

CHARTER TOWNSHIP OF WHITE LAKE
AN ORDINANCE TO AMEND CERTAIN SECTIONS OF CHAPTER 38, ARTICLE II – WATER SYSTEMS AND
ARTICLE IV – SANITARY SEWERS OF THE WHITE LAKE TOWNSHIP CODE OF ORDINANCES

An Ordinance to Amend Certain Sections of Chapter 38, Article II and Article IV of the White Lake Township Code of Ordinances.

THE CHARTER TOWNSHIP OF WHITE LAKE ORDAINS:

ARTICLE I: AMENDMENT

CHAPTER 38, ARTICLE II – AMENDMENTS.

Section 38-19 – “Definitions” shall be amended as follows:

The following definitions shall be added:

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

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

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

The following definitions shall be deleted:

~~*Direct connection charge* means the connection charge to apply where the new customer has immediate access to the township water system.~~

~~*Indirect connection charge* means the connection charge to apply where the new customer must provide for distribution lines with a connection of these lines to the existing township water system.~~

~~*Water main capital recovery charge* means an additional charge imposed upon properties connecting to an existing or proposed water main where those properties did not otherwise contribute to the cost of installing the water main and associated appurtenances.~~

~~*Water supply connection charge* means a fee to be put in the capital account used for purpose of capital improvements, system expansion and water supply improvements. The connection charge is considered either a direct connection or an indirect connection.~~

The following definitions shall be amended to read as follows:

~~*Water department*~~ *Department of Public Services* means collectively those officials, employees and agents of the township invested by the township board with the operation, management, maintenance and repair of the water system.

~~Water department~~Department of Public Services ~~manager-Director~~ means the individual appointed by the township board to supervise the ~~water department~~Department of Public Services.

Section 38-42 shall be amended to read as follows:

Township and ~~water department~~Department of Public Services.

The operation, management, maintenance, repair and control of the water system shall be under the immediate supervision and control of the ~~water department~~Department of Public Services director who shall be appointed by the township board. The township board shall also have the authority to accept such system or systems as gifts from any person, firm, association and/or corporation.

Section 38-45 shall be amended to read as follows:

Township water supply system operating account.

This account shall be the financial instrument used for the conduct of day-to-day operating business of the ~~water department~~Department of Public Services. All revenues generated from the operation of maintenance of the water system and all expenditures with regard to the water system shall be deposited to and paid from this account, except as otherwise provided in this division.

Section 38-47 shall be amended to read as follows:

Annual budget.

- (a) A proposed fiscal year operating budget shall be prepared by the ~~water department~~Department of Public Services director (or designee) and approved by the township board. The proposed operating budget shall incorporate projected line item revenues and expenditures based upon a minimum of a two-year history.
- (b) The proposed budget may include specific proposed capital improvements.
- (c) All expenditures shall be in accordance with the approved budget.

Section 38-48 shall be amended to read as follows:

Indebtedness and emergency situations.

The ~~water department~~Department of Public Services director shall have the authority to incur any indebtedness to the said water system or systems or to the township in an amount not to exceed \$25,000.00 to address emergency situations and pay individual invoices arising from emergency situations. The township supervisor or duly authorized designate, in an emergency situation only, shall have the authority to authorize expenditures up to an amount equal to 20 percent of the total gross operating budget. An emergency situation is defined as a breakdown, malfunction or failure of a water system or component thereof that without repair or replacement would render the system inoperative for a period in excess of 24 hours or endangers the public welfare. The ~~water department~~Department of Public Services director or designee shall submit a detailed report and corrective action for each emergency.

Section 38-49 shall be amended to read as follows:

Township water supply system; capital account.

- (a) This account shall be the financial instrument used as the repository of funds generated from capital fees, connection fees and other designated fees, to be used for capital projects as described in this section. For purposes of this section, the term "capital project" shall mean a non-recurring, significant, construction, replacement, repair or modification of physical improvements, of any part of the

township water system, including, but not limited to, construction modifications, distribution system modifications, and all associated design costs. Funds shall only be transferred in accordance with the provisions of this section.

- (b) From the total amount contained in the capital account for a particular year, the following disbursements may be made:
 - (1) Payment of required principal and interest payments for any bonds issued for the water system.
 - (2) Transfers to the operating fund for capital improvements, which are part of the approved budget for the ~~water department~~Department of Public Services.

