

BIRCH RUN TOWNSHIP  
SAGINAW COUNTY, MICHIGAN  
ORDINANCE NO. 2007-02  
MUNICIPAL WATER SUPPLY ORDINANCE AMENDMENT

An ordinance to provide for the operation and maintenance of all water supply facilities of Birch Run Township on a public utility basis under the provisions of Act 94, Public Acts of Michigan, 1933, as amended; to establish charges and rates for water connection and service in the Township of Birch Run; to provide for water emergencies; to prohibit water cross connections; to provide penalties for violation of the Ordinance regulations.

THE TOWNSHIP OF BIRCH RUN ORDAINS:

SECTION I  
SHORT TITLE

This ordinance shall be known and may be cited as the “Birch Run Township Municipal Water Supply Ordinance”.

SECTION II  
OPERATION ON PUBLIC UTILITY RATE BASIS

It is hereby determined to be desirable and necessary for the public health, safety and welfare of the Township of Birch Run that all water supply facilities of the Township, whether owned by the Township or operated as lessee and agent, be operated on a public utility rate basis in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

SECTION III  
DEFINITIONS

**BACKFLOW** - The word “backflow” shall mean water of questionable quality, waste or other contaminants entering the system due to a reversal of flow.

**CHARGES** - The terms “charges for water services” or “charges” shall be deemed to mean the amount charged to each premises in the Township connected to the system for the purpose of receiving a supply of water.

**COMMODITY CHARGE** – The rate to be charged for actual water used by a customer, (rate per thousand gallons)

**CONNECTION CHARGE** - The term “connection charge” shall mean the amount charged for the privilege of connecting to the Township Water Supply System.

**CUSTOMER** – The word “customer” shall mean the property owner of the premises receiving water service and shall also include the non-owner tenant or occupant.

**CROSS CONNECTION** - The term “cross connection” shall be construed to mean a connection or arrangement of piping or appurtenances which could result in a backflow.

**DWELLING UNIT** - The term “dwelling unit” shall mean a structure containing one or more rooms, with bathroom and principal kitchen facilities, designed as self-contained unit for occupancy.

**FIRE PROTECTION LINE** – The term “fire protection line” shall mean a water line running into a building for fire suppression systems.

**PERSON** – The term “person” shall mean an individual, firm, corporation, partnership, limited liability company or any other legal entity.

**PREMISES** - The term “premises” shall mean a parcel of land, exclusive of buildings.

**PRIVATE WATER DISTRIBUTION SYSTEM** – A privately owned and maintained water distribution system serving an industrial or commercial subdivision, a multi-building development or a mobile home development or park on a single premises served through a master meter installed at an approved location.

**READINESS TO SERVE CHARGE** - The monthly readiness-to-serve shall mean a charge which recovers a portion of the capital cost of the infrastructure which facilitates the delivery of water to each customer, including the water transmission and distribution system. These fixed costs are allocated to each customer connected to the water distribution system, whether or not they choose to use any water. (Sometimes referred to as “RTS”)

**SYSTEM** - The word “system” shall mean the complete water supply facilities of the Township, including water lines, pumps, storage or treatment facilities, and all other facilities used or useful in the transmission and distribution of potable water.

**TAP-IN-CHARGE** - The terms “tap-in-charge” and “tap-in-fee” shall mean a charge for the installation of the water main connection from the public water main to the property line, including tap, stop box, meter, meter pit, remote reader, inspection, etc.

**TOWNSHIP** - The term “Township” shall mean the Township of Birch Run, County of Saginaw, Michigan.

**TOWNSHIP BOARD** - The term “Township Board” shall mean the Township Board of Birch Run, the legislative and governing body thereof.

**TOWNSHIP WATER DEPARTMENT** – The term “Township Water Department” shall mean the Township Water and Sewer Department, acting through its duly appointed Superintendent and authorized employees and agents of the Department, as approved by the Township Board.

**TOWNSHIP WATER SUPPLY SYSTEM OPERATOR** – The term “Township Water Supply System Operator” shall mean the Water and Sewer Department Superintendent or his designee, as approved by the Township Board.

