

Chapter 38 UTILITIES

ARTICLE I. IN GENERAL

Secs. 38-1—38-18. Reserved.

ARTICLE II. WATER SYSTEM

DIVISION 1. GENERALLY

Sec. 38-19. Definitions.

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Capital Connection Fee shall mean the amount charged to the property owner for each structure to be connected to the water system. This fee shall be paid prior to connection and in accordance with the township fee ordinance. The payment of this fee is non-transferrable to other properties and is non-refundable.

Capital surcharge means an additional charge imposed upon water system customers by the township board for the purpose of ensuring 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 means any real or potential connection between a potable water line and any other source of water or liquid.

Dedicated well house means 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.

Department of Public Services 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.

Department of Public Services Director means the individual appointed by the township board to supervise the Department of Public Services.

Developer means 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 38-104.

Lateral Benefit Fee shall mean the amount charged to the property owner for each structure to be connected to the water system, in addition to the capital connection fee. This fee is applied when a property owner has not previously contributed to the cost of construction of the water main abutting the property. This fee shall be paid prior to connection and in accordance with the township fee ordinance. The payment of this fee is non-transferable to other properties and is non-refundable.

M-59 Mideast Water Extension District means the properties identified with the following tax identification numbers as of November 2009:

- (1) *North side:*
- a. 12-22-176-003.
 - b. 12-22-176-008.

- c. 12-22-177-025.
- d. 12-22-178-002.
- e. 12-22-251-003.
- f. 12-22-251-004.
- g. 12-22-251-009.
- h. 12-22-251-010.
- i. 12-22-251-014.
- j. 12-22-251-015.
- k. 12-22-251-016.
- l. 12-22-251-017.
- m. 12-22-251-018.
- n. 12-22-251-019.
- o. 12-22-251-020.
- p. 12-22-251-021.
- q. 12-22-251-022.
- r. 12-22-251-023.
- s. 12-22-251-024.
- t. 12-22-251-025.
- u. 12-22-251-026.
- v. 12-22-251-027.
- w. 12-22-226-005.
- x. 12-22-226-009.
- y. 12-22-226-010.
- z. 12-22-226-011.
- aa. 12-22-227-011.
- bb. 12-23-101-001.

(2) *South side:*

- a. 12-22-252-002.
- b. 12-22-252-011.
- c. 12-22-252-019.
- d. 12-22-252-020.
- e. 12-22-252-022.
- f. 12-22-276-004.
- g. 12-22-279-004.
- h. 12-23-128-001.

- i. 12-23-128-028.
- j. 12-23-151-002.
- k. 12-23-151-003.
- l. 12-23-151-004.
- m. 12-23-152-001.
- n. 12-23-152-002.

Should any of the foregoing properties be divided or combined, the resulting parcels shall still be considered to be part of the district.

Main or *water main* means those pipes, other than supply pipes and service pipes, used for conveying or distributing water.

New Residential Construction Water Use Fee shall mean the amount charged to the builder of a new residential single family home for the temporary unmetered use of the water service line connected to the township water system. This fee allows unmetered use of water for up to 180 days during the construction of the home in accordance with the township fee ordinance.

Ownership means 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 years.

Parcel means 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 means a developer, and any of the following:

- (1) 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 of the outstanding stock or more than a five percent interest in the limited liability company.
- (2) 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 of the limited liability company or the outstanding stock of the corporation.
- (3) If the developer is a corporation: any officer, director, or individual owning more than five percent 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 interest.
- (4) 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 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.

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 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 supply system means that aspect of the complete system that consists of the wells, pumps and treatment system and storage tanks.

White Lake water system, township water system, water system or 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.

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

(Ord. of 8-17-2004; Ord. No. 22, art. I, 11-24-2009; Ord. of 11-18-2014(1), § 1)

Secs. 38-20—38-41. Reserved.

DIVISION 2. ORGANIZATION AND MANAGEMENT

Sec. 38-42. Township and Department of Public Services.

The operation, management, maintenance, repair and control of the water system shall be under the immediate supervision and control of the Department of Public Services 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.

(Ord. of 8-17-2004; Ord. No. 22, § 2.1, 11-24-2009)

Sec. 38-43. 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 article.

(Ord. of 8-17-2004; Ord. No. 22, § 2.2, 11-24-2009)

Sec. 38-44. Account designation.

(a) All revenues generated from the operation of the water system shall be maintained in accounts or sub-accounts opened and maintained by the 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.

(b) The township treasurer shall be authorized to open and maintain said accounts.

(Ord. of 8-17-2004; Ord. No. 22, § 2.3, 11-24-2009)

Sec. 38-45. 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 Department of Public Services. 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 division.

(Ord. of 8-17-2004; Ord. No. 22, § 2.4, 11-24-2009; Ord. of 11-18-2014(1), § 1)

Sec. 38-46. Reserved.

Editor's note(s)—Ord. of 11-18-2014(1), § 1 Editor's note(s)—, repealed § 38-46 Editor's note(s)—, which pertained to township water supply system perpetual reserve account and derived from Ord. of 8-17-2014; Ord. No. 22, § 2.5, adopted Nov. 24, 2009.

Sec. 38-47. Annual budget.

- (a) A proposed fiscal year operating budget shall be prepared by the Department of Public Services 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-year history.
- (b) The proposed budget may include specific proposed capital improvements.
- (c) All expenditures shall be in accordance with the approved budget.

(Ord. of 8-17-2004; Ord. No. 22, § 2.6, 11-24-2009; Ord. of 11-18-2014(1), § 1)

Sec. 38-48. Indebtedness and emergency situations.

The Department of Public Services 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 \$5,000.00 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 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 24 hours or endangers the public welfare. The Department of Public Services director or designee shall submit a detailed report and corrective action for each emergency.

(Ord. of 8-17-2004; Ord. No. 22, § 2.7, 11-24-2009)

Sec. 38-49. Township water supply system; capital account.

- (a) 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, the term "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.
- (b) From the total amount contained in the capital account for a particular year, the following disbursements may be made:
 - (1) Payment of required principal and interest payments for any bonds issued for the water system.

- (2) Transfers to the operating fund for capital improvements, which are part of the approved budget for the Department of Public Services.

(Ord. of 8-17-2004; Ord. No. 22, § 2.8, 11-24-2009)

Sec. 38-50. Capital surcharge.

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:

- (1) Payment of required principal and interest payments for any bonds issued for the water system.
- (2) 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 capital fund.

(Ord. of 8-17-2004; Ord. No. 22, § 2.9, 11-24-2009)

Sec. 38-51. Removed.

Sec. 38-52. M-59 Mideast Water Extension capital surcharge connection fee.

- (a) The water main capital recovery surcharge established by section 38-51 shall not apply to properties within the M-59 Mideast Water Extension District ("district").
- (b) A special M-59 Mideast Water Extension District water main capital recovery surcharge connection fee ("surcharge") is established for properties within the district. The amounts allocable to each property within the district shall be established by resolution of the township board.
- (c) For owners of properties that agree to execute a capital surcharge connection agreement ("connection agreement"), as prepared by the township, on or before November 1, 2010, the surcharge may be paid over a period of ten years in equal annual installments, plus interest.
 - (1) The interest rate shall be paid by the township in connection with a capital improvement bond issue to finance various water improvement projects, including the M-59 Mideast Water System Extension, plus an additional one percent.
 - (2) The connection agreement shall include a lien on the properties connecting pursuant to this subsection (c)(2), to secure repayment of the surcharge. The lien will be in the amount of the unpaid surcharge, plus interest and any enforcement costs described in subsection (c)(3) of this section. The property owner shall sign the lien, in form as prepared by the township attorney.
 - (3) The lien granted in subsection (c)(2) of this section may be enforced by the township in the same manner as provided by state law for the foreclosure of mortgages, may be placed as an assessment on the next tax roll of the township, or may be enforced by court action for a money judgment. The lien shall provide that the property owner specifically consents to utilization of the statutory provisions for foreclosure of mortgages by advertisement.
 - (4) Properties that elect to pay the surcharge over ten years pursuant to this subsection shall be required to pay all other connection fees and charges at the time of connection to the water system, in accordance with the provisions of this division.
 - (5) In addition to the lien enforcement described above, in the event any part of the surcharge is not paid when due, the township shall also have the remedies provided by section 38-276.
- (d) Properties whose owners do not execute the connection agreement by November 1, 2010, and subsequently connect to the water system, shall pay the surcharge in cash at the time of connection to the township water system, plus interest from November 1, 2010 to the date of payment at the rate described in subsection

(c)(1) of this section, plus all other applicable connection fees and charges in accordance with the provisions of this division.

(Ord. of 8-17-2004; Ord. No. 22, § 2.11, 11-24-2009)

Secs. 38-53—38-77. Reserved.

DIVISION 3. DESIGN AND CONSTRUCTION STANDARDS

Sec. 38-78. Design and construction standards.

(a) The design and construction of water systems within the boundaries of the township shall be in accordance with township municipal standards, to wit:

- (1) Township engineering design standards.
- (2) Municipal wells and well houses design and construction standards.
- (3) Township standard details.
- (4) Water storage tanks design and construction standards.
- (5) Township wellhead protection standards.

(b) In addition to applicable state standards in case of conflict, where the township standards are more stringent than the state standards, said township standards shall take precedence.

(Ord. of 8-17-2004; Ord. No. 22, § 3.1, 11-24-2009)

Sec. 38-79. 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, for such work, to the township community development department and Department of Public Services. The township community development department and Department of Public Services, 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 percent and the actual costs have been covered.

(Ord. of 8-17-2004; Ord. No. 22, § 3.2, 11-24-2009)

Secs. 38-80—38-101. Reserved.

DIVISION 4. EXTENSION OF WATER SYSTEM

Sec. 38-102. Intent and policy.

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

- (1) Will provide for a high quality of potable water, and lessen the possibility of water contamination.
- (2) Will allow for enhanced firefighting capability by the township fire department.
- (3) Will promote and protect the public health, safety and welfare by the prevention and elimination of cross connections, which have been recognized as a potential cause of public health problems due to the hazard caused to drinking water quality.

(Ord. of 8-17-2004; Ord. No. 22, § 4.1, 11-24-2009)

Sec. 38-103. Extension or changes in water system.

- (a) Extension of or changes in water systems may be initiated by the Department of Public Services, community development 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 Department of Public Services 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 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 division or as indicated in subsection (b) of this section.
- (b) Unless the water system improvement is to be financed by creation of a special assessment district or under section 38-79 and/or section 38-103, the property owner shall provide an irrevocable letter of credit or pay to the 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 construction of the water system sufficient in type and amount to ensure complete construction without unanticipated expense to the township. In cases where the improvement is to be financed by creation of a special assessment district, the township board may impose such conditions, as it deems necessary to ensure reimbursement to it of engineering and other costs advanced.
- (c) A property owner or owners requesting creation of a special assessment district shall be required to submit an application in connection with such request on forms prescribed by the township. As part of the application, the property owner or owners shall be required to execute a "consent to lien form" as prepared by the township attorney, which will provide for reimbursement of all the township's costs incurred in creation of the special assessment district, if for any reason the special assessment district is not created, and creation of a lien on the applicant's property to secure repayment of those costs.

(Ord. of 8-17-2004; Ord. No. 22, § 4.2, 11-24-2009)

Sec. 38-104. Requirements for water distribution systems.

