

**KINROSS CHARTER TOWNSHIP
WATER ORDINANCE
ORDINANCE NO. 1.123**

Adopted: March 4, 2002
Published: March 14, 2002
Effective: April 13, 2002

AN ORDINANCE TO ESTABLISH, REGULATE AND PROVIDE FOR THE USE OF THE WATER SYSTEM, THE INSTALLATION OF SERVICE CONNECTIONS, RATES AND CHARGES FOR WATER SERVICE, CROSS CONNECTION CONTROL, TO AMEND ORDINANCE NO. 28 AND RECODIFY ALL ASSOCIATED AMENDMENTS TO ORDINANCE NO. 28 AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF IN THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN.

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

ARTICLE 1 - SHORT TITLE

This Ordinance shall be known as the "Water Ordinance" and may be cited as such.

ARTICLE 2 - DEFINITIONS

Unless the context specifically indicates otherwise, the meaning for the terms used in this Ordinance shall be as follows:

"Approved" means approved by the Township and the Michigan Department of Public Health.

"Backflow" is the flow of water or other liquids, mixtures or substances into the Water System from any source other than its intended source, due to either backpressure or back siphonage.

"Backflow Preventer" is a device to prevent Backflow.

"Contamination" means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to pollute or degrade the quality of the water so as to constitute a Health Hazard or to render the water non-potable.

"Connection Charge" shall mean the amount charged for the installation and inspection of a Service Connection and Meter at the time, and in the amount hereinafter provided, to each premises in the Township, which connects to the Water System.

"Cross Connection" is any physical connection between the Water System and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system. Furthermore,

it is any Potable water supply outlet, which is submerged or can be submerged in wastewater and/or any other source of Contamination. See “Backflow”.

“Customer” shall mean the person who owns or, under the conditions set forth in *Article 11, Section 3 of this Ordinance*, leases premises which are connected to the System and divided into classes by similar process or discharge flow characteristics such as “Residential”, “Commercial”, “Institutional”, “Governmental” and “Industrial”.

“Residential Customer” shall mean an individual home or dwelling unit, including mobile homes, apartments, condominiums or multi-family dwelling units, that is served by an individual water meter or service connection and that discharges only segregated domestic wastes or wastes from sanitary conveniences.

“Commercial Customer” shall mean any retail or wholesale business engaged in selling merchandise or a service or multi-family dwelling units served by a single water meter or having a single service connection.

“Institutional Customer” shall mean any educational, religious or social organization such as a school, church, nursing home, hospital, correctional facility or other institutional user.

“Governmental Customer” shall mean any federal, state or local government office or government service facility.

“Industrial Customer” shall mean any manufacturing establishment, which produces a product from raw or purchased material.

“Customer Service Charge” shall mean the charge levied to all Customers for miscellaneous services and related administrative costs associated with the Water System and Sewer System.

“Health Hazard” is any condition, device or practice in the Water System and its operation which creates, or, in the judgment of the Township, may create by Contamination or otherwise, a danger to the health and well being of the Customer. An example of a Health Hazard is a structural defect in the Water System, whether of location, design or construction, that regularly or occasionally may prevent satisfactory purification of the water supply or cause it to be contaminated.

“Inspector” means the person responsible for inspecting connection to the Public Water or Sewer System and for inspection of other components of the Systems to ensure compliance with the Ordinance as to avoid damage to the Systems, or his duly authorized representative.

“Inspection Fee” means the amount charged to each applicant by the Township at the time an application is made to the Township for connection to either or both Systems to cover the routine cost of inspecting and approving the physical connection of the Building to the System.

“Lateral” means the extension of the Public Water laterally from the local or main to the property line of the Premises adjacent to the path of the Public water main including the wye branch.

“Lateral Fee” means the fee charged by the Township to construct and install a Lateral.

“May” is permissive.

“Meter” means an instrument for measuring the rate of flow of Public Water.

“Meter Fee” means the amount charged to each water permit applicant to cover the cost of the Meter and/or its installation, or its replacement.

