

**CHARTER TOWNSHIP OF PITTSFIELD
WASHTENAW COUNTY, MICHIGAN
ORDINANCE No. 318**

WATER AND SEWERAGE SYSTEM

ADOPTED

AMENDING CHAPTER 36 UTILITIES

An ordinance to amend the Township Code, Chapter 36.

PITTSFIELD CHARTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN,
HEREBY ORDAINS:

That Article II of Chapter 36, Sections 36-31 through 36-45, of the Pittsfield Charter Township Code be amended to read as follows:

ARTICLE II. WATER AND SEWERAGE SYSTEM

Sec. 36-31. Purpose.

It is the purpose of this Article II to establish a methodology for charges for the use of the Township's water and sewer systems, determining billing and enforcement procedures and general provisions related to the systems. In the event a state or federal agency or department is eliminated or renamed, all provisions of this article referring to that agency refer to any successor agency or department that has commensurate authority/responsibility.

Sec. 36-32. 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:

Director means the Director of the Department of Utilities and Municipal Services.

Fire service line means a pipe connecting premises at the property boundary to a water main for service of any fire protection appliance upon the premises.

Revenues means as defined in Public Act No. 94 of 1933, § 3, as amended.

Service line means a pipe connecting a water main of the system to a water meter installed on any premises.

System means the complete sewage disposal system of the Township and the complete water supply system of the Township including all works, instrumentalities, properties, lines, water mains, hydrants, , sewers, pumps, lift stations, and distribution of water for domestic, firefighting and other uses, and in the collection, disposal of domestic, commercial or industrial wastes, including all appurtenances and including all extensions and improvements that may hereafter be acquired.

YCUA refers to the Ypsilanti Community Utilities Authority.

Sec. 36-33. System to be operated on public utility basis; intent of rates and charges; free service prohibited.

- (a) The water system and sewer system shall continue to be operated and maintained on a public utility basis as authorized by law. It is hereby declared to be the intent and purpose of the Township Board to maintain reasonable and uniform rates and charges applicable to various classifications of users:
 - (1) Operate and maintain the water system and sewer system in a reasonable, proper and efficient manner; and
 - (2) Make the water debt retirement payments and sewer debt retirement payments as they become due, and to provide from time to time for such enlargement and extension of the system as shall appear necessary.
- (b) The cost of purchasing water from the Ypsilanti Community Utilities Authority water supply system, and the proper maintenance of the existing system and extensions thereof, and the cost of sewage treatment through the sewage treatment plant facilities of the City of Ann Arbor and Ypsilanti Community Utilities Authority and maintenance of the interceptors to carry such sewage to the treatment plants, together with trunk and lateral extensions thereto, as established from time to time by rates fixed by the city and Ypsilanti Community Utilities Authority shall be considered as operation expenses of the water system and sewage system respectively.
- (c) No free service shall be furnished by the system to any person, firm or corporation, public or private, or to any public agency or instrumentality.

Sec. 36-34. Management and control; adoption of rules and policies; emergency purchases; Utilities Department.

- (a) The water system and the sewer system shall remain under the overall management and control of the Township Board. For the purpose of carrying out the provisions of this Article and the improvement, alteration, repair and management of the system, there is created a Utilities Department, which shall be responsible to the Township Board. The Utilities Department shall consist of the Director and such other persons as shall be employed by the Director. The Director shall be in immediate charge of

the Utilities Department and shall be responsible to the Township Board. The Township Board may adopt rules and regulations relating to the use of the water system and sewer system and the making of connections thereto, which rules and regulations shall be approved by resolution or ordinance of the Township Board. For circumstances or conditions which are unusual or unique and which are not specifically addressed by provisions of rules or regulations adopted by the Township Board, the Utilities Director is authorized to establish or approve a policy or guideline relating to the use of the water system and sewer system and the making of connections thereto which policy or guideline do not impair the financial integrity of the water system and sewer system and which satisfy the goals, objectives and purposes of the water system and sewer system. Each such policy or guideline established or approved by the Utilities Director may be reviewed and modified by the Township Board upon the request of the Township Supervisor.

- (b) In the event an emergency situation arises in the operation and maintenance of the water system and sewer system, which emergency situation creates an immediate, verifiable risk to public health and safety, the Township Board authorizes the Utilities Director to expend funds necessary to correct and repair such emergency situation without the necessity of compliance with the Township's bidding and purchasing policies and requirements.

Sec. 36-35. Operating year.

The system shall be operated on the basis of an operating year commencing January 1 and ending December 31 next following.

Sec. 36-36. Rates and charges generally.

For service and benefits furnished by the system, there shall be rates and charges established by the Township Board which shall be based upon a methodology which complies with appropriate industry standards and applicable federal and state statutes and regulations. The amount of the rates and charges shall be sufficient to provide for payment of debt service and for the expenses of operation, maintenance and replacement of the system as necessary to preserve the same in good repair and working order. The amount of the rates and charges shall be reviewed annually and revised when necessary to ensure system expenses are met and that all users pay their proportionate share of operation, maintenance and replacement expenses.