- (a) A water supply and distribution system shall be required for any of the following developments:
 - (1) All new proposed single-family residential subdivisions or condominium developments with the following number of lots or units:

Zoning District Where Property is Located (Pursuant to Ordinance No. 58)	Lots or Units
R-1-A or SF	40 or more
R-1-B	30 or more

R-1-C, R-1-D, R-3	20 or more
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- (2) All new multiple-family residential developments, containing 20 or more apartments or dwelling units.
 - (3) All new commercial or industrial buildings, industrial parks, shopping centers, condominium developments or other office, commercial or industrial developments proposed to contain one or more buildings with 25,000 square feet or more of building area (as defined in the Michigan building code).
 - (4) Any other residential, commercial or industrial development where the township determines it would be economically feasible to provide a new water supply and distribution system. In making this determination, it shall be deemed economically feasible if the proposed residential development is located within the distance calculated by the following formula: distance equals 50 feet times the number of units plus 150 feet from the existing township water system.
 - (5) The 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.
- (b) In applying this section:
- (1) The term "developments" 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 years prior to the current application for township approval, but following the effective date of the ordinance from which this division is derived, on:
 - 1. The parcel of property for which the current approval is being requested.
 - 2. Any part of a parent parcel, within which the parcel proposed to be developed was a part within the last ten years.
 - 3. Any 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-year period under the ownership of the developer or a related entity.
- (c) Notwithstanding the provisions of this section, 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 this section.
 - (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 division 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 county register of deeds against all property described in this section, 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 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 200 feet of any new residential, commercial or industrial development as described in this section, 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: result in the preclusion of any viable economic use of the property; result in a development that is materially inconsistent with the township's master land use plan; or 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. In granting any variance, the township board may prescribe appropriate conditions. Violations of such conditions shall be deemed a violation of this article and punishable under applicable provisions of this article. Conditions imposed shall meet all the following requirements:
 - (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 this article.
- (g) All developments not providing a water distribution system shall provide an adequate water supply for fire protection as outlined in subsection (g)(1)–(4). When required, the fire protection water supply shall be a hydrant well, if an aquifer is available. An acceptable alternative to a hydrant well is an automatic sprinkler system designed and installed in accordance with latest adopted editions of the International Fire Code (IFC) and National Fire Protection Association (NFPA) standards.

Residential. The requirement shall be in accordance with section 38-104(a), above.

Commercial. The requirement shall be based on the minimum water supply needed as outlined in the latest edition of NFPA 1142, and currently provides:

NFPA 1142. Identifies a method of determining the minimum requirements for alternative water supplies for structural firefighting purposes in areas where the fire department determines that adequate and reliable water supply systems for firefighting purposes do not exist otherwise.

- (1) Hydrant well requirements shall be based on the fire department's ability to meet the minimum flow requirements as determined by NFPA 1142, latest edition. The minimum water supply, in gallons, shall be determined by calculating the total enclosed volume, in cubic feet, of the structure, including any attached structures, then dividing by the occupancy hazard classification number, and multiplying by the construction classification number as determined by NFPA 1142, latest edition. For structures with exposure hazards, multiply by 1.5.

Example:

- WS = VS x CC multiply by 1.5 for exposures OHC
- WS = minimum water supply in gallons
- VS = total volume of the structure in cubic feet
- OHC = occupancy hazard classification number
- CC = construction classification number

The minimum supply required for any structure without exposures shall not be less than 2,000 gallons.
The minimum supply with exposures shall not be less than 3,000 gallons.

(2) Minimum capability of fire department to deliver water.

Total Water Supply Required (gallons)	Delivery Rate (gallons per minute)
<2,500	250 GPM
2,500—9,999	500 GPM
10,000—19,999	750 GPM
>20,000	1,000 GPM

- (3) For new construction not providing a water distribution system, information regarding the building construction type, size, and use shall be submitted to the fire department during the site plan phase of the project. The fire department will base its decision on the flow requirements, and proposed building location. If the calculated flow requirements exceed fire department capabilities, a hydrant well shall be required. The hydrant well shall be shown on both the site and construction plan submittals.
- (4) The hydrant well shall be designed in accordance with township standards. The design detail shall be obtained from the township engineering firm.
- (h) The township board may defer immediate payment of any of the connections fees, charges or surcharges required by this article, if the property owner demonstrates to the satisfaction of the township board that payment would cause a substantial economic hardship to the owner. In such event, the property owner shall sign an agreement in form as prepared by the township attorney, specifying the terms and conditions of repayment, granting a lien or other security as determined by the township attorney, and including such other terms and conditions as the board and/or township attorney may deem appropriate. The agreement shall be recorded at the office of the county register of deeds.

(Ord. of 8-17-2004; Ord. of 7-21-2009; Ord. No. 22, § 4.3, 11-24-2009; Ord. No. 2016-001, art. I, 1-12-2016)

Sec. 38-105. 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 11 sets of plans for the proposed water system to the Department of Public Services director. Such plans shall include, without limitation, well site layout, boring logs (at least two), hydrological results and the well log of a test well. The Department of Public Services director shall submit three 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 38-79.
- (d) The township engineer shall review the plans for conformity to the design and construction standards and return one of the sets to the applicant and to the township building official with appropriate comments. The applicant, after making any requested changes, shall submit 11 sets of the 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 Department of Public Services director. 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 Department of Public Services director.
- (f) The township board shall grant final approval to all new water distribution systems, required by this division, if such system complies fully with all provisions of this article.

(Ord. No. 22, § 4.4, 11-24-2009)

Sec. 38-106. 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 division 3 of this article.

(Ord. No. 22, § 4.5, 11-24-2009)

Sec. 38-107. Inspections.

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 38-79 and must be paid prior to the start of any construction.

(Ord. No. 22, § 4.6, 11-24-2009; Ord. of 11-18-2014(1), § 1)

Sec. 38-108. 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 Department of Public Services director or his duly designated representative.
- (c) The following may 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 state department of environmental quality or any other state or county agency with jurisdiction.
 - (4) A maintenance bond equal to 50 percent of the value of said system, extension and/or portion thereof. The bond shall cover a period of two 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 Department of Public Services director or his duly designated representative.

(Ord. of 8-17-2004; Ord. No. 22, § 4.7, 11-24-2009; Ord. of 11-18-2014(1), § 1)

Sec. 38-109. 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 Department of Public Services director are forbidden to disturb, tap, change, obstruct access to, or interfere with them in any way.

(Ord. of 8-17-2004; Ord. No. 22, § 4.8, 11-24-2009)

Secs. 38-110—38-131. Reserved.

DIVISION 5. SERVICE PIPES, SUPPLY PIPES AND CONNECTIONS

Sec. 38-132. Application for connection.

Before any connection is made to any water main, application for it shall be made in writing to the Department of Public Services by the owner of the premises to be served, or by his duly authorized agent, and a water permit secured. Such application shall be made on forms provided by the Department of Public Services. The owner, user and/or applicant for a water permit by such application agrees to abide by all rules and regulations of the Department of Public Services and all provisions of this article. 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 township building department.

(Ord. No. 22, § 5.1, 11-24-2009)

Sec. 38-133. Tapping fee.

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 an administration fee as established by the township fee ordinance. 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 township fee ordinance. An inspection fee for the water main tap, in accordance with the township fee ordinance, will apply.

(Ord. of 8-17-2004; Ord. No. 22, § 5.2, 11-24-2009)

Sec. 38-134. Reserved.

New Residential Construction Water Use Fee

In addition to other applicable fees and prior to the required installation of the water meter for the structure, a new residential construction water use fee shall be charged to the builder for the temporary unmetered connection to the water service line connected to the township water system for construction purposes. This fee allows the unmetered use of water for up to 180 days during the construction of the structure. Unmetered water may only be used for the construction of the structure for which the unmetered service line is intended. Irrigation systems are not permitted unmetered use.

Sec. 38-135. Connection charges.

- (a) No premises shall be connected to a public water main or service pipe without the payment of capital connection fees and lateral benefit fees as provided for in this article.
- (b) The township board may, as compensation in full or in part, waive the lateral benefit fee for premises over which permanent or temporary sewer easements or licenses have been granted to the township without charge provided there is reasonable expectation that the easement shall lead to future extension of the sanitary sewer system, as determined by the township DPS director or the township engineer. The total amount of the lateral benefit fee waived shall not exceed the value of the easement or license granted to the township as determined by the township assessor utilizing standard appraisal techniques. The township assessor shall execute a certificate stating his conclusions regarding the value of the easement or license granted and the basis for that opinion.

(Ord. of 8-17-2004; Ord. of 8-21-2007; Ord. No. 22, § 5.4, 11-24-2009; Ord. of 11-18-2014(1), § 1)

Editor's note(s)—Ord. of 11-18-2014(1), § 1, Editor's note(s)—amended the title of § 38-135 Editor's note(s)—, which was formerly "Water supply connection fee."

Sec. 38-136. 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 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 waiver from lateral benefit fee, as determined by the township board, not to exceed, 50 percent of the water supply connection fees otherwise payable.

(Ord. of 8-17-2004; Ord. No. 22, § 5.5, 11-24-2009)

Sec. 38-137. Water permits.

- (a) 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 building permit, whichever comes first. 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 an address is secured from the township building department. Only three water permits shall be issued prior to township board acceptance of the water system pursuant to section 38-108.
- (b) The party to whom such a permit is issued shall be responsible for notifying the Department of Public Services 24 hours in advance of the date and time when such a connection is made so that proper inspection can be made by the Department of Public Services.

(Ord. of 8-17-2004; Ord. of 8-21-2007; Ord. No. 22, § 5.6, 11-24-2009)

Sec. 38-138. 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 township water supply system must use metered water.

(Ord. No. 22, § 5.7, 11-24-2009)

Sec. 38-139. Stop boxes.

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

(Ord. No. 22, § 5.8, 11-24-2009)

Sec. 38-140. Supply and service pipe.

All supply and service pipes shall have a minimum inside diameter of one inch for all new installations. Supply and service pipe material shall be type "K" copper or 200 psi plastic blue pipe with wire tracing in accordance with the state construction code. The Department of Public Services shall approve all fittings and connections underground. The Department of Public Services shall determine supply and service pipes of larger size.

(Ord. No. 22, § 5.9, 11-24-2009; Ord. of 11-18-2014(1), § 1)

Sec. 38-141. 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 and the state plumbing code as adopted by the township.

(Ord. No. 22, § 5.10, 11-24-2009)

Sec. 38-142. Service pipe burial dimensions.

All service pipes shall enter the building under the foundation with a minimum of five feet of cover in yard areas, six 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 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 feet away from septic and drain systems. Installation shall be inspected by the Department of Public Services (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. The 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 feet and the minimum sewer depth for a common trench is be seven feet deep. Further, a common trench depends on the sewer being nearly seven 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 inches 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 inches and then install the water lead on top of the sewer.
- (2) A separation of ten feet shall be maintained between the parallel water and sewer mains and services in the right-of-way line.
- (3) The Michigan plumbing code shall be followed if the code is more stringent than the above requirements.

(Ord. No. 22, § 5.11, 11-24-2009)

Sec. 38-143. 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.

(Ord. No. 22, § 5.12, 11-24-2009)

Sec. 38-144. 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.

(Ord. No. 22, § 5.13, 11-24-2009)

Sec. 38-145. Supply pipe maintenance.

The Department of Public Services 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 premises. Failure to keep the service line in good repair will result in discontinuance of service.

(Ord. of 2-19-2002; Ord. No. 22, § 5.14, 11-24-2009)

Sec. 38-146. Supply pipe interference.

No person shall interfere in any way with the supply pipe installed by the Department of Public Services. 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 he found it.

(Ord. of 8-17-2004; Ord. No. 22, § 5.15, 11-24-2009)

Sec. 38-147. 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.

(Ord. No. 22, § 5.16, 11-24-2009)

Sec. 38-148. 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 Department of Public Services shall be sufficient grounds for discontinuance of township water supply to the premises.

(Ord. No. 22, § 5.17, 11-24-2009)

Sec. 38-149. Removed.

Sec. 38-150. 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.

(Ord. of 8-17-2004; Ord. No. 22, § 5.19, 11-24-2009)

Secs. 38-151—38-168. Reserved.

DIVISION 6. METERS

Sec. 38-169. All services metered.

All service connection, except separate fire connections and temporary connections in accordance with Section 38-134, shall be metered and shall pay for water at the rate established by the township board

(Ord. No. 22, § 6.1, 11-24-2009)

Sec. 38-170. Meters and remote meters.

The tapping fee, as required by Section 38-133 and in accordance with the township fee ordinance, shall include the cost of the water meter and remote reader furnished by the Department of Public Services and the installation thereof, but such meter and remote reader shall remain the property of the Department of Public Services and will at all times remain under its control. The Department of Public Services will furnish the meter couplings or flanges. The maintenance of the meters and remote reader will be the obligation of the Department of Public Services, 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 Department of Public Services caused thereby may be charged against and collected from the owner or occupant of the premises.

(Ord. No. 22, § 6.2, 11-24-2009)

Sec. 38-171. Meter accessibility.

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

(Ord. No. 22, § 6.3, 11-24-2009)

Sec. 38-172. Bypasses.