“Miscellaneous Customer Fee and Charges” means the amount charged to Customers for miscellaneous services and related administrative costs associated with the Water or Sewer Systems, including additional fees for inspections required by the Township, expenses of plan review, and similar expenses authorized by this Ordinance.

“O, M&R Charge” means the periodic charge levied on all Customers for Operation, Maintenance and Replacement Costs.

“Operation, Maintenance and Replacement Costs” shall mean all costs, direct and indirect, necessary to provide adequate water supply on a continuing basis to conform with all federal, state and local water management requirements and to assure optimum long-term management of the Water System and shall include a reasonable allowance for the replacement of the equipment and appurtenances necessary to maintain the intended performance of the Water System.

“Person” shall mean any individual, firm, company, association, society, corporation, or group.

“Plumbing System” includes the water supply and distribution pipes, plumbing fixtures, and traps; soil, waste and vent pipes; building drains and building sewers, including their respective connections, devices and appurtenances and water-treating or water-using equipment; all as located within the property lines of the Premises.

“Premises” means a parcel of property or lot and includes appurtenant land and improvements.

“Public” is water provided by the Municipal Water System.

“Reduced Pressure Principle Backflow Preventer” is an assembly of differential valves and check valves, including an automatically opened spillage port to the atmosphere designed to prevent Backflow under conditions of pressure reversal.

“Safe Air Gap” or “Air Gap” means the minimum distance of a water inlet or opening above the maximum high water level or overflow rim in a future device or container to which Public Water is furnished which must be at least two times the inside diameter of the water inlet pipe but must not be less than one inch and need not be more than twelve (12) inches.

“Secondary Water Supply” shall mean a water supply system maintained in addition to the Water System, including water systems from ground or surface sources or water from a Public Water supply system which, in any way, has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility.

“Security Deposit” and **"Lessee Liability Affidavit Fee"** are interchangeable words, and for the purposes of this ordinance, refer to the same fee.

“Service Connection” means the corporation cock, service lateral, and curb stop that conveys Public Water from the Township mains to the property line.

“Service Line” means a pipe extending from the property line into the Premises supplied with Public Water.

“Submerged Inlet” shall mean a Service Line or extension thereto from the Water System terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against Backflow.

“Township” means the Charter Township of Kinross, Chippewa County, Michigan, as represented by the Kinross Township Board.

“Water and Sewer Fee Schedule Resolution” shall mean a resolution setting fees, charges and deposits associated with this ordinance.

“Water, Non-potable” is water that is not safe for human consumption or that is of questionable potability.

“Water, Potable” is water free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the Federal Drinking Water Standards or to the regulations of the Michigan Department of Public Health.

“Water System” or “System” means all facilities of the Township and all subsequent additions, including wells, pumps, mains, hydrants, storage tanks, Service Connections, Meters, and all other facilities used or useful in the pumping, treatment, and distribution of Public Water.

ARTICLE 3 - OPERATION AND MAINTENANCE

Section 1. The operation, maintenance, alteration, repair and management of the Water System shall be under the supervision and control of the Township. The Township may employ such Person or Persons in such capacity or capacities as

it deems advisable to carry out the efficient management and operation of the Water System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the Water System.

Section 2. The Customer is responsible for the maintenance and repair of the Service Line as defined.

ARTICLE 4 - SERVICE CONNECTIONS

Section 1. Prior to the installation of a Service Connection, a prospective Customer must file a permit application for such Service Connection on an application form to be supplied by the Township. The application must be accompanied by payment in full of the Connection Charge and such other charges or deposits required by this Ordinance.

Section 2. Service Connections shall be installed only by the Township or its authorized representative and only after approval of the permit application by the Township.

Section 3. All Service Lines shall be installed in an approved manner by a licensed plumber at the Customer's expense. The Plumbing System in or on the Premises in connection therewith must conform in character, design and quality to the law of the State of Michigan and the *State Plumbing Code*.

