

Ordinance No. 61

PROVIDING WATER AND SANITARY SEWER SERVICE TO NEW AND EXISTING DEVELOPMENTS ORDINANCE

TOWNSHIP OF COVERT, VAN BUREN COUNTY, MICHIGAN

ORDINANCE NUMBER 61

ADOPTED: APRIL 12, 2005

A. Purpose and Objectives

This policy addresses the terms and conditions applicable to providing Township water and/or sanitary sewer services to new and existing developments in the Township.

1. The Township wishes to reasonably accommodate development within the Township by providing for extensions of Township water and sanitary sewer services from the current termination of the facilities to the parcel(s) of property on which the development is proposed.
2. The Township wishes to encourage the elimination of onsite water and sewer systems for existing developments.
3. The Township wishes to assure that any additions to the Township's water and sanitary sewer systems are designed and constructed in accordance with Township requirements:
 - To prevent damage to the current systems' facilities.
 - To assure reliable service can be provided to those served by the added facilities.
 - To assure maintenance, repair and replacement costs of any additions are not unduly excessive.
 - To assure that proper metering, sampling facilities and other facilities needed for billing and enforcement of proper usage is in place.
4. The Township wishes to assure that the added usage of the Township water and sanitary sewer systems is and remains within the capacities of those systems.
5. The Township wishes to assure that easements, property conveyances, proper conveyances of the new facilities, and other documentation is completed so the Township has proper title and access to the property and facilities.

B. Definitions

1. Development: Any private or public facility or structure that requires a water supply and/or wastewater disposal.
2. Residential Unit: A single-family house or living unit.

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3. Private System: Any water and/or sanitary sewer system that serves only one residential unit or a commercial facility with no public access.
4. Public System: Any water and/or sanitary sewer system that serves more than one residential unit or provide service to a commercial facility with public access.
5. Township System: The Community Public Water System or Public Sanitary Sewer System owned by Covert Township and Van Buren County that is located in public roads, rights-of-way, and easements within Covert Township.
6. Privately Owned Public System: Any public water system or public sanitary sewer system that is not part of the Covert Township Water System.
7. Township: Township of Covert, Van Buren County, Michigan.
8. City: City of South Haven, Michigan.
9. State: State of Michigan Department of Environmental Quality (MDEQ).
10. County: Van Buren County Department of Public Health.

C. Required Connections for Water and Sanitary Sewer Service

1. Any new development in the Township that requires water and/or sanitary sewer service that is adjacent to an existing Township water main and/or sanitary sewer must connect to the existing water main or sanitary sewer if the structure being served is within 500' of the utility and if capacity is available.
2. Any new development in the Township that requires public water and/or sanitary sewer service for more than one property or for more than two residential units on the same property must connect to the Township water and sanitary sewer systems if the existing systems are located within 500 feet of the property and capacity is available.
3. Any existing development in the Township that is proposing to build a new public water and/or sanitary sewer system to serve more than one property or more than two residential units must connect to the Township water and sanitary sewer systems if the systems are located within 500 feet of the property and capacity is available.

D. General Requirements for all New Public Water and Sanitary Sewer Improvements and Connections

1. All new developments in the Township that serve more than one property or more than two residential units on the same property must submit a preliminary plan for water and sewer service to the Township for review and approval.
2. All new water mains and sanitary sewers that serve more than one property and connect to the Township public water and sanitary sewer systems must be owned by the Township and must be located in public easements. The easements must be obtained and conveyed to the Township before the start of construction.

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3. All improvements and connections to the Township water and sanitary sewer systems must be designed and constructed in accordance with State, County, and Township requirements.
4. Plans and specifications for all water and sanitary sewer improvements and connections that serve more than one property or more than one building on a single property must be submitted to the Township for review and approved before the start of construction. A completed application for a construction permit from the Michigan Department of Environmental Quality (MDEQ) must also be submitted to the Township along with the “Basis of Design.” The permit must list the Township as the owner if the improvements will be owned by the Township. The plans, specifications and permit application must be signed by a registered professional engineer in the State of Michigan who is qualified to design water and sanitary sewer systems. The City of South Haven Standard Specifications can be included by reference with the submittal. Any additions or changes to the Standard Specifications must be described in a supplemental specification submitted with the plans.
5. All improvements to the Township water and sewer systems must provide for future extensions to serve adjacent areas, and provide adequate capacity for future peak flows based on Township projections as determined by the Township engineer. All water main extensions must include fire protection based on the requirements in the Township Water Master Plan.
6. The owner(s) of a property that will be served by improvements to the Township water and/or sanitary sewer system must sign an “Agreement for Water and Sanitary Sewer Service” with the Township to cover all Township requirements and costs associated with the review and construction of the proposed improvements before a construction permit is issued by the Township. Township costs that will be covered in the Agreement include:
 - Plan Review
 - Construction Inspection

The Township will estimate these costs at the time of plan submittal. A deposit in the amount of 1.25 times the estimated cost for plan review and inspection must be placed in a special Township non-interest bearing bank account to cover costs incurred by the Township. Any funds left in this account at the end of construction plus a one-year warranty period will be refunded to the owner(s) without interest.