Bypasses may be required on all 1.50-inch and larger meter installations. Bypasses will not be allowed on 1.00-inch meters.

(Ord. No. 22, § 6.4, 11-24-2009; Ord. of 11-18-2014(1), § 1)

Sec. 38-173. 1.50-inch meter plumbing specifications.

All services 1.50-inches and larger may have a "dresser" type coupling installed on the discharge side of the meter before the bypass tee. All services 1.50 inches 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 inches for all 1.50-inch service pipes, 2.00 inches for all service pipes up to and including 4.00 inches, and 3.00 inches for all larger service pipes, the side opening of such tee shall be plugged.

(Ord. No. 22, § 6.5, 11-24-2009; Ord. of 11-18-2014(1), § 1)

Sec. 38-174. Meter responsibility.

The owner or occupant of any premises where a meter is installed is 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 Department of Public Services.

(Ord. No. 22, § 6.6, 11-24-2009)

Sec. 38-175. Defective meter.

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

(Ord. No. 22, § 6.7, 11-24-2009)

Sec. 38-176. Meter accuracy.

The accuracy of any meter and/or remote reader installed in any premises will be tested by the Department of Public Services upon request for the customer, who shall pay a fee or as an addition to the current water bill for the premises, as established by the township fee ordinance, to cover the cost of the test. If, on such test, the meter and/or remote reader shall be found to register over five 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.

(Ord. No. 22, § 6.8, 11-24-2009)

Sec. 38-177. Meter sealing.

The Department of Public Services, where applicable, will seal the meter, remote readers and bypasses, 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 bypass.

(Ord. No. 22, § 6.9, 11-24-2009)

Secs. 38-178—38-207. Reserved.

DIVISION 7. FIRE HYDRANTS

Sec. 38-208. 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 Department of Public Services.

(Ord. No. 22, § 7.1, 11-24-2009)

Sec. 38-209. 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 Department of Public Services office. A deposit, as established by resolution, will be required. Such person, firm or corporation must report to the Department of Public Services 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.

(Ord. No. 22, § 7.2, 11-24-2009)

Sec. 38-210. 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.

(Ord. No. 22, § 7.3, 11-24-2009)

Sec. 38-211. 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 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.

(Ord. No. 22, § 7.4, 11-24-2009)

Sec. 38-212. 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.

(Ord. No. 22, § 7.5, 11-24-2009)

Sec. 38-213. 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, 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.

(Ord. No. 22, § 7.6, 11-24-2009)

Sec. 38-214. Quarterly fire charge.

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

(Ord. No. 22, § 7.7, 11-24-2009)

Sec. 38-215. 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 bypass. The required meter must be purchased from the Department of Public Services. No domestic service shall be allowed on a standby fire line.

(Ord. No. 22, § 7.8, 11-24-2009)

Secs. 38-216—38-238. Reserved.

DIVISION 8. USE OF WATER

Sec. 38-239. 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 hours of continuous operation, into which the service pipe shall discharge.

(Ord. No. 22, § 8.1, 11-24-2009)

Sec. 38-240. 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.

(Ord. of 8-17-2004; Ord. No. 22, § 8.2, 11-24-2009)

Sec. 38-241. 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 Department of Public Services. 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.

(Ord. of 8-17-2004; Ord. No. 22, § 8.3, 11-24-2009)

Sec. 38-242. 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 30 days after such division.

(Ord. No. 22, § 8.4, 11-24-2009)

Sec. 38-243. Water turn off.

- (a) Water may be turned off from any premises against which charges stand delinquent for 30 days. Notification of delinquency shall be given to the owner of the premises concurrent with the late billing, together with a warning of turn-off date if billing continues to remain unpaid.
- (b) Water service may be turned off to customers requiring repairs to their water meters who have not responded for more than six months to written notice from the Department of Public Services to allow access for such repairs. Notification of water shutoff shall occur after the property owner is given written notice at least seven days in advance of shut-off and additional notice at least 24 hours in advance of shut-off attached to the entrance door of the main structure and the garage.
- (c) 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 in the township fee ordinance referred to in chapter 16, for extra service provided by the Department of Public Services.

(Ord. of 8-17-2004; Ord. No. 22, § 8.5, 11-24-2009)

Sec. 38-244. 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.

(Ord. No. 22, § 8.6, 11-24-2009)

Sec. 38-245. Cross connection.

- (a) 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. 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 Environment, Great Lakes, and Energy ("EGLE") set forth at R325.11401 through R325.11407 of the Michigan Administrative Code and current State Plumbing Code. The Administrative Code requires the township to develop a comprehensive cross connection control plan for the elimination and prevention of all cross connections, which plan must be approved by the State of Michigan Department of Environment Great Lakes and Energy (the "EGLE"). The White Lake Township Cross Connection Control Plan has been approved by the EGLE and adopted by resolution of the township board.
- (b) 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 state department of environmental quality and

attendance of any cross connection training sessions sponsored by the state department of environmental quality.

- (c) 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. The township Department of Public Services shall indicate to each customer where a cross connection is found to exist, the time period allowed for compliance (30 to 60 days usually sufficient time for small devices).
- (d) Sufficient data to complete an annual report to the state department of environmental quality and to monitor the program adequately will be maintained by the Department of Public Services 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.
- (e) In order to ensure 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 reinspection 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.
- (f) All commercial backflow prevention devices shall be tested upon installation and annually thereafter, with proper test reports submitted to the Department of Public Services. All residential backflow prevention devices shall be tested every three to five years depending on the degree or hazard as outlined in the Cross Connection Control Plan on file at the Department of Public Services. Failure to test and report is reason for water supply to be terminated.

(Ord. of 8-17-2009; Ord. No. 22, § 8.7, 11-24-2009; Ord. No. 19-007, art. 1, 7-16-2019)

Sec. 38-246. Air conditioning units.

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

- (1) Which is equipped with a cooling tower, atmospheric condenser, spray pond or other equipment which shall directly or indirectly cool refrigerant;
- (2) 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;
- (3) Which uses an average of less than 12 gallons of water from the township water system per hour per ton of cooling capacity when the unit is operating; and
- (4) 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 recirculating and heat exchanging equipment.

(Ord. No. 22, § 8.8, 11-24-2009)

Secs. 38-247—38-270. Reserved.

DIVISION 9. WATER RATES AND PAYMENT

Sec. 38-271. Charge for water.

Rates to be charged for water supplied by the township shall be as established in the township fee ordinance referred to in chapter 16.

(Ord. No. 22, § 9.1, 11-24-2009)

Sec. 38-272. Quarterly customer charge.

A quarterly customer charge shall be as established in the township fee ordinance referred to in chapter 16.

(Ord. No. 22, § 9.2, 11-24-2009)

Sec. 38-273. 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 in the township fee ordinance referred to in chapter 16, for each unit or each separate occupancy of the premises.

(Ord. No. 22, § 9.3, 11-24-2009)

Sec. 38-274. Billing cycles.

- (a) 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 January 1, April 1, July 1 and October 1, and shall extend to the beginning of the next quarterly period and all consumer water usage billings shall be due and payable 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 percent or \$2.00, whichever is greater. A warning shall be included that failure to comply with payment requirements may result in an interruption of service.
- (b) Payment of all water charges and other accounts due to the township as a result of this article shall be made to the township treasurer's office at the 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.
- (c) Whenever notice is required to be given thereunder, 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.
- (d) In addition to the other charges set forth in this article, an additional charge in the amount of ten percent of the delinquent amount shall be imposed for all charges for water services furnished to any premises that are delinquent for six months or more.
- (e) 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 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 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 county treasurer's office.

(f) No building permit shall be issued until all fees required by this division have been paid.

(Ord. of 8-17-2004; Ord. No. 22, § 9.4, 11-24-2009)

Sec. 38-275. Payments.

(a) Anything in this article 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 article, the bond resolution shall control.

(b) Payment of all water charges and other accounts due the township as a result of this article on account of the water supply system shall be made to the township treasurer. No other person or employee shall be authorized to receive any money on behalf of the township.

(Ord. No. 22, § 9.5, 11-24-2009)

Sec. 38-276. 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.

(Ord. No. 22, § 9.6, 11-24-2009)

Secs. 38-277—38-300. Reserved.

DIVISION 10. INSPECTION AND INSPECTORS

Sec. 38-301. 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.

(Ord. No. 22, § 10.1, 11-24-2009)

Sec. 38-302. 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 section 38-301, 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 is refused admittance to any premises, or being admitted shall be hindered or prevented in making such examination, the Department of Public Services may turn off the water to said premises after giving 24 hours' notice to the owner of occupant of said premises.

(Ord. No. 22, § 10.2, 11-24-2009)

Sec. 38-303. 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.

(Ord. No. 22, § 10.3, 11-24-2009)

Sec. 38-304. New water service inspection.

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

(Ord. No. 22, § 10.4, 11-24-2009)

Sec. 38-305. Lawn sprinkler system inspection and backflow preventer.

New lawn sprinkler system to be connected to the water system shall be subject to an inspection by the Department of Public Services 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.

(Ord. No. 22, § 10.5, 11-24-2009)

Sec. 38-306. 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 Department of Public Services 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.

(Ord. of 8-17-2004; Ord. No. 22, § 10.6, 11-24-2009)

Secs. 38-307—38-330. Reserved.

DIVISION 11. CONTAMINATION AND POLLUTION

Sec. 38-331. 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 200 feet from any of the municipal water wells within the township 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 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 township.
- (c) Potable water supply made available on the properties served by the township public water supply shall be protected from possible contamination as specified by this article and by the state and the township plumbing codes. Water not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

(Ord. No. 22, § 11.1, 11-24-2009)

Sec. 38-332. 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.

(Ord. No. 22, § 11.2, 11-24-2009)

Secs. 38-333—38-352. Reserved.

DIVISION 12. GENERAL PROVISIONS

Sec. 38-353. 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 38-108, will be required to connect to the water system extension. For purposes of this section, the term "reasonably available" means one or more of the following conditions:

- (1) The public water line abuts the property;
- (2) 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
- (3) 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 ten-year period plus interest at the rate of eight percent per annum.

(Ord. of 8-17-2004; Ord. No. 22, § 12.1, 11-24-2009)

Sec. 38-354. 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.
- (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:
 - (1) Within 90 days after the date of mailing or posting of written notice by the township or the 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.
 - (2) Where a new well is necessary because of the construction of new structures or additions to existing structures.
 - (3) Where any addition or alterations to an existing structure is proposed, whether or not new and/or additional water systems are necessary. However, if the township board determines, in its discretion, that compliance with this subsection (b)(3) would pose a hardship to the property owner, the board may defer the time period for connection for up to five years. In such event, all persons with any interest in this property shall execute a covenant, in form suitable for recording at the county register of deeds, and approved by the township attorney, confirming the requirement to connect to the public water system.
- (c) Existing structures subject to prior agreements (including, without limitation, the agreement referenced in subsection (d) of this section 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.
- (d) This subsection applies to new structures for which an available public water system is 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 within 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 county register of deeds, and approved by the township attorney, confirming the requirement to connect to the public water system.
- (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 90 days after the township sends written notice to the owner of the property on which the structure 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 article.
- (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 90 days after the mailing or posting of the notice of availability.

(Ord. of 8-17-2004; Ord. No. 22, § 12.2, 11-24-2009)

Sec. 38-355. Variance.

The township board may grant a variance from the provisions of sections 38-353 and 38-354 under the following terms and conditions:

- (1) The applicant must submit a written request to the township board for a variance from the requirements of this article and demonstrate:
 - a. That compliance with the terms of this article would result in an unreasonable hardship; and
 - b. 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.
- (2) 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 article and not be detrimental to the public welfare.
- (3) In granting any variance, the township board may prescribe appropriate conditions in conformity with this article. Violation of such conditions shall be deemed a violation of this article and punishable under applicable provisions of this article. Conditions imposed shall meet all the following requirements.
 - a. 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.
 - b. Be related to the valid exercise of the township's powers and purposes as to the specific property involved.
 - c. Be necessary to meet the intent and purpose of this article.
- (4) Any variance granted pursuant to this section shall 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.

(Ord. of 8-17-2004; Ord. No. 22, § 12.3, 11-24-2009)

Sec. 38-356. 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 Department of Public Services 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 Department of Public Services responsible or liable for damages that may result.

