

TOWNSHIP OF BLAIR
COUNTY OF GRAND TRAVERSE

At a regular meeting of the Township Board of the Township of Blair, County of Grand Traverse, Michigan, held in the Township Hall in said Township, on Tuesday, November 13, 2007, at 6:00 p.m. Local Time.

PRESENT: Members: MARILYN FLEIS, BETTY THARP BRENDA DeKUIPER,
JOE LOWE, MICHAEL RADEMAKER & STACEY CLOUS

ABSENT: Members: ROGER ZEITS

It was moved by Member THARP and seconded by Member CLOUS that the following Ordinance be adopted.

ORDINANCE NO. 128-07

AN ORDINANCE TO ADMINISTER, REGULATE AND PROVIDE FOR CONNECTION TO AND USE OF THE BLAIR WATER SYSTEM, INSTALLATION OF SERVICE CONNECTIONS, RATES AND CHARGES FOR WATER SERVICES, CROSS CONNECTION CONTROL, AND PENALTIES FOR VIOLATION THEREOF IN THE TOWNSHIP OF BLAIR, COUNTY OF GRAND TRAVERSE, MICHIGAN.

Upon roll call vote, the vote upon the motion adopting said Ordinance was as follows:

YEAS: Members: FLEIS, THARP, DEKUIPER, LOWE, RADEMAKER and CLOUS

NAYS: Members: NONE

The Township Clerk declared the Ordinance adopted.

The following is Ordinance No. 128-07 as adopted:

ORDINANCE NO. 128-07

AN ORDINANCE TO ADMINISTER, REGULATE AND PROVIDE FOR CONNECTION TO AND USE OF THE BLAIR WATER SYSTEM, INSTALLATION OF SERVICE CONNECTIONS, RATES AND CHARGES FOR WATER SERVICES, CROSS CONNECTION CONTROL, AND PENALTIES FOR VIOLATION THEREOF IN THE TOWNSHIP OF BLAIR, COUNTY OF GRAND TRAVERSE, MICHIGAN.

THE TOWNSHIP OF BLAIR ORDAINS:

ARTICLE I

Short Title

Section 101. Short Title. This Ordinance shall be known as the "Water Connection, Use and Rate Ordinance" and may be cited as such.

ARTICLE II

Definitions

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

Section 201. "Approved" means approved by the Township Board of Trustees.

Section 202. "Availability Fee" means a charge for a portion of the cost allocable to such Premises for the water mains made directly available to the Premises for connection thereto, fire hydrants, valves, and related costs.

Section 203. "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.

Section 204. "Backflow Preventer" is a device to prevent Backflow.

Section 205. "Commercial Customer" means a Customer whose Premises are used to offer services and/or products such as retail and wholesale stores, gasoline stations, restaurants, schools, churches, hotels, motels, nursing homes, hospitals, warehouses, private clubs, theaters, and governmental buildings.

Section 206. "Commodity Fee" is a periodic charge levied on Customers on the basis of water consumption for Operation, Maintenance and Replacement Costs and debt service on debt incurred to pay for the System.

Section 207. "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 Nonpotable.

Section 208. "Contract" shall mean the Contract dated as of November 1, 1997 by and between the County of Grand Traverse, acting through its Board of Public Works and the Township, as amended from time to time.

Section 209. "County" shall mean the County of Grand Traverse acting through its Department of Public Works, which is governed by the Board of Public Works, and shall include the authorized employees and agents thereof.

Section 210. "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".

Section 211. "Customer" means the Person who owns or, subject to the limitations of Section 1112 below, leases any Premise which is connected to the Water System.

Section 212. "Fire Hydrant Fee" is the charge made by the Township to an applicant for use of Public Water from a fire hydrant. Such use, for example, would include the filling of a swimming pool.

Section 213. "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 any Person. 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.

Section 214. "Industrial Customer" means a Customer who's Premise is used for a manufacturing or process facility which is engaged in producing a product, and facilities related thereto-including offices, warehousing and research and development.

Section 215. "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 the System to cover the routine cost of inspecting the installation of a Service Connection, Service Line and Meter, approving the connection of the Service Line to a Service Connection, in the event the Township performs the Inspection.

Section 216. "Inspector" means a person authorized by the Township to inspect connection of Service Lines to Service Connections.

Section 217. "May" is permissive.

Section 218. "Meter" means an instrument for measuring the rate of flow of Public Water.

Section 219. "Miscellaneous Customer Service Fee" means an amount charged to Customers for miscellaneous services and related administrative costs associated with the Water System.

Section 220. "Nonpotable" refers to water that is not safe for human consumption or that is of questionable potability.

Section 221. "Operation, Maintenance and Replacement Costs" means 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 an amount for the replacement of the equipment and appurtenances necessary to maintain the intended performance of the Water System.

Section 222. "Person" means any individual, firm, company, association, society, corporation, or group.

Section 223. "Plumbing System" includes the water supply and distribution pipes, plumbing fixtures, and traps; soil, waste and vent pipes; Service Line, including their respective connections, devices and appurtenances and water-treating or water-using equipment; all as located within the property lines of the Premises.

Section 224. "Potable" refers to water intended for human consumption or prolonged bodily contact which is free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the applicable requirements of the Federal Drinking Water Standards and to the regulations of the Grand Traverse County Health Department and the Michigan Department of Environmental Quality.

Section 225. "Premise" means the lands included within the boundaries of a single description as set forth by the Tax ID Number and Address.

Section 226. "Public Water" is water provided by the Water System.

Section 227. "Readiness to Serve Fee" is a periodic charge levied on Customers based upon the size of a Customer's Meter for Operation, Maintenance and Replacement Costs and debt service on debt incurred to pay for the System.

Section 228. "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.

Section 229. "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 fixture, 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 inches.

Section 230. "Secondary Water Supply" means a water supply system other than public potable 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.