Section 38-51 shall be deleted as follows:

~~**Sec. 38-51. Water main capital recovery charge.**~~

~~An additional charge shall be imposed for connection to the water system if all of the following occur:~~

- ~~(1) An additional charge shall be imposed when the property connects to a water main that was installed at no previous cost to the property.~~
- ~~(2) The amount of the additional water main capital recovery charge to be imposed shall be determined by the township board on a case by case basis, following recommendation by the township engineer, by calculating a specific per foot charge for each separate water main, taking into consideration any other connections or potential connections to the extension.~~
- ~~(3) Notwithstanding the above, the additional charge described in this section shall be waived for connection of a single family residential structure.~~

Section 38-79 shall be amended to read as follows:

Water system application.

Any persons, firms or corporations installing a water system, or any portion thereof, at their own expense shall first submit an application together with complete plans and specifications, prepared by a registered civil engineer in the state, for such work, to the township community development department and ~~water department~~Department of Public Services. The township community development department and ~~water department~~Department of Public Services, in consultation with the township engineer, shall determine the conditions for such installation. An application fee, as established by ~~resolution~~the township fee ordinance, for the cost estimates for the system shall accompany the application. Said application fee shall cover the township's costs for the review of the developer's plans and all necessary inspections by the township engineer. The unused portion of the application fee shall be returned to the applicant after the township administrative fees of ten percent and the actual costs have been covered.

Section 38-103 shall be amended to read as follows:

Extension or changes in water system.

- (a) Extension of or changes in water systems may be initiated by the ~~water department~~Department of Public Services, community development department, or planning commission or by petition from property owners. Petitions for the construction of new water systems or the extension of an existing system shall be addressed to the township ~~water department~~Department of Public Services upon blank forms provided for that purpose. The township board may grant or refuse to grant the request, and may prescribe the terms and condition upon which the request shall be granted, and shall require the written acceptance of such terms and condition by the petitioning party. If the petition is granted, the applicant shall proceed as promptly as practical with the proposed work under the terms and

conditions named. However, all work must be commenced within six months of approval and be diligently prosecuted thereafter. The said work will be done at the expense of the property owners unless otherwise stipulated and any and all new water system construction or extension of existing systems shall be subject to the provisions of this division or as indicated in subsection (b) of this section.

- (b) Unless the water system improvement is to be financed by creation of a special assessment district or under section 38-79 and/or section 38-103, the property owner shall provide an irrevocable letter of credit or pay to the township the cost of system design, layout and inspection as estimated by the township's consulting engineer. The township will then proceed with the necessary engineering, including obtaining agency approvals. At the discretion of the township, the township may also advertise for bids, award construction contracts and shall construct said improvements. The township shall be authorized to require security from the property owner prior to construction of the water system sufficient in type and amount to ensure complete construction without unanticipated expense to the township. In cases where the improvement is to be financed by creation of a special assessment district, the township board may impose such conditions, as it deems necessary to ensure reimbursement to it of engineering and other costs advanced.
- (c) A property owner or owners requesting creation of a special assessment district shall be required to submit an application in connection with such request on forms prescribed by the township. As part of the application, the property owner or owners shall be required to execute a "consent to lien form" as prepared by the township attorney, which will provide for reimbursement of all the township's costs incurred in creation of the special assessment district, if for any reason the special assessment district is not created, and creation of a lien on the applicant's property to secure repayment of those costs.

Section 38-104 shall be amended to read as follows:

Requirements for water distribution systems.

- (a) A water supply and distribution system shall be required for any of the following developments:

- (1) All new proposed single-family residential subdivisions or condominium developments with the following number of lots or units:

Zoning District Where Property is Located (Pursuant to Ordinance No. 58)	Lots or Units
R-1-A or SF	40 or more
R-1-B	30 or more
R-1-C, R-1-D, R-3	20 or more

- (2) All new multiple-family residential developments, containing 20 or more apartments or dwelling units.
- (3) All new commercial or industrial buildings, industrial parks, shopping centers, condominium developments or other office, commercial or industrial developments proposed to contain one or more buildings with 25,000 square feet or more of building area (as defined in the Michigan building code).
- (4) Any other residential, commercial or industrial development where the township determines it would be economically feasible to provide a new water supply and distribution system. In making this determination, it shall be deemed economically feasible if the proposed residential development is located within the distance calculated by the following formula: distance equals 50 feet times the number of units plus 150 feet from the existing township water system.
- (5) The township water master plan will be the guideline for design and connection of water supply and distribution systems.

