

## ARTICLE 3

### PROVISIONS RELATING TO PUBLIC WATER SYSTEMS

#### 301 PURPOSE

Article 3 is divided into two separate parts. Part I applies to those parcels of real property located within the Township that are served by the City of Whitehall public water system operating with the Township of Whitehall. The purposes of the provisions of Part I are to promote the orderly, efficient, and safe operation of such City system within the Township, in a manner that is in harmony with the provisions adopted by the City, such that similar provisions apply to all properties served by the City's water system, regardless of whether such properties are located within the City of Whitehall or the Township of Whitehall. Part II is reserved for provisions related to the operation of the Township's own, separate public water system within the Township, in the event that the Township hereafter constructs such a separate system.

#### PART I

#### 302 DEFINITIONS

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. "Water Connection" shall mean that part of the City of Whitehall Public Water Distribution System, located within and owned by the Township of Whitehall, connecting the water main to a point between the curb line and property line, including the curb box and curb stop.

B. "Water Main" shall mean that part of the City of Whitehall Water Public Distribution System located within and owned by the Township of Whitehall, and more particularly located within easement lines or streets, and designed to supply more than one water connection.

C. Reference to the "City" shall mean the "City of Whitehall."

*Amended 1/22/2007*

D. "Water District" shall mean the service area within the Township of Whitehall as defined by the 1998 Water Service Agreement between Whitehall Township and the City of Whitehall, said area being depicted in Exhibit A of said agreement, incorporated herein by reference, and attached hereto as Exhibit A.

#### 303 STANDARDS AND REGULATIONS ADOPTED BY REFERENCE

A certain document, copies of which are on file in the City of Whitehall Water Department, being marked and designated as the current "American Waterworks Association Standard," is adopted as the standards of the Township; and each and all of the regulations of the aforementioned standards are hereby referred to, adopted and made a part of this Article as if fully set out herein.

The Township may provide regulations approved by the Township Board, governing the building and repair of water mains, service lines, meters and connections to the water system of the Township, which shall address any required permits, water taps, costs and expenses of installation of water mains and service lines, etc., and reimbursable costs for the distribution system and pumping and treatment facilities, including indemnifications, standards and specifications and other such items that relate to current engineering, construction and payment of costs. These regulations and any amendments thereto, shall be considered a part of this Article and are incorporated by reference.

### **304 FEES**

The costs for water connections payable by the owner of the premises shall be determined by and according to the 1998 Water Service Agreement Between Whitehall Township and The City of Whitehall and any amendments thereto, and in the event of default in payment, water service may be discontinued until said default is remedied and during said period of default, interest shall accrue on the amount due at the rate of 7% percent per annum. A service fee to restore service in the amount of \$10 shall be paid prior to restoring service. An action in assumpsit may also be instituted by the Township against the owner of the premises to recover said charges.

### **305 CREATION OF LIEN**

All costs assessed to the owner of the premises may be made a lien against the premises, dischargeable upon full payment of the assessed costs. The Township Treasurer shall, annually on April 1, certify to the Township Assessor all unpaid charges for such services furnished to any premises which, on the preceding March 31, have remained unpaid for a period of six months. The Township Assessor shall place the same on the next tax roll of the Township. Such charges so assessed shall be collected in the same manner as general Township taxes.

### **306 APPEALS**

Any owner disputing the correctness of their charges shall appeal such charges according to the City of Whitehall Department of Public Works, according to the City's rules and procedures so made and provided.

### **307 WATER CONNECTIONS; CHARGE**

*Amended 1/22/2007*

Any real property within the Township's Water District for which a water connection is sought, shall first pay connection charges to the City of Whitehall and to the Township of Whitehall. The water connection shall be made upon payment of all required charges to both governmental entities. The connection fee charged by the Township of Whitehall shall be calculated as set forth in Section 320. The connection fee charged by the City of Whitehall shall be determined pursuant to the agreement between the City of Whitehall and the Township of Whitehall. The cost of water meter installation shall be included in the connection fee; provided, however, the cost of a second water meter for measuring water usage for a secondary water use (i.e., lawn sprinkling), shall be fixed as a separate fee, pursuant to the agreement between the City of Whitehall and the Township of Whitehall.

### **308 TURNING ON WATER SERVICE**

No person, other than an authorized employee of the City shall turn on or off any water service, except that a licensed plumber may turn on water service for testing his work (when it must be immediately turned off) upon receiving a written order from the City.

### **309 USE OF FIRE HYDRANTS**

*Amended 1/23/2006*

No person, except an employee of the City or duly authorized emergency personnel in performance of their duties, shall open or use any fire hydrant, except in case of emergency, without first securing a written permit from the City. In no case shall any hydrant be opened or closed except with a hydrant wrench provided by the City.

### **310 INJURIES TO FACILITIES**

No person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Water Distribution System.

### **311 METERS REQUIRED**

All premises using municipal water shall be metered. No person except a City employee shall break or injure the seal or change the location of, alter or interfere in any way with any water meter. Water meters shall be installed by the City and shall remain the property of the City.