Section 231. "Service Connection" means the corporation stop, service lateral, and curb stop that conveys Public Water from the Township mains to the property line and/or easement line.

Section 232. "Service Connection Fee" shall mean the amount charged by the Township to an applicant for water service to cover the cost of the installation of a Service Connection.

Section 233. "Service District" shall mean the Blair Water District, a map of which is attached hereto as Appendix I.

Section 234. "Service Line" means a pipe connected to the Service Connection and extending from said connection into the Premise supplied with Public Water.

Section 235. "Shall" is mandatory.

Section 236. "Special Assessment Roll" means Special Assessment Roll Number 1 confirmed by the Township Board for Water Special Assessment District No. 1998-1.

Section 237. "Submerged Inlet" means 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.

Section 238. "Township" means the Township of Blair Board of Trustees.

Section 239. "Treasurer" means the Township Treasurer or his or her authorized deputies, assistants or agents.

Section 240. "Trunkage Fee" means a charge per Unit for a portion of the cost of Water System supply, treatment and storage facilities.

Section 241. "Unmetered Fire Protection Connection" is a pipe extending from the Water System to supply a sprinkler, yard main, or other fire protection system, which does not pass through a Meter.

Section 242. "Unmetered Fire Protection Fee" is the periodic charge to a Customer for an Unmetered Fire Protection Connection to the System.

Section 243. "Unit or Units" shall mean a standard basis of measuring the relative quantity of Potable water typically used in conjunction with the occupancy of a freestanding single-family residential dwelling (but such term shall not necessarily be related to actual use arising from any particular dwelling). A table of Unit factors listing the relative relationship between the various Users of the System shall be adopted by resolution of the Township. The assignment of Unit(s) to a particular User shall be determined from time to time by the Township, based upon available information and investigation of the use to which the User's

property is put. In the assignment of Units, the number of Units shall be rounded to the nearest whole number. The assignment of Unit(s) for any use not enumerated in the table of Unit factors adopted by the Township shall, in the sole discretion of the Township, be based upon the most similar use enumerated.

Section 244. "Water Supply Rates and Charges" shall include the Availability Fee, Service Connection Fee, Trunkage Fee, Inspection Fee, Readiness to Serve Fee, Unmetered Fire Protection Fee, Fire Hydrant Fee, Commodity Fee and Miscellaneous Customer Fee.

Section 245. "Water System" or "System" means all facilities and all subsequent additions and expansions, including wells, pumps, water treatment facilities, transmission and distribution mains, hydrants, storage tanks, Meters, Service Connections and all other facilities used or useful in the pumping, treatment, and distribution of Public Water and which in the aggregate constitute the Blair Water System.

ARTICLE III

Operation and Maintenance; Service District

Section 301. Ownership; Operation and Maintenance of System. The Water System is owned by the County, subject to the contractual rights of the Township, in accordance with the Contract. The operation, maintenance, alteration, repair and management of the Water System shall be under the supervision and control of the Township in accordance with the terms of the Contract. 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 the Township deems advisable and necessary to assure the efficient management and operation of the Water System.

Section 302. Maintenance and Repair of Service Line. The owner of a Premise is responsible for the maintenance and repair of the Plumbing System and Service Line located on said Premise.

Section 303. Public Water. Only Public Water shall be used in the Water System. No other source of water, raw or otherwise, shall be tapped into, piped into or connected into, directly or indirectly, the Water System, unless permitted under Article X.

Section 304. Right to Restrict Use of Public Water. The Township may, by resolution, regulate, limit or prohibit the use of Public Water for any purpose. Such regulations shall restrict less essential water use (e.g. lawn sprinkling and irrigation) to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for fire fighting.

Section 305. Abatement of Public Nuisance. This Ordinance shall not be construed to limit the power of the Township to order the immediate and complete abatement of a public nuisance or menace to the public health.

Section 306. Water Available Within Service District. Subject to the terms and conditions of the Contract, Public Water shall only be made available from the Water System to properties located within the Service District. The Township reserves the right to amend or expand the Service District to include additional lands, in it's sole discretion by exercise of the Township's police powers and such decision may, without limitation, be based upon any of the following considerations: the capacity of the Water System; the number of Customers currently connected to the Water System; the amount of vacant undeveloped lands contained within the Service District, the likelihood of its development and whether such lands are subject to a special assessment; the portion of remaining available capacity in the Water System needed to alleviate and avoid public health concerns in the Special Assessment District; the cost of the extension of the Water System; and the means of funding the cost of the extension of the Water System.

ARTICLE IV

Use of Public Water

Section 401. Mandatory Connection. As a matter of public health, the owners of all improved Premise in the Township which are used for human occupancy, employment, recreation or other purposes, which require the use of Potable Water and which abut any right-of-way, easement, highway, street, or public way in which there is now or hereafter located a public water main, are hereby required to connect said Premise to the Water System in accordance with this Ordinance.

Section 402. Mandatory Extension of Water System. As a matter of public health, extension of the water system shall be required for all developments created, that a general development plan is required by the Blair Township Zoning Ordinance No. 104-05 as amended or land divisions creating four (4) lots, within the Service District which are used for human occupancy, employment, recreation or other purposes, which require the use of Potable Water, Shall extended the Water System in accordance all requirements of Article VIII of this Ordinance. The owner or developer of the property shall, in addition to all requirements imposed by this Ordinance, pay all expenses of the extension of the Water System.

Section 403. Connection Deadline. As a matter of public health, a connection to the Public Water System required hereunder, shall be completed with respect to existing improved Premise upon the failure of the existing water well. The existing water well, shall be considered to have failed for this purpose if a new water well needs to be drilled in order to provide an adequate supply of Potable water to the Premise. Should an existing water well fail and the premise is required to connect to the public water system. Once connected to the public water system the failed well shall be classified as abandoned and properly plugged in accordance with the Michigan Water Well Construction and Pump Installation Code, part 127, Act 368 of the Public Acts of 1978 or the failed potable well can be permitted in accordance with Section 406 as a non-potable well. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Persons who fail to complete a required connection to the Public Water System shall be liable for a civil penalty equal in amount to the Readiness to Serve Fee and

Commodity Fee that would have accrued based upon reasonably expected water usage and been payable had the connection been made when and as required.