- (6) Where property is to be connected to the water distribution system, and the water distribution system does not extend the full width of the owner's property, the property owner shall be responsible for extending the water distribution system at the owner's cost across the entire width of such owner's property, so as to allow further extension of the water system to adjoining properties. ~~In the event of a corner lot, the property owner shall be responsible for extending the water system along both the width and length of the property, along both roads upon which the property is located. (Same as section 38-514.)~~
- (b) In applying this section:
- (1) The term "developments" include any land use for which the township is required to grant subdivision approval, site plan approval or special land use approval.
 - (2) The number of lots, units, apartments or dwelling units shall include the sum of all the following:
 - a. The number proposed to be included in the development for which township approval is currently sought.
 - b. The number which represents the maximum number which could be constructed or developed pursuant to the then current township ordinances and any other applicable regulations on the balance of the parcel for which a township approval is sought (if less than the entire parcel is proposed to be currently developed), plus any contiguous or adjacent property under the ownership of the developer or a related entity, regardless of whether such lots, units, apartments or dwelling units are proposed to be constructed in one or more phases.
 - c. The number which have been approved or constructed within the last ten years prior to the current application for township approval, but following the effective date of the ordinance from which this division is derived, on:
 1. The parcel of property for which the current approval is being requested.
 2. Any part of a parent parcel, within which the parcel proposed to be developed was a part within the last ten years.
 3. Any parcels of property contiguous or adjacent to the parcel for which the current approval is being requested, and which was at any time within such ten-year period under the ownership of the developer or a related entity.
- (c) Notwithstanding the provisions of this section, a new water supply and distribution system shall not be required if all of the following occur:
- (1) The development for which approval is currently sought would not be required to construct a water distribution system except for the provisions of this section.
 - (2) The developer executes an agreement with the township, in the form of a deed restriction, approved by the township attorney, which:
 - a. Provides that if the balance of the parcel, or contiguous or adjacent property is ever developed, and the total aggregate density of all such developments exceeds the density requirements of this section, the developer, or the developer's heirs, successors or assigns shall be required to construct a water distribution system as required by this division to service the development for which approval is currently sought, plus all future developments, irrespective of whether individual wells are used to service any part of the development.
 - b. Is recorded at the office of the county register of deeds against all property described in this section, prior to final township approval.

- (d) Any new residential, commercial or industrial development or addition thereto of any size, which is adjacent to or within 200 feet of the township's water system, must be extended and connected by the developer to the township water system. A new well or other system improvements may be required if the quantity of water or pressure of the existing water system during peak demand cannot meet minimum requirements at any point in the proposed system.
- (e) If no existing municipal water system is available within 200 feet of any new residential, commercial or industrial development as described in this section, the developer must construct a new water system as part of such development or extend the existing township system to service the development.
- (f) The township board may grant a variance from the applicability of this section to a particular development if the developer demonstrates that the application of this section shall either: result in the preclusion of any viable economic use of the property; result in a development that is materially inconsistent with the township's master land use plan; or otherwise violates applicable provisions of state or federal constitutions or laws. The burden shall be on the developer to demonstrate, with clear and convincing evidence, that circumstances are present that justify granting him a variance. In granting any variance, the township board may prescribe appropriate conditions. Violations of such conditions shall be deemed a violation of this article and punishable under applicable provisions of this article. Conditions imposed shall meet all the following requirements:
 - (1) Be designed to protect natural resources, the health, safety and welfare, and the social and economic well-being of those who will use the premises and the community as a whole.
 - (2) Be related to the valid exercise of the township's powers and purposes as to the specific development proposal.
 - (3) Be necessary to meet the intent and purpose of this article.
- (g) All developments not providing a water distribution system shall provide an adequate water supply for fire protection as outlined in subsection (g)(1)–(4). When required, the fire protection water supply shall be a hydrant well, if an aquifer is available. An acceptable alternative to a hydrant well is an automatic sprinkler system designed and installed in accordance with latest adopted editions of the International Fire Code (IFC) and National Fire Protection Association (NFPA) standards.

