

IRON RIVER TOWNSHIP WATER USE ORDINANCE NO. 26.12

An Ordinance to regulate and control water distribution, water use, and construction, installation and extension of service lines and to regulate metering, establish rates and charges, collection procedures and liens for non-payment and provide for enforcement and penalties for violations and to repeal prior Ordinance No. 26.

The Township of Iron River ORDAINS:

This Ordinance is to be known as the Iron River Township Water Use Ordinance.

1. **Control of System.** The extension, improvement, alteration, repair, and maintenance of the system shall be under the supervision and control of the Township Board and its designated officers and employees. The Township Board may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the system.

2. **Repeal of Conflicting Ordinance.** All ordinances or parts of ordinances or regulations or parts of regulations in conflict with this Ordinance are hereby repealed, particularly including Ordinance No. 26.

3. **Invalidation Clause.** Invalidity of any section, clause, sentence or provision in the Ordinance shall not affect the validity of any other section, clause, sentence, or provision of this Ordinance which can be given effect without such invalid part or parts.

4. **Definitions.**

**Owner or Property Owner:** The person or persons or entity shown by the Iron County Register of Deeds records to be the holder of marketable title, or a mortgagee or other creditor claiming a right to ownership by foreclosure. Owner includes a land contract vendor. As used herein owner or property owner does not include tenants, relatives, lessee, guests, or land contract vendees.

**Premise(s):** Each parcel having one principal building used for human habitation, employment, recreation, or other routine human activity. A premise may include a related structure not designed or used for human habitation employment or recreation or other routine human activity. Examples of related structures are; a residential garage, a hobby shop.

**Readiness to Serve Charge:** A charge made for the availability of water service.

Service Line: The water line installed on the premise connecting the system to the building.

System or Water Distribution System: The Township water supply and distribution system including wells, tanks, controls, main lines, laterals to service lines, and all related components, also including shutoffs on service lines and all associated fittings/components.

Township: Iron River Township.

**5. Required Use of Public Water.** All premises situated within the Township in a location accessible to a water main are required to have water service if the principal building is located within 400 feet of the water main or within 400 feet of the public right of way in which a Township water main is located.

This requirement shall apply to all premises that are connected to the Township system on the date of enactment of this Ordinance and all premises installing new and/or replacement water service after said date. No premises required to be connected by this section will be permitted to install a new and/or replacement private water service after the date of enactment of this Ordinance.

Any premises owner who circumvents this mandatory hook up requirement shall be responsible for payment of the readiness to serve charge as specified by section 23 hereof.

**6. Connections.** The property owner shall be responsible for all work and all costs of connection of the premises from the property line to the principal building. Such service lines shall be constructed according to material and construction specification as provided by the Township; all work shall be inspected and approved by the Township before back filling. All service lines shall be accessible by Township personnel at all reasonable times for purposes of or related to construction and/or operational inspections.

The Township shall install service lines from the main to the nearest private property line at its expense. The shutoff shall be placed at the property line or next to the main if the main is on private property. Fees for connection shall be as specified herein by section 23.

The property owner shall be responsible for payment of all water passing through the shutoff. As such the owners will pay for water leaking through the service line as specified by sections 23 hereof. The Township may shut off water service until service line repairs are complete. During the time that water is shutoff the owners shall be responsible for readiness to serve charges and for a leak charge as specified by section 23 hereof.

Application for connections shall be made to the Township Clerk on forms provided by the Township. No work shall commence until all fees are paid and such application is approved.

**7. Meters.** All water service to private premises shall be metered. Appropriate meters shall be provided by the Township and shall be owned by the Township. The Township shall have access to all meters at all reasonable times. The property owner shall be responsible for all damage to meters beyond usual wear. The property owners shall pay an initial meter fee and a meter installation inspection fee as provided by section 23 hereof. Meters shall be installed only by licensed plumbers according to material and work specifications as provided by the Township.

Meters shall be located as specified by the Township, meter pits near the premises and/or at the shutoff location may be required by the Township. All structures without basements shall have meter pits. All service lines greater than 400 feet in length from the shutoff shall have a meter pit installed at the shutoff location. The property owner shall be responsible for the cost of such meter pits, in addition to the connection fees. Meter pits shall be constructed according to the material and construction specifications of the Township and shall be inspected and approved by the Township.

**8. Service Line Limitations.** A service line shall provide water to only one premise. There shall not be, unless upon specific, application approved by the Township, more than one premise provided water by a service line. This provision shall apply to all service lines including lines installed prior to the enactment of this Ordinance. Any service line providing water to more than one premise on the effective date hereof shall comply with the terms of this Ordinance within one year of the effective date hereof unless otherwise specified by the Township.

Service lines shall all be metered as required herein. Meters shall not be bypassed.

The premise owner shall be responsible for repair of any leaks in the service line. The Township will charge the owner for the estimated water loss through leaks as determined by the Township as provided by section 23 hereof.