(Ord. of 8-17-2004; Ord. No. 22, § 12.4, 11-24-2009)

Sec. 38-357. 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 sprinkling, 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 Department of Public Services of any and all restrictions or limitations so placed upon them, and shall be duly and timely informed by the Department of Public Services of any and all lifting of said restrictions or limitations.

(Ord. of 8-17-2004; Ord. No. 22, § 12.5, 11-24-2009)

Sec. 38-358. Article violation.

A violation of this article shall be deemed a municipal civil infraction.

(Ord. of 8-17-2004; Ord. No. 22, § 12.7, 11-24-2009)

Secs. 38-359—38-389. Reserved.

ARTICLE III. COMMUNITY SEWER SYSTEM

Sec. 38-390. Intent and purpose.

The township is a community which historically has relied primarily on individual on-site sewage disposal systems. While a public sewer system is servicing a part of the township, it is considered unlikely that the public sewer system will service the entire township in the foreseeable future. Additionally, the township does not employ individuals with sufficient experience in the construction, design, operation and maintenance of on-site sewage disposal systems. Pursuant to Part 41 of Public Act 451 of 1994 (MCL 324.4101 et seq.), ("Part 41"), the Michigan Department of Environmental Quality (MDEQ) is authorized to issue permits for on-site sewage disposal systems that service more than one property (referred to herein as a "community sewer system"). In issuing a Part 41 permit, the MDEQ requires the township execute the permit application and adopt a resolution stating that the township will assume responsibility for the operation and maintenance of the proposed system if the owner fails to do so. While the township recognizes that a community sewer system may be in the best interests of the health, safety and welfare of the township and its residents in some circumstances, the township requires assurance that should a Part 41 permit be issued, that the township shall be indemnified from any costs or liability in connection with the design, construction, operation, maintenance, repair and/or replacement of that system. To this effect, this article is intended to regulate community sewer systems to provide those assurances.

(Ord. No. 117, art. 2, 11-19-2002)

Sec. 38-391. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Association, for a condominium development, shall have the same meaning as the term "association of co-owners" found in Public Act No. 59 of 1978 (MCL 559.101 et seq.). For a subdivision or other development, the term "association" means an association of homeowners or property owners organized pursuant to deed restrictions and/or restrictive covenants in a particular development.

Community sewer system or *system* means a facility for the transportation, collection, processing or treatment of sanitary sewage which is owned by a nongovernmental entity and which services or which is proposed to service more than one structure.

Development includes a subdivision as defined by Public Act No. 288 of 1967 (MCL 560.101 et seq.), a condominium pursuant to the provisions of Public Act No. 59 of 1978 (MCL 559.101 et seq.), or any group of dwellings or structures which are proposed to be serviced by a community sewer system.

Development documents.

- (1) The term "development documents," for a condominium project, means the master deed and bylaws provided by Public Act No. 59 of 1978 (MCL 559.101 et seq.).

- (2) The term "development documents," with regard to subdivisions or other developments, means deed restrictions and/or restrictive covenants.

Dwelling means a structure primarily designed or used for residential purposes.

Expansion means any activity whereby additional structures or users shall be added to an existing system.

MDEQ mean the Michigan Department of Environmental Quality, or its successors.

Owner mean the owner of a fee simple interest, a land contract purchaser or owner of a unit in a condominium of property which is serviced or is proposed to be serviced by a community sewer system.

Part 41 means Part 41, Public Act No. 451 of 1994 (MCL 324.4101 et seq.).

Part 41 permit means a permit issued in accordance with the provisions of Part 41.

Public sanitary sewer system means a publicly owned sanitary sewer system.

Sanitary sewer system means a facility for the transportation, collection, processing or treatment of sanitary sewage.

Structure means a building in which toilet, kitchen, laundry, bathing or other facilities which generate water carrying sanitary sewage are used for household, commercial, industrial, or other purposes.

(Ord. No. 117, art. 3, 11-19-2002)

Sec. 38-392. Regulations.

- (a) Except as provided in this article, it shall be unlawful to construct, install or operate a community sewer system to service developments within the township.
- (b) The township shall grant approval for a community sewer system only after the applicant has provided all information and met all the standards contained in this article.
- (c) Any development proposed to be serviced by a community sewer system may also be required to secure special land use approval pursuant to applicable provisions of the township zoning ordinance referred to in chapter 42.

(Ord. No. 117, art. 4, 11-19-2002)

Sec. 38-393. Requirements for approval.

- (a) Any community sewer system shall comply with the terms of this article, applicable standards of the MDEQ, state department of public health, and county health division, and any other applicable laws and regulations of the federal government, state, county and the township.
- (b) No new community sewer system or an expansion of an existing system shall be constructed, installed or operated within the township unless the plans for the installation and system design have been approved by the township, the county health division, the state department of public health, and/or MDEQ (whichever has jurisdiction) as conforming with their regulations and a permit issued in accordance therewith, and any other applicable governmental unit having jurisdiction over the system.
- (c) Any community sewer system operated within the township shall be done without cost to the township.
- (d) The applicant shall provide the following to the township before approval for a community sewer system may be granted:
 - (1) A certification from the system design engineer indicating that the system as designed and constructed will adequately process sanitary sewage and waste as required by applicable laws and regulations of

the federal government, state, county and the township. The consulting engineer for the township shall review and make a recommendation regarding the adequacy of such certification.

- (2) An executed agreement between the applicant, owner, and/or association, and the county water resource commission (or another operator as determined by the township, in its sole discretion, to be properly certified and possessing the required ability to operate and manage the system). The agreement shall contain provisions for:
 - a. Operation and maintenance of the system;
 - b. Collection of charges for connection to and use of the system;
 - c. Pumping and cleaning the individual and common septic tanks consistent with applicable laws and regulations of any governmental agency having jurisdiction;
 - d. An actual schedule for maintenance and inspections of the system; and
 - e. Compliance with all applicable governmental laws, ordinances, regulations, and agreements regarding the system.

The agreement shall provide that it may not be terminated without township approval. The language of such agreement shall be approved by the township attorney prior to granting of township approval.

- (3) An executed indemnification agreement, in form acceptable to the township attorney wherein the applicant, association and owner shall jointly and severally indemnify the township from any and all costs and liability incurred by the township with respect to operation, maintenance, repair and replacement of the system.
- (4) Establishment of a cash deposit or delivery of an irrevocable letter of credit in an amount determined by the township to defray township costs in the maintenance, operation, repair and/or replacement of the system. The amount of the deposit or letter of credit shall be established by the township administratively, by an individual or board delegated that responsibility by the township board. The amount shall be equal to 100 percent of the replacement costs of the system, including the community septic tank and appurtenances, sand filter, pump system and drain field (if any), but excluding the collection system from an individual structure to any of these components. If the applicant elects to provide a cash deposit, the funds shall be kept in a bank account in a depository approved by the township, and shall not be withdrawn in any manner whatsoever except with the written approval of the township. If funds are withdrawn, they shall be replaced in the account by the applicant or assigns within 30 days. The funds shall be maintained in an interest bearing account and the township shall be named as an approved signatory. The township shall have the right to audit this account and the use made of funds therefrom. The applicant or association shall provide a copy of a bank statement at least annually or upon request of the township, which shall verify that the funds remain on deposit. The funds may be terminated and the proceeds used for any lawful purpose upon the written approval of both the applicant and/or association and the township, except as provided in subsection (d)(6) of this section. If a letter of credit is elected, it shall be in form approved by the township attorney and shall provide that it shall not be revoked for any reason whatsoever without the written consent of the township. The cash deposit or letter of credit shall be provided before any work begins on construction of the community sewer system.
- (5) Payment by the applicant of an application fee designed to reimburse the township for all its expenses involved in review of the construction and design of the system, or preparing or reviewing any documents referenced in this section, including review by the township engineer and township attorney, as required.
- (6) Copies of proposed development documents, in form acceptable to the township attorney, which shall have specific provisions regarding:
 - a. Operation and maintenance of the system;

- b. Identifying an individual or entity responsible for such operation and maintenance;
 - c. Establishing standards for operation, maintenance, repair and/or replacement of the system;
 - d. Providing that should the designated individual or entity fail to comply with the requirements listed in subsection (d)(6)c of this section, that the township may, with or without notice, enter onto the property, perform any necessary maintenance, repair, replacement and/or operation, with the owner and/or association reimbursing the township all such costs plus a 25 percent administration fee; and
 - e. Provide that in default of such payment, the township shall be entitled to withdraw any or all of the cash deposit or letter of credit referenced in subsection (d)(4) of this section, without the consent of the applicant, association or any other person or entity, and undertake whatever collection proceedings are available to it by law against such entity and current and future owners of the serviced property, including, but not limited to, the addition of any such costs to the tax roll to be collected in the same manner as special assessments are assessed against any real property, or interest therein, serviced by the system.
- (7) The provisions of the development documentation referenced in the preceding section shall also be included in a separate document, in form approved by the township attorney, and included within the condominium disclosure documents for a condominium project, or in a separate document for other developments, delivered to the prospective purchaser prior to execution of a purchase agreement for property proposed to be serviced by a community sewer system.
- (8) A permanent and irrevocable easement, in recordable form, shall be granted by the applicant, owner and/or association to the township and its employees, agents and assigns authorizing them to enter onto the property upon which the system is located for the purpose of inspections, improvement, repairing, maintaining and/or replacing the system or any portion thereof, and which shall provide that the system area shall be maintained so and to be accessible at all times, prohibiting any structures or landscaping within such area that would unreasonably interfere with such access.
- (e) If in the future a public sanitary sewer system is constructed which passes not more than 200 feet at the nearest point from a structure and/or system in which sanitary sewage originates and which is served by a community sewer system, the owner of such property shall, if directed by the township, within 18 months after publication of a notice by the township of the availability of a public sewer system in a newspaper of general circulation in the township, connect said structure to the public sanitary sewer system. If within such 18-month period, new and/or additional title fields are necessary in a system, the connection to the public system shall take place at that time. Applicable provisions shall be placed in the development documents referencing such requirement.
- (f) No building permit shall be issued for any structure or development proposed to be serviced by a community sewer system until the township has approved such system in accordance with terms and provisions of this article.
- (g) Anything in this article to the contrary notwithstanding, the township shall not be responsible or obligated to perform any needed or desired repairs, maintenance, improvement and/or replacement of the system or any portion thereof. Any such repairs, maintenance, improvement and/or replacement undertaken by the township shall be in its sole and absolute discretion.
- (h) At the time approval for a community sewer system is granted, the township may condition such approval upon the applicant and current and future owners of property proposed to be serviced by the system and/or any association, to adhere to certain operational and maintenance requirements. The contractor and/or association shall furnish periodic operating reports in accordance with the maintenance requirements and schedule. Any such requirements shall be made a part of the development documents.
- (i) The development documents referenced in subsections (d)(6) and (8) of this section shall be recorded at the office of the county register of deeds. After approval by the township, the development documents, as they

reference the system, shall not be changed without township approval. The documents shall contain language to that effect.

- (j) The association, individual owners and/or users of the system shall be responsible for all costs involved in the installation, operation, maintenance, repair, replacement and liability associated with the system. The township may, at its option, elect to collect any costs it may incur in connection with the system pursuant to the other provisions of this article, or by direct court action against the association, owners and/or users of the system.

(Ord. No. 117, art. 5, 11-19-2002)

Sec. 38-394. Enforcement and penalties.

- (a) *Civil remedies.* The provisions of this article shall be enforceable through any and all remedies available at law or in equity in any court of competent jurisdiction. Any violation of this article is deemed to be a nuisance per se.
- (b) *Presumption of civil infraction.* A violation of this article shall be deemed to be a municipal civil infraction.

Secs. 38-395—38-416. Reserved.

ARTICLE IV. SANITARY SEWERS

DIVISION 1. GENERALLY

Sec. 38-417. Statement of purpose.

- (a) It is the purpose of this article to protect the public health and safety by abating and preventing pollution through the regulation and control of the disposal of sewage and the quality and quantity of wastes admitted to be discharged into the wastewater collection and treatment system of the township and county.
- (b) It is the further purpose of this article to enable the township to provide a public sewage disposal system for properties within the township and to comply with the requirements of all applicable federal, state and local laws, ordinances, rules and regulations.