It is recognized that the Township contributes sewage flow to two wastewater systems, Ann Arbor and Ypsilanti Community Utilities Authority, and that each wastewater system establishes its own rates for connection, collection, transportation and treatment. Rates and charges for sewer services in the Township may reflect a differential or a blended rate.

Sec. 36-37. Water, rates and charges.

The rates and charges for water service shall be as follows:

- (1) *Water commodity rates.* The commodity rate for water shall be set at a level sufficient to recover the variable costs, as well as fixed costs, of the operations, maintenance and replacement of the water system. This rate shall include the wholesale cost of water from YCUA and the Township costs of the system. Commodity charges will be calculated based on the current commodity rate multiplied by the volume of water purchase from YCUA.
- (2) *Water readiness-to-serve (RTS) charge.* Each customer shall be charged a portion of the fixed costs of water system operations, maintenance, replacement and debt service, based on the size of the customer's water meter(s). RTS charges will be set at a level which ensures the Township will have sufficient revenue throughout the operating year to pay the costs assigned to this component of customer charges. The RTS charge shall be assessed to all active customer accounts at the same fixed rate per residential equivalent meter, regardless of the volume of water used or metered during the billing period. RTS charges reflect the minimum amount to be billed to customers each billing period, as defined on the schedule of rates and charges described in section 36-39.
 - a. *Irrigation meters.* The readiness-to-serve charge for irrigation meters shall be at the same rate as regular domestic meters, except it shall be billed at 50% to reflect the seasonal basis of irrigation needs.
- (3) *Tap charge.* As customers make new connections to the water system, they shall be responsible for the cost of making the physical connection (tap) to the main servicing their property. Customers, developers or property owners wishing to tap the main are responsible for the cost of the connection. To make a connection, customers shall contract with a licensed and approved contractor or with the Township directly, to perform the work. Prior to any taps being made, contractors must first apply to the Township Utilities Department for a permit to perform the tap. Property owners, customers or developers are responsible for paying the contractor or Township for the cost of the tap, including street cuts and repairs, excavation, connection, labor, supplies, restoration and all other associated costs. The Township shall not incur any cost for taps, unless it has a contract with the property owner for full repayment of the associated costs. Inspection fees associated with the tap will be assessed as set forth in (4), below.
- (4) *Inspections and Associated Fees.* For all new connections (taps) to the water system, property owners, customers or developers shall submit an application for the connection with the Township. To ensure proper connections and maintain the integrity of the public water system, the Township shall inspect all taps and all excavations of water mains, laterals and lines. Inspection fees are intended to recover the cost of labor and materials to perform inspections, and shall be established as set forth in Section 36-39.
- (5) *Water system capacity charge.* This one-time charge shall consist of two components: capacity demand and meter installation. Prior to connecting to the Township public water system, property owners must pay for the system capacity required to service their property. Capacity charges shall be assessed based on the size of the tap, and not based on the size of the meter, and shall be set at a

level approximately equal to the equity share of all existing customers. [JK1]The second component of this charge will include the cost of the meter and associated labor and supplies required to install the meter. This component of the capacity charge will be deposited in the operating revenues of the utility, to be used to offset costs incurred by the Township in the year the meter is installed.

a. *Capacity charges for multi-property developments.* Developers making a connection to or extending the Township water system shall be assessed a capacity charge as outlined in (5) above. Developers shall be required to initially pre-pay only that portion of the capacity charges attributable to the first phase planned for the development. The initial capacity charge must be paid prior to extending the water system into the development and before any construction and/or building permits are issued. Developers shall be responsible for paying the remaining balance of capacity charges commensurate with development phasing, prior to the Township issuing construction and/or building permits for the next phase. As individual properties are connected, the Township shall authorize the installation of meters for properties which have been prepaid. This process shall be repeated, in increments, until all capacity charges for the development are fully paid. Developers shall be responsible for prepayment of all capacity charges as outlined in this subsection before permits are issued to commence the final phase of the development.

b. *Fire lines.* Connections made to the water system for purpose of private fire suppression systems shall be assessed a water capacity charge equal to 50% of the charge assessed on regular connections. This reduced charge reflects the community benefit of private fire systems and recognizes the demand capacity of a fire line is less than that of a connection intended for regular water use. There shall be installed on all fire line systems a detector check and a Township three-fourths-inch by-pass meter. The capacity charge for fire line connections will include the cost of a $\frac{3}{4}$ " by-pass meter. Fire line Readiness to Serve fee as established in the Township's fee schedule of rates and charges shall be assessed and payable at the time of each regular billing cycle.