Section 404. Enforcement in the Event of a Failure to Connect. In the event a required connection to the Water System is not made at the time required by Section 403, the Township shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the available Water System and shall advise the owner of the affected premise of the requirement and enforcement provisions provided by Township ordinance. In the event the required connection is not made within 30 days after the date of mailing or posting of the written notice, the Township may bring an action in a court of competent jurisdiction for a mandatory injunction or court order to compel the premise owner to immediately connect the affected premise to the Water System.

Section 405. Voluntary Extension of and Connection to Water System in Service District. The owner of an improved Premises, within the Service District, but not located adjacent to a public water main (within the meaning of Section 401), may elect to extend the Water System with respect to the affected premise in accordance with Section 801 and connect thereto. The owner of the property in this circumstance shall, in addition to all requirements imposed by this Ordinance, pay all expenses of the extension of the Water System.

Section 406. Private Water Wells Permitted Only for Non-Drinking Water Purposes. If Public Water is available to a Premise within the meaning of Section 401, the owner of the Premise shall not drill a new water well for drinking purposes but may drill a new water well for non-potable use. After a Premises is connected to the Water System, the existing private water well shall either (i) be capped and abandoned in accordance with applicable county and state requirements or (ii) maintained for non-potable use. If the premise desires a well for non-potable purposes a new or existing well shall be permitted through the Township and the premise will be required to pay all applicable fees associated with a non-portable well per the Township rate structure. The premise will be responsible for proper maintenance of their permitted non-potable well. For purposes of this section, permissible non-potable uses include lawn watering, irrigation, automobile or equipment washing, use in a building's heating or cooling system and similar uses not involving human consumption or prolonged bodily contact. All fixtures connected to a private water well maintained for non-potable use shall be located outside of structures intended for human occupancy, employment, recreation or similar purposes. In addition, piping connected to a private water well shall be physically and completely separated from all plumbing used for Public Water in accordance with Article X of this Ordinance.

ARTICLE V

Connection Procedures

Section 501. Permit. Service Connections shall be installed only at the Customer's expense by the Township or by a contractor approved by the Township and only after approval of the permit application by the Township. Prior to the installation of a new Service Connection or construction in the public right-of-way by an Approved contractor, shall furnish or have on file with the Township an acceptable certificate of insurance which indemnifies the Township and its authorized representatives from any loss resulting from said installation or construction. Provision of such insurance certificate shall not limit liability of the Customer and/or Contractor for damage to the System or other public or private property.

Section 502. Application for Permit; Payment of Fees. Prior to the connection of a Service Line to a Service Connection, a prospective customer or the customer's contractor, must file a permit application on a form supplied by the Township. The application must be accompanied by payment of the fees set forth in Section 1104 and such other charges or deposits required by the Ordinance.

Section 503. Installation of Service Lines. All Service Lines shall be installed in an approved manner at the Customer's expense. The Plumbing System in or on the Premise in connection therewith must conform in character, design and quality to the law of the State of Michigan and the State Plumbing Code, or as modified by Section 504.

Section 504. Specifications. All Service Connections and Service Lines shall be of Type "K" copper up to 2 (two) inches. For service lines over 2 (two) inches they must be ductile iron pipe that complies with the State of Michigan, and the State Plumbing Code. No Service Connection or Service Line less than 1 (one) inch in diameter will be permitted.

Section 505. Minimum Depth. All Service Connections and Service Lines must be laid on solid ground not less than six feet below finished grade and all components of the Service Connection and the Service Line must be left uncovered until the installation is inspected by the Township or its authorized representative.

Section 506. No Obstruction of System Components. No Person shall obstruct or interfere in any way with any Service Connection or other appurtenance of the System, including Meters, by placing in, on or about said Service Connection, Meter, or other appurtenance, building materials, rubbish, shrubbery, flowers, or otherwise hindering the easy and free access thereto.

Section 507. Repair and Thawing of Service Lines. 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 508. Discontinuation of Service. 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 509. Multiple Connections. A single service connection shall not serve more than one (1) residential premise or single dwelling unit unless approved by the Township, even though the ownership of the adjacent Premise may be the same; provided, however, in the event a single residential premise has an accessory (i.e. garage, pole or agriculture) building, the accessory building may be served by the same service line and meter that is serving the residential building, provided the accessory building is not used for Commercial or Industrial purposes. No Commercial or Industrial Premise with multiple buildings may use a single Service Line and Meter on more than one (1) building unless approved by the Township, and provided the Trunkage Fee based on square footage and use is paid on the additional building(s). After any change in use or ownership, the Township may require additional Trunkage Fees and/or a separate service line and meter be installed. Any multiple building connections must have proper back flow prevention installed.

Section 510. Excavation. 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.

Section 511. Public Right of Way. It shall be the obligation of the Customer (or the Customer's approved contractor) to obtain all required permits from the Grand Traverse County Road Commission or the Michigan Department of Transportation prior to working in a county road or state highway right of way.

ARTICLE VI

Meters

Section 601. Use and Installation of Meters. The Public Water used by a Customer shall be metered. Each Customer shall, at the Customer's expense, purchase and install a meter, readout, meter horn and valves. The Meter will be tested and maintained by the Township at the Customer's expense and shall remain the property of and under control of the Township.

Section 602. Size; Specification. Meters for ordinary domestic service shall be of 5/8 inch x 3/4 inch size. Each Meter shall contain remote readouts. A separate valve the same size as the Service Line 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 an Industrial Customer, a Commercial Customer, multiple dwelling use or a residential customer with an irrigation system.