Section 4. All Service Connections and Service Lines shall be of Type "K" copper of size and quality. All underground fittings and connections shall be approved. No Service Connection of less than three quarter (3/4) inch diameter will be permitted. Service Connections of larger size shall be determined and approved by the Township.

Section 5. All Service Connections and Service Lines must be laid on solid ground not less than six (6) feet below finished grade. The installation must be inspected by the Township or its authorized representative, prior to use. A distance of ten (10) feet from all sewer or septic lines must be maintained.

Section 6. No Service Connection shall be installed where the Service Line is in line with (under) a driveway, tree, fire hydrant, catch basin or other obstruction.

Section 7. No Person shall obstruct or interfere in any way with any Service or other appurtenances of the System, including Meters, by placing in, on or about said Service Connection, Meter, or other appurtenance, building materials, rubbish, soil, shrubbery, flowers, or otherwise hindering the easy and free access thereto.

Section 8. Service Lines shall be protected from damage of every nature and needed repairs shall be made by the Customer when notified by the Township. The expense of repairing or thawing the Service Line, if frozen, shall be borne by the Customer. The Service Line, as repaired or thawed, shall not be covered until inspected and approved by the Township or its authorized representatives.

- Section 9.** The Township may discontinue service if a Customer fails to maintain the Service Line in a leak-free condition or if the Customer makes an unauthorized plumbing connection which bypasses the Meter.
- Section 10.** A single Service Connection shall not serve more than one (1) Premises unless approved by the Township, even though the ownership of the adjacent Premises may be the same; provided, however, that where a duplex or multiple family dwelling is served by a single Service Connection, each living unit shall be metered separately.
- Section 11.** All Service Connections and Service Lines installed prior to the adoption of this Ordinance shall conform to the standards set forth in this *Article* and shall be subject to inspection by the Township or its authorized representative. Any replacement or improvement costs necessary to bring the Service Connection and Service Line into conformity with this *Article* shall be borne by the Customer.
- Section 12.** All excavation for Service Connection installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township at the Customer's expense.

ARTICLE 5 - METERS

- Section 1.** The Public Water used by each Customer shall be metered. The Meter will be furnished, installed, tested and maintained by the Township at the Customer's expense and shall remain the property of and under the control of the Township. Said expense shall be billed to the Customer and collected in the same manner as any Customer Service Charge.
- Section 2.** Meters for ordinary domestic service shall be of five eighths (5/8) inch x three quarters (3/4) inch size. The Meter shall contain remote readouts. A separate gate valve the same size as the Meter connections shall be installed on the Service Line on both sides of the Meter. Where application for a larger service is made, determination as to size shall be made by the Township. Larger sizes may be required for industrial, commercial or multiple dwelling use.
- Section 3.** Meters shall be set in an accessible location and in a manner approved by the Township. Where due to unusual circumstances it is necessary to place the Meter in a pit, such pit shall be installed by the Township at the expense of the Customer as directed by the Township.
- Section 4.** The Township shall have the right to shut off the Public Water to any Customer where access is not available to the Meter. Qualified employees of the Township 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 any such employee in the discharge of his or her duties.

- Section 5.** Any damages to a Meter resulting from intentional harm, carelessness or neglect of a Customer to properly secure and protect the Meter from damages caused by frost, hot water, steam or other misuse shall be paid immediately by the Customer upon presentation of the bill therefore. The same shall be collected in the same manner as any Customer Service Charge.
- Section 6:** Any Meter installed prior to adoption of this Ordinance shall be subject to inspection and testing by the Township. All repair or replacement costs shall be borne by the Customer.
- Section 7.** If any Meter shall fail to register properly, the Township shall estimate the consumption of Public Water and bill accordingly.
- Section 8.** The Customer may require that a Meter be tested upon depositing a sum, which shall be established by a Resolution of the Township Board. If the Meter is found to register more than two percent (2%) fast, the deposit shall be returned to the Customer. If the Meter is found to register less than two percent (2%) fast, the Township shall retain the deposit.
- Section 9.** When the Township, on its own initiative, tests a Meter and finds same to register five percent (5%) or more slow, the Township may estimate such consumption loss for the previous six (6) months and bill accordingly.

