

Ordinance No. 72

PUBLIC WATER SERVICE ORDINANCE

COVERT TOWNSHIP, VAN BUREN COUNTY, STATE OF MICHIGAN

Adopted November 11, 2008

AS AMENDED BY ORDINANCE NO. 94

EFFECTIVE DATE OF AMENDMENTS: MAY 21, 2017

(Note: This Ordinance replaces Ordinances No. 43 and No. 44 in their entirety)

COVERT TOWNSHIP, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1. Title.

This Ordinance shall be known and hereafter cited as the Covert Township Public Water Service Ordinance.

Section 2. Purpose.

The purpose of this ordinance is to regulate and control the construction, installation, extension, service connection, and operation of public water mains and public water service within Covert Township (Township), to prescribe procedures for securing such public water service and the rates and charges for the same consistent with the Capacity and Replacement Rate Contract between Covert Township and the City of South Haven, effective September 1, 2008, as amended.

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Section 3. Designation of Agent.

The City of South Haven (City), 1199 8th. Ave., South Haven, MI 49090, is hereby appointed as agent of the Township for the operation, maintenance, and management of the public water system within Covert Township.

Duly authorized employees or agents of the City or Covert Township bearing proper credentials and identification shall be permitted to enter upon all properties within the Township for the purposes of inspection, observation, measurement, sampling, and testing, to determine compliance with the provisions of this ordinance, as well as for purposes of repair and maintenance.

Section 4. Intergovernmental Agreement.

Nothing in this article shall be deemed to modify, waive, vary or abrogate any of the provisions of the intergovernmental agreement dated September 1, 2008, by and between Covert Township and the City of South Haven, as amended.

Section 5. Private Water Systems.

- (a) **Compliance with Standards.** Where connection to the Township water system is not required in accordance with Covert Township Ordinance No. 61, any structure requiring and/or using water shall be connected to a well or other system providing potable water complying with the terms of this article, the requirements of the Van Buren County Health Department, the Michigan Department of Environmental Quality, and any other applicable law, ordinance, or regulation.

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- (b) County Health Department Certificate. No private water systems shall be installed or become operational until the water flowing there from has been certified as safe and free of any harmful contamination by the County Health Department and a written certificate attesting thereto is on file with the Township.

- (c) Maintenance and Operation Costs. All costs associated with the operation, maintenance, and replacement of a private water system shall be the responsibility of the property owner(s) served by such systems.

Section 6. Connection to Public Water System; Generally.

- (a) General. Where connection to the Township public water system is required in accordance with Covert Township ordinance No. 61, any new structure requiring and/or using water shall be connected to the Township public water system. No new private wells shall be drilled to provide a water supply to such building, or to an existing structure if, at any time, in the determination of the Township Board or the Van Buren County Health Department, a health hazard exists or is fairly imminent from the existing water supply.

- (b) Compliance with Standards. All connections to the public water system shall meet the requirements set forth in this ordinance and any applicable standards or regulations of the State of Michigan, the Van Buren County Health Department, the Township and the City.

- (c) Plans and Permits. No public water main construction shall be commenced until all plans and specifications therefore have been submitted to and approved by the Township and the City as set forth in this ordinance, and all required

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state, county and municipal permits have been obtained.

Section 7. Connection to Public Water System; Water Service Line Installation.

- (a) **Number.** Each property shall be served by a separate water service line from the Township water main to the property or easement line adjacent to the property served. A separate service line may be required for each residential structure on a property in accordance with Township Ordinance No.61, City Policy and Township policy. No water service line shall be extended to serve more than one property.

- (b) **Size.** The size of the water service line shall be suitable for the type of development on the property and the projected peak water use. The minimum size service line from the Township water transmission main to the meter is 1 (one) inch.

- (c) **Permit.** No connections to the Township water system shall be commenced until an application to connect has been submitted to and approved by the Township and the City, and all connection fees, deposits, and installation costs have been paid to the Township and the City.

- (d) **Installation.** All water service lines from the Township water main to the property or easement line shall be installed by the City or their authorized agent. Service lines installed as part of a water main project that serves more than one property may be installed by the contractor for the water main when approved in writing by the City, provided the installation is inspected and approved by the City before use.

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- (e) Under-Road Connections. In all residential subdivision developments hereafter commenced or extended where public water service is required, all service lines shall be installed as part of the water main construction. A service line shall be extended under the abutting right-of-way to the center of each lot or building site fronting on the right-of-way and terminating at the property line.