**WATER SERVICE** - The term “water service” shall mean the providing of a supply of water to premises connected to the system.

## SECTION IV SUPERVISION AND CONTROL OF SYSTEM

### 4.1 DESIGNATION OF AUTHORITY

The Township Water Supply System will be constructed, operated, maintained, altered, repaired and managed by the Township Board, subject to all the provisions, regulations and conditions set forth in this Ordinance.

The Township will be responsible for the operation and maintenance of water mains and water services up to the property line of the customer. Repairs and maintenance needed on private property are the responsibility of the customer. The customer shall be responsible for water loss through a leak on private property.

### 4.2 LIABILITY OF TOWNSHIP

All parties using water from the Township Water Supply System for any purpose whatsoever will do so at their own risk; and the Township or its employees will not be liable for any damages occasioned by or growing out of the stoppage of such water, nor for any insufficient supply of water, nor for accidents or any damage of any kind caused by or growing out of the use or failure of such water.

Each customer shall keep his own service pipe, stop cocks and other apparatus in good repair and protected from frost at his own expense and shall prevent all unnecessary waste of water and no claim shall be made against the Township by reason of the freezing or breaking of any service pipes, stop cocks or other apparatus, and the customer shall provide a safe place for all meters, which place shall reasonably protect said meters from damage, jarring, freezing, excessive heat or other outside interference of every kind whatsoever.

The Township will not be responsible for any private water distribution system. This responsibility rests solely with the system owner. Charges for use of the private system shall be the owner's responsibility.

### 4.3 SEPARATE WATER SUPPLY SOURCES

Whenever any premises is supplied with water from two or more sources, one of which source is the Township Water Supply System, the Township Water Supply System must be entirely separate and no physical connection with any other water supply shall be permitted. Violation of this section will result in immediate turn off of the township Water Service.

Private water distribution systems shall have a back-flow protector installed at such points as are determined by the Township Water Department.

### 4.4 APPLICATION FOR WATER CONNECTION

Any person desiring water service, in an area of the Township which has public water service mains, will be required to fill out a water service agreement form prior to receiving service which

contains: the name and address of the applicant; the size of the water service connection pipes desired; and the distance, if known, that the property is located from any existing public water main. Water connections shall be installed only upon prepayment of the costs thereof as determined by the Township Board.

The Township shall not be required or obligated to extend any water mains within the Township.

## SECTION V CONNECTION

### 5.1 INSTALLATION OF CONNECTION

The Township reserves the right to install any required service connection or main extension, or to subcontract the same to a private licensed contractor.

### 5.2 SECURITY DEPOSIT

The Township may require payment of a security deposit for water service. The amount of the deposit shall be determined and periodically adjusted by resolution of the Township Board.

### 5.3 SIZE AND INSTALLATION

- A. All water service connections from the water main to the curb stop valve shall be in conformity with the Township water service installation rules, which are attached to this Ordinance as **Appendix B**. These rules shall be subject to modification by resolution of the Township Board.
- B. All water mains, connections, and service lines, before being covered, shall be inspected and approved by the Township Water Department.

### 5.4 TURN-ON

No person other than the Township Water Department shall turn on or off any water service to any public or private premises at the connection of the premises to the water main.

### 5.5 WATER METERS

- A. Meter Required: All premises connected to the Township Water Supply System shall be equipped with a water meter, and all water entering the premises shall pass through such meter and be measured as to volume consumed.
- B. Meter Ownership: Meters will be furnished and installed by the Township and shall remain the property of, and under the control of the Township. Not more than one (1) residence, business, industry or commercial institution shall be served by one (1) meter. Each premise so metered shall have its own separate water supply line and shut-off valve at the street.
- C. Right of Entry: The Township Water Department shall have the right to enter any premises

on which Township water is used to access the meter for the purpose of inspecting, adjusting, reading, repairing or removing water meters or appurtenances in connection with said water meters at any reasonable time.