ARTICLE 6 - FIRE HYDRANTS

- Section 1.** No Person shall open or cause to be opened, any fire hydrant except for authorized employees of the Township except in the case of an emergency, without first securing a "Permit to Use Fire Hydrant" from the Township and paying a deposit, which shall be established by a Resolution of the Township Board, to the Township. Such Person must report to the Township when such use is terminated, at which time a hydrant inspection will be made by the Township. The cost of the estimated amount of Public Water used and the cost of any necessary repair, if needed, shall be deducted from the deposit and the difference (if any) shall be refunded to the permit holder. If the deposit is insufficient to cover said costs, the permit holder shall pay the difference.
- Section 2.** The Township must approve the type, size of openings, and types of nozzle thread on all hydrants installed on private property serviced by the Water System.
- Section 3.** No Person shall, in any manner, obstruct or prevent free access to or place or store temporarily or otherwise any object, material, snow, debris, automobile or structure of any kind within a distance of twenty (20) feet of any fire hydrant. Upon the failure of said Person to remove said obstruction which shall be set forth in a notice which shall be mailed to said Person by the Township, the Township is hereby authorized and empowered to remove said obstruction and charge the cost of said removal to said Person.

ARTICLE 7 - WATER MAIN EXTENSIONS

Section 1. Extension of or changes in the Water System may be initiated by the Township or by petition from property owners. The Township may grant the petition, in its discretion, and may prescribe the terms and conditions upon which the petition will be granted and may require the written acceptance of such terms and conditions by the petitioners.

If the petition is granted, the Township will proceed as promptly as practical with the proposed work under the terms and conditions named. The said work will be done at the expense of the property owners unless otherwise stipulated, and any and all extensions shall be subject to the provisions of this Ordinance.

ARTICLE 8 - SYSTEM USE

Section 1. No Person other than an authorized employee of the Township shall turn on or off any Service Connection without the written permission of the Township.

Section 2. It shall be unlawful for any Person to do any of the following:

- a. Damage or destroy any portion of the Water System;
- b. To do anything which will in any way contaminate the Water System; or
- c. To connect any pipe to said Water System or take or run any water from the lines of said System without complying with all the provisions of this Ordinance.

Section 3. The Township may stop service to any Customer at any time for any reason. The Township shall give reasonable notice except during emergencies and conditions of imminent hazard. The Township shall not be liable for any damages caused by the failure of a Customer to receive Public Water for any reason, including the shutting off, of such supply by the Township, nor shall the Township be liable for any damage caused by any change in the pressure of Public Water delivered to any Customer.

Section 4. If the Service Line from the curb stop to the Meter is found to be deteriorated or leaking, the Township may condemn or discontinue the service to the Premises and require that the same be repaired or replaced as directed by the Township at the expense of the Customer.

Section 5. No Person, except an authorized employee of the Township in the performance of his or her duties, shall uncover or tamper with any portion of the Water System. Any Person responsible for any injury or damage to the Water System shall reimburse the Township therefore and for the loss of water caused thereby and shall be responsible for any damage caused by escaping water.

Section 6. Should it become necessary to shut off water from any section of the Water System because of any accident or for the purpose of making repairs or

extensions, the Township will endeavor to give timely notice to the Customers affected thereby and will, so far as practical, use reasonable efforts to prevent inconvenience and damage arising from any such causes, but the failure of a Customer to receive such notice shall not render the Township responsible or liable in damage for any inconvenience, injury, or loss which may result there from.

ARTICLE 9 - PROHIBITING CROSS-CONNECTIONS

Section 1. 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 amended.*

Section 2. The Township shall develop a comprehensive control program for the elimination and prevention of all Cross Connections. The plan for the program shall be submitted to the Michigan Department of Public Health for review and approval. After the plan has been approved by the Michigan Department of Public Health, the Township shall implement the program for removal of all existing Cross Connections and prevention of all future Cross Connections.