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

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

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

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

Example:

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

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

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

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

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

Section 38-105 shall be amended to read as follows:

Procedure for approval of new water supply and/or distribution systems.

- (a) The water system for a development must be approved by the township as provided herein prior to commencement of any construction of the development.
- (b) At the same time site plan approval is requested, the applicant shall submit 11 sets of plans for the proposed water system to the ~~water department~~Department of Public Services manager. Such plans shall include, without limitation, well site layout, boring logs (at least two), hydrological results and the well log of a test well. The ~~water department~~Department of Public Services manager shall submit three sets of plans to the township engineer for review.
- (c) The applicant shall pay a fee for review of the application, as required by section 38-79.
- (d) The township engineer shall review the plans for conformity to the design and construction standards and return one of the sets to the applicant and to the township building official with appropriate comments. The applicant, after making any requested changes, shall submit 11 sets of the revised plans to the township engineer for final approval. If the township engineer finds that the revised plans conform to the design and construction standards, the engineer shall so advise the township ~~water department~~Department of Public Services managerDirector. The township engineer shall, on behalf of the township, approve said plans and forward it to the MDEQ for the issuance of permits.
- (e) After approval by the township engineer, the applicant shall then proceed to obtain any necessary approvals or permits from state and local authorities, and submit a detailed estimate of costs to the township ~~water department~~Department of Public Services managerDirector.

- (f) The township board shall grant final approval to all new water distribution systems, required by this division, if such system complies fully with all provisions of this article.

Section 38-108 shall be amended to read as follows:

Requirements for acceptance of water distribution system.

- (a) Any new water system, extension and/or portion thereof constructed by any person, partnership, corporation, limited liability company or other legally recognized entity shall be transferred to the township upon satisfactory completion of all necessary inspections by the township and prior to the system, extension and/or portion thereof being placed in service.
- (b) Acceptance of the system shall be made by the township supervisor, following recommendations for acceptance by the township engineer, township attorney and township ~~water department~~Department of Public Services director or his duly designated representative.
- (c) The following may be provided and approved by township consultants and/or staff before the system is accepted by the township:
 - (1) As-built plans per the township's design and construction standards. As built plans submitted in digital form is acceptable as long as compatible with current township system.
 - (2) Such bill of sale, easements and other dedication documents of conveyance, together with appropriate evidence of title, as may be required to convey title to the water distribution system to the township.
 - (3) Documentation evidencing all required approvals from the state department of environmental quality or any other state or county agency with jurisdiction.
 - (4) A maintenance bond equal to 50 percent of the value of said system, extension and/or portion thereof. The bond shall cover a period of two years from the installation of the water meter for the system. The purpose of the bond is to effectively warrant said system, extension and/or portion thereof from defects and design, material and/or workmanship as determined by the township ~~water department~~Department of Public Services director or his duly designated representative.

Section 38-109 shall be amended to read as follows:

Water system control.

The water system pump houses, appurtenances and contents, as well as water mains and appurtenance of said system, are under the exclusive control of the township board and all persons other than those authorized by the ~~water department~~Department of Public Services Director~~manager~~ are forbidden to disturb, tap, change, obstruct access to, or interfere with them in any way.

Section 38-132 shall be amended to read as follows:

Application for connection.

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

application shall not be granted, must accompany the application. Water permits can be applied for only after a building permit is secured from the township building department.

Section 38-133 shall be amended to read as follows:

Tapping fee.

A tapping fee for the installation of, including labor and material, supply pipes and appurtenances, fixtures, curb cocks, etc., and including the cost of the meter and remote reader, shall be equal to the cost of materials and labor plus an ~~administration fee percentage~~ as established by ~~resolution~~ **the township fee ordinance**. Said fee to be payable at the time application is made for water service. All other connections shall be charged to the owner of the premises on a basis of actual cost of installation and cost of materials plus percentage established by **township fee ordinance**. An inspection fee for the water main tap, ~~as passed in accordance with the township fee by ordinance~~, will apply.