(Ord. No. 108, § 1.02, 1-6-1998)

Sec. 38-418. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

25 percent rule means that the combined depth of oil and grease and other solids (floating and settled) in any chamber of a grease control device shall not be equal to or greater than 25 percent of the total operating depth of the grease control device. The operating depth of a grease control device is determined by measuring the internal depth from the water outlet invert elevation to the inside bottom of the grease control device.

Available public sanitary sewer means a publicly owned sanitary sewer system located in a right-of-way, easement, highway, street, or public way and that right-of-way, easement, highway, street, or public way crosses adjacent or parallel to the frontage of, adjoins, abuts, or is contiguous to the property involved and that passes not more than 200 feet from the boundary line of a property in which a structure within which sanitary sewage originates is located.

Benefited properties shall mean all properties which will derive benefit from the construction of a sewer improvement.

Building sewers means the extension from the building drain that connects the building in which sanitary sewage originates to the public sewer or other place of disposal and conveys the sewage of only one building.

Capital connection fee shall mean the amount charged to the property owner for each structure to be connected to the sanitary sewer system. The fee shall be paid prior to connection, based on residential equivalent units, and in accordance with the township fee ordinance. The payment of this fee is non-transferable to other properties and is non-refundable.

Commercial user means any user of the sanitary sewer system where there is or can be any discharge into the sanitary sewer system other than normal domestic waste because of the particular type of operation including, but not limited to: carwashes, hotel kitchens, hospitals, churches, school cafeterias, dry cleaners, senior housing facilities, bakeries, bars, and restaurants.

County means Oakland County, Michigan.

Department (DPS) means the township Department of Public Services formerly known as the water and sewer departments.

Director or DPS Director means the director of the department of public services or his authorized representative, or such other individual as designated by the township board to oversee the township's sewer system.

Fats, oils, and grease (FOG) means any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other nonvolatile material of animal, vegetable, or mineral origin that is extractable by solvent in accordance with standard methods.

Grease control device means any grease interceptor, grease trap, or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap, collect, or treat FOG prior to discharge into the sewer system that is collected in food preparation areas, such as restaurants, hotel kitchens, hospitals, bars, school and church cafeterias and the like. Grease control device may also include any proven method to reduce FOG subject to the approval of the township.

Grease interceptor is commonly associated with kitchen cleaning appliances such as sinks, woks, and any other drains that collect FOG so as to prevent unreasonable accumulations of fats, oils or grease from infiltrating into the sanitary sewer system and otherwise prohibiting the free flow of wastewater within such system. For purposes of this definition, the term "kitchen" shall refer to a food preparation area located other than in a single family dwelling, primarily intended for activities of preparing, serving or otherwise making available for consumption food, and which are used for one or more of the following preparation activities: washing, trimming or cleaning fish or meat, cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods) boiling, blanching, roasting, toasting, or poaching; also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

Lateral benefit fee shall mean the amount charged to the property owner for each structure to be connected to the sanitary sewer system, in addition to the capital connection fee. This fee applies when a property owner has not previously contributed to the cost of construction of the sewer main abutting the property. The fee shall be paid prior to connection, based on residential equivalent units, and in accordance with the township fee ordinance. The payment of this fee is non-transferable to other properties and is non-refundable.

Lateral refers to a pipe or conduit, located within the public right-of-way or an easement granted or dedicated to the public which receives sanitary sewage from abutting properties.

MDEQ means the Michigan Department of Environmental Quality, or any successor.

Off site sewer mains means sewer mains constructed off the premises of the owner to be served, which are necessary to afford service to the premises from trunk sewers not adjacent to the premises.

Owner includes fee title holders, land contract purchasers or anyone else having a beneficial interest in property.

Pontiac Lake Sewer District means that geographic area included within the special assessment district for the Pontiac Lake Sanitary Sewer Extension, the special assessment roll for which was confirmed by the township in November 2002, and which are located north of Pontiac Lake Road and south of Gale Road.

Premises or property means the lands included within a single description as set forth from time to time on the township tax roll as a single tax parcel in the name of a taxpayer at one address, but in the case of platted lots shall be limited to a single platted lot unless an existing building or structure is so located on more than one lot so as to make the same a single description for purposes of assessment or conveyance, now or hereafter.

Private sewage disposal system means a facility for the transportation, collection, processing or treatment of sanitary sewage owned by a nongovernmental entity. The term "private sewage disposal system" includes septic systems.

Sanitary sewer master plan means the latest draft of the plan prepared by the township consulting sewer engineers and approved by the township board.

Sanitary sewer system or township sanitary sewer system means the entire sanitary sewer system of the township under public ownership.

Septic system means the sanitary sewage treatment and/or disposal device installed to service an individual home, business or industrial establishment not connected to the sanitary sewer system.

Sewage, sanitary sewage or waste water means spent water which may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants or other land uses.

Structure in which sanitary sewage originates or structure means a building in which toilet, kitchen, laundry, bathing or other facilities which generate water carrying sewage are used for household, commercial, industrial or other purposes.

Water resource commissioner means the office of the county water resource commissioner.

(Ord. No. 108, § 1.03, 1-6-1998; Ord. of 10-19-1999; Ord. of 8-20-2003; Ord. of 9-20-2011; Ord. No. 18-001 , art. I, 10-16-2018; Ord. No. 20-002 , art. 1, 9-15-2020)

Secs. 38-419—38-449. Reserved.

DIVISION 2. SANITARY AND STORM SEWER DEPARTMENT

Sec. 38-450. Establishment of department.

A department of public services (DPS) for the township is hereby established.

(Ord. No. 108, § 2.01, 1-6-1998; Ord. No. 18-001 , art. I, 10-16-2018)

Sec. 38-451. Director.

The construction, operation, management, maintenance, repair and control of the sewer system of the township, whether owned by the township or operated under contract, may be under the control of the DPS director. The director shall be appointed by the township supervisor and confirmed by the township board. The director shall report to the township supervisor.

(Ord. No. 108, § 2.02, 1-6-1998; Ord. No. 18-001 , art. I, 10-16-2018)

Sec. 38-452. County water resource commission as agent.

The office of the county water resource commissioner is hereby appointed as agent of township for the operation, maintenance and management of the sewer system of the township.

(Ord. No. 108, § 2.03, 1-6-1998; Ord. No. 18-001 , art. I, 10-16-2018)

Sec. 38-453. Authorized to enter property.

The duly authorized employees or agents of the township or county bearing proper credentials and identification shall be permitted to enter upon all properties within the township for the purposes of inspection, observation, measurement, sampling and testing, to determine compliance with the provisions of this article.

(Ord. No. 108, § 2.04, 1-6-1998; Ord. No. 18-001 , art. I, 10-16-2018)

Secs. 38-454—38-474. Reserved.

DIVISION 3. GENERAL PROVISIONS REGARDING SEWER SYSTEMS

Sec. 38-475. Use of systems.

The sewer system of the township shall be used for the collection and transportation of sanitary sewage only. Yard drains, patio drains, catch basins, down spouts, footing drains, weep tile, or any conduit that carries stormwater or groundwater, alone or in combination with sanitary sewage, shall not be connected to the sanitary system, directly or indirectly.

(Ord. No. 108, § 3.01, 1-6-1998)

Sec. 38-476. Water pollution.

It shall be unlawful to discharge to the waters of the state any sanitary sewage, industrial or commercial wastes, or other polluted waters within the township unless suitable treatment has been provided in accordance with the provisions of this article.

(Ord. No. 108, § 3.02, 1-6-1998; Ord. No. 18-001 , art. I, 10-16-2018)

Sec. 38-477. Private sewer systems.

Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank or septic system intended or used for the collection, treatment or disposal of sewage on any property in the township.

(Ord. No. 108, § 3.03, 1-6-1998)

Sec. 38-478. New private sewer systems.

- (a) Where connection to a public sanitary sewer is not required pursuant to section 38-479, the building sewer shall be connected with a private sewage disposal system complying with the terms of this article, the requirements of the county health division, MDEQ, and any other applicable law, ordinance or regulation.

- (b) No new private sewer system shall be constructed, installed or operated within the township unless the plans for the installation are approved by, and a permit issued by, the county health division or MDEQ.
- (c) All costs associated with the operation, maintenance and replacement of a private sewage disposal system shall be borne by the property owners served by said systems.

(Ord. No. 108, § 3.04, 1-6-1998; Ord. No. 18-001 , art. I, 10-16-2018)

Sec. 38-479. Required connection to public sanitary sewer systems.

- (a) All new structures in which sanitary sewage originates lying within the township shall be connected to an available public sanitary sewer in the township before a certificate of occupancy shall be issued.
- (b) Existing structures in which sanitary sewage originates lying within the boundaries of the township shall be connected to an available public sanitary sewer upon the earlier of the following events:
 - (1) Within 90 days after the date of mailing or posting of written notice by the township or the county health division that a health hazard exists due to the failure of an existing private sewage disposal system due to soil conditions or for any other reason.
 - (2) Where any addition or alteration to an existing structure is proposed, and the county health division has determined that additional volume beyond the capacity of the existing private sewage disposal system is necessary.
- (c) This subsection applies to new structures for which an available public sanitary sewer is not immediately available for connection but the township reasonably anticipates that the public sanitary sewer 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 sanitary sewer within 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 county register of deeds, and approved by the township attorney.
- (d) All structures in which sanitary sewage originates located within the boundaries of the Pontiac Lake Sewer District shall be connected to an available public sanitary sewer. This connection shall be completed promptly, but not later than 90 days after the township sends written notice to the owner of the property on which the structure is located, as shown by the last tax assessment roll of the township, giving notice of the availability of the public sanitary sewer system and the existence of this article.
- (e) In addition to the other remedies provided in this article, the township may bring a civil proceeding for an injunctive order, or for such other remedial relief, to compel connection to the public sanitary sewer system, including damages for the cost or expenses thereof. The township may join in such 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 sanitary sewer 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.

(Ord. No. 108, § 3.05, 1-6-1998; Ord. of 2-2-1999; Ord. of 8-20-2003; Ord. of 9-20-2011; Ord. No. 18-001 , art. I, 10-16-2018)

Sec. 38-480. Injury to facilities.

No person except an employee or agent of the township in the performance of his duties shall willfully or carelessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment of the township sanitary sewer system.

(Ord. No. 108, § 3.06, 1-6-1998)

Sec. 38-481. No unauthorized use of systems permitted.

Only authorized persons shall uncover and make any connections with or openings into, use, alter, or disturb, any structure, appurtenance or equipment of the township sanitary sewer system, and then only with written permission from the township or its agent.

(Ord. No. 108, § 3.07, 1-6-1998)

Sec. 38-482. Requirements for acceptance of sewer system.

- (a) Any new sewer 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 sanitary and storm sewer director or his 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 are 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 sewer system to the township.
 - (3) Documentation evidencing all required approvals from the county water resources commissioner, the state department of environmental quality or any other state or county agency with jurisdiction.
 - (4) Documentation, such as a contractor's affidavit, indicating that all subcontractors, suppliers or laborers involved with the construction of the sewer system have been fully paid, and confirming that no liens have been recorded regarding the system.
 - (5) Documentation evidencing that any and all required easements have been executed, approved by the township, and recorded.
 - (6) A maintenance bond equal to 50 percent of the value of said system, extension and/or portion thereof. The bond shall cover a period of two years from the date the sewer system is placed in service. The purpose of the bond is to effectively warrant said system, extension and/or portion thereof from defects in design, material and/or workmanship as determined by the township sanitary and storm sewer director or his duly designated representative.

(Ord. of 9-20-2011)

Secs. 38-483—38-500. Reserved.

*DIVISION 4. GENERAL PROVISIONS REGARDING CONNECTION TO THE PUBLIC
SANITARY SEWER SYSTEM*

Sec. 38-501. General provisions.

All connections to the public sanitary sewer system shall meet the requirements set forth in this article and any applicable standards or regulations of the water resource commissioner or the Charter Township of Commerce.

(Ord. No. 108, § 4.01, 1-6-1998)

Sec. 38-502. Permits for connection.

No sewer connection shall be installed or made without a permit having been issued by the township or its agents. Where required, the applicant shall provide the township with a permanent access easement in form approved by and executed by all individuals with an interest in the property, as determined by the township attorney.