- D. Meter Installation: The customer shall provide a suitable place approved by the Township for the installation of the meter and if, in the judgment of the Township Water Department, a meter pit is necessary, or the service exceeds 300 feet from the curb box, such meter pit will be constructed by the Township at the cost of the customer.
- E. Locations: All meter locations must be approved by the Township Water Department. Meters shall be located at a point where the water service first enters the basement wall. Where there is no basement, the meter shall be located where the water service first enters the building, or in a meter pit.
- F. Valves: The water service line shall be constructed as provided in the Township water service installation rules, **Appendix B**.
- G. Damages: Customers will be responsible for damages to a meter caused by any act or omission of any person, other than an employee of the Township. The expense of repair or replacement will be billed to and collected from the customer. No person shall break, damage, destroy, deface, tamper with, uncover or connect to any property, structure, appurtenances or equipment which is a part of the Township Water Supply System.
- H. Meter Seals: No person other than the Township Water Department shall break or injure the seal on, or change the location of, alter, or interfere in any way with a meter, or meter by-pass.
- I. Electrical Grounding: No person shall ground or electrically connect any radio, telephone or other electrical system to the discharge side of any water meter.
- J. Alterations or Changes: No person shall change the location of a meter or meter pit, alter the grade so that it will cover up or create a hazard around any meter pit or stop box or in any way obstruct the free access to any water meter, meter pit, or stop box.
- K. Meter Accuracy:
  - (1) In the event that the customer questions the accuracy of the meter(s) such will be tested in the customer's presence upon request. If the meter is found to be accurate under the guidelines of the AWWA (American Water Works Association), there will be a charge assessed against the requesting party, as provided in **Appendix A**. This charge shall be subject to adjustment by resolution of the Township Board.
  - (2) In the event a meter shall fail to register properly, the Township Water Department shall estimate the quantity of water used on the basis of former consumption and bill accordingly.
  - (3) A record of the date when each meter was furnished to a customer, its number, cost

and location shall be kept in the office of the Township Water Department. There shall also be kept in the office of the Township Water Department, an accurate record of the amount each customer is credited on account of his meter, and, if a test is made, a record of the date and result thereof.

## 5.6 OUTDOOR REGISTER

All meters shall be equipped with an outdoor register, which shall be installed by the Township Water Department, and in accordance with the Department Rules, **Appendix B**.

- A. Outside Peripherals: All outside peripherals including registers, touch pads, MXU units etc., installed in conjunction with Township water meters shall be furnished by the Township and remain the property of and under the control of the Township Water Department.
- B. Installation: All outside water meter peripheral installations shall only be made by employees of the Township Water Department with equipment and materials specified and furnished by the Township Water Department.
- C. Damage to peripherals: Customers with premises having outside water meter registers, or other specified peripherals, shall be responsible for protecting the peripherals from damage. The Township reserves the right to discontinue the outside water meter peripheral services should maintenance of the register be a problem due to damage not under the control of the Township, or due to vandalism.
- D. Location: Outside registers, and other peripherals, shall be so located that readings can be obtained without entering any portion of the dwelling, including garages and enclosed / fenced-in yards. The area around the register shall be kept clear of shrubbery, plantings and other obstacles, which would make reading difficult.
- E. Alterations or changes: Alterations or changes in location of the outside register or other peripherals other than by the Township Water Department are prohibited.

## 5.7 ESCAPE THROUGH DEFECTIVE PLUMBING PROHIBITED

The escape of water through defective plumbing is prohibited. This shall include permitting defective plumbing to remain out of repair and water to escape. The “plumbing” shall include but is not limited to water service lines from the water meter to the curb shut off valve.

## SECTION VI TAP-IN AND CONNECTION CHARGES

All connections to the system shall be made by the Township Water Department at a reasonable charge. The owner of the premises, at the time of application for water service and in advance of the commencement of such connection, shall pay the tap-in and connection charges, in addition to all other charges and fees provided herein, with the amount to be determined from time to time by the Township Board. The charges may be revised from time to time by resolution of the Township Board to reflect changes in connection costs and to maintain a fairly uniform charge within the

Township. The current connection, tap-in charge, meter and outdoor register installation charges are set forth in **Appendix A**.