(6) *Water system extensions.* Property owners or developers wishing to extend the public water system to serve their property or development shall be fully responsible for all costs associated with extending the system. Upon completion of the work and Township inspection and approval of the extension, the assets installed will be transferred to the Township and become part of the Township's public water system. All subsequent maintenance and replacement of the extension shall be the responsibility of the Township.

a. *Special assessments.* Property owners may petition the Township to create a special assessment district as a means of jointly funding an extension. All requirements for special assessments must be followed, and the special assessment, if approved, shall constitute a lien on each property in the district until all associated debt and interest assigned to the property has been paid in full. The cost of the extension may be financed through a bond sale, or the Township may choose to finance the project with available funds, and then recover the costs, plus market-based interest, over an agreed-upon time period, not to exceed the original time frame of the bond. Debt service schedules will be provided to special assessment district members, and annual debt service charges will be added to the property owner's tax bill and become payable in the same manner as property taxes.

b. *Developer extensions.* Any developer requiring an extension of the water system to service a planned development shall pay for all costs associated with the extension. The Township shall be notified of any work to take place, and inspections of the work shall be made as required by the Township to ensure work is performed in compliance with applicable codes. No component of the extension shall be covered until final approval is given by the Township. Associated inspection fees shall be payable to the Township prior to final permit approval.

c. *Township extensions.* From time to time the Township may determine that it is in the interest of the Township to extend the water system to an unserved area, as a means of promoting growth or improving public health and safety. In such cases, the Township reserves the right to not recover the cost of the extension directly from property owners served by the extension, if by so doing it would violate property owner rights or cause undue economic harm to property owners. Nothing in this section shall be construed to require the Township to finance any portion of a water extension unless in its sole discretion such project would be deemed necessary and in the best interest of the Township.

- (7) *Private use of fire hydrants for non-fire suppression purposes.* Connections to fire hydrants at any location are prohibited except by the Township or a public fire department. The exception to this prohibition shall be business owners, licensed contractors or designated agents wishing to obtain a fire hydrant meter permit, for temporary water use in situations where public water supplies are otherwise not available. A hydrant meter permit may be obtained and extended on a monthly basis for a period not to exceed 12 months (one year) from the date of issuance.

Those wishing to obtain a hydrant meter permit must apply with the Township Utilities Department. After one year the permit holder must re-apply for a new permit. Prior to issuing a permit, applicants must pay a refundable deposit equal

to the rate established on the Township's fee schedule of rates and charges. Deposits will be refunded after the final bill has been paid, and the meter has been returned in good working order. Failure to pay the final bill or return the meter will result in the Township withholding the refund until such time as the meter is returned and the bill, plus late fees, is paid in full. Damaged, lost or stolen meters will result in a forfeiture of deposited funds sufficient to repair or replace the meter, and the permit holder will be assessed a charge for water usage equivalent to 100 units of water for each month or fraction of a month since the meter was last read. The Township reserves the right to inspect hydrant meters at any time, and hydrant permit holders shall make provisions for such inspections.

Permit holders shall pay a daily rental fee on the hydrant meter as described in the fee schedule of rates and charges. Additionally, permit holders will be responsible for all water metered at the hydrant meter and applicable set-up and removal fees as established in the Township fee schedule of rates and charges. Hydrant meters shall be billed at the same frequency as other commercial accounts. Notwithstanding other provisions of this Ordinance, the rates for water service prescribed under this subsection shall be at a rate 1.25 times those prescribed under Section 36-39.

The permit holder shall utilize a backflow prevention method or device acceptable to the Township at all times the meter is in use to protect the Township's water supply. Failure to use an acceptable backflow prevention method or device shall be cause for confiscating the meter and terminating the permit.

- (8) *Water connection.* The minimum size for all water services is one inch. Irrigation systems shall be connected to the meter via a one inch line. Irrigation systems shall be connected to the domestic service in all cases except for developments or projects with a general or common area owned or controlled by a subdivision, condominium or other legally constituted landowner association or its equivalent. In those instances a separate irrigation tap shall be permitted.
- (9) *Tap sizes for multi-unit dwellings, including a duplex.* A duplex is considered a two-unit dwelling regardless of where located. A one-inch service shall be provided for each unit unless the duplex is part of a larger multi-unit dwelling complex where the landowner, association or its equivalent is responsible for payment for water usage. In which case, the developer may elect to either have a one-inch tap for each unit in all buildings, or a two-inch tap for each building, but not a mix of one-inch and two-inch tap sizes within the development.
- (10) *Fire lines.* Fire lines will have a Township issued meter for detecting water usage other than fire suppression. Fire lines will have backflow preventer devices and shall be approved by the Township for cross connection prior to installation. Fire lines serving fire suppression systems shall connect directly to the public main.

Domestic services shall not connect to fire lines. The charges for such fire lines shall be as set forth in section 36-39. The Township will supply the meter detection unit and inspection after installation of the meter by a contractor. Construction plans shall be submitted to the Township Engineer for approval prior to installation.

