Fee is payable at the time application is made for water service. Said Privilege Fee shall be deposited in the White Lake Township Water System Perpetual Reserve Fund. The Effective Privilege Fee schedule, which shall be established by ordinance, is based upon service size.

Section 5.4 Water Supply Connection Fee

In addition to other applicable fees, a water supply connection fee shall be charged for the connection to the water system of any premises.

This water supply connection fee applicable for a new commercial, industrial or residential development shall be payable for each individual structure when connection is made to the water system or upon issuance of a temporary certificate of occupancy, whichever comes first. (Amended 8/21/2007) Said water supply connection fee shall be deposited in the White Lake Township Capital Fund. Sums received from this water supply connection fee shall be used to fund capital charges associated with upgrading existing well houses, drilling and installing new wells, and providing facilities associated with new wells, providing additional water storage capacity and any related costs necessary to provide capacity for said premises. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Section 5.5 Connection Fees

The connection fees are for individual connections to an existing system. The Township Board will determine the extent to which a developer of a new commercial, industrial or residential development will provide water capacity and/or a negotiated water supply connection fee. Connection of a development described in this Section to the system shall require payment of one hundred (100) percent (%) of the water supply connection fee unless the developer is required to extend the water system to service the development. In such a circumstance, the developer may be entitled to a reduction of the water supply connection fee, as determined by the Township Board, not to exceed, however, fifty (50) percent (%) of the water supply connection fees otherwise payable. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Section 5.6 Water Permits

Permits for new water service construction shall be required prior to commencement of construction. Permit Fees shall be established by ordinance and be payable for each individual structure when connection is made to the water system or upon issuance of a temporary certificate of occupancy, whichever comes first. (Amended 8/21/2007) Water permit related work shall be completed within 12 months of permit application date. No water permits shall be issued until all required final plat or site plan approval is granted. Water permits can be applied for only after a building permit is secured from the White Lake Township Building Department. Only three water permits shall be issued prior to Township Board acceptance of the water system pursuant to Section 4.7.

The party to whom such a permit is issued shall be responsible for notifying the Water Department twenty-four (24) hours in advance of the date and time when such a connection is made so that proper inspection can be made by the Water Department. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Section 5.7 Lawn Sprinkling Permits

Permits for lawn sprinkling systems shall be required prior to commencement of construction. Permit Fees shall be established by ordinance and shall be payable at the time application is made for construction. All sprinkler systems, connected to the White Lake Water Supply System, must use metered water.

Section 5.8 Stop Boxes

Supply pipes including curb cocks (stop boxes) shall be put in only by the Township Water Department or its duly authorized agent and shall be under the exclusive control of the Township Water Department and no person other than an authorized employee of the Township Water Department or other authorized person shall construct, repair or otherwise change or interfere with the said supply pipe or appurtenances.

Section 5.9 Supply and Service Pipe

All supply and service pipes shall have a minimum inside diameter of one (1.00) inch for all new installations. Supply and service pipe material shall be type "K" copper in accordance with the Township Construction Code Ordinance. The Water Department shall approve all fittings and connections underground. The Water Department shall determine supply and service pipes of larger size.

Section 5.10 Service Pipe Responsibility

Service Pipes shall be the responsibility of a licensed plumber, or a property owner, and all the fixtures and attachments must conform to character, design and quality to the laws of the State of Michigan and the State Plumbing Code as adopted by the Charter Township of White Lake.

Section 5.11 Service Pipe Burial Dimensions

All service pipes shall enter the building under the foundation with a minimum of five (5) feet of cover in yard areas, six (6) feet of cover in all drive and parking areas. All depths shall be as measured from finished grade. Service pipe installation shall be sufficiently waving enough to allow no less than twelve (12) inches of extra length to prevent rupture by settlement of the earth and so protected as to prevent freezing. All water lines need to be ten (10) feet away from septic and drain systems. Installation shall be inspected by the Water Department (or designee) prior to back fill. However, the water service may be installed in the same trench along with the sewer lead only under the following conditions. Same trench permissible conditions for sewer and water service lines running from stop (curb) box to the building are:

1. The horizontal separation between the water and sewer leads needs to be maintained at a minimum of five (5) feet and the minimum sewer depth for a common trench is be seven (7) feet deep. Further, a common trench depends on the sewer being nearly

seven (7) feet deep in yard area and that the soils will allow construction of an earthen shelf to support the water service. The bottom of the shelf must be a minimum of 12" above the top of the sewer pipe. In very sandy or wet conditions this may not be possible. It is not allowable to install the sewer lead, backfill the trench 12" and then install the water lead on top of the sewer.