Section 38-134 shall be added to read as follows:

New Residential Construction Water Use Fee

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

Section 38-135 shall be amended to read as follows:

~~**Water supplyCapital connection and lateral benefit chargefee.**~~

- ~~—(a) In addition to other applicable fees, a water supply connection fee shall be charged for each the connection to the water system of any premises.~~
- ~~(a) Lateral benefit fee will be charged for each connecting to the water system that has not contributed to the construction of the main through part of a development or special assessment district.~~
- ~~(bc) This water supply connection fee applicable for a new commercial, industrial or residential development shall be payable for each individual structure when connection is made to the water system or upon prior to issuance of a temporary certificate of occupancy building permit, whichever comes first. Said water supplyCapital connection and lateral befit fees shall be deposited in the township capital fund. Sums received from this water supply connection fee shall be used to fund capital charges associated with upgrading existing well houses, drilling and installing new wells, and providing facilities associated with new wells, providing additional water storage capacity and any related costs necessary to provide capacity for said premises.~~

Connection charges.

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

easement or license granted to the township as determined by the township assessor utilizing standard appraisal techniques. The township assessor shall execute a certificate stating his conclusions regarding the value of the easement or license granted and the basis for that opinion.

Section 38-136 shall be amended to read as follows:

Connection fees.

The connection fees are for individual connections to an existing system. The township board will determine the extent to which a developer of a new commercial, industrial or residential development will provide water capacity and/or a negotiated water supply connection fee. Connection of a development described in this section to the system shall require payment of 100 percent of the water supply connection fee unless the developer is required to extend the water system to service the development. In such a circumstance, the developer may be entitled to a ~~reduction of the water supply~~ **waiver from Lateral benefit connection** fee, as determined by the township board, not to exceed, 50 percent of the water supply connection fees otherwise payable.

Section 38-137 shall be amended to read as follows:

Water permits.

- (a) Permits for new water service construction shall be required prior to commencement of construction. Permit fees shall be established by ordinance and be payable for each individual structure when connection is made to the water system or upon issuance of a ~~temporary certificate of occupancy~~ **building permit**, whichever comes first. Water permit related work shall be completed within 12 months of permit application date. No water permits shall be issued until all required final plat or site plan approval is granted. Water permits can be applied for only after an ~~n~~ **building permit** address is secured from the township building department. Only three water permits shall be issued prior to township board acceptance of the water system pursuant to section 38-108.
- (b) The party to whom such a permit is issued shall be responsible for notifying the ~~water department~~ **Department of Public Services** 24 hours in advance of the date and time when such a connection is made so that proper inspection can be made by the ~~water department~~ **Department of Public Services**.

Section 38-139 shall be amended to read as follows:

Stop boxes.

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

Section 38-140 shall be amended to read as follows:

Supply and service pipe.

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

approve all fittings and connections underground. The ~~water department~~Department of Public Services shall determine supply and service pipes of larger size.

Section 38-142 shall be amended to read as follows:

Service pipe burial dimensions.

All service pipes shall enter the building under the foundation with a minimum of five feet of cover in yard areas, six feet of cover in all drive and parking areas. All depths shall be as measured from finished grade. Service pipe installation shall be sufficiently waving enough to allow no less than 12 inches of extra length to prevent rupture by settlement of the earth and so protected as to prevent freezing. All water lines need to be ten feet away from septic and drain systems. Installation shall be inspected by the ~~water department~~Department of Public Services (or designee) prior to back fill. However, the water service may be installed in the same trench along with the sewer lead only under the following conditions. The same trench permissible conditions for sewer and water service lines running from stop (curb) box to the building are:

- (1) The horizontal separation between the water and sewer leads needs to be maintained at a minimum of five feet and the minimum sewer depth for a common trench is be seven feet deep. Further, a common trench depends on the sewer being nearly seven feet deep in yard area and that the soils will allow construction of an earthen shelf to support the water service. The bottom of the shelf must be a minimum of 12 inches above the top of the sewer pipe. In very sandy or wet conditions this may not be possible. It is not allowable to install the sewer lead, backfill the trench 12 inches and then install the water lead on top of the sewer.
- (2) A separation of ten feet shall be maintained between the parallel water and sewer mains and services in the right-of-way line.
- (3) The Michigan plumbing code shall be followed if the code is more stringent than the above requirements.

Section 38-145 shall be amended to read as follows:

Supply pipe maintenance.

The ~~water department~~Department of Public Services shall maintain the water supply pipe, from the main to the property line, but this clause shall not apply to old services installed by private parties. The service pipe from the property line to the premises shall be considered private plumbing and be maintained by the owner of the premises. Failure to keep the service line in good repair will result in discontinuance of service.