- (11) *Attached condominiums.* The developer of an attached condominium development has the option of providing a one-inch water service for each dwelling unit, or one two-inch or larger water service for each building. The development must be consistent, but not a mix of one-inch and two-inch service sizes within the development. If one-inch services are provided for each dwelling unit within the attached condominium development, then a separate irrigation tap and meter must be installed for irrigation of the commons areas. The detailed engineering plans submitted for review must include the proposed water service sizes. Once the engineering plans are approved for construction, the water service sizes cannot be changed without approval of the Township Engineer.
- (12) *Classes of water and sewer accounts.* There shall be the following classes for water and sewer accounts:
- a. *Residential class:* Dwellings used primarily as a domicile such as single family homes, detached condominiums, duplexes, and the like where each dwelling unit is serviced by a single meter including irrigation systems that service their common areas.
 - b. *Commercial class:* Establishment involved in a commercial enterprise, business or service including social, charitable, governmental, religious or educational functions including irrigation systems that services their common areas. Also included are multiple dwellings such as apartments, condominiums, townhouses and the like where one meter services more than one dwelling unit.

Sec. 36-38. Sewer, rates and charges.

The rates and charges for sewer service shall be as follows:

- (1) *Sewage commodity rates.* The charge for sewage commodity shall be computed and paid on the basis of 100 percent of the metered water consumption. Sewage commodity rates shall be established at a level sufficient to recover the variable costs, and fixed costs, of the sewer system operations, maintenance and replacement. Sewage commodity rates shall be uniform for all customers within each customer class. Commodity charges will be calculated based on the current commodity rate multiplied by the volume of water used by each customer, as measured by the water meter on the customer's property. Customers without a water meter shall be charged based on a standard number of units of water, as established in the Township's schedule of rates and charges. Commercial and industrial customers shall be assessed an industrial waste charge (IWC), in addition to the computed commodity rate for residential users. The IWC will

reflect the added load and greater variability of commercial and industrial wastewater discharges into the sanitary sewer system.

- (2) *Sewer readiness-to-serve (RTS) charge.* Each customer shall be charged a portion of the fixed costs of sewer system operations, maintenance, replacement and debt service, based on the size of the customer's water meter(s). RTS charges will be set at a level which ensures the Township will have sufficient revenue throughout the operating year to pay the costs assigned to this component of customer charges. The RTS charge shall be assessed to all active customer accounts at the same fixed rate per residential equivalent meter, regardless of the volume of water used or metered during the billing period. Customers without a sewer meter shall pay a readiness-to-serve charge based on the standard meter size for other customers in the same class.
- (3) *Minimum sewer bills.* For customers with a water meter, the minimum bill for sewer service each billing period shall be the readiness-to-serve charge. Those customers without a meter shall, at minimum, pay the assigned RTS charge as described in (2) and the sewer commodity charge as described in (1), above.
- (4) *Tap charge.* As customers make new connections to the sewer system, they shall be responsible for the cost of making the physical connection (tap) to the main servicing their property. Customers, developers or property owners wishing to tap the main are responsible for the cost of the connection. To make a connection, customers shall contract with a licensed and approved contractor or with the Township directly, to perform the work. Prior to any taps being made, contractors must first apply to the Township Utilities Department for a permit to perform the tap. Property owners, customers or developers are responsible for paying the contractor or Township for the cost of the tap, including street cuts and repairs, excavation, connection, labor, supplies, restoration and all other costs. The Township shall not incur any cost for taps, unless it has a contract with the property owner for full repayment of the associated costs. Inspection fees associated with the tap will be assessed as set forth in (5), below.
- (5) *Inspections and Associated Fees.* For all new connections (taps) to the sewer system, property owners, customers or developers shall submit an application for the connection with the Township. To ensure proper connections and maintain the integrity of the sewer system, the Township shall inspect all taps and all excavations of sewer mains, laterals and lines. Inspection fees are intended to recover the cost of labor and materials to perform inspections, and shall be established as set forth in Section 36-39.
- (6) *Sewer system capacity charge.* Prior to connecting to the Township public sanitary sewer system, property owners must pay for the system capacity required to service their property. Capacity charges shall be assessed based on the size of the tap. This charge shall be set at a level approximately equal to the equity share of all existing customers.

a. *Capacity requirements of multi-property developments.* Developers making a connection to or extending the Township sewer system shall be assessed a capacity charge as outlined in (6) above. Developers shall be required to initially pre-pay only that portion of the capacity charges attributable to the first phase planned for the development. The initial capacity charge must be paid prior to extending the sewer system into the development and before any construction and/or building permits are issued. Developers shall be responsible for paying the remaining balance of capacity charges commensurate with development phasing, prior to the Township issuing construction and/or building permits for the next phase. This process shall be repeated, in increments, until all capacity charges for the development are fully paid. Developers shall be responsible for prepayment of all capacity charges as outlined in this subsection before permits are issued to commence the final phase of the development.

b. *No water meter.* New sewer customers without metered water service shall be assessed a capacity charge equivalent to other customers with similar wastewater capacity requirements, as determined by the Township Utilities Department.