## 6.1 CONNECTION CHARGE

Establishment of Connection Charges: A Connection Charge is hereby established for the privilege of connecting the premises to the Township Water Supply System if a direct connection to the system is available to the premises. Connections across or through other premises shall not be permitted.

A. Minimum Connection Charge: The minimum connection charge shall be determined periodically by resolution of the Township Board. It shall be calculated by taking into the account the following factors:

1. depreciated asset value of the system;
2. anticipated cost of capital improvements to the system over not less than five (5) nor more than ten (10) years;
3. current and anticipated customer base over the next five (5) to ten (10) years.

B. Connection Charge – Special Assessment District: If the premises requesting connection to the Township Water Supply System is currently subject to a special assessment or is located in a special assessment district which has been established for the construction of a public water main, the Connection Charge shall be the amount of the Special Assessment which was established for each parcel of property within the special assessment district when the assessment roll was approved by the Township Board, exclusive of interest. The connection charge shall be paid in full at the time that application for connection is made.

C. Connection Charge- Multi-Unit Commercial and Multi Unit Residential: If a premises contains more than one building or structure which is used as a dwelling unit and which constitutes a permitted use under the Township Zoning Ordinance, there shall be one connection fee for the premises based on master meter size. Any meters which are connected beyond the point of installation of the master meter shall be considered to be a Private Water Distribution System and shall be the customer's responsibility to maintain. Where Multi Unit Commercial developments contain more than one building or structure and constitute a permitted use under the Township zoning ordinance, there shall be one connection charge based upon the master meter size. Any meters which are located beyond point of installation of the master meter shall be considered to be part of a private water distribution system and shall be the customer's responsibility.

D. Connection Charge – Residential Duplex (two unit) – the minimum connection charge shall be one and one-half times (1½) the residential charge. The duplex shall be required to have two separate water taps and meters.

6.2 Tap-in Charge - The tap-in charge is set forth in **Appendix A**. Tap-in charges shall be subject to revision by resolution of the Township Board.

- 6.3 City of Saginaw Water Service Agreement Connection Charge – Pursuant to the Water services Agreement which was entered into between the City of Saginaw and Birch Run Township, there is hereby established a connection fee as set forth in **Appendix A**, paid by a customer as a condition to connecting to the Township Water Supply System.

SECTION VII  
RATES FOR WATER SERVICE

The rates for water service are hereby established as follows:

7.1 **READY TO SERVE CHARGE**

- A. All single-family dwellings connected to the Township Water Supply System shall be charged a residential ready to serve (RTS) charge.
- B. Commercial RTS charges will be determined by meter size.
- C. Duplexes or multi-unit residential dwellings (i.e. apartment buildings) shall be charged one (1) residential RTS per unit involved regardless of whether the units are occupied and regardless of the number of meters.
- D. Private Water Distribution Systems (i.e. manufactured home communities, trailer parks etc.) shall be charged one (1) residential RTS charge for each lot served by the Private Water Distribution System whether the lot is occupied or not, and regardless of the number of meters in the Private Water Distribution System.
- E. Apartment complexes served by a private water system shall be charged one (1) residential RTS charge for each apartment unit served by the Private Water Distribution System whether the unit is occupied or not, and regardless of the number of meters.
- F. Township Residents with existing connections to the Township Water Supply System, but who have never been Township water customers, shall not pay the RTS charge until such time as they become a Township water customer.
- G. Township residents who apply for a new water connection will be charged all applicable fees beginning the date the Township water service line is tapped and the stop box is installed.
- H. Township Residents who are or have been Township water customers and who request voluntary water shutoff for any reason shall continue to pay the RTS charge.
- I. **PAST-DUE AMOUNTS:** This sub-section applies to any property(ies) located in Birch Run Township and served by the Township Water Supply System. In regard to any past-due monies due and owing to the Township over and above the Township Readiness to Serve Fee as of September 30 of a given year, the Township may engage in any process permitted at law to collect the amount due including attaching a lien for the amount due to the structure(s), premise(s), lot(s) or parcel(s) at which the costs, fees and/or charges were incurred.