2. A separation of ten (10) feet shall be maintained between the parallel water and sewer mains and services in the right-of-way line.
3. The Township plumbing code shall be followed if the code is more stringent than the above requirements.

Section 5.12 Gate Valves at Meter Connections

A separate gate valve the same size as the meter connections shall be placed on the service pipe on both sides of the meter. Such valves shall be equal to the service cock.

Section 5.13 Supply Pipe Obstruction

No supply pipe shall be installed where the service pipe is in line with a driveway, tree, fire hydrant, catch basin or other obstruction.

Section 5.14 Supply Pipe Maintenance

The Water Department shall maintain the water supply pipe, from the main to the property line, 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 the service line in good repair will result in discontinuance of service. (Amended 02/19/02)

Section 5.15 Supply Pipe Interference

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/her work, in which case the curb stop shall be left in the same condition and position as he found it. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Section 5.16 Curb Cock Obstruction and Maintenance

No person, firm or corporation shall obstruct or interfere with any curb cock, valve or fixture connected by the Township by placing in, on or about it building materials, rubbish, soil, snow or other hindrances.

Section 5.17 Water Discontinuance

The refusal or neglect of the owner to equip the premises with the service pipe connections, utilities and/or fixtures as approved by the Water Department shall be sufficient grounds for discontinuance of Township water supply to the premises.

Section 5.18 User Connection Units (Residential Equivalent Units)

The number of user connection units to be assigned to any particular premises, other than a single residence is set by the Oakland County Department of Public Works Unit Assignment Schedule dated July 30, 1998, as may be amended from time to time by that Department or by the Township. No less than one user connection unit shall be assigned to each single family home, but, for purposes of computing water usage services, user connection units in excess of one may be computed (by water department and/ or township engineer) and approved by the Township Board and assigned to the nearest tenth. No change in use shall constitute a basis for a retroactive adjustment in service charges or capital charges.

Section 5.19 Bonding of Contractors

All contractors or owners making connections to the Township water system shall be bonded in accordance with the bonding requirements of the County of Oakland. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

ARTICLE VI - METERS

Section 6.1 All Services Metered

All service connection except separate fire connections shall be metered and shall pay for water at the rate established by the Township Board. In no case will water be supplied, except for temporary use with Water Department approval, at other than the established water rate.

Section 6.2 Meters and Remote Meters

The supply pipe, meter and remote reader, installation charge which provision is made in Section 5.2, shall include the cost of the water meter and remote reader furnished by the Water Department and the installation thereof, but such meter and remote reader shall remain the property of the Water Department and will at all times remain under its control. The Water Department will furnish the meter couplings or flanges. The maintenance of the meters, and remote reader will be the obligation of the Water Department provided, that where repair, replacement and adjustments of the meter and/or remote reader are made necessary by the act, neglect or carelessness of the owner or occupant of the premises, the expense to the Water Department caused thereby may be charged against and collected from the owner or occupant of the premises.

Section 6.3 Meter Accessibility

All meters shall be set in dry, clean sanitary places perfectly accessible, within five (5) feet of service line entrance to the premises, no less than twelve (12) inches from floor level or more than twenty-four (24) inches from floor level, with a minimum of six (6) inches from any wall, twelve (12) inches from top, for reading purposes, to an immovable object, with a gate valve on both sides of the meter, and were a small leak or the spilling of water will not create a hazard or nuisance.

Section 6.4 Bypasses

By-passes are required on all 1.50 inch and larger meter installations. By-passes will not be allowed on 1.00 inch meters.

Section 6.5 1.5 Inch Meter Plumbing Specifications

All services 1.50 inch and larger shall have a "Dresser" type coupling installed on the discharge side of the meter before the by-pass tee. All services 1.50 inch and larger shall also have a tee between the meter and outlet valve, to be used for testing the water meter without its removal. The size of the opening of this tee shall be 1.50 inch for all 1.50 inch service pipes, 2.00 inch for all service pipes up to and including 4.00 inch, and 3.00 inch for all larger service pipes, the side opening of such tee shall be plugged.

Section 6.6 Meter Responsibility

Any person or persons will hold the owner or occupant of any premises where a meter is installed responsible for its care and protection from freezing, and from injury or interference. In case of any injury to the meter or in case of a stoppage or malfunction, the owner or occupant shall give immediate notification to the Water Department.

Section 6.7 Defective Meter

If meter and/or remote reader becomes defective and fails to operate properly, the consumer will be charged at the average quarterly consumption rate as disclosed by the records of the Water Department during the preceding year for the premises.