Section 38-146 shall be amended to read as follows:

Supply pipe interference.

No person shall interfere in any way with the supply pipe installed by the ~~water department~~Department of Public Services. No person is permitted to turn water on or off at the curb stop except for the purpose of testing his work, in which case the curb stop shall be left in the same condition and position as he found it.

Section 38-148 shall be amended to read as follows:

Water discontinuance.

The refusal or neglect of the owner to equip the premises with the service pipe connections, utilities and/or fixtures as approved by the ~~water department~~Department of Public Services shall be sufficient grounds for discontinuance of township water supply to the premises.

Section 38-149 shall be deleted as follows:

~~**Connection charges.**~~

~~The direct connection charge is applied where the new customer has immediate access to the system. The indirect connection charge is applied where the new customer must provide for distribution lines with a connection of these lines to the existing system. (a) — No premises shall be connected to a public watermain or service pipe without the payment of capital connection fees and lateral benefit fees as provided for in this article.~~

~~(b) — The township board may, as compensation in full or in part, waive the lateral benefit fee for premises over which permanent or temporary sewer easements or licenses have been granted to the township without charge provided there is reasonable expectation that the easement shall lead to future extension of the sanitary sewer system, as determined by the township DPS director or the township engineer. The total amount of the lateral benefit fee waived shall not exceed the value of the easement or license granted to the township as determined by the township assessor utilizing standard appraisal techniques. The township assessor shall execute a certificate stating his conclusions regarding the value of the easement or license granted and the basis for that opinion.~~

~~— Because of the investment by this customer, which is an asset that is turned over to the township at no cost to the township, the indirect connection charge is less than the direct connection charge. This is a 2:1 ratio that shall be used by the township.~~

Section 38-169 shall be amended to read as follows:

All services metered.

All service connection, except separate fire connections and temporary connections in accordance with Section 38-134, shall be metered and shall pay for water at the rate established by the township board. ~~In no case will water be supplied, except for temporary use with water department~~Department of Public Services approval, at other than the established water rate.

Section 38-170 shall be amended to read as follows:

Meters and remote meters.

The ~~tapping fees~~supply pipe, meter and remote reader, installation charge, as required by Section 38-133 and in accordance with the township fee ordinance, ~~which provision is made in section 38-133~~, shall include the cost of the water meter and remote reader furnished by the ~~water department~~Department of Public Services and the installation thereof, but such meter and remote reader shall remain the property of the ~~water department~~Department of Public Services and will at all times remain under its control. The ~~water department~~Department of Public Services will furnish the meter couplings or flanges. The maintenance of the meters and remote reader will be the obligation of the ~~water department~~Department of Public Services, provided that where repair, replacement and adjustments of the meter and/or remote reader are made necessary by the act, neglect or carelessness of the owner or occupant of the premises, the expense to the

~~water department~~Department of Public Services caused thereby may be charged against and collected from the owner or occupant of the premises.

Section 38-174 shall be amended to read as follows:

Meter responsibility.

~~Any person will hold t~~The owner or occupant of any premises where a meter is installed is responsible for its care and protection from freezing, and from injury or interference. In case of any injury to the meter or in case of a stoppage or malfunction, the owner or occupant shall give immediate notification to the ~~water department~~Department of Public Services.

Section 38-175 shall be amended to read as follows:

Defective meter.

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

Section 38-176 shall be amended to read as follows:

Meter accuracy.

The accuracy of any meter and/or remote reader installed in any premises will be tested by the ~~water department~~Department of Public Services upon request for the customer, who shall pay ~~in advance~~ a fee, as established by ~~resolution~~the township fee ordinance, to cover the cost of the test. If, on such test, the meter and/or remote reader shall be found to register over five percent more water than actually passes through it, another meter and/or remote reader will be installed and the fee will be refunded to the customer, and the water bill may be adjusted as hereinafter provided.

Section 38-177 shall be amended to read as follows:

Meter sealing.

The ~~water department~~Department of Public Services, where applicable, will seal the meter, remote readers and bypasses, and no one except an authorized employee of the township shall break or injure said seal. No person other than an authorized employee of the township shall change the location of, alter or interfere in any way with any meter, remote reader or bypass.

Section 38-208 shall be amended to read as follows:

Fire hydrant usage.