(Ord. No. 108, § 4.02, 1-6-1998)

Sec. 38-503. Installation of sewers.

The type, capacities, location and layout of all sewers shall comply with all applicable requirements of the state and the water resource commissioner, and shall be constructed and connected in accordance with ordinances and regulations of the township. The capacity for all sewers shall be approved by the township engineer, and become consistent with the township's sanitary sewer master plan. Opportunity for township inspection shall be provided after all pipe or equipment is in place and before the backfilling of any trench or covering of any pipe in the case of septic systems. All public sewer systems and all private sewer systems for which MDEQ approval is required shall have full township inspection by the township's consulting engineers or the township's agent.

(Ord. No. 108, § 4.03, 1-6-1998; Ord. of 7-21-1998; Ord. of 2-19-2008)

Sec. 38-504. Plans, permits and bonds.

- (a) Prior to connection and prior to start of construction, all sanitary sewer systems shall have engineering plans and specifications prepared by a professional engineer and shall be approved by the township engineer, water resource commissioner, and a permit issued by MDEQ, if required.
- (b) A connection permit shall be obtained by the owner or contractor from the water resource commission. Said connection permit shall show the location of the work, the extent of the work, information regarding the contractor, the owner and the engineer, and any other pertinent information as shall be determined necessary by the water resource commission.
- (c) Individual building sewers which are directly connected into the township sanitary sewer system shall conform to all applicable requirements of this article. A connection permit, as required by the Oakland County Water Resource Commission, shall be obtained before such connection is made. Prior to the issuance of such connection permit, the person obtaining such permit shall have obtained the written approval of the township. Connection shall be made in a workmanlike manner and in accordance with methods and procedures established by the water resource commissioner. The party to whom such a permit is issued shall be responsible for notifying the water resource commissioner 24 hours in advance of the date and time

when such a connection is made so that proper inspection of same can be made by the water resource commissioner.

- (d) Prior to the adjustment, reconstruction or any other altering of the township sanitary sewer system, including manhole structures, the contractor or person responsible for the work shall first obtain a permit to do such work from the water resource commissioner. Said permit fee shall be determined by the water resource commissioner.
- (e) Prior to construction and during the life of permits obtained in accordance with subsections (b), (c) and (d) of this section, all owners or contractors shall:
 - (1) Yearly furnish to the water resource commissioner a satisfactory surety bond in the amount of \$5,000.00 as security for the faithful performance of the work in accordance with the plans and specifications and departmental standards; and
 - (2) Yearly furnish to the water resource commissioner a cash deposit in the amount of \$500.00. Such deposit shall provide funds for emergency work and/or such other work as may be deemed necessary by the water resource commissioner, arising as a result of construction by the owner or contractor. Such deposits shall not be canceled by the owner, or contractor without first having given ten days' written notice to the water resource commissioner. Cash deposits may be returned to the owner or contractor within ten days of receipt of written request therefor, except that no deposits will be returned until such time as all outstanding permits have received final inspection and approval. In the event that it becomes necessary for the water resource commissioner to expend funds for work arising as a result of construction by the owner or the contractor, then the cost of such work shall be deducted from the aforementioned cash deposit.

The owner or contractor shall have the right and opportunity to correct any deficiencies promptly before any deposit funds will be spent by the water resource commissioner. The owner or contractor shall, within 30 days of the mailing of written notice thereof, pay to the water resource commissioner the entire amount of such cost. Failure to comply with these rules and regulations and the standards of the water resource commissioner may result in the immediate forfeiture of the cash deposit.

(Ord. No. 108, § 4.04, 1-6-1998; Ord. No. 18-001 , art. I, 10-16-2018)

Sec. 38-505. Building sewers.

Gravity building sewers shall be privately owned, operated and maintained. Grinder pumps and pressurized building sewers shall be owned, operated and maintained by the township. By utilizing the public sewer system, owners of property utilizing grinder pumps and pressurized building sewers shall be deemed to have granted the township an irrevocable license for the duration of such use for the purpose of entering onto the property so serviced to operate and maintain the grinder pump and pressurized building sewer line. The owners of property utilizing grinder pumps shall execute an easement on a form approved by the township attorney and township engineer, in a recordable form, which shall be submitted prior to installation of the grinder pump.

(Ord. No. 108, § 4.05, 1-6-1998; Ord. of 2-19-2008)

Sec. 38-506. One building sewer per building.

A separate and independent building sewer shall be provided for every building. The township board may grant a waiver of this provision if, in the opinion of the township board, the applicant has shown good cause for such a waiver. The township board shall have the sole discretion as to whether a waiver from this provision is justified.

(Ord. No. 108, § 4.06, 1-6-1998)

Sec. 38-507. Separation from water lines.

All building sewers shall be laid a minimum of ten feet from any existing and parallel water service lines. All necessary crossovers shall have the water main above the sewer main, and at least 18 inches apart, unless otherwise approved by the township engineers.

(Ord. No. 108, § 4.07, 1-6-1998; Ord. of 2-19-2008)

Sec. 38-508. Pipes to be sealed.

The sewer pipe inside any building or structure shall be sealed and remain sealed and watertight until such time as the plumbing is carried on the first floor, and the basement, if any, back filled and the roof is on the building.

(Ord. No. 108, § 4.08, 1-6-1998)

Sec. 38-509. Industrial and commercial waste connections.

Wastes may be discharged into sewer systems only in compliance with waste water disposal standards and regulations for the township sewage disposal system designated as Schedule "A" and on file in the office of the township clerk.

(Ord. No. 108, § 4.09, 1-6-1998)

Sec. 38-510. Maintenance of pre-treatment facilities.

Where pre-treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at no expense to the township.

(Ord. No. 108, § 4.10, 1-6-1998)

Sec. 38-511. Grease control devices.

- (a) All new and remodeled establishments, as well as establishments where a change of ownership has occurred, where food is manufactured, sold or prepared, except for small areas designated as employee break areas or the equivalent, discharging wastewater containing fats, oils, and grease (FOG) to the sanitary sewer system shall install, operate, and maintain a sufficiently-sized oil and grease, water and solids control device necessary to achieve and maintain compliance with the limits indicated in this section of the Code and with the Michigan Plumbing Code.
- (b) Unless otherwise authorized by the township engineer, all grease control devices shall be of the outdoor, inline variety. With special authorization by the director, grease control devices of the indoor, under-counter, stand-alone variety may be allowed. In this case, maintenance of indoor grease control devices shall be performed at frequencies necessary to protect the capacity of the sewer system against accumulation of grease and oils, as required by the "25 percent rule" as defined herein.
- (c) Grease control devices shall be provided when they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients. Such devices shall not be required for dwelling units. All devices shall be of a type and capacity approved by the director and shall be located so as to be readily accessible for cleaning and inspection. These devices shall provide a minimum capacity of 1,000 gallons.

- (d) Grease control devices shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
- (e) Where installed, all devices shall be cleaned and maintained at least quarterly by the owner (unless otherwise specified by the township) and shall be operated continuously in an efficient manner whenever the facility is in operation.
- (f) Maintenance of all outdoor grease control devices shall be performed at frequencies necessary to protect the capacity of the sewer system against accumulation of grease and oils, as required by the "25 percent rule."
- (g) The user shall be responsible for the proper removal and legal disposal of the grease control device waste. All waste removed from each device must be disposed of at a facility permitted to receive such waste. No device pumpage may be discharged to the township sewer system. Maintenance shall include the complete removal of all contents, including floatable materials, wastewater, sludges and solids and jet flushing to remove measurable build-up on tank walls. Top skimming of outdoor grease traps, decanting or back flushing of the grease control device or its wastes for the purpose of reducing the volume to be hauled is prohibited.
- (h) There shall be ample room and reasonable access to these devices to allow accurate sampling and preparation of samples for transport and analysis.
- (i) These devices shall be installed in compliance with the current Michigan Plumbing Code, as enforced by the township and county. The DPS director and the township engineer shall make final determination and approval of the required grease control device size. If additional pretreatment and/or maintenance is required to meet the provisions in this section, the township may require that the establishment in existence prior to the effective date of this section upgrade to the requirements provided.
- (j) Use of any bacteriological, chemical, or enzymatic addition for the purpose of maintaining a device is prohibited unless written approval is obtained from the township.
- (k) The user shall be responsible for maintaining records and/or manifests as to the dates of service, quantity, waste hauler name, and any necessary repairs at the user's location for a period of three years, which records shall be subject to review by the township and/or county without prior notification.
- (l) Should any user fail to properly clean and maintain a grease control device as required herein, the township and/or county at its option, clean and maintain, or hire a licensed contractor, at the cost of which shall be collectable by the township from the user at a charge of actual cost.

(Ord. No. 18-001 , art. I, 10-16-2018)

Editor's note(s)—Ord. No. 18-001 Editor's note(s)—, art. I, adopted October 16, 2018, repealed § 38-511Editor's note(s)— and enacted a new § 38-511Editor's note(s)— as set out herein. Former § 38-511Editor's note(s)— pertained to monitoring manholes and derived from Ord. No. 108, adopted January 6, 1998 and an ordinance adopted February 19, 2008.

Sec. 38-512. Outdoor storage of grease.

Animal or vegetable grease stored by businesses outside of their buildings must be kept in a self-contained, sealed, leak proof grease container which is approved by the township. The container and the area in and around the container must be kept clean. The name and address of the business must be clearly identified on the outside of the container. Any person or business found disposing of FOG in the township sewer system and/or not properly maintaining their grease container(s) shall be guilty of a misdemeanor and shall be responsible for the costs incurred by the township in cleaning up and disposing of the grease.

(Ord. No. 108, § 4.12, 1-6-1998; Ord. No. 18-001 , art. I, 10-16-2018)

Editor's note(s)—Ord. No. 18-001 Editor's note(s)—, art. I, adopted October 16, 2018, repealed § 38-512 Editor's note(s)— and enacted a new § 38-512 Editor's note(s)— as set out herein. Former § 38-512 Editor's note(s)— pertained to measurements and tests and derived from Ord. No. 108, adopted January 6, 1998.

Sec. 38-513. Refusing entry for inspection; issuance of search warrant.

Whenever a township or county representative deems it necessary to enter upon any property at a reasonable hour for the purposes of inspection, observation, measurement, sampling, and testing of enforcement in accordance with the provisions of this article, and is refused such entry, the representative who is refused such entry may make an affidavit in writing, under oath to the district court stating the facts of the case so far as it may be known to the complainant. The court may issue a search warrant or inspection or other order allowing the director, building official or his representatives to enter upon such property to the extent and time necessary to enforce and carry out the provisions of this article.

(Ord. No. 18-001 , art. I, 10-16-2018)

Editor's note(s)—Ord. No. 18-001 Editor's note(s)—, art. I, adopted October 16, 2018, repealed § 38-513 Editor's note(s)— and enacted a new § 38-513 Editor's note(s)— as set out herein. Former § 38-513 Editor's note(s)— pertained to Abandonment of existing sewage treatment facilities and derived from Ord. No. 108, adopted January 6, 1998.

Sec. 38-514. Extension of sewer system.

Where property is to be connected to the sanitary sewer system, and the sanitary sewer system does not extend the full width of the owner's property, the property owner shall be responsible for extending the sanitary sewer system at the owner's cost across the entire width of such owner's property, so as to allow further extension of the sewer system to adjoining properties.

(Ord. No. 108, § 4.14, 1-6-1998; Ord. of 7-21-1998; Ord. No. 20-002 , art. 1, 9-15-2020)

Sec. 38-515. Township engineering design standards.

The provisions of the township engineering design standards, section E, sanitary sewer systems, as approved by the township board, and as may be amended or superseded from time to time in the future by the township board, are hereby incorporated by reference into this article. Where the provisions of the engineering design standards conflict with other provisions of this article, the provisions of the article shall govern.

(Ord. No. 108, § 4.15, 1-6-1998; Ord. of 2-19-2008)

Secs. 38-516—38-538. Reserved.

DIVISION 5. COST OF CONSTRUCTION OF SEWER IMPROVEMENTS

Sec. 38-539. Purpose.

The purpose of this division is to provide standards to guide the township in determining whether or not to contribute money toward the cost of sewer infrastructure proposed for installation at the expense of private parties.