## 7.2 QUARTERLY WATER CONSUMPTION CHARGE

Water consumption will be charged at the rate as provided in **Appendix A** per 1,000 gallons. These charges will be subject to adjustment by resolution of the Township Board.

## 7.3 RATE REVISIONS AUTHORIZED

The foregoing rates and charges shall be sufficient to provide for the payment of the expenses of administration and operation of the System; for the maintenance thereof as may be necessary to preserve the same in good repair and working order; and to provide for such other expenditures and funds for the System as are required by this provision. Rates shall be revised from time to time by resolution of the Township Board. The rates and charges effective the date of this Ordinance are provided in the attached **Appendix A**.

## 7.4 ESTIMATED WATER USE

The water consumption charges shall be based on an actual meter reading. The Township, however, reserves the right to estimate water usage if the meter cannot be read, has malfunctioned or is otherwise determined to be unreliable or inoperable.

# SECTION VIII REGULATION

## 8.1 ENFORCEMENT

The charges for water service shall be a lien on the premises served. Whenever any such charge against a parcel of property shall be delinquent for six (6) months, the Township water department shall certify to the proper tax-assessing officer of the Township the facts of such delinquency. The charge shall be entered on the next tax roll as a lien against the premises and shall be collected and enforced in the same manner as general Township taxes are collected and the lien is enforced. However, where notice is given that a tenant is responsible for such charges and service as provided by Michigan Statute, no further water service shall be rendered to such premises until a cash deposit in the amount of two (2) times the average bill for such premises as estimated by the Township water department has been paid to the Township. Such deposit shall in no case be less than the amount provided in **Appendix A**, which shall be subject to adjustment by resolution of the township board.

## 8.2 DISCONTINUATION OF SERVICE BY TOWNSHIP

In addition to the forgoing, the Township shall have the right to shut off any premises if the charges for water service are more than fifteen (15) days delinquent. The water service shall not be re-established until all delinquent charges, penalties, a turn off charge and a turn on charge as provided in the Water Service rules, **Appendix B** have been paid. These charges and penalties may be recovered by the Township by court action, including attorney fees and costs.

### 8.3 RENTAL / LEASEHOLD PROPERTIES

A water deposit charge shall be paid in advance as security for payment of water bills by all residential, commercial and industrial tenants or parties holding leasehold interests in the subject real property. At the termination of the party's leasehold interest or the sale of the subject premises, the deposit or any portion not applied to any balances will be refunded to the depositor.

- A. Service in Tenant Customer's Name: Before the Township will transfer the water service into the name of the tenant customer, it shall be provided notification from the owner of the premises indicating the name of the tenant, and a copy of the lease agreement, if any. Upon receiving said notification, the Township shall not be required to provide further water service to the leased premises until it has also received a cash deposit from the tenant customer as provided in Section 8.1 and 8.3(C) of this Ordinance. When the Township has received both the notice and a cash deposit, the water service shall be placed in the tenant customer's name and the tenant customer shall become responsible for payment of the water service provided to the leased premises.

The property owner will remain responsible for all water charges, absent strict compliance with this Section.

- B. Tenant Deposit:

- (1) Residential Units: A deposit shall be made by the tenant customer at the current charge in all residential units prior to turning on the water service in the tenant customer's name. Otherwise the service shall remain in the name of the owner of the property.
- (2) Commercial Units: A deposit, based on the size of the water meter, shall be made by the rental customer in a commercial rental unit prior to the turning on of water service.

- C. Deposit Amounts:

- (1) Residential water deposits will be a minimum as provided in **Appendix A** which shall be subject to modification by resolution of the Township Board. The minimum charge may be exceeded if the Township determines that the expected charges for a three-month period are likely to exceed said amount.
- (2) Commercial water deposits shall be based on the size of the water meter as provided in **Appendix A**.

Deposit amounts shall be subject to revision by resolution of the Township Board.

- D. Final Bill: Tenant customers who vacate leased premises shall notify the Township and have a final reading taken and a final bill calculated at the time of vacating. The amount of the final bill shall be subtracted from the deposit. If the final bill is less than the deposit, a refund check will be issued to the tenant customer. If the final bill is more than the deposit, the deposit will be subtracted and a bill sent for the remainder will be sent to the

tenant customer.