Section 3. All devices for the prevention of Cross Connection shall be approved. The devices shall be installed in good working condition at the Customer's expense. The Township will inspect, routinely, such devices and, if found to be defective or inoperative, shall require replacement thereof.

Section 4. The Customer shall obtain prior written approval from the Township before taking or installing any proposed corrective action or protective device. The total time allowed for completion of corrections ordered by the Township shall take into account the degree of hazard involved and the time required to obtain and install necessary equipment. If the Cross Connection has not been removed within the time specified, the Township shall physically separate the Water System from the on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized Person.

Section 5. When a Secondary Water Supply is used in addition to the Water System, or in other high-risk installations involving extensive plumbing, exposed Water System and Secondary Water Supply piping shall be identified by the *American Water Works Association Standard Color Code* and tags and so maintained that each pipe may be traced readily in its entirety. If piping is so tailed that it is impossible to trace in its entirety, it shall be considered a Cross Connection.

Section 6. A private water storage tank supplied from the Water System shall be deemed a Secondary Water Supply unless it is approved.

Section 7. It shall be the responsibility of the Customer to maintain Cross-Connection prevention devices in good working order and to make no piping or other arrangements for the purpose of altering or bypassing said devices.

Section 8. Periodic testing and inspection schedules shall be established by the Township for all Cross Connection prevention devices. The interval between such testing and inspections and overhauls of each device shall be established in accordance with the age and condition of the device. Inspection intervals should not exceed one (1) year, and overhaul intervals should not exceed five (5) years. These devices should be inspected frequently after the initial installation to assure that they have been installed properly and that debris resulting from the installation has not interfered with the functioning of the device. The testing procedures shall be in accordance with the manufacturer's instructions when Approved. Certified testing of a Reduced Pressure Principle Back Flow Preventer is required by a licensed plumber at the Customer's expense on an annual basis. Records of the test as well as records of repair shall be provided to the Township by the Customer.

Section 9. The Township is hereby authorized to discontinue water service after reasonable notice to any Premises where a Cross Connection exists. The Township may take such other precautionary measures as necessary to eliminate any danger of Contamination of the Water System. Water service to such property shall not be restored until such Cross Connection has been eliminated and the Customer pays a turn-on charge.

Section 10. The Township shall immediately stop water service to any Customer discovered to have a Cross Connection which creates an imminent Health Hazard. Water service shall not be restored until the violation is permanently corrected.

ARTICLE 10 - WATER RATES, CHARGES AND DEPOSITS

Section 1. All Premises connected to the Water System, except as hereinafter provided, shall be charged and make monthly payments to the Township in amounts computed on the basis of this *Article*.

Section 2. Each Customer shall pay an O, M&R Charge based on the Customer's metered water usage. The charge shall be determined monthly pursuant to a rate authorized and established by a Water and Sewer Fee Schedule Resolution of the Township Board. The Water and Sewer Fee Schedule Resolution may be revised, as needed, without an amendment to this ordinance.

Section 3. The Township shall, from time to time, establish a Customer Service Charge, as necessary, based upon miscellaneous services and related administrative costs associated with the Water System.

Section 4. The Customer shall be charged a New Account Fee whenever the Department of Public Works is requested by the customer to install a meter and turn on water service. (A Security Deposit or Proof of Ownership will still be needed on the new address.) In the case of a Name Change, where the meter is read only, the charge will be at a reduced rate as stated in the Water and Sewer Fee Schedule Resolution.

Section 5. All Premises connecting to the Water System shall pay a Connection Charge as established in the Water and Sewer Fee Schedule Resolution. The Connection Charge shall be billed and payable pursuant to *Section 1 of Article 4* of this Ordinance.

Section 6. Miscellaneous Customer Fees and Charges.