- (f) Shutoff Valve and Meter. All water service lines shall be equipped with a shut off valve located in the public right-of-way or easement and a public water meter provided by the City. The meter size shall be determined by the City based on the projected peak water use.

- (g) Cross Connection. No cross connections between any private water system and the Township system shall be allowed and no plumbing shall, at any time, be connected to the public system, which is in any manner connected to or a part of any private system.

- (h) Turn-On. No person other than an authorized employee of the Township or City shall turn on or off any water service to any public or private premises at the curb box shutoff valve for said premises.

Section 8. Extensions of the Township Public Water System.

- (a) General Requirements. All extensions of the Township public water system that serve more than one property shall be owned by the Township and meet all Township requirements in accordance with this ordinance and Covert Ordinance No. 61.

- (b) Easements. All Township water mains shall be located in public right-of-ways

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or easements. All easements across private property must provide for the construction, operation and maintenance of the water mains and service connections. No construction shall start until all required easements have been signed by all individuals or entities with an interest in the property as determined by the Township Attorney.

- (c) Standards. All extensions of the Township water system shall meet all Township and City standards for size, type of materials, capacity, and location as set forth by the Township.

- (d) Project Engineering. All extensions of the Township water system shall be designed by a registered Professional Engineer licensed by the State of Michigan for this type of work and approved by the Township for work in the Township. The Township may elect to provide all engineering and construction administration services for the project.

- (e) Plans and Permits. No construction may start until all plans and specifications have been reviewed and approved by the Township, City, and State, and all required permits have been issued by the State, County, and City.

- (f) Construction Bonds. The contractor for all extensions of the Covert water system shall provide performance and payment bonds to the Township before starting construction. The bonds shall be for 100% of the construction cost, and shall provide assurance that the water system will be installed in accordance with the plans and specifications approved by the Township and City; and that all subcontractors, and material suppliers have been paid, and the project is free of any existing or future liens. The Township may waive the bond requirements based on the size of the project.

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- (g) Construction Inspection. The Township or City may require full time inspection during the construction. Both the Township and the City or their authorized agents have the right to observe the construction at any time to assure compliance with all Township and City requirements. No connections shall be made to the Township water system without on-site inspection and approval by the City. All water system extensions and improvements must be disinfected, tested, and approved by the City before any service line is connected to the new water main and the water systems is placed in service.

- (h) Cost of the Extension. All Township and City costs associated with the extension of the water system shall be paid by the property owners benefited by the water extension. The allocations of costs and the method of payment shall be determined before any costs are incurred by the Township or City.

Section 9. Application for Public Water Service.

- (a) Any person, firm, or corporation desiring public water service shall file an application with the Township Clerk, containing the following information:
 - (i) the name and address of the applicant;
 - (ii) the nature of the use anticipated for the water;
 - (iii) the size of the water service connection pipes desired;
 - (iv) the distance, if known, that the property is located from any existing public water main;
 - (v) the anticipated number of connections from the property contemplated in the foreseeable future; and,
 - (vi) whether the applicant wishes to pay cash for the necessary water main

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extension or wishes to be included in a special assessment district for the payment of such costs over a limited period of years, together with interest and administrative costs.

- (b) **Special Assessment District.** An applicant may submit a request to be included in a special assessment district if there are several adjacent properties that could be served by the project. The application may take the form of a petition by the owners of the adjacent properties. If the application is approved by the Township, special assessment proceedings shall be instituted under Michigan Public Act 188 of 1954, as amended, to accomplish the requested project. If the proceedings are successful and funds are available, the Township will proceed with the project to serve the properties in the district and will assess the properties benefited for all costs associated with the project.

- (c) **Required Deposit.** All applications for public water service other than by petition for a special assessment district, requiring preliminary engineering analysis and review by the Township, shall be accompanied by a cash deposit in such amount as shall be determined by the Township to be sufficient to cover the cost of all preliminary engineering work and associated costs.

Section 10. Abandonment of Existing Wells.

When connection is made to the water system, all existing wells or similar facilities serving the property shall be abandoned in the following manner:

- (a) Private water wells that are located within an area serviced by a public water system which have developed contamination above the acceptable safe drinking

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water levels adopted and/or established by the MDEQ as determined by the MDEQ shall be abandoned in accordance with the applicable laws and regulations of the state.