(7) *Sanitary sewer system extensions.* Property owners or developers wishing to extend the public sewer system to serve their property or development shall be fully responsible for all costs associated with extending the system. Upon completion of the work and Township inspection and approval of the extension, the assets installed will be transferred to the Township and become part of the Township's public sewer system. All subsequent maintenance and replacement of the extension shall be the responsibility of the Township.

a. *Special assessments.* Property owners may petition the Township to create a special assessment district as a means of jointly funding an extension. All requirements for special assessments must be followed, and the special assessment, if approved, shall constitute a lien on each property in the district until all associated debt and interest assigned to the property has been paid in full. The cost of the extension may be financed through a bond sale, or the Township may choose to finance the project with available funds, and then recover the costs, plus market-based interest, over an agreed-upon time period not to exceed the original time frame of the bond. Debt service schedules will be provided to special assessment district members, and annual debt service charges will be added to the property owner's tax bill and become payable in the same manner as property taxes.

b. *Developer extensions.* Any developer requiring an extension of the sanitary sewer system to service a planned development shall pay for all costs associated

with the extension. The Township shall be notified of any work to take place, and inspections of the work shall be made as required by the Township to ensure work is performed in compliance with applicable codes. No component of the extension shall be covered until final approval is given by the Township. Associated inspection fees shall be payable to the Township prior to final permit approval.

c. Township extensions. From time to time the Township may determine that it is in the interest of the Township to extend the sewer system to an unserved area, as a means of promoting growth or improving public health and safety. In such cases, the Township reserves the right to not recover the cost of the extension directly from property owners served by the extension, if by so doing it would violate property owner rights or cause undue economic harm to property owners. Nothing in this section shall be construed to require the Township to finance any portion of a sewer extension unless in its sole discretion such project would be deemed necessary and in the best interest of the Township.

- (8) *Industrial surcharge rates.* The Township shall assess industrial and commercial sewer customers additional rates established by the Township Board, and may include waste characteristics such as biochemical oxygen demand, total suspended solids, phosphorous, heavy metals, and fats, oil and grease.

Sec. 36-39. Schedule of rates and charges.

The Township Board shall from time to time adopt a schedule of rates and charges related to water and sewer utility services. The rates and charges in place at the time of bill preparation, or at the time of application for new service, shall be applied and payable to the Township.

The process of adopting new rates and charges will follow all applicable local, state and federal requirements for public disclosure and adoption.

The current schedule of rates and charges can be obtained from the Township Utilities Department.

Sec. 36-40. Billing; late fees; official meter; access to meter; modifications to meter.

- A. Sewer and water bills for the rates charged in this article shall be rendered to each premises within the Township connected to and/or using water and/or sewer services, directly or indirectly, at least quarterly during each operating year and shall represent charges for the period immediately preceding the

date of rendering the bill. The bills shall be due and payable within 15 days from the date of the bill, and all bills not paid when due shall be deemed delinquent, and a penalty of ten percent (10%) of the outstanding amount of such billing on the 15th day following the billing date shall be added to the bill and become due and owing as a part of the bill. Customers whose bills are not paid within 30 days after the due date shall be sent a shut off notice. After the notice is sent, service may be turned off according to the terms of the notice. The service will only be reestablished after a turn on/off fee, in the amount established by the Township Board, is paid to the Township Treasurer as well as all sums due and owing for the delinquent sewer and/or water account. Before service is reestablished, an assurance deposit may also be required by the Township in an amount established in the fee schedule adopted by the Township Board. The assurance deposit shall be held by the Township for a minimum of one year, and will be applied to subsequent delinquent water and sewer bills. In the event the assurance deposit is used to pay a subsequent delinquent bill, the Township may shut off the customer's water service until such time that the deposit is reestablished on the account and all bills are paid in full. Any assurance deposit balance remaining after four (4) consecutive on-time quarterly payments shall be refunded to the customer. If the account is terminated, the remaining assurance deposit may be applied to the final bill, or refunded to the customer after payment of the final bill.

- B. The official water meter for billing purposes is the meter located inside the residence, building or meter pit. If a water meter fails to register as a result of a mechanical failure, the Township shall have the authority to estimate the quantity of water on which the billing is made until such time as the meter is repaired or replaced. The estimated water use shall be based on previous usage and/or the usage of similar users.
- C. The owner or lessee of the real property which is a water service customer shall provide access inside the owner or lessee's building to an authorized representative of the Township for the purpose of examining, repairing, updating or replacing the water meter or other remote reading equipment so that such equipment is operating properly. Failure to provide access inside the building to the Township within seven days after the Township has made a written demand to the owner or lessee for such access shall constitute a misdemeanor.
- D. Tampering, damaging, changing, rerouting, winterizing, removing or by-passing the water meter by persons other than Township personnel is strictly prohibited and constitutes a misdemeanor.