Any tenant who vacates one residence and moves to another within the Township and who leaves an outstanding final bill, will not receive water service until all unpaid balances and fees are paid in full, and a new deposit has been paid.

#### 8.4 FAULTY METERING

In the event a meter shall fail to register properly, the Township shall estimate the quantity of water used on the basis of former consumption and bill accordingly.

#### 8.5 INSPECTION AND READING

No person shall refuse to admit to premises owned or occupied by him or hinder the Township Water Department from entering said premises for the purposes of reading a water meter or inspecting a water meter or any piping in connection with the Township Water Supply System.

#### 8.6 DAMAGED METERS OR HYDRANTS

Whenever a water meter or a water hydrant is damaged because of an act or omission on the part of the water customer of the premises where such meter is installed or hydrant is located, the expense to the cost of repair or replacement shall be charged to and collected from such water customer.

#### 8.7 DAMAGED WATER LINES

All repairs to damaged water lines connecting the stop box to the water meter or dwelling unit shall be the responsibility of the owner and/or occupant of the premises.

#### 8.8 FIRE HYDRANTS

- A. Fire Hydrant Use: No fire hydrant shall be used for any purpose other than for fire protection without the prior written approval of the Township.
- B. Special Use: Permission for special use, obtained from the Township Water Department, will be subject to the cost of water used and administrative fees as provided in **Appendix A**.
- C. Hydrant Tampering: Any person who tampers with a fire hydrant in any way will be charged for water lost, as estimated by the Township Water Department, if any, and whatever other damage is sustained by the Township.
- D. Hydrant Painting: No person, except employees of the Township Water Department or an authorized contractor shall paint a fire hydrant.
- E. Hydrant Obstruction: No person shall place nor permit to be placed an obstruction of any nature within fifteen (15) feet of a fire hydrant that will interfere with access to or hinder the operation of the fire hydrant. Ornamental plants, shrubbery, flowers, etc. planted near

a fire hydrant shall be kept trimmed below the hydrant ports.

#### 8.9 NO FREE SERVICE

No free service shall be furnished by the Township Water System to any person, firm or corporation, public or private, or to any public agency or instrumentality. When the Water System Operator becomes aware of an unauthorized water usage, the Operator shall disconnect the water line and notify the Township Ordinance Enforcement Officer. The Enforcement Officer shall issue a fine up to \$500.00 for unauthorized water use. The water cannot be reconnected until all fines and fees are paid in full. The connection fee, meter and valve fees shall be paid as provided in **Appendix A**. Also the water usage will be estimated back to the time the water service was available, and billed equal to the maximum usage for each year or billing cycle.

#### 8.10 NO RESALE

No resale of water service shall be furnished from said system by any person, firm or corporation, public or private, or to any person, corporation, public agency, or instrumentality at a profit.

### SECTION IX FUNDS

Funds which are received from billings and any other receipts, shall be deposited in such funds as may be required by ordinance and resolution provided by the Township Board for financing of the system. The Township Board hereby creates a fund to be known as “The Birch Run Township Water Fund”.

### SECTION X WATER CONSERVATION

#### 10.1 DETERMINATION OF NEED FOR WATER CONSERVATION

When the Township Supervisor determines that the consumption of water by the Township has or is about to equal or exceed 80% of the total supply being received from the City of Saginaw, he shall declare that a period of water conservation is necessary. During a period of water conservation the use of water shall be restricted as provided in the Water Rules, **Appendix B**. These rules are subject to modification by resolution of the Township Board.

#### 10.2 ENJOINING VIOLATIONS

Legal proceedings to enjoin the violation of any of the provisions of this Ordinance may be brought in any Court of competent jurisdiction in the name of the Township of Birch Run. Such action shall be taken only as authorized by the Township Board.

#### 10.3 PENALTY

Any person who shall, during any water restriction, use or withdraw water from the Township Water Supply System for any of the purposes prohibited in this Section, shall be subject to a civil infraction sanction and shall be assessed a fine pursuant to the Township’s Municipal Civil

Infraction Ordinance. Each day's failure of compliance with any provision of this Section shall constitute in a separate infraction.