- (b) Upon connection to the water supply system, each public or private water well shall be disconnected and abandoned in accordance with the applicable laws and regulations of the State, Township and the City to prevent contamination to the water supply system.
- (c) Any required easements to service the property shall be conveyed to the Township before final approval of the abandonment and connection to the water system.
- (d) The abandonment shall be further subject to any additional conditions imposed by the Van Buren County Health Department, the City, the MDEQ, or the Township.
- (e) In the event of a conflict between the provisions of this article and any City of South Haven ordinance regarding abandonment of existing facilities within the Township, the provisions of this article shall govern.
- (f) A private well may be used and need not be abandoned, for purposes of irrigation only.

Section 11. Extension of Water System for Future Connections.

Where property is to be connected to the water system, and the water system does not

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extend the full width of the owner's property, the property owner shall be responsible for extending the water system at the owner's cost across the entire width of such owner's property, so as to allow further extension of the water system to adjoining properties. In the event of a corner lot, the property owner shall be responsible for extending the system along both the width and length of the property, along both roads upon which the property is located. The Township board, in its discretion, may grant waivers from this section.

Section 12. Computation of User Connection Units.

The number of user connection units to be assigned to any particular premises for water service in the Township shall be determined by applicable provisions of the City of South Haven Code of Ordinances, as may be amended from time to time by the City.

Section 13. Billing Procedures.

- (a) Covert Township is a retail customer of the City of South Haven;
- (b) The billing rates and procedures for all properties connected to the public water system within the Township shall be as set forth in the City's Code of Ordinances, as may be amended from time to time by the City.
- (c) The City shall have the right to require an initial deposit from any customer who applies for a new water service.

Section 14. Lien for Unpaid Water Charges.

Covert Township may place a lien on a property served within the Township for unpaid water

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charges and such lien shall be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens. To that end, the City shall certify to the Township each month those charges which have become delinquent for six months or more and which it wishes to have placed on the tax roll for the property served. Upon receipt of such certification, the Township shall place the delinquent amount on the tax roll for the property served, and shall collect such sums in the same manner it collects delinquent real property taxes. The Township may, in doing so, place an additional charge on such sum to cover the administrative costs incurred by the Township.

Section 15. Shut Off for Delinquent Charges.

The City may, in its discretion, shut off water service to the property of any user located within the Township where water charges have become delinquent in the same manner as provided for users within the City in the City's Code of Ordinances, as may be amended from time to time by the City.

Section 16. No Unauthorized Use of Systems Permitted.

- (a) Only authorized persons shall uncover and make any connections with or openings into, use, alter, or disturb, any structure, appurtenance, or equipment of the public water system, and then only with written permission from the Township and City.

- (b) Fire Hydrants. No fire hydrant shall be used for any purpose other than fire protection without prior approval of the Township and City Water Department.

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Section 17. Rules and Regulations.

The Township Board may adopt and prepare for distribution to interested parties, separate rules and regulations governing the details of application, service connections, extensions, financing of improvements, and charges for public water service and shall have the authority to modify, enlarge, and amend the same from time to time to meet changing conditions and circumstances and to promote the health, safety, and general welfare of the Township.

Section 18. Utility Board.

The Township Board shall act as a water utility board for the Township until such time as it wishes to delegate such duties and position to a separate appointed board or commission, with authority in either to decide all questions which might arise in the interpretation, enforcement, and application of this Ordinance and to grant variances or waivers from the requirements of this and other applicable Ordinances where, in its opinion, the health, safety, and general welfare of the Township would not be thereby impaired and the spirit and purpose of this Ordinance would continue to be served.

Section 19. Penalty.

- A. Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
- B. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which

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shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum	Maximum
	Fine	Fine
- 1st Offense within 3-year period*	\$150.00	\$500.00
- 2nd Offense within 3-year period*	250.00	500.00
- 3rd Offense within 3-year period*	350.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Covert Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent Jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense."

Any violation of the provisions of this Ordinance shall constitute a misdemeanor, punishable by a fine of up to \$500 and/or imprisonment in the county jail for up to 90 days. Each day that a violation continues to exist shall constitute a separate offense. The foregoing fines and penalties shall be in addition to the right of termination of public water service to a violator and the right to obtain injunctive relief in a court of law.

Section 20. Severability.

If any section, paragraph, clause or provision of this Ordinance shall be held invalid for any reason, the same shall not affect the validity of any other provisions of this Ordinance, which

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shall remain in full force and effect.

Section 21. Effective Date; Repeal.

This Ordinance shall take effect on November 11th, 2008. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Dated: November 11th, 2008

COVERT TOWNSHIP

Dennis Palgen, Clerk