7. Any contractors doing work within Township roads and rights-of-way must be approved by the Township before the issuance of a construction permit from the Township. The contractor must submit a qualifications statement to the Township, and issue certificates of insurance, construction performance bonds and payment bonds to the Township in the amount of the construction costs. Reasons for rejecting a contractor include a lack of experience with the type of construction, poor performance on other projects involving similar work, and the inability to obtain the required bonds and insurance.
8. The Township may require that all improvements within existing Township roads and rights-of-way be designed and constructed by the Township. The cost of these improvements will be paid by the properties benefited prior to the start of construction, or through a Special Assessment District if approved by the Township.
9. All construction within public rights-of-way must be inspected and approved by the Township or their authorized representative.

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10. No service connections will be made to the Township water and/or sewer system until all water and/or sanitary sewer improvements are tested and approved for use by the Township.
11. The property owner must submit an application to the Township for all new service connections or modifications to the existing service connections. All service connections must be inspected and approved by the Township or their designated representative before final connection and use.

E. Existing Privately Owned Public Systems that serve more than one property

Existing privately owned public water and/or sanitary sewer systems that serve more than one property may connect to the Covert Township systems provided:

1. The connection is approved by the Township, City, County and State agencies responsible for regulating the system.
2. Accurate record drawings and specifications prepared by a registered engineer are available for the system and all connections to the system.
3. The system is in good physical condition as determined by the Township or their representative based on existing records and field observation and meets all Township, City, County and State requirements for the type of use.
4. The owner provides written certification from the County or State agency responsible for the system operation that the system meets County and State requirements for the type of use.
5. The connections are equipped with a master meter and a backflow preventer on the water connection if required by the City of South Haven.
6. The owners sign an agreement with the Township that provides for the following:
 - a. Operation and maintenance by a designated operator certified by the State for the type of system, and provisions are made for emergency repairs on a 24-hour basis.
 - b. Access for inspections by authorized representatives of the Township, City, County and State.
 - c. Upgrading the systems if required to comply with Township, City, County or State requirements.
 - d. Authorization for the Township to contract for the operation, maintenance, repair and upgrade of the systems if the owners fail to meet all Township, City, County and State requirements. The cost of any improvements required to upgrade the system and the cost of operation and maintenance will be assessed against the properties served or benefited by the water and/or sanitary sewer systems. The owners will agree to provide access to the Township or their designated representatives for the operation, maintenance, repair and upgrade of the systems.
 - e. The Township may terminate service to all customers served by the private systems if the owners of the systems fail to comply with the terms of the agreement.
7. The existing system cannot be extended or modified without approval by the Township.

F. Existing Privately Owned Public Systems that serve one property

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Existing privately owned public water and/or sanitary sewer systems that serve only one property may connect to the Covert Township Water System provided:

1. The connection is approved by the Township and City.
2. Record drawings are available for the system and all connections.
3. The system is in good physical condition as determined by the Township or their representative based on existing records and field observation and meets all Township, City, County and State requirements for the type of use.
4. The owner provides written certification from the County or State agency responsible for the system operation that the system meets County and State requirements for the type of use.
5. Operation and maintenance is provided by a designated operator.
6. The connections are equipped with a master meter and a backflow preventer on the water connection if required by the City of South Haven.
7. The owners sign an agreement with the Township that provides for the operation and maintenance of the system, and allows access for inspections by authorized representatives of the Township, City, County and State.
8. The existing system cannot be extended to other buildings or uses without approval by the Township.
9. The Township may terminate service to the property if the owners fail to operate and maintain the private systems in accordance with Township, City, County and State requirements.

G. Public Systems for Condominium Developments

1. Condominium units with different owners in a single building with commonly owned property around the building will be treated as one property for this policy. The building can be served by one service line and meter, or by one service line with separate meters for each unit if approved by the Township and City.
2. Each building in a condominium development will be treated as a separate property for this policy.
3. In case of non-payment, the Township may terminate service to all customers served by the system.

H. New Privately Owned Public Sanitary Sewer Systems

New privately owned public sanitary sewer systems may be installed provided the system meets the following conditions:

1. Access or capacity in the existing sanitary sewer system is not available.
2. The new system complies with all Township, City, County and State regulations for a public system.

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3. The owners agree to connect to the Township system when notified by the Township that sanitary sewer service is available within 500 feet of the property served.
4. The owners agree to upgrade the system to meet all of the Township standards and requirements before connecting to the Township system.

J. REPEAL OF CONFLICTING PROVISIONS AND EFFECTIVE DATE

This ordinance shall take effect 30 days after publication as required by law. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed; provided that any violation charged before the effective date of this Ordinance under an Ordinance provision repealed by this Ordinance shall continue under the Ordinance provision then in effect.

THIS ORDINANCE DECLARED ADOPTED THIS 12TH DAY OF APRIL, 2005.

Member voting YES	_5__
Member voting NO	_0__
Members absent	_0__
Members not voting	_0__

Dennis Palgen, Clerk
Township of Covert