## SECTION XI CROSS CONNECTION CONTROL PROGRAM

### 11.1 INTRODUCTION

In accordance with the requirements set forth by the Michigan Department of Environmental Quality, the Township adopts by reference the current version of, and future amendments to, the Water Supply Cross-Connections Rules of the Michigan Department of Environmental Quality (R 325.11401 et seq.) [MCLA 325.1014 et seq.]

### 11.2 LOCAL ORDINANCE

The authority to carry out and enforce a local cross connection control program will be in accordance with the Cross Connection Rules Manual published by the Michigan Department of Environmental Quality and in accordance with all applicable ordinances and rules of the Township of Birch Run.

## SECTION XII CROSS CONNECTIONS PROHIBITED

### 12.1 INSPECTIONS

The Township is hereby authorized to inspect all properties served by the Township Water Supply System where cross connections with the Township water supply are deemed possible. The frequency of inspections and re-inspections, based on potential health hazards involved, shall be as established by the Township Board and approved by the Michigan Department of Environmental Quality. <sup>2</sup>If a hazardous situation is found or is suspected, the Township has the right to discontinue service if it endangers public health or the municipal water supply. Once the high hazard(s) is corrected, inspection must be done by either Birch Run Township Water Department or the Township Plumbing Inspector. Once all inspections are completed and passed, all services will be restored.

### 12.2 RIGHT OF ACCESS, INFORMATION

The Township Water System Operator and/or his designated agent, or such other person designated by the Township Board, shall have the right to enter, at any reasonable time, any property served by a connection to the system for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees or occupants of any property so served shall furnish to said representative any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

### 12.3 DISCONTINUING WATER SERVICE

The Township is hereby authorized to discontinue water service after reasonable notice to any property wherein any cross connection in violation of this Ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the system. Water service to such property shall not be restored until the cross connection or connections have been eliminated in compliance with the provisions of this Ordinance. <sup>2</sup>The Township reserves the right to have either the Birch Run Township Water Department or the Township Plumbing Inspector perform such inspection(s). Once the inspection is completed and passed, water service will be restored.

### 12.4 PROTECTION OF POTABLE WATER

The system's water shall be protected from possible contamination as specified by this Ordinance, the State Plumbing Code as adopted and in conjunction with any acts of the Michigan Department of Environmental Quality. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the system must be labeled in a conspicuous manner as: "WATER UNSAFE FOR DRINKING."

### 12.5 CONSTRUCTION OF ORDINANCE

This Ordinance does not supersede the State Plumbing Code, adopted by reference as the Plumbing Code for the Township, or any other ordinances that the Township has adopted, but is supplementary to them.

### 12.6 PENALTY

Any person or other entity that violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to civil fine determined in accordance with the following schedule:

1st Violation within 3-year period *	\$50.00
2nd Violation within 3-year period*	\$125.00
3rd Violation within 3-year period *	\$250.00
4th Violation within 3-year period *	\$400.00

\*DETERMINED ON THE BASIS OF THE DATE OF VIOLATION(S).

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the Township has incurred in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, judicial orders and the payment of the Township legal expenses as authorized under Michigan law. Each day a violation of the Ordinance continues to exist constitutes a separate violation.

### 12.7 TESTING—BUSINESS CUSTOMER

All business properties located in Birch Run Township and served by the Township Water Supply System shall conduct annual testing of the piping system or systems thereof at their respective property(ies) for cross connections. If a business property has not completed this testing by September 30<sup>th</sup> of any given year Birch Run Township may engage an appropriate individual within the Township's discretion to conduct said testing. The cost of said testing shall at all times be borne by the Customer. If the Customer fails to pay the invoiced amount within 6 months of the mailing date of said invoice, Birch Run Township may engage in any process permitted at law to collect the amount due including attaching a lien for the invoiced amount to the structure(s), premise(s), lot(s) or parcel(s) at which said testing occurred.