Section 603. Accessible Location. Meters shall be set in an accessible inside location and in a manner approved by the Township. The Township may allow outside meter pits, if the water service is for irrigation purposes only.

Section 604. Access to Meter. The Township shall have the right to shut off the Public Water to any Customer if 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 605. Damages to Meter. Any damages to a Meter resulting from 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 for by the Customer as a Miscellaneous Customer Fee upon presentation of the bill therefore.

Section 606. Failure of Meter. If any Meter shall fail to register properly, the Township shall estimate the consumption of Public Water and bill accordingly.

Section 607. Accuracy of Meter. A Meter shall be considered accurate if when tested it registers neither 2% more than nor 2% less than the actual quantity of Public Water passing through it. If a Meter registers in excess of 2% more than the actual quantity of Public Water passing through it, it shall be considered "fast" to that extent. If a Meter registers in excess of 2% less than the actual quantity of Public Water passing through it, it shall be considered "slow" to that extent.

Section 608. Corrected Billings. If a Meter has been tested and is determined to register "fast" the Township shall credit the Customer with a sum equal to the percentage "fast" multiplied by the amount of the Commodity Fee incurred by said Customer within the six months prior to the test. If a Meter so tested is determined to register "slow" the Township may collect from the Customer a sum equal to the percentage found "slow" multiplied by the amount of the Commodity Fee incurred by the Customer within the six months prior to the test.

Section 609. Lockable By-Pass. An approved lockable by-pass shall be installed on each meter larger than 1 inch. size.

ARTICLE VII

Fire Hydrants

Section 701. Use of Fire Hydrants; Fire Hydrant Fee. No Person shall open or cause to be opened any fire hydrant except for authorized representatives 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 Fire Hydrant Fee in the amount established from time to time by resolution of the Township Board. Application for said permit shall be made on a form supplied by the Township. Authorized representatives of the Township shall turn the hydrant on and off and

install a portable Meter and Backflow Preventer to measure the volume of water used. If the Fire Hydrant Fee is insufficient to cover the labor costs and the Commodity Fee charged for the metered volume, the permit holder shall pay the difference.

Section 702. No Obstruction of Hydrants. 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 fifteen (15) 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 as a Miscellaneous Customer Fee.

Section 703. Access Easements. All fire hydrants installed on private property shall be dedicated to the Township together with an access easement with a minimum width of 20 feet centered on the hydrant service lead.

ARTICLE VIII

Water Main Extensions

Section 801. Requirements for Extensions. Extension of or changes in the Water System may be initiated by the Township or by written request, including petitions, from property owners. The Township may grant the petition, in its discretion, and 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. As a condition of granting the petition, the petitioners must pay, in addition to all other charges imposed on new connections under this ordinance, a fee to cover the actual cost (or proportion of cost) of extending the water main along the entire frontage of the Premises, from property line to property line, improving the transmission and supply system, or making other changes necessary to accommodate the extension and new connection. All extensions of the Water System shall be dedicated to the Township, at no cost to the Township, following completion of the extension in compliance with Township specifications. The specifications for materials and construction shall be the current approved Township standards.

Section 802. Extension Agreements. The Township shall have the authority to negotiate agreements for extensions of the Water System with landowners, developers and other municipalities, which agreements may take into consideration questions of demand, benefit, capacity, necessity, timing and funding and may provide for construction advances, prepayment of rates and charges, pay back arrangements of up to 15 years and similar matters.

Section 803. All improvements placed over water main or water service lines shall be the responsibility of the owner of the property to restore in the event of any leakage that occurs under the improvements.

Section 804 The Township shall be granted a minimum twenty (20) foot easement for any water main not in a public Utility Easement.

Section 805. Policy Statement It shall be the policy of the Township that the developer of projects connecting to the Township's water system, shall be required to pay Trunkage Fees, as defined by the Blair Township Water Ordinance, due to the township prior to the commencement of construction of any and all water main extensions by the developer. Trunkage fees may be paid in full prior to construction in accordance with the current trunkage fee or a partial payment of one thousand dollars (\$1000.) per REU may be paid prior to commencement of construction, with the balance of the Trunkage Fee to be paid in full prior to the issuance of a land use permit by the township. The deferred balance of the trunkage fee due prior to issuance of a land use permit shall be at the existing Trunkage Fee rate in effect at the time of issuance of land use permit.

Section 806 If the Township decides that it is in the best interest of the Township, it may waive, alter, or modify this policy.

ARTICLE IX

System Use

Section 901. Authorized Representatives. No Person other than an authorized representative of the Township shall turn on or off any Service Connection without the written permission of the Township.

Section 902. Prohibited Activities. 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 the Water System or take or run Public Water from the lines of the System without complying with all the provisions of this Ordinance.

Section 903. Township Right to Stop Service; Emergencies. The Township may stop service to any Customer at any time for any reason, including repairs to the System, construction of extensions or accident. All Customers which have facilities which depend upon pressure from the main to keep them filled are hereby put on notice of the danger of collapse. The Township shall give reasonable notice except during emergencies and conditions of imminent hazard and will, so far as practical, use reasonable efforts to prevent inconvenience and damage in the event of a stoppage of service. The Township shall not be responsible or liable in damage for any inconvenience, injury or loss 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 904. Leaking Service Line. 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 at the expense of the Customer.

Section 905. No Tampering; Liability. No Person, except an authorized representative 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 Public Water caused thereby and shall be responsible for any damage caused by escaping water.

ARTICLE X

Cross-Connections

Section 1001. Rules. The Township adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality, being R 325.11401 to R 325.11407 of the Michigan Administrative Code, as now or hereafter amended.