Section 6.8 Meter Accuracy

The accuracy of any meter and/or remote reader installed in any premises will be tested by the Water Department upon request for the customer, who shall pay in advance a fee, as established by resolution, to cover the cost of the test. If, on such test, the meter and/or remote reader shall be found to register over five (5) percent (%) more water than actually passes through it, another meter and/or remote reader will be installed and the fee will be refunded to the customer, and the water bill may be adjusted as hereinafter provided.

Section 6.9 Meter Sealing

The Water Department where applicable will seal the meter, remote readers and by-passes and no one except an authorized employee of the Township shall break or injure said seal. No person other than an authorized employee of the Township shall change the location of, alter or interfere in any way with any meter, remote reader or by-pass.

ARTICLE VII - FIRE HYDRANTS

Section 7.1 Fire Hydrant Usage

Fire hydrants are provided for the use of the Water and Fire Department of the Township or by such persons as may be specifically authorized by the Water Department.

Section 7.2 Fire Hydrant Permit

No person, firm or corporation shall open or cause to be opened any fire hydrant without first securing a "permit to Use Fire Hydrant" at the Water Department Office. A deposit, as established by resolution, 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 and an inspection charge, as established by resolution, the cost of the estimated amount of water used, and 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 cost, the permit holder shall pay the deficit.

Section 7.3 Fire Hydrant Approvals

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

Section 7.4 Fire Hydrant Obstruction

No person, firm or corporation shall in any manner obstruct or prevent free access to or place or store temporarily or otherwise any object, material, snow, debris or structure of any kind within a distance of five (5) feet of any hydrant. Any such obstruction when discovered may be removed at once by the Township at the expense of the person, firm or corporation responsible for the obstruction.

Section 7.5 Hydrant Moving Cost

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

Section 7.6 Fire Equipment Testing

Where pipes are provided for fire protection in any premises or where hose connections for fire apparatus are provided on any pipe, 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 cases the test must be conducted under a special permit and under the supervision of the Water and Fire Departments. Fire hoses, where applicable, shall be as approved by the Township Fire Department. All Fire Department connections, standpipes and hose cabinets shall conform to NFPA standard #14.

Section 7.7 Quarterly Fire Charge

Each premise to or for which a separate unmetered fire line connection is provided for sprinkler or hydrant service shall pay therefore a quarterly charge as established by resolution.

Section 7.8 Fire Line Detector Check

All standby fire lines shall have an approved detector check installed, which shall have provisions for a 1.00 inch meter on the by-pass. The required meter must be purchased from the Water Department. No domestic service shall be allowed on a standby fire line.

ARTICLE VIII - USE OF WATER

Section 8.1 Steam Boilers

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 of continuous operation, into which the service pipe shall discharge.

Section 8.2 Free Water

No person, firm or corporation shall take or use Township water from premises other than his own, and, no person, firm or corporation shall sell or give away Township water from their own premises for any purpose except as approved by the Township Board. Under no circumstances will any person, firm, corporation or governmental subdivision be entitled to free water without the express permission of the Township Board. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Section 8.3 Multiple Unit Building

Where a residential property is occupied by two or more distinct families, or where a commercial or industrial building is occupied by two or more firms or persons, a single charge for all water provided will be made against the owners of the property. Provided however, that a building or buildings under one ownership with multiple tenants or occupants 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. Where 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 discontinuance of water to that meter. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Section 8.4 Multiple Unit Building Subdivision

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 be hereafter subdivided and each subdivision shall be separately owned, the separate division of divisions so made must be connected to the main by separate service pipes within thirty (30) days after such division.

Section 8.5 Water Turn Off

Water may be turned off from any premises against which charges stand delinquent for thirty (30) days. Notification of delinquency shall be given the owner of the premises concurrent with the late billing together with a warning of turn-off date if billing continues to remain unpaid. Where so turned off, the water will not be turned on again until all charges have been paid in full together with late charges and an additional penalty sum, as established by resolution, for extra service provided by the Water Department.

Section 8.6 Water Turn On

Where the water service has been turned off by the authorized agent of the Township Board for any reason, only authorized 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 pay in advance all applicable charges for turning the water off and turning it on again.

Section 8.7 Cross Connection

All cross connections between any type of water supply and the municipal water system are strictly prohibited. In the event a cross connection is discovered the water will be turned off at the curb cock until the cross connection is severed and be subject to Section 12.6. No direct connection of any type to a sewer line shall be allowed. The Township adopts by reference the Cross Connection rules promulgated by the Michigan Department of Public Health set forth at R325.11401 - 325.11407 of the Michigan Administrative Code and current State Plumbing Code. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Individuals responsible for carrying out the cross connection inspections and re-inspections shall have obtained necessary training through any available manuals on cross connection prevention including the Cross Connection Rules Manual as published by the Michigan Department of Public Health and attendance of any cross connection training sessions sponsored by the Michigan Department of Environmental Quality.