- (a) The Township shall, from time to time, establish or charge Miscellaneous Customer Fees and Charges, as necessary, for miscellaneous services, repairs and related administrative costs associated with the Water System, including without limitation, services to turn service on and off. The Customer shall be charged a fee, established by resolution of the Township Board from time to time, whenever the Township is requested by the Customer to turn on or off service. Whenever the Township is requested to provide turn-on or off services at times other than regular business hours of the Township, there will be imposed an additional charge of labor and materials.
- (b) In addition to the minimum Inspection Fee, persons connecting structures to, disconnecting from, or extending the Public Water, or proposing to make such connection or extension, shall reimburse the Township for expenses incurred by the Township for review of preliminary and final plans for connection or extension, for inspection, for review of right-of-way, easement, or other documents including, as applicable, fees billed to the Township by outside consultants and fees for Township staff review, in accordance with a schedule of staff charges approved by resolution from time to time.

ARTICLE 11 - PAYMENTS AND COLLECTIONS

Section 1. Bills for the rates and charges set forth in *Sections 2, 3 and 4 of Article 10* shall be dated and mailed monthly. These monthly bills shall be due and payable at the business office of the Township or to any designated agent on the due date, as stated in the fee schedule resolution. If not paid by the due date, a penalty charge, as provided for in the Water and Sewer Fee Schedule Resolution shall be added.

Section 2. If rates and charges imposed by *Article 10* are not paid on or before their respective due date, the Township, pursuant to *Public Act 178 of 1939, as amended*, may;

- (i) Discontinue the services provided by the Water System by disconnecting the Service Line from the Service Connection or by turning off the curb stop, and the service so discontinued shall not be reinstated until all sums then due and owing, including penalties, interest and all expenses incurred by the Township for shutting off and turning on the service, shall be paid to the Township;
- (ii) Institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or

- (iii) Enforce the lien created in *Section 3* below. These remedies shall be cumulative and shall be in addition to any other remedy provided in this Ordinance or now or hereafter existing at law or in equity. Under no circumstances shall action taken by the Township to collect unpaid water charges, penalties and interest, invalidate or waive the lien created by *Section 3* below.

Section 3. Except as set forth below, the rates and charges imposed by *Article 10* shall be a lien on the respective Premises served by the Water System. Whenever rates and charges shall be unpaid for sixty (60) days or more, they shall be considered delinquent. The Township Treasurer shall certify all delinquent rates and charges annually, on or before September 15, of each year to the Assessing Officer of the Township, who shall enter the delinquent rates and charges, interest and penalties upon the next tax roll as a charge against the Premises affected and such charges shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such Premises. A lien shall not attach to a Premises which is subject to a legally executed lease that expressly provides that the Premises' lessee, and not the Premises' lessor, shall be liable for payment of water rates and charges for services which accrue after an affidavit is filed with the Township. The affidavit described in the preceding sentence shall include the particulars of the execution of the lease and a notation of the expiration of the lease. In addition, the lessor shall give the Township twenty (20) days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit shall be accompanied by a security deposit, which, upon the failure of the lessee to pay the rates and charges as they come due, shall be applied against the unpaid balance. The lessee shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon the failure of the lessee to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in *Section 1 and Section 2 of this Article* shall be applicable.

Section 4. No free service shall be furnished by the System to any Person, public or private, or to any public agency or instrumentality.

Section 5. Any rates and charges for water service rendered prior to the effective date of this Ordinance are hereby ratified and shall be collected pursuant to *Article 11* and the Township shall pursue all remedies pursuant to *Article 11* upon failure of a Customer to pay said rates and charges.

Section 6. All bills and notices relating to the conduct of the business of the Township and of the Water System will be mailed to the Customer's address unless a change of address has been filed in writing at the business office of the Township. The Township shall not otherwise be responsible for delivery of any bill or notice, nor will the Customer be excused from nonpayment of a bill or from any performance required in said notice.