Sec. 36-41. Revision of rates, charges and fees.

- A. The rates established annually by the Township shall be calculated to be sufficient to provide for the payment of the expenses of administration, debt service, operations and maintenance of the system as necessary to preserve the system in good repair and working order, and to provide a reasonable reserve for major repairs and replacements. Such rates shall be fixed and revised as may be necessary to produce these amounts. The Township Board shall make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management of the system and at least annually review all rates, charges and fees provided in this article, and make such revisions as shall appear proper under the circumstances.
- B. Once a property has been connected to the system, and until such time that water and/or sewer service to the property is terminated, subsequent changes in the character of the use of said property (including partial or total destruction, removal or abandonment of any or all improvements thereon) shall not abate the obligation of the property owner to continue the payments of the charges and fees assigned at the time of connection; and if subsequent changes in the use of the property increase the amount of sewage emanating from the property, the Township may increase the charges and fees assigned to the property and the charges and fees computed on the basis of the increased use shall be payable in the same manner as such charges and fees are payable in the first instance.
- C. Properties subject to special assessment districts related to the construction of water and sewer infrastructure shall be obligated to pay all associated capacity charges, tap fees, commodity charges and readiness-to-serve charges, as may be in effect and revised from time to time, at the same rate as other customers, both during and after the repayment period of the special assessment.

Sec. 36-42. General provisions.

A. *Permit requirement.* No person other than a person specifically authorized by the Township shall uncover, make any connection with or opening into, alter or disturb the system or any meter connected to the system without first obtaining a written permit from the Township. No person shall connect to the system in a manner not approved by the Township. No connection shall be made or permitted to be made to any mains of the water system or sewers of the sewer system without obtaining the permit specified in this Ordinance, nor shall any connection be made or permitted to be made to any of the sanitary sewers of the sewer system which will in any way cause Stormwater or surface drainage to be carried into the sanitary sewers. Application for a permit to connect to any of the water mains of the water

system or sewer mains of the sewer system shall be made simultaneously with the application for a building permit. The person obtaining the permit for work described herein shall also, following the work, remediate and return the property disturbed to its original condition. In addition, the property owner shall execute all water and sewer easements as required by the Township granting the Township the right to enter onto the property for purposes of inspection of the water and sewer lines, facilities and appurtenances. The easements shall also provide that in the event the property owner fails to repair and/or maintain the said water and sewer lines, facilities and appurtenances, the Township may enter onto the property and effect the repairs and maintenance, the Township cost and expense of which shall be charged to the property owner on the next water and/or sewer bill.

B. *Water system; protection.* No person shall connect or permit the connection to the system of any water supply other than the water supply of the system. No person shall turn on or off any water service between the system and any premises served by the system except a water inspector or persons authorized by the Township Board or a licensed plumber for the testing of his work. No person shall install or remove from the premises a water meter, or break or injure the seal of the water meter or change the location of or in any way interfere with the water meter, except a water inspector or other persons authorized so to do by the Township Board. The water meters shall be installed by and remain the property of the Township. Any person who shall turn on any water service between the system and any premises served by the system for the testing of his work shall thereupon expeditiously complete the testing and thereafter promptly cause to be turned off the water service to the property, and in failing so to do shall be punishable as provided under [section 36-43E](#).

C. *Connection to the water and sewerage system; time limit.* It shall be the duty of each owner, each occupant, and each person having control of an inhabited building to which a sanitary sewer and water main of the system shall become available, to connect the building sewer and water service line of said building with the sewer and water system within six months after notice of availability is sent at the direction of the Township Board by United States mail addressed to the owner, occupant or person at the post office address of the building. After the expiration of the six-month period, it shall be unlawful for the owner, occupant or person to maintain or use a septic tank, cesspool or any other private means of disposal of sanitary sewage, or to continue to operate a private water supply in the building. The connection(s) shall be made in accordance with the rules and regulations of the Township Board under this article. It shall be the duty of the owner, occupant or person to make, build and construct a sewer connection to suitable toilet and sewer facilities of the building without cost or expense to the Township. It shall also be the

duty of the owner, occupant or person to disconnect any private water system to the building and to connect to the Township water system without cost or expense to the Township. No person shall make or maintain any private water system that has any connection to the Township water system. A private water system may be maintained for irrigation purposes provided that it has no interconnection with the Township water system. The Township shall have the right to access and make inspections of all premises for purposes of this section upon reasonable notice to the owner, occupant or person having control of the premises.

D. Prohibited connections. No person shall connect or permit to be connected to the system:

1. Any fire hydrant that does not conform to the uniform specifications established by resolution of the Township Board.
2. Any fire hydrant located outside of a public right-of-way without prior written approval of the location by the fire chief being filed with the Township Clerk.
3. Any fire service line to an interior fire sprinkling system without prior installation in the line of a cold water meter, fire service type C703-11.
4. Any footing drains, downspouts or other devices that may allow the discharge of surface water and/or groundwater into the sanitary sewage disposal system of the Township.
5. Any connections in violation of federal, state or local laws, rules or regulations.