**9. Start, Shutoff, Restart Service.** Water service shall not be turned on or shutoff, except by or as authorized by the Township. It shall be a violation of this Ordinance for a user to turn on or shutoff water service upstream of the water meter.

Requests for shutoff or restart of water service must be made to the Township not less than seventy-two (72) hours in advance.

The Township may shutoff service for nonpayment and/or any other violation of this Ordinance and may as a condition for restart of service require a deposit of three (3) months estimated charges to be applied to the owner's account by the Township in case of future failure to pay or other violation.

**10. Hydrants.** Fire hydrants on the Township system shall not be used without authorization from the Township.

The Township shall pay from the general or other appropriate funds a hydrant fee as provided by section 23 hereof.

Private fire hydrants are prohibited.

**11. Limitations of Water Use.** The Township may limit the use of water for any purpose as necessary to protect and preserve the system. The Township may restrict type of use and/or volume of use whenever necessary to preserve the maximum benefit of the system. Such restrictions may be applied to only a part of the system.

The Township may refuse connection and/or require disconnection of premises based on limiting system factors including inadequate pressures, inadequate volume, impractical extensions of service lines, lack of legal arrangements, prior default to the Township and similar and related circumstances.

**12. Willful, Negligent or Malicious Damage.** No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any system structure, public water service or public water facilities.

**13. Discharge.** Any person responsible for causing and/or allowing a deleterious discharge into the public water service system which causes damage to the facility and/or supply of water shall, in addition to a fine, pay the amount to cover damages as established by the Township.

**14. Cross Connections.** There shall be no physical connection between lines carrying public water and pipes, pumps or tanks supplied or capable of being supplied by from a different source.

**15. Anti-siphon.** Any valve and/or opening in the water service system connected to the public system which could be subject to siphon is prohibited.

**16. Service Line Replacement.** All service lines existing on the date of enactment of this Ordinance deemed substandard by the Water Superintendent shall be replaced one (1) year after notice.

17. **Single Premise Service.** Only one premise may be connected to a service line unless other arrangements are approved by the Township. On application, on forms provided by the Township, an owner or owners of premises may request connection of multiple-premises to a single service line. The application shall not be granted unless the applicant(s) demonstrate that the situation presents a circumstance of practical impossibility for individual service lines and presents workable solutions which will assure responsibility for repair, compliance with specifications as required by the Township, equitable metering, financial responsibility, and enforceability. This provision shall apply to existing and future connections.
18. **Sale of Water.** Sale of water, and/or bottling of water for sale are prohibited.
19. **Plumbing Code.** All plumbing in premises served by the Township's water system shall be in compliance with this Ordinance and with the State of Michigan and any/all other applicable plumbing codes.
20. **Damages to Facilities.** It shall be a violation of this Ordinance to damage any part of the water distribution system including the service lines and meters. Premises owners shall report any damage to the Township immediately. Failure to immediately report shall be a violation of this Ordinance. The cost to repair any such damage shall be paid by the premise owner. Water shutoff may result from nonpayment.
21. **Liability for Losses.** Any person violating any provision of this Ordinance shall be liable to the Township for any expenses, loss or damage occasioned by reason of such violation which the Township may suffer as a result thereof, including the costs of enforcement (prosecution) of this Ordinance.
22. **Township Not Liable.** The Township shall not be liable for any damages resulting from water system failures as such failures are an inherent risk of system operations. As such the premise owners and all occupying/using through the premise owner accept such risk.
23. **Water Rates & Charges.** The Township Board shall routinely evaluate its water fund budget and establish rates and charges as necessitated by such budgets and the impending needs of the system. The established rates and charges shall include, at a minimum, consideration of revenues required to cover:

- Debt Service;
- Operation, Maintenance, and Repairs;
- Depreciation;
- Replacement;
- Improvements;

Enforcement; and  
Administration and Supervision.

There shall be no free water service. All facilities and premises connected to the system shall pay rates and charges as provided herein.

Owners shall be responsible for compliance with this Ordinance and for payment of all charges required by this Ordinance.

Owners of premises with water service or applying for water service shall pay the following rates and charges:

**Commodity Charge:** A monthly commodity charge for every user of the system based on water consumption as determined by metering as follows:

One to 4,500 gallons	\$30.00
Each 1,000 gallons > 4,500 gallons	\$ 5.00

**Non-Metered Charge:** A monthly charge for any user of the system based on estimated water consumption as follows:

Up to 4,500 gallons	\$30.00
Each 1,000 gallons > 4,500 gallons	\$ 5.00

**Readiness to Serve Charge:** A monthly charge for every premises of the system that by the terms hereof is required to be connected, but is not and/or every premises connected to the system which is shut off (for any reason) as follows:

\$30.00

**Leak Charge:** A monthly charge for any owner of a premises connected to the system by a service line determined to be leaking, after notice from the Township, and pending repair as follows:

Base leak charge	\$30.00
Estimated leakage each 1,000 gallons	\$10.00

**Hydrant Charge, Public:** A monthly charge to the Township for each hydrant as follows:

Hydrant charge	\$ 7.00
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**Water Shutoff, Current:** A per shutoff charge to the property owner requesting shutoff, whose water account is current.