The time allowed for correction or elimination of any cross connection found shall be as follows:

1. Cross connections that pose an eminent and extreme hazard shall be disconnected immediately and so maintained until necessary protective devices or modifications are made.
2. Cross connections that do not pose an extreme hazard to the water supply system but nevertheless constitute a cross connection should be corrected within a reasonable period of time. The length of time allowed for correction should be reasonable and may vary depending on the type of device necessary for protection. White Lake Township Water Department shall indicate to each customer where a cross connection is found to exist, the time period allowed for compliance (30-60 days usually sufficient time for small devices).

Sufficient data to complete an annual report to the Michigan Department of Environmental Quality and to monitor the program adequately will be maintained by the Water Department and their responsible agents. An inspection form will be used during the initial inspection procedure. Inspection forms will be used to monitor the status of the protective device as well as the test results reported by a qualified backflow preventer tester. Inspection form will also be used for re-inspection. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

In order to assure against the hazards of cross connections, it will be necessary to periodically and systematically re-inspect for the presence of cross connections. The schedule for re-inspection shall be in accordance with the schedule as noted in the Cross Connection Rules Manual. Whenever it is suspected or known that modifications have taken place with piping systems serving a particular water customer, re-inspections of the premises will be made.

All backflow prevention devices shall be tested upon installation and annually thereafter, with proper test reports submitted to the water department. Failure to test and report is reason for water supply to be terminated.

Section 8.8 Air Conditioning Units

Only approved water conserving type air conditioning units will be allowed. An approved water conserving type shall be one:

- A. Which is equipped with a cooling tower, atmospheric condenser, spray pond or other equipment which shall directly or indirectly cool refrigerant, and
- B. Which can use water from the Township Water System only for makeup water to replace water lost by evaporation or by flushing of the equipment, and
- C. Which uses an average of less than twelve (12) gallons of water from the Township Water System per hour per ton of cooling capacity when the unit is operating, and
- D. Which has no piping connection to allow operating of the air conditioning unit by direct use of water from the Township Water System either in conjunction with or in place of such cooling tower, atmospheric condenser, spray pond or other recalculating and heat exchanging equipment.

ARTICLE IX - WATER RATES AND PAYMENT

Section 9.1 Charge for Water

Rates to be charge for water supplied by the Township Water Department shall be established by resolution of the Township Board and shall be subject to necessary increases or decreases to provide sufficient funds on an equitable basis in order to maintain and operate the system in an efficient manner, keep it in good repair and to maintain an adequate reserve for depreciation. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Section 9.2 Minimum Quarterly Charge

A minimum quarterly charge shall be made to each premise connected to the water system. In the event service is discontinued, said charge shall not be applicable.

Section 9.3 Additional Water Consumption

Should more water be consumed by any premises in a quarter than the quantity permitted for the minimum charge in the water rate resolution as specified in Section 9.1 then a additional water consumption charge as approved by the Township Board by resolution shall be made for all water consumed in excess of those specified quantities. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Section 9.4 Multiple Dwelling or Commercial Minimum

In cases of multiple dwellings or multiple commercial premises served by only one service line and meter, there shall be minimum quarterly charge, as established by resolution, for each unit or each separate occupancy of the premises.

Section 9.5 Billing Cycles

For the purpose of making and collecting charges for water used by the consumers, the calendar year shall be subdivided and designated as follows:

Quarterly periods shall respectively begin on the first (1st) day of January, April, July and October and shall extend to the beginning of the next quarterly period and all consumer water usage billings shall be due and payable twenty (20) days from the date of the billing for the preceding quarter. Billings shall include an automatic late billing “if paid after (billing date + 20 days)” at an amount equal to the original billing plus a late payment fee, of five (5) percent (%) or Two Dollars (\$2.00), whichever is greater. A warning shall be included that failure to comply with payment requirements may result in an interruption of service.

- A. Payment of all water charges and other accounts due the Township as a result of this Ordinance shall be made to the Township Treasurer’s Office at the White Lake Township

Hall. No person or employee shall be authorized to receive any money due the Township other than at the Township Hall and upon the giving of an official Township receipt.