(Ord. No. 108, § 5.01, 1-6-1998)

Sec. 38-540. Request for contribution.

Parties desiring to construct sewer infrastructure to serve their property and/or other benefited properties may request the township board to approve a contribution of township funds toward the costs of the project in accordance with the terms of this division.

(Ord. No. 108, § 5.02, 1-6-1998)

Sec. 38-541. Factors to be considered.

The township board, in determining whether to contribute township funds to the construction of sewer infrastructure, shall consider the following factors:

- (1) Extent to which funds are available.
- (2) Whether the project is consistent with the township sewer master plan, taking into consideration:
 - a. Location of infrastructure.
 - b. Timing of construction.
 - c. Sizing of infrastructure.
 - d. Service area.
- (3) Whether the project will bring public utilities closer to areas needing service.
- (4) Whether the project will eliminate an existing source of contamination.
- (5) Whether septic systems will be installed, thus delaying eventual service by public utilities, if the project is not undertaken.
- (6) Whether septic service is appropriate for the property.
- (7) Whether the project will contribute to the use of land in accordance with the township's zoning ordinance referred to in chapter 42 and zoning master plan.
- (8) Whether others will further extend public utilities if this project is undertaken.
- (9) Whether the project is necessary to protect public health, safety and welfare.
- (10) Whether the project will convey a benefit to the public as a whole in addition to the special benefit enjoyed by the applicant.
- (11) Whether it is unfair, under the circumstances, for the applicant to bear all costs associated with the project.
- (12) Whether the project, when completed, will generate significant revenue for the township sewer system.
- (13) Any other factor which would make it equitable for the township to contribute to the project.

(Ord. No. 108, § 5.03, 1-6-1998)

Sec. 38-542. Sewer system; procedure following township approval.

Unless the sewer system improvement is to be financed by creation of a special assessment district, the property owner shall provide an irrevocable letter of credit or pay to the sanitary and storm sewer department that portion of the costs of the improvement not to be paid by the township, as estimated by the township's consulting engineer. The township will then proceed with the necessary engineering, advertising for bids, awarding

construction contracts and constructing said improvement. When all actual costs of construction of the improvement are known, if the cost is in excess of the funds deposited, the property owner shall pay the excess to the township, or if less than the funds advanced, the township shall return the surplus to the property owner. The township shall be authorized to require security from the property owner sufficient in type and amount to insure complete construction without unanticipated expense to the township. In cases where the improvement is to be financed by creation of a special assessment district, the township board may impose such conditions as it deems necessary to ensure reimbursement to it of engineering and other costs advanced.

(Ord. No. 108, § 5.04, 1-6-1998)

Sec. 38-543. Reimbursement to property owners.

Reimbursement for construction costs advanced by a property owner for sewer system improvement shall be limited to a credit against capital charges otherwise due under this article by charging such owner a capital connection fee but not a lateral benefit fee.

(Ord. No. 108, § 5.05, 1-6-1998; Ord. No. 18-001, art. I, 10-16-2018)

Sec. 38-544. Not mandatory.

Nothing contained in this article, or in any action of the township hereunder, shall be construed as requiring the township to participate in the improvement or to make any reimbursement to any property owner except out of the charges provided for in division 6 of this article.

(Ord. No. 108, § 5.06, 1-6-1998)

Secs. 38-545—38-565. Reserved.

DIVISION 6. FEES AND CHARGES

Sec. 38-566. Township fee ordinance.

All fees and charges including, but not limited to, connection fees, inspection fees, administrative fees, user fees and debt services fees shall be paid in accordance with the township fee ordinance.

(Ord. No. 18-001, art. I, 10-16-2018)

Sec. 38-567. Computation of residential equivalent units (REU).

The number of residential equivalent units to be assigned to any particular premises, other than a single family residence, for sewage disposal services shall be determined by the county department of public works unit assignment schedule dated September 15, 1988, as may be amended from time to time by that department or by the township, except that the unit factor for each mobile home, manufactured housing, or multiple-family residence shall be at the rate of 1.0 residential equivalent unit. No less than one residential equivalent unit shall be assigned to each premises but, for purposes of computing sewage disposal services, residential equivalent units in excess of one may be computed and assigned to the nearest tenth. No change in use shall constitute a basis for a retroactive reduction in service charges or capital charges.

(Ord. No. 108, § 6.01, 1-6-1998; Ord. of 2-19-2008; Ord. No. 18-001, art. I, 10-16-2018)

Sec. 38-568. No free service.

No free service shall be furnished to any person connecting to the sewer system.

(Ord. No. 108, § 6.02, 1-6-1998)

Sec. 38-569. Bonding of contractors.

All contractors or owners making connections to the township sewer system shall be bonded in accordance with the bonding requirements of the county and/or the water resource commissioner.

(Ord. No. 108, § 6.03, 1-6-1998)

Sec. 38-570. Billing procedures.

- (a) Charges for sanitary or sewer services shall be billed and collected as set forth in this section.
- (b) If charges for services furnished to any premises shall not be paid within 90 days after the due date, then all services furnished by the system may be discontinued to the premises. Services discontinued because of nonpayment shall not be restored until all sums then due are paid, including a shutoff charge of \$100.00.
- (c) Charges for services furnished by the township shall be a lien upon the premises to which service is made. On September 1 of each year the director shall certify all charges which have been delinquent six months or more to the township treasurer who shall enter the charges upon the next tax roll. Collection of the lien shall be enforced in the same manner as provided by law in respect to taxes assessed upon the roll.
- (d) No building permit shall be issued by the township until all fees required by this article have been paid.
- (e) Except for properties in commerce township, fees charged to customers of the township sanitary sewer system that are outside the township shall pay usage charges, capital charges and all other charges at the rate of 1½ times the rate applicable to premises located within the township. Properties in commerce township shall pay the same rate as premises located in the township.

(Ord. No. 108, § 6.04, 1-6-1998)

Sec. 38-571. Capital connection fee and lateral benefit fee.

- (a) No premises shall be connected to a public sanitary sewer main or sanitary sewer lateral without the payment of capital connection fees and lateral benefit fees as provided for in this article.
- (b) The township board may, as compensation in full or in part, waive the lateral benefit fee for premises over which permanent or temporary sewer easements or licenses have been granted to the township without charge provided there is reasonable expectation that the easement shall lead to future extension of the sanitary sewer system, as determined by the township DPS director or the township engineer. The total amount of the lateral benefit fee waived shall not exceed the value of the easement or license granted to the township as determined by the township assessor utilizing standard appraisal techniques. The township assessor shall execute a certificate stating his conclusions regarding the value of the easement or license granted and the basis for that opinion.

(Ord. No. 108, § 6.05, 1-6-1998; Ord. No. 18-001 , art. I, 10-16-2018)

Editor's note(s)—Ord. No. 18-001 Editor's note(s)—, art. I, adopted October 16, 2018, renamed § 38-571 Editor's note(s)— from "capital connection charge" to "capital connection fee and lateral benefit fee."

Sec. 38-572. Table of capital and usage charges.

The fees and charges required to be paid in accordance with this article shall be as established in the township fee ordinance referred to in chapter 16.

(Ord. No. 108, § 6.06, 1-6-1998; Ord. of 5-20-2003; Ord. of 11-19-2013)

Sec. 38-573. Payment of capital connection fees and lateral benefit fees.

Except as otherwise provided in this section, or as provided by a special assessment district established by the township board, the capital connection fees and applicable lateral benefit fees described in this article shall be paid by the user in cash at the time of connection.

(Ord. No. 108, § 6.07, 1-6-1998; Ord. of 10-19-1999; Ord. of 11-19-2013; Ord. No. 18-001 , art. I, 10-16-2018)

Editor's note(s)—Ord. No. 18-001 Editor's note(s)—, art. I, adopted October 16, 2018, renamed § 38-573 Editor's note(s)— from "payment of capital connection charges" to "payment of capital connection fees and lateral benefit fees."

Sec. 38-574. Inspection fees.

Inspection fees and review fees shall be charged by the township consulting engineers or the water resource commissioner as established in the township fee ordinance referred to in chapter 16.

(Ord. No. 108, § 6.08, 1-6-1998; Ord. of 12-19-2006)

Sec. 38-575. Connection charges for existing systems.

The capital connection fees and applicable lateral benefit fees to be charged to various existing units within the Chateau Cranberry Lake Mobile Home Park and the White Lake Mobile Village shall be in accordance with a consent judgment previously approved by the county circuit court.

(Ord. No. 108, § 6.09, 1-6-1998; Ord. of 7-21-1998; Ord. No. 18-001 , art. I, 10-16-2018)

Sec. 38-576. Reserved.

Editor's note(s)—Ord. No. 18-001 Editor's note(s)—, art. I, adopted October 16, 2018, repealed § 38-576 Editor's note(s)—. Former § 38-576 Editor's note(s)— pertained to connection charges for the Pontiac Lake District and derived from Ord. No. 108, adopted January 6, 1998 and an ordinance adopted June 17, 2003.

Secs. 38-577—38-600. Reserved.

DIVISION 7. ENFORCEMENT

Sec. 38-601. Remedies.

The provisions of this article shall be enforceable through any and all remedies available at law or in equity in any court of competent jurisdiction. Any violation of this article is deemed to be a nuisance per se.

(Ord. No. 108, § 7.01, 1-6-1998)

Sec. 38-602. Violation and penalties.

A violation of this article shall be deemed a municipal civil infraction.

(Ord. No. 108, § 7.02, 1-6-1998)

Sec. 38-603. Injunctive power.

When a structure in which sanitary sewage originates is not connected to an available public sanitary sewer system, as required by this article, the township may bring an action for a mandatory injunction in the county circuit court in addition to any other penalties provided by this article or by state statute. The township may join any number of owners of structures situated within the township in the action to compel each owner to connect to an available sanitary sewer system immediately.

(Ord. No. 108, § 7.04, 1-6-1998)

Secs. 38-604—38-624. Reserved.

ARTICLE V. SEPTIC TANKS

Sec. 38-625. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apply septage waste to land or application of septage waste to land means the deposit, discharge, dumping, spilling, leaking or placing, by any means, of septage waste onto the surface of land or the pressurized injection of septage waste below the surface of the soil.

Public septage waste treatment facility means a septage waste or other waste treatment facility owned and operated by a government unit and approved by the director of the state department of environmental quality or his authorized representative.

(Ord. No. 96, art. I, 9-1-1987)

Sec. 38-626. Application of storage or septage waste to land.

It shall be unlawful for any person to apply storage waste or to authorize, sanction or permit the application of septage waste to land within the township.

(Ord. No. 96, art. II, 9-1-1987)

Sec. 38-627. Designation of public septage waste treatment facility.

The township board shall, by resolution, designate a public septage treatment facility to accept all septage generated within the township. The board may, from time to time, designate additional and/or different public septage waste facilities; provided, however, that a public septage waste treatment facility shall be available at all times to accept septage waste generated within the township.

(Ord. No. 96, art. III, 9-1-1987)

Secs. 38-628—38-657. Reserved.

ARTICLE VI. UTILITY CONSTRUCTION

Sec. 38-658. Purpose.

This article is enacted to ensure that public utility providers are afforded their rights to access and use of public rights-of-way, and in such a manner so as to not endanger the public health, safety and welfare, or to negatively affect property values due to the aesthetic interests of the township with respect to the installation of new facilities. In furtherance of those objectives and in order to ensure those rights, the township must:

- (1) Review and approve all plans for the installation of utility wires, cables, pipes, conduits, equipment cabinets, or other equipment used for the transmission of electrical current impulses, sounds, voices or communications, water, sewage, gas or other fuel, on, over or beneath the surface of land within the township;
- (2) Prohibit such installation except in compliance with the approved plans, so as to make the most efficient use of those limited areas available for the installation of utilities securing the public health, safety and welfare;
- (3) Require removal and relocation of the facilities when necessary; and
- (4) Provide a penalty for a violation.

(Ord. No. 126, art. II, 5-15-2012)

Sec. 38-659. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Crash zone means the area six feet from the back of a curb or 12 feet from the edge of the pavement of a thru lane.

Facility or facilities means the utility's equipment or personal property, such as wires, cables, pipes or conduits, equipment cabinets, structures or other equipment used for the transmission of electrical current impulses, sounds, voices or communications, water, sewage, gas or other fuel.