\$25.00

**Water Shutoff, Delinquent:** A per shutoff charge to the property owner who is shutoff because of account delinquency.

\$50.00

**Water Turn On:** A per turn on charge to the property owner requesting resumption of water service as follows:

\$25.00

Such shutoff and/or turn on charges are for normal working hours of the Township utility staff, otherwise such services shall be at actual costs including administrative costs.

**Tap On Charge:** A per tap charge to the property owner requesting connection to the system as follows:

\$1,200.00

This charge includes two inspections made during normal working hours of the Township utility staff. Additional inspections and/or work outside of normal hours will be charged at actual costs, including administrative costs.

Tap on charges addressed above cover service lines of 1 inch or less and of length of 400 feet or less, not including meter pits. Additional charges based on actual time, materials and costs including administrative cost will be charged for service exceeding these limits.

Rates and charges may be periodically amended by resolution of the Township Board by reference to, but without amendment, of this Ordinance.

**24. Billings.** All rates and charges required by this Ordinance are due from the owner of the premise. Renters, tenants, leasees, relatives, and/or guests are not the responsible parties.

Land contract purchasers (vendees) may be Township water customers with the written consent of the land contract vendor provided to the Township.

violation will not absolve the violator of liability for any violation occurring prior to such cessation.

**28. Enforcement/Violations.** A violation of this Ordinance shall be punishable by a civil fine of \$500 together with restitution for the actual costs of prosecution including actual attorney fees. Each day a violation continues shall constitute a separate violation and may be charged as separate offenses.

In addition, the Township may seek injunctive relief and/or damages by separate civil suit. If such action is initiated the Township shall be entitled to its actual costs and expenses incurred to bring and maintain the action including actual attorney fees.

This Ordinance shall be enforceable by the Water Superintendent and/or the Township Supervisor.

**29. Administrative Appeals – Board of Appeals.** So that provisions of this Ordinance may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of these sections, the Township Board shall serve as a Water Board of Appeals. The duty of such board shall be to consider appeals from the decision of the Water Superintendent or Township Supervisor and to determine, in particular cases, whether any deviation from the strict enforcement will violate the intent of this ordinance or jeopardize the public health or safety.

An informal hearing before the Water Superintendent may be requested in writing by any owner deeming itself aggrieved by any citation, order, charge, fee, surcharge, penalty or action within ten (10) days after the date thereof, stating the reasons therefore with supporting documents and data.

The informal hearing shall be scheduled at the earliest practicable date, but not later than five (5) business days after receipt of the request, unless extended by mutual written agreement. The hearing shall be conducted at a place designated by the Water Superintendent or Township Supervisor.

Appeals from orders of the Water Superintendent or Township Supervisor may be made to the Township Board, acting as a Board of Appeals, within thirty (30) days from the date of any citation, order, charge, fee surcharge, penalty or other action. Such appeal may be taken by the owner. The owner shall file a Notice of Appeal with the Water Superintendent or Township Supervisor and with the Board specifying the grounds therefore. Prior to a hearing, the Water Superintendent or Township Supervisor shall transmit to the Board a summary report of all previous actions taken. The



final disposition of the appeal shall be in the form of a resolution, reversing, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the Board must concur.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the Board may reverse or affirm, in whole or in part, or any make such order, requirement, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end have all the powers of the official from whom said appeal is taken.

The Board of Appeals shall meet at such times as the Board may determine. Meetings shall be open to the public accordance with applicable laws. The Board shall adopt its own rules or procedure and keep a record of its proceedings, showing findings of fact, the action of the Board, and the vote of each member upon each questions considered. The presence of three (3) members shall be necessary to constitute a quorum.

The Board of Appeals may prescribe the sending of notice of such persons as it deems to be interested in any hearing by the Board.

All charges for service, penalties, fees or surcharges outstanding during any appeal process shall be due and payable to the Township. Upon resolution of any appeal, the Township shall adjust such amounts accordingly; however, such adjustments shall be limited to the previous one year's billing.

If an informal or formal hearing is not demanded within the period specified herein, such administrative action shall be deemed final. In the event either or both such hearings are demanded, the action shall be suspended until a final determination has been made, except to Immediate Cease and Desist Orders issued pursuant to this Section.

THIS ORDINANCE WAS INTRODUCED AND ADOPTED ON JANUARY 19,  
2012 AT A SPECIAL MEETING.

  
Mark Polley, Township Supervisor

  
Amber Laturi, Township Clerk

I hereby certify that the foregoing is a true and complete copy of  
Ordinance No. 26.12 of Iron River Township, Iron County, Michigan, duly  
adopted at a special meeting of the Township Board on January 19, 2012,  
and published in the Iron County Reporter on Feb 1, 2012.

  
Joan Luhtanen, Iron County Clerk