- B. Whenever notice is required to be given there under, the same shall be given either by personal service or a notice in writing to the person, firm, association or corporation to be notified or by enclosing a copy of such notice in an envelope with postage fully prepaid, addressed to the person, firm, association or corporation to be notified by depositing such notice at any public Post Office addressed to the residence address of such person, firm, association or corporation as same shall appear on the township tax rolls.
- C. In addition to the other charges set forth in this Ordinance, an additional charge in the amount of ten percent (10%) of the delinquent amount shall be imposed for all charges for water services furnished to any premises that are delinquent for six (6) months or more.
- D. Charges for water service furnished to any premises, together with the late payment fees and delinquent charges set forth in this Section, shall be a lien thereon and any such charges delinquent for six (6) months or more shall be certified annually to the Township Supervisor who shall enter the same upon the next tax roll against the premises to which such services shall have been rendered and such charges shall be collected and said lien shall be enforced in the same manner as provided for the collection of taxes assessed upon such roll and the enforcement of the lien thereon. Such charges as shall be delinquent for six (6) months shall be certified annually by the Township Board to the Township Supervisor on or before October 1, of each year for failure of the property owner to pay such charges. On or before March 1 of the year following, the Treasurer of the Township shall certify as delinquent such assessment to the Oakland County Treasurer's Office.
- E. No building permit shall be issued until all fees required by this ordinance have been paid. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Section 9.6 Payments

Anything in this Ordinance to the contrary notwithstanding, the provision of any bond resolution adopted by the Township Board in connection with bonds issued to finance any aspect of the water systems shall be followed as they deal with collection of and transfers of revenues of the water system, bank accounts, funds and accounting. In the event of any conflict between the bond resolutions and this Ordinance, the bond resolution shall control.

Payment of all water charges and other accounts due the Township as a result of this Ordinance on account of the Water Supply System shall be made to the White Lake Township Treasurer. No other person or employee shall be authorized to receive any money on behalf of the Township.

Section 9.7 Enforcement

In addition to any other lawful enforcement methods the payment of charges for water service to any premises may be enforced by discontinuing water services to such premises in accordance with the procedures detailed above.

ARTICLE X - INSPECTION AND INSPECTORS

Section 10.1 Inspector Identification

Inspectors and/or employees of the Township Board whose duty it may be to enter upon private premises to make inspection and examination of the pipes, fixtures, meters or attachments used in connection with the water supply, will be provided with a badge or such other credentials as the Board may deem proper to identify them as authorized agents of the department. No inspector or other employees of the Township Board shall be entitled to enter upon any private premises unless he carries and exhibits such badge or credentials.

Section 10.2 Inspection of Premises Plumbing

Any officer, inspector and/or other authorized employee of the Township Board shall, upon presentation of the badge or other credentials provided for in the preceding section, have free access at all reasonable hours to any premises supplied with water for the purpose of making any inspection thereof, including the examination of the entire water supply and plumbing system upon said premises. No person, firm, association or corporation shall refuse to admit any authorized inspector and/or employee of the Township Board for any such purpose. In case any authorized employee be refused admittance to any premises, or being admitted shall be hindered or prevented in making such examination, the Water Department may turn off the water to said premises after giving twenty-four (24) hours notice to the owner of occupant of said premises.

Section 10.3 Inspector Badges

No person not an authorized officer or employee of the Township Board shall have or wear or exhibit any badge or credential of the Township Board. It shall be the duty of each and every officer and employee of the Township Board upon resignation or dismissal, forthwith, to surrender and deliver to the Township Board at its office all badges and credentials of the Township Board.

Section 10.4 New Water Service Inspection

New water services shall be subject to an inspection by the Water Department and shall have passed said inspection prior to begin placed in service. An inspection fee, as established by resolution, shall be payable at time of inspection.

Section 10.5 Lawn Sprinkler System Inspection & Backflow Preventer

New lawn sprinkler system to be connected to the water system shall be subject to an inspection by the Water Department and shall have passed said inspection prior to being placed in service. A backflow preventer is required in any sprinkler system. An inspection fee, as established by resolution, shall be payable at time of inspection.