E. Sewer construction and installation. The construction and installation of all sanitary sewers and appurtenances tributary to the system, and all water mains and appurtenances distributive of the system in connection with any land development requiring site plan approval, pursuant to the Township zoning ordinance, shall be in accordance with the plans and specifications included in the site plan. As a condition precedent to the issuance of a certificate of use and occupancy of any structure shown in the site plan to be served by the system, the applicant for the site plan shall furnish to the building inspector a certificate of a qualified engineer duly licensed by the state certifying that the construction and installation has been completed in accordance with the plans and specifications.

F. Deferral of benefit and improvement charges.

1. Notwithstanding other provisions of this article, owners of property which are served by an available public sanitary sewer system and/or an

available public water distribution system who by reason of hardship are unable to comply with the provisions of this Ordinance may have payment of the charge or charges deferred by application to the Director of the Utilities Department. Provided that:

a. In the case of the sewer charges, the property has any structure in which sanitary sewage originates and is served by a private sanitary sewage disposal system duly approved by the state department of natural resources or the county health department at the time a public sanitary sewage system is available to the property.

b. In the case of water charges, the property has any structure served by a private water system duly approved by the state department of public health or the county health department at the time a public water distribution system is available to the property.

2. Each and every legal and equitable interest owner in the property, excepting financial institutions having security interest, shall, under oath, complete a hardship application provided by the Township and not less than 60 days prior to the due date of the charge or charges file the application with the Director, together with sufficient evidence of title to the property in the applicant's name, and all other information and documentation reasonably required by the Director.

3. Hardship applications shall be reviewed by the Township Board, which shall determine in each case whether there has been adequate showing of financial hardship. A denial of the application shall be final and conclusive.

4. If the Township Board makes a finding of hardship, it shall fix the amount of partial or total deferment of the charge or charges so imposed, along with an administrative fee of fifteen (15%) percent of the total outstanding bill and the rate of interest, and may provide that the charge or charges shall be payable in one or more approximately equal annual installments not exceeding 20, the first installment of which shall be due as the Township Board shall fix; and the several subsequent installments shall be due at intervals of 12 months commencing on the date set by the Township Board. All unpaid installments shall bear interest at the rate fixed by the Township Board and shall be payable annually on each installment date. In any event, all charges and interest shall be due and payable on the sale or transfer of the property, or upon any installment due and remaining unpaid

for a period of six months or more. All deferred charges shall be conditioned upon duly recording mortgage security on the real estate on the aforesaid terms. All charges due and remaining unpaid for a period of six months or more shall be a lien on the real property and shall be certified annually to the assessing officer, who shall enter the same upon the next tax roll against the property and shall be collected and enforced in the same manner as provided for the collection of taxes assessed upon such roll and the enforcement of the lien. In addition to any other lawful enforcement methods, the payment of water charges may be enforced by discontinuing the water services to such property; and the payment of sewer charges may be enforced by discontinuing either the water service or the sewage disposal service to the property, or both.

5. For the purposes of this subsection (F) "available public sanitary sewer system" and "available public water distribution system" means a public sanitary sewage system or a public water distribution system, as the case may be, located in a right-of-way, easement, highway, street or public way that crosses, adjoins or abuts upon property and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates or a structure served by a private water system as provided in subsection (F)(1)b., as the case may be.

G. Restricted Days, Hours or Type of Water Use

Whenever the Pittsfield Charter Township Supervisor determines that a Township water supply problem threatens the public health and welfare, the Supervisor may by administrative order limit the days, hours, or type of use of Township water, the order to terminate at the next regular meeting of the Pittsfield Charter Township Board. The Board may by resolution review and extend the restriction. After publication of the restriction order or resolution, no person shall use water, or permit water to be used, in violation of the restriction. Violators shall be subject to fees as set forth in [section 36-43](#) subsection (F).

H. Utility Service Area

Notwithstanding any other ordinance or other provision of the Pittsfield Charter Township Code, no person shall connect a sewer or water line to any property that is not within the utility service area established by resolution of the Township Board. But the Township Board may approve a connection to property outside the utility service area if the property owner can demonstrate, at a public hearing, a hardship caused by the unavailability of private water or sewage disposal systems.

Sec. 36-43. Enforcement.