Section 1002. Control Program. The Township shall develop a comprehensive control program for the prevention of all Cross Connections. The plan for the program shall be submitted to the Michigan Department of Environmental Quality for review and approval. After the plan has been approved by the Michigan Department of Environmental Quality, the Township shall implement the program for prevention of all future Cross Connections.

Section 1003. Cross Connection Devices. All devices for the prevention of Cross Connection shall be approved by the Township. The devices shall be installed and maintained in good working condition at the Customer's expense. The Township will inspect, routinely, such devices and testing will be performed on regular intervals by a certified Back Flow prevention device technician at the Customer's expense. If found to be defective or inoperative, the Customer shall be responsible for the expense of replacement.

Section 1004. Township Approval Required. 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, and charge the cost thereof as a Miscellaneous Customer Fee.

Section 1005. Secondary Water Supply. 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 installed that it is impossible to trace in its entirety, it shall be considered a Cross Connection.

Section 1006. Private Water Storage Tank. A private water storage tank supplied from the Water System shall be deemed a Secondary Water Supply unless it is approved by the Township.

Section 1007. Maintenance. 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 1008. Testing and Inspection. 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 year, and overhaul intervals should not exceed five 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. Certified testing of a Reduced Pressure Principle Back Flow Preventer is required by a licensed plumber at the Customer's expense on an approved frequency. Records of the test as well as records of repair shall be provided to the Township by the Customer.

Section 1009. Discontinuation of Service Due to Cross Connection. The Township is hereby authorized to discontinue water service after reasonable notice to any Premise where a Cross Connection or unapproved Back Flow Preventer 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 premise shall not be restored until such Cross Connection has been eliminated and the Customer pays a turn-on charge as a Miscellaneous Customer Fee.

Section 1010. Health Hazard. 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 XI

Water Supply Rates and Charges

Section 1101. Public Utility Basis. The System shall, as far as possible, be operated by the Township on a public utility basis as authorized by state law, including Act 94 of the Public Acts of Michigan of 1933, as amended. The System shall be operated on the same fiscal year as that of the Township. The rates to be fixed shall be sufficient to provide for Operation, Maintenance and Replacement Costs of the Water System as are necessary to preserve the same in good repair and working order and to pay debt service on debt incurred to pay for the System. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts. An annual budget shall be prepared for the System. Based on this budget, rates for water services shall be reviewed annually and revised as necessary to meet Water System expenses.

Section 1102. Readiness to Serve Fee. Customers shall pay a Readiness to Serve Fee based on the size of the meter applicable to the Premises, to be paid periodically in arrears at the rate and frequency established by resolution of the Township from time to time. In lieu of the foregoing, the Township shall have the discretion to establish by resolution from time to time a Readiness to Serve Fee on a per Unit basis with a minimum assignment of one Unit per Customer.

Section 1103. Commodity Fee. Customers shall pay a Commodity Fee based on metered water service, to be paid periodically in arrears, at the rate and frequency established by resolution of the Township from time to time. At the discretion of the Township, the Commodity Fee may contain a separately itemized component for the cost of Township compliance with the Safe Drinking Water Act and other applicable governmental mandates. In lieu of the foregoing, the Township shall have the discretion to establish by resolution from time to time a Commodity Fee on a per Unit basis with a minimum assignment of one Unit per Customer.

Section 1104. Connection Charges. The owner of a Premise who applies for connection of the Service Line to the System shall pay the following fees at the time of filing a permit application in accordance with Section 502:

(a) Availability Fee. An Availability Fee which shall be based upon the frontage of the Premise upon a public street or right of way improved by the installation of a water main determined in accordance with the following:

(i) The Availability Fee shall be a rate per front foot which shall be established from time to time by resolution of the Township and which may vary based upon zoning and water main diameter, it being hereby determined that properties zoned for commercial and industrial use receive a greater fire protection benefit from the Water System.

(ii) The front footage for Premises located in a platted subdivision shall be averaged for purposes of applying the Availability Fee. The Township Assessor shall compute and maintain on file the average front footage for each subdivision in the Service District.

(iii) Corner lots which have frontage on two or more public streets or rights of way improved by the installation of a water main are considered to “front”

on either the side of the lot improved by a drive, if any, or the side of the lot which fronts on the primary road and shall receive a reduction in the amount of front feet on the “side” of the lot subject to the Availability Fee equal to:

(A) the front feet on the “side” of the lot up to a maximum of 200 feet, for a lot with two sides served by public water; or

(B) the front feet on the shortest two “sides” of the lot up to a maximum of 400 feet for a lot with three sides served by public water.

(b) Trunkage Fee. A Trunkage Fee which shall be a rate per Unit established from time to time by resolution of the Township, with a minimum assignment of one Unit per Premise. Trunkage Fees shall be paid in full at time of permit issuance or may be deferred if allowed per Section 1116.

(c) Service Connection Fee. A Service Connection Fee which shall be a rate per Service Connection installed by the Township, as established from time to time by resolution of the Township. If the Township does not install the Service Connection, no Service Connection Fee shall be payable and the applicant shall be responsible for all costs of installing a Service Connection in the manner provided by Article V, including restoration.

(d) Inspection Fee. An Inspection Fee which shall be established from time to time by resolution of the Township.

(e) Credit. Premises located in a special assessment district established by the Township to finance the Water System (or a portion thereof) and subject to a “full special assessment” on the respective special assessment roll shall receive full credit towards payment of the Availability Fee, Trunkage Fee and Service Connection Fee provided, however, that such credit shall not result in a full or partial refund of the special assessment paid or payable pursuant to the special assessment roll. For purposes of this section, a “full special assessment” shall be deemed to be a special assessment levied by the Township and comprised of components related to the costs which are intended to be offset by the Availability Fee, Trunkage Fee and Service Connection Fee. In addition, Premises located in the Brentwood, Meadow Wood Manor and Ramblewood subdivisions and subject to a \$1,200 special assessment for “Service Line/Meter” shall receive full credit towards the Inspection Fee and the purchase and installation of the Meter.