### **312 ACCESS TO METERS**

The City shall have the right to shut off the supply of municipal water to any premises where the City is not able to obtain access to the meter. Any qualified employee of the City shall, at all reasonable hours, have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing, or inspecting same, and no person shall hinder, obstruct, or interfere with such employee in the lawful discharge of his duties in relation to the care and maintenance of such water meter.

### **313 REIMBURSEMENT FOR DAMAGE**

Any damage which a meter may sustain resulting from carelessness of the owner, agent, or tenant or from neglect of either of them, to properly secure and protect the meter as well as any damage which may be wrought by frost, hot water, or steam backing from a boiler, shall be paid by the owner of the property to the City on presentation of a bill thereof; and in cases where the bill is not paid, the water shall be shut off and shall not be turned on until all charges have been paid to the City.

### **314 METER FAILURE**

If any meter shall fail to register properly, the City shall estimate the consumption on the basis of former consumption and bill accordingly.

### **315 INACCURATE METERS**

A consumer may request that the meter be tested. If the meter is found defective, a new meter will be installed and no charge will be made. If the meter is found to be operating and accurate within accepted tolerances, a reasonable fee, as provided by the agreement between the City of Whitehall and the Township of Whitehall, will be charged to the property owner for such inspection.

### **316 ADOPTION OF STATE WATER SUPPLY CROSS CONNECTION RULES**

The Township adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Public Health being R325.431 to R325.440 of the Michigan Administrative Code, as may be amended from time to time.

### **317 INSPECTION OF POSSIBLE CROSS CONNECTIONS**

It shall be the duty of the City Water Department to cause inspection to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the City Water Department and as approved by the Michigan Department of Public Health.

The representative of the City Water Department shall have the right to enter at any reasonable time any property served by a connection to the public water supply of the City for the purpose of inspecting the piping system or systems thereof for cross connections. On request the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

### **318 DISCONTINUANCE OF WATER SERVICE**

The City Water Department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this Article exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connections have been eliminated in compliance with the provisions of this Article.

### **319 LABELING OF WATER OUTLETS**

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this Article and by the state and city plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable systems must be labeled in a conspicuous manner as:

WATER UNSAFE  
FOR DRINKING.

### **320 Special Assessment**

*Amended 1/22/2007*

The equivalent unit factor shall be calculated and assigned for any structure based upon the use of the structure and property upon which it is located at the time of the original application for water charge. Whenever the use of the structure and property is changed, modified, or enlarged, from that stated in the original application or assignment of the original equivalent unit factor, the Township shall charge an additional connection charge, based upon the equivalent unit factor schedule as set forth below for additional equivalent user units over the number originally assigned. However, the equivalent unit factor shall not be revised below that for the initial assignment.

**The following special assessment shall apply to all properties located within the Township's Water District:**

OCCUPATION USE	UNITS	UNIT FACTOR
Single Family Residence	1.0	Per residence
Amusement Park (Pending)	0.02	Per premise plus 0.25 per 1000 sq ft* of building including service area
Auto Dealers (new and/or used)	1.0	Per premise plus 0.25 per 1,000 sq ft* of building inc. service area
Auto Repair/Collision	1.0	Same as above
Auto wash (coin operated do-it-yourself 10 gal. Or less per vehicle)	1.0	Per stall
Auto wash (mechanical – over 10 gal per vehicle – not recycled)	10.0	Per stall or production line including approach and drying area
Auto wash (mechanical – over 10 gal per vehicle – recycled)	5.0	Per stall or production line including approach and drying area
Barber shop	1.0	Per shop plus 0.1 per chair after second
Bar or Restaurant (with or without food)	2.5	Per 1,000 sq ft* – includes all floor space
Beauty shop	1.0	Per shop plus 0.1 per booth after second
Bowling Alleys (no bar)	1.0	Per premise plus 0.2 per alley
Campgrounds	0.25	Per site with minimum of 1.00 unit
Churches	0.25	Per 1,000 sq ft* minimum 1 unit
Cleaners (pick up only)	1.0	Per shop
Cleaners (cleaning and pressing facilities)	1.0	Per premise plus 0.5 per 500 sq ft*
Clinics (medical or dental)	1.0	Per premise plus 0.5 per exam room
Condominiums	1.0	Per individual living unit
Convalescent or boarding homes	1.0	Per premise plus 0.25 per bedroom
Convents	1.0	Per premise plus 0.25 per bedroom
Country clubs and athletic clubs	1.5	Per 1,000 sq ft* of clubhouse plus restaurant and bar
Day care center	1.0	Per facility plus 0.1 up to 10 children and 0.01 for each additional child
Drug stores	1.0	Per premise plus snack bar computed as per schedule
Factories (office and production) Wet Process**	0.75	Per 1,000 sq ft* **based on metered or designed flow
Funeral Home	1.5	Per 1,000 sq ft* with residence to be computed separately
Grocery stores or supermarket	1.0	Per premise plus 0.8 per 1,000 sq ft*
Hospitals	1.1	Per bed
Hotels and motels	0.40	Per bedroom plus restaurant and bar as per schedule
Laundry	1.0	Per premise plus 0.5 per washer
Mobile home (free standing)	1.0	Per unit
Mobile home (parks or subdivision)	0.75	Per pad or site at indirect connection rate plus laundry, community building and office to be computed separately per schedule
Multiple family residences duplex or row houses	1.0	Per dwelling unit
Apartments	0.50	Per dwelling unit
Apartments over 800 sq ft with laundry	1.0	Per dwelling unit
Fraternity or sorority houses	0.50	Per dwelling unit
Professional office	0.25	Per 500 sq ft* with minimum 1 unit
Public institutions	0.75	Per 1,000 sq ft*
Restaurant or bar (with or without food)	2.5	Per 1,000 sq ft* - includes all floor space
Schools	1.0	Per classroom
Service stations	1.5	Per 1,000 sq ft of building area
Snack bars, drive-ins, etc.	2.5	Per 1,000 sq ft*
Retail store (other than listed)	1.0	Per premise plus 0.1 per 1,000 sq ft*
Theaters (drive-in)	0.02	Per car space
Theaters	0.01	Per seat
Post office	1.0	Per 1,000 sq ft*
Warehouse and storage	0.2	Per 1,000 sq ft*
Veterinary facility	1.5	Per facility
Veterinary facility with kennels	1.5	Per facility plus 0.5 per 5 kennels

