



ORDINANCE NO.

AN ORDINANCE TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE TOWNSHIP OF QUINCY AND CUSTOMERS OF THE QUINCY WATER SYSTEM.

The Township of Quincy determines that it is in the best interest for the health, safety and welfare of the citizens of Quincy that an ordinance is approved. Therefore, the following ordinance is adopted.

The Board of the Township of Quincy does ordain as follows:

SECTION 1 PAYMENT REQUIRED

Every person, firm or corporation, private, public or municipal, within the Township limits, who or which are serviced by the Village of Quincy shall pay for this service the rate and fees hereinafter provided.

SECTION 2 RATES FOR SERVICE

The rates to be charged for water service furnished by the system within the Township limits shall be charged as under Resolution as adopted by the Quincy Village Council from time to time.

SECTION 3 COMMERCIAL/INDUSTRIAL METERS

The rates for water service shall be set under Resolution as adopted by the Village from time to time.

SECTION 4 NEW SERVICE

The rates to be charged for new services to connect to the water system will be established under Resolution as adopted by the Village Council from time to time.

SECTION 5 METERS AND WATER LINES.

- (A) All water used by any person connected to the Quincy water system shall be metered. No person other than an authorized Village employee or representative may break, alter, tamper with, or injure the seal to a meter, nor remove, replace, change the location, alter, or interfere in any way with any water meter or remote reader.
- (B) From and after the effective date of this section, all water meters necessary to replace worn out materials shall be purchased by and remain the property of the Village and the property owners where the same is installed shall be considered as leases thereof and shall be liable for all damage thereto for any reason whatsoever except for reasonable wear and tear. From and after the effective date of this section, the Village shall maintain all water meters.

- (C) The owner of any premises connected to the Quincy water system may request that the meter or remote reader serving that property be tested by the Village. A meter shall be considered accurate if, when tested, the water passing through it registers a variance of five percent or less. If the variance is more than five percent or if the meter is found to be otherwise defective, it shall be repaired or replaced by the Village at the Village's expense, except in cases involving negligent or intentional damage or theft.
- (D) If a meter is tested and determined to overread the water flow, the Village shall credit the owner of the premises with a sum equal to the percentage of the overread multiplied by the total of all water billings incurred by the owner within the three-month period immediately prior to the testing. If a meter is tested and determined to under read the water flow, the Village may collect from the owner of the property a sum equal to the percentage of the under read multiplied by the total of all water billings incurred by the owner within the three-month period immediately prior to the testing.
- (E) If the Village is unable to obtain a meter reading for any property or premises, for whatever cause, the Village shall make a good-faith estimate of the consumption for that property and shall bill accordingly.
- (F) Requests for adjustments of water billings shall be made within 30 days of the date of the billing. Adjustments will be made only for clerical errors, misreads or unexplained failure of Village-owned equipment; there will be no adjustments made for leaks, pool fills or other causes within the control or responsibility of the property owner.
- (G) From and after the effective date of this section, the Village shall maintain and repair all water lines from the main lines to the property line.

SECTION 6 BILLING.

Bills for water service are due and payable at the Village Hall or to any designated agent in full by the third Friday of the month following the date of issue. Notice will be given on the following month's bill of the shut off date, with no other method of notice used. A service charge, as shall be set under Resolution by Village Council from time to time, shall be added on each water service bill which is not paid by the due date. Failure to receive a water bill shall not be grounds for avoiding the additional charge.

SECTION 7 SHUT-OFF OF WATER SUPPLY; FEES

It shall be the duty of the Utility Manager or any designated agent to cause the water to be shut off from any service where the service bill has not been paid in full by the third Friday of the month following the date of issue. Notice will be given on the following month's bill of the shut off date, with no other method of notice used. Any account subject to shut off for nonpayment will be charged a fee, as shall be set under Resolution by Village Council from time to time, to restore service.

SECTION 8 CONNECTION TO QUINCY WATER SUPPLY SYSTEM REQUIRED.

- (A) The owner of any house, building, structure or property which is used for human occupancy, employment, recreation or other purposes and for which the nearest point of any house, building or structure located on the property is not more than 200 feet away from the right-of-way line of any street, alley or right-of-way in which the public water supply system is available, shall be required, at the owner's expense, to install a suitable

water supply system therein and to connect the water supply system to the Quincy water supply system upon the earlier of the following events:

- (1) When any repair, improvement or replacement which would require a permit from the county's Health Department is required to be made to an existing well servicing any house, building, structure or property; and
 - (2) Upon any sale of the house, building, structure or property.
- (B) Except as set forth in section 9 below, no new private well shall be installed serving any house, building, structure or property which is used for human occupancy, employment, recreation or other purposes, and for which the nearest point of the house, building or structure located at the property is not more than 200 feet away from the right-of-way line of any street, alley or right-of-way in which the Township has installed water mains as part of the Township water supply system.

SECTION 9 INSTALLATION OF BACKUP WATER WELLS.