(f) Change in Use. The Township reserves the right to charge an additional Availability Fee, Trunkage Fee and Service Connection Fee for Premises for which there has been a lot split, a change in use of all or part of the Premise to a more intensive use (which results in the assignment of additional Units by the Township to the Premise) or for which an Availability Fee was not charged, regardless of the reason, for the entire eligible frontage of the Premise.

- (g) Repair and Replacement of Service Connection. In the event the connection of a Service Line to a Service Connection for a Premise for which a Trunkage Fee has been paid is repaired, revised or replaced, no additional Trunkage Fee shall be payable provided that an increase in the utilization by said Premise of the Water System does not occur as a result of said repair, revision or replacement. An additional Inspection Fee may be payable as a result of said repair, revision or replacement, depending upon the circumstances.

Section 1105. Unmetered Fire Protection Fee. Customers who have an Unmetered Fire Protection Connection shall pay a quarterly Unmetered Fire Protection Fee established by resolution of the Township from time to time.

Section 1106. Fire Hydrants. Unmetered public fire hydrants will be maintained at the expense of the System.

Section 1107. Miscellaneous Customer Service Fee. The Township shall, from time to time, charge a Miscellaneous Customer Fee, as necessary, for miscellaneous services, repairs and related administrative costs associated with the Water System, including without limitation, excessive inspection services not covered by the Inspection Fee and services to turn water service on and off. The Customer shall be charged a fee established by resolution of the Township from time to time whenever the Township is requested by the Customer to turn on or off water 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.

Section 1108. Billing and Collection. It shall be the duty of the Township Treasurer to bill and collect all Water Supply Rates and Charges. The Treasurer shall mail or cause to be mailed to each Customer a bill on or before the 1st day of the billing period. The bill shall separately itemize the Water Supply Rates and Charges payable. The frequency of the billing period and the due date of the bill shall be established by resolution of the Township from time to time. Payment of said bill shall be made at a location designated by the Township.

Section 1109. Late Payments. If Water Rates and Charges are not paid on or before the due date then a time differential percentage amount established from time to time by resolution of the Township shall be charged on the unpaid balance.

Section 1110. Township Remedies. If Water Supply Rates and Charges are not paid on or before the due date, the Township, pursuant to Act 178 of the Public Acts of Michigan 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 time price differential, 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 time price differential, penalties, interest and reasonable attorney fees; or (iii) enforce the lien created in Section 1111

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 actions taken by the Township to collect unpaid Water Supply Rates and Charges, time price differential, penalties and interest, invalidate or waive the lien created by Section 1111 below.

Section 1111. Lien; Assessment of Delinquent Rates and Charges on Tax Roll. The Water Supply Rates and Charges shall be a lien on the respective Premise served by the System. Whenever Water Supply Rates and Charges shall be unpaid for ninety (90) days or more, they shall be considered delinquent. The Treasurer shall certify annually all delinquent Water Supply Rates and Charges and time price differential thereon, together with an additional amount equal to a percentage amount established from time to time by resolution of the Township of the aggregate amount delinquent, on or before a date each year established from time to time by resolution of the Township to the tax-assessing officer of the Township, who shall enter the delinquent Water Rates and Charges, time differential, interest and penalties upon the next tax roll as a charge against the Premise affected and such charge shall be collected and the lien thereon enforced in the same manner as ad valorem property taxes levied against such Premise.

Section 1112. Leased Premises; Security Deposit. A lien shall not attach for Water Supply Rates and Charges to a Premise which is (a) separately metered and (b) subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the Premise or a dwelling unit thereon shall be liable for payment of Water Supply Rates and Charges, effective for services which accrue after the date an affidavit is filed by the landlord with the Township. This affidavit shall include the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the Township 20 days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit in the amount an average water bill for three months for a dwelling unit. A larger security deposit may be required by the Township Treasurer for Commercial Customers and Industrial Customers. Upon the failure of the tenant to pay the Water Supply Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including time price differential, interest and penalties. Upon notification by the Township, the tenant shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten (10) days of said notification, the penalties, rights and remedies set forth in Section 1110 of this Article shall be applicable with respect to the unpaid Water Supply Rates and Charges, including time price differential, interest and penalties. The security deposit shall be held by the Township without interest and shall be returned to the landlord upon proof of termination of the lease.

Section 1113. No Free Service. Except as otherwise authorized by the Township, or in the case of emergency services, no free service shall be furnished by the system to any person public or private, or to any public agency or instrumentality.

Section 1114. Cause for Disconnection. Applications for connection permits may be canceled or denied 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 Water Supply Rates and Charges.
- (c) Improper or imperfect connection 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.

Section 1115. Turn on Following Disconnection; Security Deposit. If the water service supplied to a Customer has been discontinued for nonpayment of Water Supply Rates and Charges, service shall not be reestablished until all delinquent Water Supply Rates and Charges, including time price differential, interest and penalties, and the turn-on charge has been paid. The Township reserves the right as a condition to reconnect said service to request that a nominal sum of at least three months average dwelling unit water bill be placed on deposit with the Township for the purpose of establishing or maintaining any Customer's credit. A larger security deposit may be required by the Township Treasurer for Commercial Customers and Industrial Customers or large residential water users. Said deposit shall not be considered in lieu of any future billing for Water Supply Rates and Charges. Upon the failure of the Customer to pay the Water Supply Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including time price differential, interest and penalties. Upon notification by the Township, the Customer shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon the failure of the Customer to do so within ten (10) days of said notification, the penalties, rights and remedies set forth in Sections 1110 and 1111 of this Article shall be applicable with respect to the unpaid Water Supply Rates and Charges, including time price differential, interest and penalties. The security deposit shall be held by the Township without interest and shall be returned at the Customer's request upon continued timely payments by the Customer of all Water Supply Rates and Charges as and when due, for a minimum of 4 successive quarterly billing periods.