Section 7. Applications for connection permits may be cancelled and/or water service disconnected by the Township for any violation of any part of this Ordinance, including, without limitation, any of the following reasons:

- A. Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the System.
- B. Nonpayment of bills.
- C. Improper or imperfect and/or failure to keep Service Lines in a suitable state of repair.
- D. Damage to any part of the Water System.
- E. Existence of a Cross Connection.
- F. Misrepresentation in the permit application of the parties seeking service for prior use history.

Section 8. Where the water service supplied to a Customer has been discontinued for nonpayment of delinquent bills, the Township reserves the right as a condition to reconnect said service to request that a nominal sum, as determined by the Water and Sewer Fee Schedule Resolution, be placed on deposit with the Township for the purpose of establishing or maintaining any Customer's credit. Said deposit shall not be considered in lieu of any future billing for rates and charges. Service shall not be reestablished until all delinquent charges and penalties, and a turn on charge has been paid. Further, such charges and penalties may be recovered by the Township by court action.

Section 9. Any Customer has the right to appeal any rates or charges levied in accordance with this Ordinance. Appeals shall be directed to the Township, along with any supporting documentation for amendment of the charges in question. Any additional information that may be required to resolve the appeal, as directed by the Township, shall be obtained by the Customer at his or her expense. Resolution of appeals shall be made within sixty (60) days by the Township in accordance with best available data and this Ordinance. All bills for rates and charges outstanding during the appeals process, including all penalties or delinquency charges, shall continue to be due and payable. Upon resolution of the appeal, the Township shall, if necessary, adjust said rates and charges accordingly, including any refunds due. Refunds shall be retroactive to the previous twelve (12) months billings only.

ARTICLE 12 - POWERS AND AUTHORITY OF TOWNSHIP EMPLOYEES

Section 1. Duly authorized employees or representatives of the Township, bearing proper credentials and identification, shall be permitted to enter upon all Premises served by the System for the purpose of inspection, observation, measurement,

sampling, testing and investigation in accordance with the provision of this Ordinance.

Section 2. Duly authorized employees or representatives of the Township, bearing proper credentials and identification, shall be permitted to enter upon all Premises served by the System for the purpose of determining the presence of Cross Connections and test or inspect devices preventing Cross Connections. On request, the Customer shall furnish to the Township all pertinent information regarding the Plumbing System of the Premises. Refusal of such access or information shall be prima facie evidence of the presence of Cross Connection.

Section 3. While performing the duties in *Sections 1 and 2* above, the duly authorized employees or representatives of the Township shall observe all reasonable safety rules applicable to the Premises as established by the Customer; and as established by the Township.

ARTICLE 13 - PENALTIES

Section 1. No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the System.

Section 2. Except as provided in *Section 1* hereof, any Person found to be violating any provision of this Ordinance shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 3. Any Person who violates *Section 1*. or who shall continue any violation beyond the time limit provided for in *Section 2* shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not to exceed Five Hundred Dollars (\$500) for each violation or shall be imprisoned in the County jail for a maximum of ninety (90) days or shall be subject to both such fine and imprisonment. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 4. Any Person violating any of the provisions of this Ordinance shall become liable to the Township for any expense, including actual attorney's fees, loss, or damage occasioned by the Township by reason of such violation.

ARTICLE 14 - REPEAL

Section 1. All ordinances or parts of ordinances in conflict herewith and relating to the System are hereby repealed.

ARTICLE 15 - VALIDITY

Section 1. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts.

ARTICLE 16 - PUBLICATION AND EFFECTIVE DATE

Section 1. A true copy of this Ordinance shall be published in a newspaper of general circulation within thirty (30) days after it's adoption.

Section 2. The Township Clerk shall file or cause to be filed an attested copy of this Ordinance with the County Clerk.

Section 3. This Ordinance shall be in full force and effect thirty (30) days after its adoption and publication as provided for by law.

ARTICLE 17 - AMENDMENT

Section 1. The Township specifically reserves the right to amend this Ordinance in whole or in part, at any time hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease or otherwise modify any of the fees, charges or rates provided herein or within the Water and Sewer Fee Schedule Resolution.

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan, on March 4, 2002.