Section 10.6 New Water Systems

All new water systems, extension of an existing system and/or major construction and/or repair shall be subject to appropriate inspections as deemed necessary by the Township Water Department and/or the Township Engineer and shall have passed said inspections prior to being placed in service. Said inspection costs shall be borne by the developer or contractor of said new water system, extension of an existing system and/or major construction and/or repair. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

ARTICLE XI - CONTAMINATION AND POLLUTION

Section 11.1 Contamination

- a. It shall be unlawful for any person, firm, association or corporation to construct or maintain, or permit to be constructed or maintained, within, a radius of two-hundred (200) feet from any of the municipal water well within the Charter Township of White Lake from which the Township draws its water supplies, any source of possible contamination or pollution to said wells, except for special conditions as deemed appropriate by the State of Michigan Department of Environmental Quality.
- b. It shall be unlawful for any person, firm, association or corporation to do any act, or to allow to be done any act, that may contaminate or pollute or contribute to the contamination or pollution of the water supply wells or water system of the Charter Township of White Lake.
- c. Potable water supply made available on the properties served by the White Lake public water supply shall be protected from possible contamination as specified by this Ordinance and by the State and the White Lake Township Plumbing Codes. Water not supplied by the potable system must be labeled in a conspicuous manner as:

**WATER UNSAFE
FOR DRINKING**

Section 11.2 Abandonment

Public or private water wells that are located within an acre serviced by the Township Water System which have developed contamination above the acceptable safe drinking water levels adopted and/or established by the Michigan Department of Environmental Quality (“MDEQ”) as determined by the MDEQ shall be abandoned in accordance with the applicable laws and regulations of the State. Upon connection to the Water Supply System, each public or private water well shall be disconnected and abandoned in accordance with the applicable laws and regulations of the State to prevent contamination to the Water Supply System.

ARTICLE XII - GENERAL PROVISIONS

Section 12.1 Water System Extension

In the event the Township elects to extend an existing water system or water main, any structure which has been built on property where connection to the system is reasonably available, and where the development within which the structure is located previously received a waiver pursuant to Section 4.3(f), will be required to connect to the water system extension. For purposes of this section, “reasonably available” means one or more of the following conditions: (i) the public water line abuts the property; (ii) a public water line has been built abutting property under the same ownership or control as the property on which the structure is located; or (iii) where the Township, by resolution, agrees to extend the water system to the property within a stated reasonable time period. Costs associated with this provision, including any fees and cost imposed by Ordinance, plus the cost of installation of the service pipe into said structure shall be considered a special assessment and lien against the affected property, to be levied and paid over a 10 year period plus interest at the rate of 8% percent per annum. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Section 12.2 Connection to Water System

- A. All new structures which are occupied by individuals or are proposed to be occupied by individuals, (except for storage structures not intended for continuous occupancy) lying within the boundaries of the Township, shall be connected to an available public water system in the Township before a certificate of occupancy shall be issued if such a public water system exists. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

- B. Existing structures are occupied by individuals or are proposed to be occupied by individuals, (except for storage structures not intended for continuous occupancy) lying within the boundaries of the Township (but outside of a Special Assessment District) shall be connected to the available public water system upon the earlier of the following events: (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)
 - (i) within ninety (90) days after the date of mailing or posting of written notice by the township or the Oakland County Health Division that a health hazard exists due to the failure of an existing well system due

to well failure, soil conditions or for any other reason; or (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

- (ii) where a new well(s) is necessary because of the construction of new structures or additions to existing structures. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)
- (iii) Where any addition or alterations to an existing structure is proposed, whether or not new and/or additional water system(s) are necessary. However, if the Township Board determines, in its discretion, that compliance with this subsection (iii) would pose a hardship to the property owner, the Board may defer the time period for connection for up to five (5) years. In such event, all persons with any interest in this property shall execute a covenant, in form suitable for recording at the Oakland County Register of Deeds, and approved by the Township attorney, confirming the requirement to connect to the public water system. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

C. Existing structures subject to prior agreements (including, without limitation, the agreement referenced in paragraph D immediately following) or prior approval conditions requiring water hookup when such water system becomes available shall connect to the water system as provided in said agreement or conditions. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

D. This subsection applies to new structures for which an available public water system in not immediately available for connection but the Township reasonably anticipates that the public water system will be extended in the future in reasonable proximity to such new structure. In such event, the Township may, as a condition of site plan approval, require the applicant to connect said structure to the public water system with sixty (60) days of the date the Township notifies the owner of the property (as shown on the last tax assessment roll of the Township) that the system is available for connection. In such event, all persons with any interest in the property shall execute a document, in form suitable for recording at the Oakland County Register of Deeds, and approved by the Township attorney, confirming the requirement to connect to the public water system. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

E. All structures within the boundaries of a water related Special Assessment District shall be connected to the available public water system. This connection shall be completed promptly, but not later than ninety (90) days after the Township sends written notice to the owner of the property on which the structure(s) is located, as shown by the last tax assessment roll of the Township, giving notice of the availability of the public water system and the existence of this Ordinance. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