Section 1116 Where trunkage fees imposed for a single permit exceed five (5) residential equivalents, the Township may upon written application by the Premise made before payment of the trunkage fee or issuance of the permit, defer payment under the terms and conditions set forth herein if the Township determines, in its sole discretion, that deferral will adequately protect the financial position of the Township and is in the public interest. The Applicant shall, at the time of application and at all times thereafter, with respect to the premises to be serviced by the water connection, be in compliance with all applicable Ordinances of the Township.

- (a) Deferral

The deferral shall be made pursuant to a written Application executed by or on behalf of the owner of the premises for which a water permit is requested. If approved by the Township the permit requested shall be issued upon the condition, which shall be noted on the permit, that payment has been deferred by the Township. The Township may

require such evidence of ownership of the real estate and the authority of the signers to bind the owner as it shall deem necessary. Execution and delivery of the Application shall represent the agreement of the owner of the terms of the deferral described herein and as approved by the Township.

(b) Down Payment

The deferral of payment shall require the payment of twenty percent (20%) of the amount of trunkage charges imposed with respect to the permit at the time of issuance of the permit.

(c) Payment of Installments

The balance of the trunkage charges shall be paid over four years in equal installments of principal with interest as provided in the Agreement. The payment interval shall be the same interval employed by the Township for regular water charges and, if the Township elects, the deferral payments may be set forth on the same bill as regular water charges and shall be due the same day. If a special billing is used, the special bill shall be due thirty (30) days from date of billings. The first payment shall incorporate interest on the unpaid balance between the date of execution of the Agreement and the first billing of regular water charges, and may be irregular in amount. The first such payment shall be due on the earlier of the first regular water billing date following issuance of the permit or one year from the date of issuance. The remainder of the payments shall be uniform and sufficient to amortize the balance including interest during the term of the deferral.

(d) Interest

The balance of deferred payments shall accrue interest at the rate of one percent (1%) above the current water system bond rate per annum beginning on the date of execution and delivery of the Deferral Agreement. All payments of the deferred amount shall be applied first to interest and then to principal.

(e) Prepayment

Prepayment of the balance due following full payment of interest charges may be made with any regular payment but the amount of regular installments will not be changed until final payment.

(f) Enforcement

The deferred trunkage charges are under the Provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended and are a lien on all premises with respect to which the permit was issued. In the event any installment of principal or interest on the deferred amount is due and unpaid at the time the next succeeding bill for regular charges is rendered, the entire balance of principal and interest remaining unpaid shall become immediately due and payable without further action or notice by any party and shall be billed as a regular charge and if it remains unpaid shall be collected in the same manner as general Township taxes. Any expense incurred by the Township in the collection of past due deferred charges may be billed and shall be paid as additional regular charges.

(g) Early Termination

In the event that subsequent to approval of the deferral the premises to be served or being served by the water connection shall cease to comply with applicable Ordinances of the Township, including but not limited to this Ordinance, the Sewer Use Ordinance, the Sewer Construction Ordinance, the Township Zoning Ordinance, or the Township Land Division Ordinance, the Township may give written notice to the owner to cure the non-compliance and, if, thirty (30) days after mailing of notice cure to the property address used for billing, the owner or person in control of the premises shall fail to cure the non-compliance, the Township may terminate this Agreement without further notice. Provided, however, that the owner or person in control of the premises shall have the right to a hearing before the Township or officer designated by the Township if a written request therefore is made before expiration of the thirty-day cure period.

(h) Township Expenses

All expenses of the Township incurred in connection with the Application or deferral including fees of council, and out-of-pocket fees for abstracts, UCC searches, certificates, recording, and the like shall be billed to and paid by the owner of the premises within thirty (30) days of billing therefore. Submission of an Application for a deferral shall be deemed the owner's undertaking to pay the expenses described in the paragraph.

ARTICLE XII

REVENUES

Section 1201. Revenues; Depository. The revenues of the Water System derived from the collection of Water Supply Rates and Charges, including time price differential, interest and penalties shall be set aside, as collected, and deposited in a separate depository account in a bank duly qualified to do business in Michigan, in an account to be designated BLAIR WATER SYSTEM RECEIVING FUND (the "Receiving Fund") and said revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the time hereafter specified:

(a) Operation and Maintenance Fund. Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a separate account, designated "Operation and Maintenance Fund," a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

(b) Contract Payment Fund. There shall next be established and maintained a separate depository account, to be designated "Contract Payment Fund," which shall be used solely for the payment of the Township's obligations (i) to the County pursuant to the Contract and (ii) to Cherryland Electric Cooperative in accordance with a certain Installment Purchase Agreement. All collections of special assessments from the Special Assessment Roll shall be deposited into the Contract Payment Fund. In addition, there

shall be deposited in the Contract Payment each quarter, after requirements of the Operation and Maintenance Fund have been met, such sums from the collections of Water Supply Rates and Charges as are necessary to provide funds which, taken together with collections of special assessments then on deposit, will be sufficient to pay when due the afore stated Township obligations to the County and Cherryland Electric Cooperative. Should the revenues of the System prove insufficient for this purpose, such revenues may be supplemented by any other funds of the Township legally available for such purpose.

(c) Replacement Fund. There shall next be established and maintained a separate account, designated "Replacement Fund," which shall be used solely for the purpose of making major repairs and replacements of the Water System if needed. There shall be set aside into said fund, after provision has been made for the Operation and Maintenance Fund and the Contract Payment Fund, such revenues as the Township shall deem necessary for this purpose.

(d) Improvement Fund. There shall next be established and maintained a separate account, designated Improvement Fund for the purpose of making improvements, extension and enlargements to the Water System. There shall be deposited into said fund, after providing for the Operation and Maintenance Fund, the Contract Payment Fund and the Replacement Fund, such revenues as the Township shall determine.