Fire hydrants are provided for the use of the water and fire department of the township or by such persons as may be specifically authorized by the ~~water department~~Department of Public Services.

Section 38-209 shall be amended to read as follows:

Fire hydrant permit.

No person, firm or corporation shall open or cause to be opened any fire hydrant without first securing a "permit to use fire hydrant" at the ~~water department~~Department of Public Services office. A deposit, as established by resolution, will be required. Such person, firm or corporation must report to the ~~water~~

~~department~~Department of Public Services when such use is terminated, at which time a hydrant inspection will be made and an inspection charge, as established by resolution, the cost of the estimated amount of water used, and the cost of repairing the hydrant, if any, shall be deducted from the deposit and the difference, if any, refunded to the depositor. If the deposit is insufficient to cover said cost, the permit holder shall pay the deficit.

Section 38-209 shall be amended to read as follows:

Fire line detector check.

All standby fire lines shall have an approved detector check installed, which shall have provisions for a 1.00-inch meter on the bypass. The required meter must be purchased from the ~~water department~~Department of Public Services. No domestic service shall be allowed on a standby fire line.

Section 38-241 shall be amended to read as follows:

Multiple unit building.

Where a residential property is occupied by two or more distinct families, or where a commercial or industrial building is occupied by two or more firms or persons, a single charge for all water provided will be made against the owners of the property. Provided, however, that a building or buildings under one ownership with multiple tenants or occupants may be served by more than one water service and meter upon approval of the ~~water department~~Department of Public Services. In multiple meter installations, no master meter will be allowed. Where more than one meter is served by one water service, all the meters served by the service must operate from a manifold type arrangement. Failure of one unit in a manifold arrangement to pay for water received will result in discontinuance of water to that meter.

Section 38-243 shall be amended to read as follows:

Water turn off.

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

Section 38-245 shall be amended to read as follows:

Cross connection.

- (a) All cross connections between any type of water supply and the municipal water system are strictly prohibited. In the event a cross connection is discovered, the water will be turned off at the curb cock until the cross connection is severed. No direct connection of any type to a sewer line shall be allowed.

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

- (b) Individuals responsible for carrying out the cross connection inspections and re-inspections shall have obtained necessary training through any available manuals on cross connection prevention, including the cross connection rules manual as published by the state department of environmental quality and attendance of any cross connection training sessions sponsored by the state department of environmental quality.
- (c) The time allowed for correction or elimination of any cross connection found shall be as follows:
 - (1) Cross connections that pose an eminent and extreme hazard shall be disconnected immediately and so maintained until necessary protective devices or modifications are made.
 - (2) Cross connections that do not pose an extreme hazard to the water supply system but nevertheless constitute a cross connection should be corrected within a reasonable period of time. The length of time allowed for correction should be reasonable and may vary depending on the type of device necessary for protection. The township ~~water department~~Department of Public Services shall indicate to each customer where a cross connection is found to exist, the time period allowed for compliance (30 to 60 days usually sufficient time for small devices).
- (d) Sufficient data to complete an annual report to the state department of environmental quality and to monitor the program adequately will be maintained by the ~~water department~~Department of Public Services and their responsible agents. An inspection form will be used during the initial inspection procedure. Inspection forms will be used to monitor the status of the protective device as well as the test results reported by a qualified backflow preventer tester. Inspection form will also be used for re-inspection.
- (e) In order to ensure against the hazards of cross connections, it will be necessary to periodically and systematically re-inspect for the presence of cross connections. The schedule for reinspection shall be in accordance with the schedule as noted in the cross connection rules manual. Whenever it is suspected or known that modifications have taken place with piping systems serving a particular water customer, re-inspections of the premises will be made.
- (f) All **commercial** backflow prevention devices shall be tested upon installation and annually thereafter, with proper test reports submitted to the ~~water department~~Department of Public Services. **All residential backflow prevention devices shall be tested every three to five years depending on the degree or hazard as outlined in the Cross Connection Control Plan on file at the Department of Public Services.** Failure to test and report is reason for water supply to be terminated.

Section 38-302 shall be amended to read as follows:

Inspection of premises plumbing.