The owner of any place of public accommodation may install a private water well when it can demonstrate to the reasonable satisfaction of the Quincy Utility Manager each of the following:

- (A) A private well is necessary or helpful in meeting the requirements of any county, state or federal law, regulation, accreditation standard or ordinance requiring a supply of water in addition to the Quincy municipal water supply;
- (B) The additional well will not pose a danger to the Quincy municipal water supply, whether by way of contamination, depletion of water supply or other cause;
- (C) The additional well will be used only as a secondary or backup source of water in the event of failure or contamination of the Quincy water supply system;
- (D) Adequate mechanical and procedural safeguards exist that will prevent the well from being used except in the case of a water system failure, water system contamination, or for routine maintenance of the well;
- (E) The well shall be installed in compliance with the regulations of the Branch County Health Department and the Michigan Department of Natural Resources and Environment, as well as all other applicable laws, ordinances and regulations; and
- (F) The additional well will be metered for sewage return.

SECTION 10 LIEN AS SECURITY

The Township shall have as security for the collection of any water rates; assessments; charges, including attorney's fees; or rentals due for the use or consumption of water and/or the use of water system services supplied to any house or other building or any premises, lot or lots, or parcels of land, a lien upon the house or other building and upon the premises or lots, or parcel of parcels of land upon which the house or other building is situated or to which the water and/or sewer system service was supplied.

SECTION 11 EFFECTIVE DATE; ENFORCEMENT.

- (A) The lien shall become effective immediately upon the distribution of the water or provision of the water system service to the premises or property supplied as aforesaid, but shall not be enforceable for more than three years after it becomes effective.
- (B) The lien created by this subchapter shall be enforced by the Township in the manner prescribed by the general laws of the state providing for the enforcement of tax liens.

- (C) The official records of the Quincy Water Department shall constitute notice of the pendency of such a lien.

SECTION 12 PRIORITY OF LIEN.

The lien created by this subchapter shall have priority over all other liens except taxes or special assessments, whether or not the other liens accrued or were recorded before the accrual of the water and/or sewage system lien created by this subchapter. Provided however, that the provisions of this subchapter shall not apply in any instance where a lease has been legally executed, containing a provision that the lessor shall not be liable for payment of water or sewage system bills accruing subsequent to the filing of the affidavit hereinafter provided for. Provided further, that an affidavit with respect to the execution of a lease containing this provision shall be filed with the Township Clerk, and 20 days notice shall be given by the lessor of any cancellation change or termination of the lease.

SECTION 13 DISCONTINUATION OF SERVICE.

The Village may discontinue the water service from the premises which the above lien has accrued whenever any person shall fail to pay the rates, assessments, charges or rentals herein referred to, or may institute suit for the collection of same in any court of competent jurisdiction, but the attempt to collect water rates, assessments, charges or rentals by any process shall not invalidate or waive the lien upon the premises.

SECTION 14 STATE CROSS-CONNECTION RULES ADOPTED BY REFERENCE.

- (A) The Township adopts by reference the water supply cross-connection rules of the Michigan Department of Public Health, being R 325.11401 to R 325.11407 of the Michigan Administrative Code, as filed with the Michigan Secretary of State on January 12, 1978, copies of which are on file in the Village Clerk or Township Clerk's office.
- (B) This subchapter does not supersede the State Plumbing Code but is supplementary to it.

SECTION 15 INSPECTION; FREQUENCY.

- (A) It shall be the duty of the Utility Department to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of its inspections and re-inspections based on potential health hazards involved shall be as established by the Department of Water and Sewer and as approved by the Michigan Department of Public Health.
- (B) The representative of the Village, being the Utility Manager, or his designee, shall have the right to enter, at any reasonable time, upon any property served by a connection to the Quincy water supply system 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 Utility Manager any pertinent information regarding the piping system or systems on the property. The refusal of this information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

SECTION 16 DISCONTINUATION OF SERVICE FOR VIOLATIONS.

The Utility Department is authorized and directed to discontinue water service after ten days notice to any property wherein any connection in violation of the cross-connection program

exists, and to take any other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. The notice shall either be delivered in person to the property owner or be sent by certified mail. Water service to the property shall not be restored until the cross-connection or connections violating this subchapter have been eliminated.

SECTION 17 PROTECTION FROM CONTAMINATION; LABELING.

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 subchapter and by the State Plumbing Code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner.

SECTION 18 SEVERABILITY

Should any provision or section of this ordinance be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of the remaining provisions or sections, which shall remain in full force and effect.

SECTION 19 CONFLICT

Should any provision of this ordinance be found to be in conflict with any other provision of the Codified Ordinances of the Township of Quincy, the provision in this ordinance shall be deemed the controlling provision.

SECTION 20 PENALTY.

- (A) Any person found to be violating any provision of this chapter shall be served by the Village with written notice stating the nature of the violation. The user shall cease all violations within the time stated in the notice.
- (B) Notwithstanding any other provision of this chapter, any user who is found to have violated any provision of this ordinance, shall be deemed to have committed a civil infraction. The fines for the civil infraction shall be as follows: Each offense, a fine of up to \$1,000.00.
- (c) Each day a violation continues shall be deemed a separate and distinct offense and subject to a separate and distinct fine.
- (d) None of the foregoing sanctions or costs shall prohibit the Village or Township from seeking injunctive or other civil remedies against an alleged or convicted violator, nor prohibit the Village from terminating water services to the violator's premises.
- (e) Any person violating any of the provisions of this chapter shall become liable to the Village and/ or Township for any expense, loss, or damage occasioned the Village and/or Township by reason of such violation.

This ordinance shall become effective 21 days after the publication in a newspaper of general circulation.