\* or portion thereof (i.e., unit rate of 1.0 per 1,000 sq ft on a building of 5,300 square feet = equivalent unit factor of 6.0)

DEFINITION: a “unit factor” is the measurement of the system’s charge rate, as measured in increments of the water charge to a single family residence. A single

family residential premises shall have a base line unit factor of 1.0. An "equivalent unit factor" is the water charge factor which a particular use is assigned to arrive at the equivalent of a single family residence.

### **321 Mandated Water Hookup**

All properties located within the water district shall connect to the Township Public Water System in the following instances:

1. Any equitable or legal transfer of more than 50% interest in the property;
2. An existing well on the premises is replaced, relocated, enlarged or deepened regardless of whether it is required to be replaced by existing law or not;
3. All new construction that requires water usage;
4. Significant remodeling is done to a current structure (i.e. remodeling equals 50% or more of the value of the current property);
5. The use of the property changes pursuant to the terms of the Whitehall Township Zoning Ordinance and all amendments thereto as determined by the Zoning Administrator; and/or
6. Water is unsafe for drinking purposes as determined by the Muskegon County Health Department.

All other properties located within the water district will not be required to hookup to water.

### **322A Miscellaneous Rules and Regulations**

*Amended 3/27/2006*

The Township hereby adopts by reference the rules and regulations attached as Exhibit (A) entitled "City of Whitehall Water Department Rules and Regulations."

### **322B CHANGE IN OWNERSHIP AND PAYMENT OF CONNECTION AND/OR ASSESSMENT CHARGES**

*Amended 10/19/2009*

All connection and/or assessment charges paid by installment payments and/or deferred payments and the interest carried by these installment payments and/or deferred payments shall be payable in full immediately upon any equitable or legal transfer of more than 50% interest in the premises for which installment payments and/or deferred payments of water connections are being made. An equitable transfer shall include the transfer of ownership of more than 50% of any entity that owns the applicable premises.

### **323 Water Rules and Regulations Concerning Appeals**

Amended 5/23/2011

It shall be the responsibility of the treasurer to calculate water fees, subject to the approval of the supervisor.

If there is a dispute between the customer and the supervisor, the customer may appeal to the township board within 30 days after the receipt date of a certified written letter of the administrative decision from the supervisor. The administrative decision shall state the rights of the property owner to appeal. The decision of the supervisor is final and binding if the owner does not appeal his/her decision within 30 days after the receipt date of the certified written letter of the administrative decision from the supervisor.

An appeal shall be made in writing and submitted to the township clerk. The customer shall attempt to clearly present their position regarding the appeal. The clerk shall place the appeal on a township board meeting agenda within 30 days of receipt and notify the customer of the date and time of the meeting. Neither the supervisor nor the customer needs to be present for the appeal.

The township board shall consider information presented by the supervisor and customer. At the same meeting, or within 30 days after the meeting, the township board shall render a decision at an official township meeting. The township board has the authority to levy fees as charged, rescind, increase or reduce any and all fees that, in its sole judgment, better reflects the public benefit derived from the system improvement and the responsibility of the customer to pay a fair and equitable fee in relation to other customers. The decision of the township board is final. If the township board does not make a decisions within 30 days, the administrative decision shall be final and binding upon the customer.

See City of Whitehall Water Department Rules and Regulations. The City of Whitehall controls rules and regulations for water because Whitehall Township buys its water from the City of Whitehall.

#### **PART II**

**Part II is reserved for provisions relating to the Whitehall Township public water system.**