## 12.8 TESTING—RESIDENTIAL CUSTOMER

All residential properties located in Birch Run Township and served by the Township Water Supply System shall conduct testing of the piping system or systems thereof at their respective property(ies) for cross connections at least every three years. If a residential property has not completed this testing by September 30<sup>th</sup> of a given year on which testing is required, Birch Run Township may engage an appropriate individual within the Township's discretion to conduct said testing. The cost of said testing shall at all times be borne by the Customer. If the Customer fails to pay the invoiced amount within 6 months of the mailing date of said invoice, Birch Run Township may engage in any process permitted at law to collect the amount due including attaching a lien for the invoiced amount to the structure(s), premise(s), lot(s) or parcel(s) at which said testing occurred.

## 12.9 TESTING BY BIRCH RUN TOWNSHIP

The Customer may, at its discretion, engage Birch Run Township to conduct the inspection and testing described in Sections 12.7 and/or 12.8 of this Amending Ordinance. If the Customer chooses to engage Birch Run Township to complete this task, the cost of said inspection and testing shall be assessed on a quarterly basis on the water bill of the Customer. This sub-section applies to both business and residential customers.

## SECTION XIII VIOLATIONS

### 13.1 VIOLATIONS

Any person who interferes with or damages the Township Water Supply System or any of the pipes, stop cocks or other appurtenances appertaining to the system; or any person who puts any animal, vegetable or other substance in any of the reservoirs, tanks or pipes or who pollutes the water therein in anyway; or any person who violates or fails to comply with any provision of this ordinance or the Water Department rules shall be guilty of a municipal civil infraction and shall be subject to punishment as provided for in Ordinance 98-1 and this Ordinance.

### 13.2 DISCONTINUED SERVICE UPON VIOLATION

The Township Water Department is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other

precautionary measures deemed necessary to eliminate any danger of contamination of the Township Water Supply System. Water service to such property shall not be restored until the violation has been eliminated in compliance with the provisions of this Ordinance and all damages, fines and penalties have been fully paid.

When it becomes necessary for Township Water Department personnel to enter a premises to service a water metering device and / or instrument or to investigate a problem pertaining to water service or water leaks, the Birch Run Township Water Department personnel will contact the owner / resident for permission to enter and correct the problem. If the owner / resident denies entry, the Birch Run Township Water Department reserves the right to discontinue water service and to bill the owner / resident for the water loss.

#### SECTION XIV REPEAL

All ordinances of the Township inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

#### SECTION XV INVALIDITY

If any section, paragraph, sentence, clause, phrase or part of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect remaining portions of this Ordinance which shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared to be severable.

#### SECTION XVI INSPECTION OF ORDINANCE

A copy of this Ordinance may be obtained from the Birch Run Township Clerk, at the following address: 8425 Main Street, Birch Run, Michigan 48415.

#### SECTION XVII EFFECTIVE DATE

This Ordinance shall take effect 30 days from the date of its publication, and all ordinances or any part of any ordinance in conflict with this ordinance shall be repealed.

This Ordinance is declared to have been adopted by the Township Board of the Township of Birch Run, County of Saginaw, Michigan, at a regular meeting held on the 12<sup>th</sup> day of March, 2019.

Adopted: March 12, 2019

Aye: Letterman, Parlberg, Sheridan, Totten, Trinklein, Kiessling  
Nay: None



Absent: Moore

Publication Date: March 20, 2019

Publication: Birch Run Herald

STATE OF MICHIGAN)  
COUNTY OF SAGINAW)

I, the undersigned, the fully qualified and acting Clerk of the Township of Birch Run, Saginaw County, Michigan, do hereby certify that the foregoing is a true and complete copy of an amended ordinance adopted at a regular meeting of the Township Board of the Township of Birch Run, Saginaw County, Michigan, held on the 12<sup>th</sup> day of March, 2019, and that notice of said meeting was given and in compliance with Act 267, Public Acts of Michigan, 1976. I further certify that the adoption of the instant ordinance was recorded in full in the Minutes of the Meeting of the Township Board of Trustees on said date. It was signed by the Supervisor and Clerk of the Township.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this 13<sup>th</sup> day of March 2019.

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Corey Trinklein, Clerk  
Birch Run Township