Public right-of-way means the area on, below or above a public roadway, highway, street, alley, easement or waterway. The term "public right-of-way" does not include a federal, state or private right-of-way.

Sight triangle means a triangular-shaped portion of land established at roadway, highway or street intersections in which there are restrictions on structures erected, placed or planted which would limit or obstruct the sight distance of motorists entering or leaving the intersection

Utility means any public utility company, person, corporation or other entity, including, but not limited to, telecommunication, water, sewer, gas and other fuel.

Zone of influence means the area within a 45-degree angle from a pipe invert.

(Ord. No. 126, art. III, 5-15-2012)

Sec. 38-660. Review of plans, permit conditions.

- (a) No utility or other entity shall install facilities in any public right-of-way or private roadway within the township unless a permit shall have been first obtained.
- (b) No utility or other entity shall install facilities in, on, over or under land elsewhere in the township unless a permit shall have been first obtained.
- (c) The installation of facilities shall be made in such a manner as to make the most efficient use of the area available for placement of public utilities and to facilitate the use of the area by other public utilities and so as not to conflict with utility installations proposed by the township. Installations shall be based on standards contained within the ordinances of the township and on the following standards:

(1) *Plan requirements.*

- a. Plans for the installation of new facilities must show, at a minimum, the following:
 - 1. For the area 25 feet on either side of the proposed facility (including, but not limited to, all proposed structures, transmission lines, and underground routing), the following items must be provided:
 - (i) Two-foot contours or strip topography of elevations.
 - (ii) All structures, manholes, fire hydrants, trees or any other physical objects.
 - (iii) Any and all property lines.
 - (iv) Any and all water courses.
 - 2. Location of the proposed facility, including proposed invert elevations of all structures, piping or appurtenances.
 - 3. Length and size of each section of proposed pipe between structures.
 - 4. A minimum of two benchmarks consistent with the datum utilized by local standards.
 - 5. Any property lines within 50 feet of the proposed facility.
 - 6. Proprietor information.
 - 7. Parcel identification number and/or addresses of all parcels and adjacent parcels.
 - 8. Road names.
 - 9. North arrow.
 - 10. Note if the proposed facility will be located within 500 feet of a lake or stream.
 - 11. Provide a scale of a minimum of one inch equals 50 feet.
 - 12. A location map, with a scale and north arrow, showing the location of the proposed facility in relation to the surrounding area.
- b. For proposed facilities within road rights-of-ways or adjacent to private or public roadways, the following additional items must be shown:
 - 1. All existing facilities within the road right-of-way or within 25 feet on either side of the proposed facility.
 - 2. Pavement type and limits.
 - 3. Existing and proposed right-of-way lines.
 - 4. Separate detail of each above-ground facility indicating all their dimensions.

- c. For proposed above-ground facilities, the following additional items must be shown:
 - 1. If proposed within the sight triangle of the right-of-way, strip topography of elevations within 50 feet of the proposed facility to verify no sight obstructions.
 - 2. Dimensions of the facility from existing pavement, property lines, right-of-way lines and other facilities.
 - 3. Indicate proposed parking location, dimensions and method (i.e., gravel, grass pavers, etc.) to limit disruption for maintenance vehicles. Parking, driving or standing on nonmotorized pathways is prohibited.
 - 4. Show compliance with RCOC standards for above-ground facility placement.
 - d. A landscaping plan indicating plant material of sufficient height and density to screen any above-ground proposed facility is required. Said plant material shall be replaced as necessary by the utility.
- (2) *Standards for the installation of utilities in the road rights-of-ways or in private easements.*
- a. Generally, proposed facilities must run in straight lines and parallel to road rights-of-ways and/or existing facilities.
 - b. Road crossings should be at a 90-degree angle to the road.
 - c. The facilities must not be located within the zone of influence of an existing or proposed sanitary sewer or water main. All underground facilities must maintain a minimum vertical clearance of 18 inches.
 - d. If the facilities are proposed to be located in a public right-of-way, any above-ground facilities shall be placed at the extension of existing property lines that are perpendicular to the road right-of-way.
 - e. Facilities proposed to be located above-ground must be installed in accordance with the RCOC requirements.
 - f. Facilities proposed to be located above-ground are prohibited within any crash zone, and must be a minimum of two feet off of any pathways or sidewalks per RCOC standards.
 - g. Facilities proposed to be located underground must be installed at least four feet below the centerline of the road.
 - h. The facility shall comply with the township engineering and design standards regarding distance from existing and proposed utilities.
 - i. All pathways and sidewalks must be restored to current ADA requirements.
 - j. Right-of-way approval from the road commission for the county is required for right-of-ways within their jurisdiction, prior to the issuance of a construction permit.
 - k. If the facility is proposed on private property, the utility must obtain the consent of the property owners.
 - l. Any zoning variances that may be required must be addressed with the township.
 - m. A cash bond or letter of credit of \$500.00 is required prior to the issuance of the construction permit. In the alternative, the utility may execute an agreement with the township agreeing to the following: If the township incurs expenses as a result of the utility's occupation or use of the public right-of-way, upon receipt of an invoice for said expenses, the utility will immediately reimburse the township the stated expenses. In addition, if collection efforts are required, and the utility is unsuccessfully in a challenge to the invoice, then the utility will agree to reimburse the township the cost incurred in the collection of the invoice.

(3) *Use of public right-of-way.*

- a. *No burden on public right-of-way.* Utility, its contractors, subcontractors and its facilities shall not unduly burden or interfere with the present or future use of any of the public right-of-way. A utility's facilities shall be installed and maintained so as to not endanger or injure persons or property in or about the public right-of-way. If the township reasonably determines that any portion of the facilities constitutes an undue burden or interference due to changed circumstances, utility, at its sole expense, shall modify the facilities or take such other actions as the township may determine is in the public interest to remove or alleviate the burden, and the utility shall do so within a reasonable time period.
- b. *Restoration of property.* Utility, its contractors and subcontractors shall immediately restore, at the utility's sole cost and expense, in a manner approved by the township, any portion of the public right-of-way that is in any way disturbed, damaged or injured by the construction, installation, operation, maintenance or removal of the facilities to a reasonably equivalent (or, at utility's option, better) condition as that which existed prior to the disturbance. In the event that the utility, its contractors or subcontractors fail to make such repair within a reasonable time, the township may make the repair and the utility shall pay the costs the township incurred for such repair.
- c. *Installation and maintenance.* The construction and installation of the facilities shall be performed pursuant to plans approved by the township. The open cut of any public right-of-way shall be coordinated with the township building official or his designee. The utility shall install and maintain the facilities in a reasonably safe condition. If the existing poles in the public right-of-way are overburdened or unavailable for the utilities use, or the facilities of all users of the poles are required to go underground, then the utility shall, at its expense, place such portion of its facilities underground, unless the township approves an alternate location. The utility may perform maintenance on the facilities without prior approval of the township, provided that the utility shall obtain any and all permits required by the township in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by the township.
- d. *Pavement cut coordination.* The utility shall coordinate its construction and all other work in the public right-of-way with the township's program for street construction and rebuilding (collectively "street construction") and its program for street repaving and resurfacing (except seal coating and patching) (collectively "street resurfacing"). The goals of such coordination shall be to encourage the utility to conduct all work in the public right-of-way in conjunction with or immediately prior to any street construction or street resurfacing planned by the township.
- e. *Street vacation.* If the township vacates or consents to the vacation of public right-of-way within its jurisdiction, and such vacation necessitates the removal and relocation of the utility's facilities in the vacated public right-of-way, the utility shall remove its facilities at its sole cost and expense when ordered to do so by the township or a court of competent jurisdiction. The utility shall relocate its facilities to such alternate route as the township and the utility mutually agree, applying reasonable engineering standards.
- f. *Relocation.* If the township requests the utility to relocate, protect, support, disconnect or remove its facilities because of street or utility work, or other public projects, the utility shall relocate, protect, support, disconnect or remove its facilities, at its sole cost and expense, to the extent that this subsection is not preempted by the state public service commission's primary jurisdiction over the issue, including where necessary to such alternate route as the township and the utility mutually agree, applying reasonable engineering standards. The work shall be completed within a reasonable time period.
- g. *Public emergency.* The township shall have the right to sever, disrupt, dig up or otherwise destroy facilities of the utility if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, the township shall attempt to provide notice to the utility. Public

emergency shall be any condition which poses an immediate threat to life, health or property caused by any natural or manmade disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. The utility shall be responsible for repair at its sole cost and expense of any of its facilities damaged pursuant to any such action taken by the township.

- h. *MISS DIG.* If eligible to join, the utility shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 53 of the Public Acts of 1974, as amended (MCL § 460.701 et seq.), and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.
- i. *Underground relocation.* If the utility has its facilities on poles of consumers energy, Detroit Edison or another electric or telecommunications provider and consumers energy, Detroit Edison or such other electric or telecommunications provider relocates its system underground, then the utility shall relocate its facilities underground in the same location at the utility's sole cost and expense, to the extent that this subsection is not preempted by the state public service commission's primary jurisdiction over the issue.
- j. *Identification.* All personnel of the utility and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing the utility's name, their name and photograph. The utility shall account for all identification cards at all times. Every service vehicle of the utility and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with utility's name and telephone number.

(4) *Removal.*

- a. *Removal; underground.* As soon as practicable after the utility has discontinued the use of its facilities, the utility or its successors and assigns shall remove all of its facilities from the public right-of-way which has been installed in such a manner that it can be removed without trenching or other opening of the public right-of-way. The utility shall not remove any underground portions of the facilities which requires trenching or other opening of the public right-of-way except with the prior written approval of the township building official. All removals shall be at utility's sole cost and expense.
- b. *Removal; above ground.* As soon as practicable after the utility has discontinued the use of its facilities, the utility or its successor or assigns, at its sole cost and expense, shall, unless waived in writing by the township building official, remove from the public right-of-way all above-ground elements of its facilities, including, but not limited to, poles, pedestal mounted terminal boxes, equipment cabinets, and lines attached to or suspended from poles.
- c. *Schedule.* The schedule and timing of removal shall be subject to approval by the township building official. Unless extended by the township building official, removal shall be completed not later than 12 months following the discontinuance. Portions of the facilities in the public right-of-way which are not removed within such time period shall be deemed abandoned and, at the option of the township, exercised by written notice to the utility, title to those portions of the abandoned facilities shall vest in the township.

(Ord. No. 126, art. IV, 5-15-2012)

Sec. 38-661. As-built plans.

- (a) Each utility or other entity installing facilities in, on or under land within the township, after such installation is completed, shall maintain plans showing the exact location of such facilities as built.
- (b) Two copies of such as-built plans shall be submitted to the township building official within 30 days of the completion of the installation.

(Ord. No. 126, art. V, 5-15-2012)

Sec. 38-662. Building official authority to vary.

The township building official shall have the authority to vary from the strict requirements of this article if all of the following conditions are found:

- (1) The property has unique physical features or other unique characteristics that make utility installation pursuant to this article unfeasible.
- (2) Strict application of the provisions of this article would be unduly burdensome on the applicant.
- (3) The granting of a variance pursuant to this section would not cause a substantial injustice to nearby properties nor cause public safety concerns.

(Ord. No. 126, art. VI, 5-15-2012)

Sec. 38-663. Exemptions.

The following types of installations shall be exempt from the requirements of this article:

- (1) Connection from a main or branch utility line, including, but not limited to, wires, cables, pipes, conduits or other equipment used for the transmission of electrical current impulses, sounds, voices or communications, water sewage, gas or other fuel, to an individual user or subscriber provided such connection does not service more than one user.
- (2) Replacement or repair of damaged or obsolete wires, cables, pipes, conduits or other equipment so long as the replacement or repair of such wires, cables, pipes, conduits or other equipment shall not deviate from the location of the equipment being replaced or repaired.
- (3) Replacement or repair of damaged or obsolete substation or generating equipment.
- (4) Any wires, cables, pipes, conduits or other equipment which are installed at the direction of, by, and/or for the benefit of the township.

(Ord. No. 126, art. VII, 5-15-2012)

Sec. 38-664. Penalty.

A person or entity who violates any provision of this article or the terms or conditions of a permit is responsible for a municipal civil infraction.

(Ord. No. 126, art. VIII, 5-15-2012)