Any officer, inspector and/or other authorized employee of the township board shall, upon presentation of the badge or other credentials provided for in section 38-301, have free access at all reasonable hours to any premises supplied with water for the purpose of making any inspection thereof, including the examination of the entire water supply and plumbing system upon said premises. No person, firm, association or corporation shall refuse to admit any authorized inspector and/or employee of the township board for any such purpose. In case any authorized employee is refused admittance to any

premises, or being admitted shall be hindered or prevented in making such examination, the ~~water department~~Department of Public Services may turn off the water to said premises after giving 24 hours notice to the owner of occupant of said premises.

Section 38-304 shall be amended to read as follows:

New water service inspection.

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

Section 38-305 shall be amended to read as follows:

Lawn sprinkler system inspection and backflow preventer.

New lawn sprinkler system to be connected to the water system shall be subject to an inspection by the ~~water department~~Department of Public Services and shall have passed said inspection prior to being placed in service. A backflow preventer is required in any sprinkler system. An inspection fee, as established by resolution, shall be payable at time of inspection.

Section 38-306 shall be amended to read as follows:

New water systems.

All new water systems, extension of an existing system and/or major construction and/or repair shall be subject to appropriate inspections as deemed necessary by the township ~~water department~~Department of Public Services and/or the township engineer and shall have passed said inspections prior to being placed in service. Said inspection costs shall be borne by the developer or contractor of said new water system, extension of an existing system and/or major construction and/or repair.

Section 38-355 shall be amended to read as follows:

Variance.

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

- (1) The applicant must submit a written request to the township board for a variance from the requirements of this article and demonstrate:
 - a. That compliance with the terms of this article would result in an unreasonable hardship; and
 - b. The property is otherwise served by an existing source of water that conforms to the requirements of all applicable local, state and county regulatory agencies.
- (2) The township board shall consider the request and grant a variance only if it makes a finding that the granting of the variance will be in harmony with the general purpose and intent of this article and not be detrimental to the public welfare.
- (3) In granting any variance, the township board may prescribe appropriate conditions in conformity with this article. Violation of such conditions shall be deemed a violation of this article and punishable under applicable provisions of this article. Conditions imposed shall meet all the following requirements.

- a. Be designed to protect natural resources, the health, safety and welfare, and the social and economic well being of those who will use the premises and the community as a whole.
 - b. Be related to the valid exercise of the township's powers and purposes as to the specific property involved.
 - c. Be necessary to meet the intent and purpose of this article.
- (4) Any variance granted pursuant to this section shall continue only as long as the source of water in existence at the time the variance request was granted, continues to comply with the standards of all applicable state and county regulatory agencies. Should the source of water not so comply, the variance shall automatically terminate.

Section 38-356 shall be amended to read as follows:

Water shutoff.

Should it become necessary to shut off the water from any section of the water system because of accidents or for the purpose of making repairs or in the case of construction, the ~~water department~~Department of Public Services will endeavor to give timely notice to the consumers affected thereby, and will, so far as practical, use its best efforts to prevent inconvenience and damage arising from any such causes. Failure to give such notice will not render the township or ~~water department~~Department of Public Services responsible or liable for damages that may result.

Section 38-357 shall be amended to read as follows:

Temporary restriction of water usage.

Should it become necessary for the township board to temporarily restrict and/or limit water usage to water system users, for example, discontinuance of lawn sprinkling, due to the water system having experienced a malfunction or failure of the system, or any other reason, it shall be unlawful for any person, firm, association or corporation to not comply with the restrictions or limitations so imposed by the township board. All affected water system users shall be duly and timely informed by the ~~water department~~Department of Public Services of any and all restrictions or limitations so placed upon them, and shall be duly and timely informed by the ~~water department~~Department of Public Services of any and all lifting of said restrictions or limitations.

CHAPTER 38, ARTICLE IV AMENDMENTS.

Section 38-418 – “Definitions” shall be amended as follows:

The following definitions shall be revised to read as follows:

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

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

ARTICLE II: SEVERABILITY

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of the Ordinance shall remain in full force and effect.

ARTICLE III: REPEALER

All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

ARTICLE IV: SAVINGS CLAUSE

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Article III of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

ARTICLE V: EFFECTIVE DATE

The provisions of this Ordinance are hereby ordered to take effect upon subsequent adoption publication.

ARTICLE VI: ADOPTION

This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of White Lake at a meeting duly called and held on _____, 2021, and ordered to be given publication in the manner prescribed by law.