- A. *Delinquent charges; lien; tenant responsibility.* Charges for water service and sewage disposal services furnished to any premises shall be a lien thereon as provided in Public Act No. 94 of 1933, § 21 (MCL 141.101 et seq., MSA 5.2731 et seq.) as amended. Any such charges delinquent for six months or more shall be certified by the Township Treasurer on or before September 1 of each year, to the Township Supervisor who shall enter the charges upon the next tax roll against the premises to which services shall have been rendered. An amount equal to 15 percent of the delinquent bill, or such other reasonable amount as the Township Board may determine, shall be added to the delinquent tax bill to cover administrative charges. These charges shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon the roll and the enforcement of the lien; provided, that in all cases when a tenant is responsible for the payment of any charge and the Township Board is so notified in writing, in accordance with Public Act No. 94 of 1933, then no such charge shall become a lien against the premises from and after the date of notice; and no further service shall be rendered the premises until a cash deposit in an amount determined by resolution of the Township Board shall have been made with the Township Treasurer as security for the payment of the charges.
- B. *Delinquent charges; shutting off service.* The Township shall have the right to shut off its water and/or sewer service to any premises for which charges for sewer and/or water are delinquent. Prior to discontinuing the sewer and/or water service to any premises, the Township shall provide fourteen (14) days advance written notice to the owner, owner's representative or occupant of the premises as to the amount of the delinquency and that arrangements must be made within the said fourteen-day period to pay in full the outstanding delinquency or conclude upon some other payment arrangement acceptable to the Utilities Director in his sole discretion.
- C. *Discontinuing water service.* The Township shall have the right to shut off and discontinue water supplied by the system to any premises in case any person having possession or control of the premises obstructs or interferes with any water inspector in the reasonable entry upon or within the premises in accordance with section 36-42, or in case any person having possession or control of the premises violates or permits the violation of section 36-42
- D. *Restoring service.* Water or sewer services discontinued under the provisions of this section shall not be restored until a turn-on charge specified by resolution of the Township Board is paid to the Township for each

discontinued service, together with payment of all sums due and owing for delinquent sewer and water bills for rates charged under this article, and all sums for any damage to meters and expense incurred for repair, replacement or servicing of meters or other equipment by the Township necessitated by acts prohibited under [section 36-42](#).

- E. *Penalties for violation.* Violations of this article are municipal civil infractions punishable by civil fines of not less than \$100 nor more than \$5,000 per connection. In addition, the Utilities Director may impose a surcharge on properties connected to the system in violation of [section 36-42](#). The surcharge shall be based on the Utilities Director's determination of the time of the connection and flow permitted by the connection. The surcharge shall not exceed \$500 per each day of unauthorized connection and shall not be for a period longer than three years. Unpaid surcharges may be collected in the manner permitted in subsection (A) of this section.
- F. *Violation of published water use restrictions.* Persons using water contrary to published use restrictions shall be charged a fee for each day of improper water usage. The fee shall be in an amount specified by resolution of the Township Board and shall be added to the customer's next water bill. Continued violations shall be grounds for discontinuance of water service and other sanctions provided in [section 1-13 of the Township Code of Ordinances](#).
- G. *Bankruptcy.* If a utility customer files a petition in bankruptcy and does not, within 20 days of the filing of the petition, provide the Township with adequate assurance of payment, in the form of a deposit or other security for service, the Township may alter, refuse, or discontinue service until there is adequate assurance of payment.
- H. *Enforcement; violation deemed nuisance.* The provisions of this division shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction, and it shall be the duty of the Township and its officials, officers and agents to do all things required to bring all actions necessary for the prompt and vigorous enforcement of the provisions of this division. The violation of this division shall be deemed a nuisance per se.

Sec. 36-44. Funds.

- A. The revenue of the system shall be set aside, as collected, and deposited in a separate depository account to be designated water supply and sewerage system receiving fund (hereafter referred to as the receiving fund), and the

revenues so deposited are pledged for the purpose of the following, and shall be transferred from the receiving fund periodically in the manner and at the time specified in this section.

1. *Operation and maintenance fund.* Out of the revenues in the receiving fund there shall be first set aside, quarterly, into a separate depository account designated operation and maintenance fund a sum sufficient to provide for the payment of the next quarterly current expenses of operation and maintenance as may be necessary to preserve the system in good repair and working order.
2. *Capital improvement fund.* After full satisfaction of the requirements of the operation and maintenance fund, the moneys remaining in the receiving fund periodically shall be transferred to the capital improvement fund and used for the purpose of extending and enlarging the system, or used in connection with any other project of the Township related to water supply and/or sewage disposal.

Sec. 36-45. Adoption and effective date.

This ordinance shall be published in the manner as required by law. Except as otherwise provided by law, these amendments shall be effective 30 days after first publication of the ordinance from which this chapter derives.

This Ordinance was duly adopted by the Charter Township of Pittsfield Board at its regular meeting held on the 28th day of October 2015, and was ordered given publication in the manner required by law.

Alan Israel
Charter Township of Pittsfield Clerk

Mandy Grewal
Charter Township of Pittsfield Supervisor

Dated: _____

Dated: _____

First Reading: October 14, 2015

Adoption: October 28, 2015

Ordinance Posted: October 30, 2015

Ordinance Publication: November 5, 2015

Effective Date: December 5, 2015