F. The Township Board may, by resolution, establish the geographic boundaries of one or more mandatory water connection districts. All structures requiring potable water, located within a mandatory water connection district where connection to the system is

reasonably available, shall be required to connect to the water system. For properties within a mandatory water connection district, the Township shall notify the property owners that the water system is available for connection. The property owners shall be required to connect their structures to the system within ninety (90) days after the mailing or posting of the notice of availability. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Section 12.3 Variance

The Township Board may grant a variance from the provisions of Sections 12.1 and 12.2 under the following terms and conditions: (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

- A. The applicant must submit a written request to the Township Board for a variance from the requirements of the Ordinance and demonstrate (i) that compliance with the terms of this Ordinance would result in an unreasonable hardship; and (ii) the property is otherwise served by an existing source of water that conforms to the requirements of all applicable local, state and county regulatory agencies. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)
- B. The Township Board shall consider the request and grant a variance only if it makes a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and not be detrimental to the public welfare. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)
- C. In granting any variance, the Township Board may prescribe appropriate conditions in conformity with this Ordinance. Violation of such conditions, shall be deemed a violation of this Ordinance and punishable under applicable provisions of this Ordinance. Conditions imposed shall meet all the following requirements. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)
 1. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well being of those who will use the premises and the community as a whole;
 2. Be related to the valid exercise of the Township's powers and purposes as to the specific property involved;
 3. Be necessary to meet the intent and purpose of the Water Ordinance.
- D. Any variance granted pursuant to this section shall only continue only as long as the source of water in existence at the time the variance request was granted, continues to comply with the standards of all applicable state and county regulatory agencies. Should the source of water not so comply, the variance shall automatically terminate.

Section 12.4 Water Shutoff

Should it become necessary to shut off the water from any section of the water system because of accidents or for the purpose of making repairs or in the 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. Failure to give such notice will not render the Township or Water Department responsible or liable for damages that may result. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Section 12.5 Temporary Restriction of Water Usage

Should it become necessary for the Township Board to temporarily restrict and/or limit water usage to water system users, for example, discontinuance of lawn sparkling, due to the water system having experienced a malfunction or failure of the system, or any other reason, it shall be unlawful for any person, firm, association or corporation to not comply with the restrictions or limitations so imposed by the Township Board. All affected water system users shall be duly and timely informed by the Water Department of any and all restrictions or limitations so placed upon them, and shall be duly and timely informed by the Water Department of any and all lifting of said restrictions or limitations. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

Section 12.6 Ordinance Validity

If any one or more provisions of this ordinance shall ever be held by any court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining provisions hereof shall nevertheless be continued in full force and effect, it being expressly recited and declared that such remaining provisions would have been enacted despite the invalidity of such provision or provisions so held to be invalid.

Section 12.7 Ordinance Violation

A violation of this Ordinance shall be deemed a Municipal Civil Infraction.

A. **Civil Fines.** The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular ordinance provision:

1. The First Offense. The civil fine for a first offense violation shall be in an amount of seventy-five Dollars (\$75.00), plus costs and other sanctions, for each offense.
2. First Repeat of Offense. The civil fine for any offense which is a first repeat offense shall be in an amount of One Hundred Fifty Dollars (\$150.00), plus costs and other sanctions, for each offense.
3. Second (or any subsequent) Repeat of Offense. The civil fine for any offense which is a second or subsequent repeat offense shall be in an amount of Five Hundred Dollars (\$500.00), plus costs and other sanctions, for each offense.

B. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the Judge or Magistrate shall

be authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation of, this ordinance. In addition to the other remedies provided in this Ordinance, the Township may bring a civil proceeding for an injunctive order, or for such other remedial relief, to compel connection to the public water system, including damages for the cost or expenses thereof. The Township may join in such action or actions any number of property owners. The relief available under this section shall include an injunctive order allowing the Township or its employees, agents, or contractors to enter onto the property and connect the structure to the public water system. In the event the Township makes the connection pursuant to the preceding sentence, all costs of the Township in doing so, including the actual cost of connection, attorney fees, engineering fees, and all other costs, shall be a lien on the property which may be enforced by the Township in the same manner as provided for collection of delinquent tax assessments, by utilization of the statutory provisions for foreclosure of mortgages by advertisement, or by suit for collection. The selection of remedy shall be at the sole discretion of the Township. (Amended 08/17/04; Pub. 09/01/04; Eff. 11/01/04)