(e) Payback Payments. Notwithstanding, the foregoing, revenues from Availability Fees and/or Trunkage Fees (or portions thereof) payable in part or in whole as payback payments pursuant to a payback agreement approved by the Township pursuant to which a landowner, developer or other municipality has advanced all or a portion of the cost of construction of an extension of the Water System shall be set aside in a separately designated subaccount of the Receiving Fund and held therein until due in accordance with the terms of the payback agreement.

(f) Surplus Moneys. Moneys remaining in the Receiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the Township, be transferred to the Improvement Fund or used in connection with any other project of the Township reasonably related to the Water System.

(g) Bank Accounts. With the exception of the Contract Payment Fund, all moneys belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the Township within this single bank account, in the manner above set forth.

Section 1202. Transfer of Funds. In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any moneys and/or securities in other funds of the System, except sums in the Contract Payment Fund derived from special assessment collections or tax levies, shall be transferred to the Operation and Maintenance Fund, to the extent of any deficit therein and these monies shall be replaced in the next operating year. User charges shall then be adjusted to the extent that such transfers are required.

Section 1203. Investment of Funds. Moneys in any fund or account established by the provisions of this Ordinance may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Act 94, Public Acts of Michigan, 1933, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

ARTICLE XIII

Powers and Authority of County and Township Employees or Representatives

Section 1301. County and Township Representatives. Duly authorized employees or representatives of the County or the Township, bearing proper credentials and identification, shall be permitted to enter upon all Premises at all reasonable hours served by the System for the purpose of meter reading, inspection, observation, measurement, sampling, testing and emergency repairs in accordance with the provisions of this Ordinance.

Section 1302. Inspection of Plumbing System. Duly authorized employees or representatives of the County or 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 County or the Township all pertinent information regarding the Plumbing System of the Premise. Refusal of such access or information shall be prima facie evidence of the presence of Cross Connection.

Section 1303. Customer Safety Rules. While performing the duties in Sections 1301 and 1302 above, the duly authorized employees or representatives of the County or the Township shall observe all reasonable safety rules applicable to the Premise established by the Customer.

Section 1304. Appeals. In order that the 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 this Ordinance, the Township shall consider appeals with respect to matters concerning the Water System and determine, in particular cases, whether any deviation from strict enforcement, will violate the intent of the Ordinance or jeopardize the public health or safety.

ARTICLE XIV

Penalties

Section 1401. Destruction of System. 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 or connect or disconnect any Service Line to any Service Connection.

Section 1402. Notice of Violation. Except for those violations provided in Section 1401 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 1403. Civil Infraction. Any violation of Section 1401, or any violation beyond the time limit provided for in Section 1402, or any other violation of this Ordinance shall be a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses incurred by the Township including attorneys fees. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for the first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense. Any person violating any of the provisions of this Ordinance shall, in addition, become liable for any expense, loss, or damage occasioned by reason of such violation.

Section 1404. Nuisance. Any nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The Township, in the furtherance of the public health is hereby empowered to make all necessary repairs or may enforce the requirements of this Ordinance by injunction, or take other corrective action necessitated by such nuisance or violation, including but not limited to a civil action for damages and/or injunctive relief. The Person who violated the Ordinance or permitted such nuisance or violation to occur shall be responsible to the Township for the costs and expenses incurred by the Township in making such repairs or taking such action, including attorney fees.

Section 1405. Liability for Ordinance Violations. Any Person violating any of the provisions of this Ordinance shall become liable to the Township and its representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the Township by reason of such violation.

Section 1406. Remedies Cumulative. The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive.

ARTICLE XV

Validity

Section 1501. Severability. 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.

Section 1502. State or Federal Law. If any provision of applicable state or federal law imposes greater restrictions than are set forth in this Ordinance then the provisions of such state or federal law shall control.

ARTICLE XVI

Publication and Effective Date

Section 1601. Publication. This Ordinance or a summary thereof shall be published in The Traverse City Record Eagle, a newspaper of general circulation in the Township qualified under State law to publish legal notices, within thirty (30) days after its adoption, and shall be recorded in the Township Record of Ordinances and such recording authenticated by the signatures of the Supervisor and the Township Clerk.

Section 1602. Effective Date. This Ordinance shall become effective thirty (30) days following the publication of the Ordinance or a summary thereof.

ARTICLE XVII

Amendment

Section 1701. Amendments. Subject to the terms and conditions of the Contract, the Township specifically reserves the right to amend this Ordinance in whole or in part, at one or more times 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 herein provided.

Section 1702. Review of Water Supply Rates and Charges. The Township shall, as often as shall be necessary, and at least annually beginning in the Township's fiscal year ending December 31, 1999, review all Water Supply Rates and Charges and increase or decrease such Water Supply Rates and Charges, or any of them, so that such Water Supply Rates and Charges shall be adequate for expenses they are intended to defray, plus reasonable amounts for contingencies and reserves.

Passed and adopted by the Township Board of the Township of Blair, County of Grand Traverse, Michigan, on November 13, 2007, and approved by me on November xx, 2007.

Marilyn Fleis, Supervisor
Township of Blair

ATTEST:

Betty Tharp, Township Clerk

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Blair, County of Grand Traverse, State of Michigan, at a regular meeting held on November 13, 2007, and that public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267 of Public Acts of Michigan of 1976, as amended including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

Betty Tharp
Township Clerk

CERTIFICATE OF PUBLICATION

I, Betty Tharp, Township Clerk of the Township of Blair, County of Grand Traverse, State of Michigan, hereby certify that the Water Connection, Use and Rate Ordinance (Township Ordinance No. 116) or a summary thereof was published in The Traverse City Record Eagle on _____, 2007.

Betty Tharp
Township Clerk