- C. Continuing Offense. Each act of violation and each day upon which any such violation shall occur, shall constitute a separate offense.
- D. Remedies Not Exclusive. In addition to any remedies provided for in this ordinance, any equitable or other remedies available may be sought.
- E. Judge or Magistrate. The Judge or Magistrate shall also be authorized to impose costs, damages and expenses as provided by law.
- F. Default on Payment of Fines and Costs. A default in the payment of a civil fine, costs, damages or expenses ordered under Subsection A or B or an installment of the fine, costs, damages or expenses as allowed by the court, may be collected by the Township of White Lake by a means authorized for the enforcement of a judgment under Chapters 40 or 60 of the Revised Judicature Act, MCL 600.101, *et. seq.*, MSA 27A.101, *et. seq.*, as amended.
- G. Failure to Comply With Judgment or Order. If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the court may proceed under Section I.
- H. Failure to Appear in Court. A defendant who fails to answer a citation or notice to appear in court for a violation of this ordinance is guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00), plus costs and/or imprisonment not to exceed ninety (90) days.
- I. Civil Contempt.
 - 1. If a defendant defaults in the payment of a civil fine, costs, damages, expenses, or installment as ordered by the district court, upon motion of the Township of White Lake or upon its own motion, the court may require the defendant to show

cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.

2. If a corporation or an association is ordered to pay a civil fine, costs, damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
4. If it appears that the default in the payment of a civil fine, costs, damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, damages or expenses.
5. The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, damages or expenses shall be specified in the order of commitment and shall not exceed one day for each Thirty Dollars (\$30.00) due. A person committed for nonpayment of a civil fine, costs, damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of Thirty Dollars (\$30.00) per day.
6. A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs, damages or expenses shall not be discharged from custody until one of the following occurs:
 - (a) Defendant is credited with an amount due pursuant to Subsection I (5).
 - (b) The amount due is collected through execution of process or otherwise.
 - (c) The amount due is satisfied pursuant to a combination of Subdivisions I (6)(a) and (b).
7. The civil contempt shall be purged upon discharge of the defendant pursuant to Subsection I (6).

J. Lien Against Land, Building or Structure.

If a defendant does not pay a civil fine, costs or installment ordered under Subsection A or B within 30 days after the date upon which the payment is due for a violation of this ordinance involving the use or occupation of land, a building or other structure, the Township of White Lake may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the Register of Deeds for Oakland County. The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order.

1. The lien is effective immediately upon recording of the court order with the Register of Deeds.
2. The court order recorded with the Register of Deeds shall constitute the pendency of the lien. In addition, a written notice of lien shall be sent by White Lake Township by first class mail to the owner of record of the land, building, or structure at the owner's last known address.
3. The lien may be enforced and discharged by White Lake Township in the manner described by its Charter, by the General Property Tax Act, Act No. 206 of the Public Acts of 1893, being Sections 211.1, 211.157 of the Michigan Compiled Laws, or by an ordinance duly passed by the Township. However, property is not subject to sale under Section 60 of Act No. 206 of the Public Acts of 1893, being Section 211.60 of the Michigan Compiled Laws, for nonpayment of a civil fine or costs or an installment ordered under Subsections A or B unless the property is also subject to sale under Act No. 206 of Public Acts of 1893 for delinquent property taxes.
4. A lien created under this section has priority over any other lien unless one or more of the following apply:
 - a. The other lien is a lien for taxes of special assessments.
 - b. The other lien is created before the effective date of the amended ordinance that added this section.
 - c. Federal law provides the other lien has priority.
 - d. The other lien is recorded before the lien under this section is recorded.
5. The Township may institute an action in a court of competent jurisdiction for collection of the fines and costs imposed by a court order for a violation of this ordinance. However, an attempt by the Township to collect the fines or costs does not invalidate or waive the lien upon the land, building, or structure.
6. A lien provided for by this subsection shall not continue for a period longer than 5 years after a copy of the court order imposing a fine or cost is recorded unless within that time an action to enforce the lien is commenced.

Section 12.8 Prior Ordinances and Resolutions

Any and all ordinances and resolutions heretofore adopted, inconsistent herewith, are hereby repealed to the extent that the provisions thereof are inconsistent with the provisions hereof.

ARTICLE XIII - ADOPTION

This Ordinance Amendment to Ordinance No. 22 is hereby declared to have been adopted by the Township Board of the Charter Township of White Lake at a meeting duly called and held on the 21st day of August 2007 and ordered to be given publication in the manner prescribed by law.

Carol J. Burkard, Clerk

Mike Kowall, Supervisor

Amended 02/19/02 Art. I-VI, VIII-IX, XI-XII
Published 02/27/02; Effective 03/06/02
Amended 03/18/03 Art. IV
Published 04/02/03; Effective 05/02/03
Amended 08/21/2007, Effective 9/12/2007