

*BRILEY  
TOWNSHIP  
WATER  
ORDINANCE*

08/10/98

# Briley Township Water Ordinance

**ADOPTED:**

November 2, 1983

**EFFECTIVE:**

November 2, 1983

**REVISED:**

February 6, 1989

July 4, 1994

February 6, 1997

July 13, 1998

August 10, 1998

*An Ordinance to regulate the sale and distribution of the water from the water supply system of Briley Township, Montmorency County, Michigan.*

**THE TOWNSHIP OF BRILEY, MONTMORENCY COUNTY, MICHIGAN ORDAINS:**

**ARTICLE I**

**Section I. - General**

Every consumer of water, every owner, occupant, or person in possession, charge or control of any building, structure or premises having service from or through the Briley Township Water Supply System shall be governed by and be subject to the provisions of this ordinance and also such other rules and regulations governing or concerning the use of water as may from time to time be adopted and approved by the Township of Briley.

**Section II - Terms and definitions**

Service A service is that part of the water system between the public water main and the meter which determines the amount of water used by the consumer.

Service Pipe Service pipe is the pipe which connects the water main with the water meter.

Superintendent of Water Supply The Superintendent shall be such person as is so designated by the Township Board.

Premises Premises shall mean any single or multiple dwelling, office, store, building, etc. together with the land connected with it, and all outbuildings.

Plumbing Plumbing shall be defined as set forth in the rules and regulations of the State Board of Health.

Water Main Water Main shall mean all pipes, except service pipes, used for the conveyance or distribution of water.

Established Street Grade Established street grade shall mean the grade of the street for future improvement as determined by the Montmorency County Road Commission or State Highway Department.

Meter Meter shall mean the device used for measuring the amount of water passing through the service.

Curb Stop Curb stop shall mean the valve placed approximately on the street line for the purpose of shutting off the supply of water in the service pipe.

Street Portion The street portion of the service is that part of the service lying between the public water main and the curb stop located approximately on the street line.

Customers'/Consumers' Portion The customers'/consumers' portion of the service is that part of the service lying between the curb stop and the customers' water meter.

Valve and Waste Valve with waste is defined as a valve so constructed that it allows all water above it to escape through an aperture upon closing.

Corporation Cock A corporation cock is the valve placed at the junction of the water main and the service pipe.

Department Department shall mean the Department of Public Works of the Township of Briley.

Owner The owner shall mean any person, firm or corporation owning any premises supplied or to be supplied with water from the public water system.

Meter Well Meter well shall mean a vault constructed to contain the meter and to protect it from damage.

Board Board shall mean the Board of Trustees of the Township of Briley.

Service Box Service box shall mean the cast iron extension placed above the curb stop.

Contaminated Area

1. Any area, place, or property where a hazardous substance in excess of the concentrations which satisfy the requirements of section 20120a(1)(a) or (17) or the cleanup criteria for unrestricted residential use under part 213 has been released, deposited, disposed of, or otherwise comes to be located. It does not include any area, place, or property at which response activities have been completed which satisfy the cleanup criteria for the residential category provided for in section 20120a(1)(a) and (17) or at which corrective action has been completed under part 213 which satisfies the cleanup criteria for unrestricted residential use.

2. That area determined by the Township Board to pose an unacceptable risk to the environment or public health, safety or welfare as a result of the presence of hazardous substances. The Board may change the boundaries of said area as is necessary for the health and welfare of the Township residents. The area shall be identified by a map attached hereto and made a part hereof.

**Section III - Application for Service**

When the installation of water service is desired from the Township of Briley Water Supply System for any building, structure or premises and before any service pipe is laid or any connection made with any main of the Township of Briley Water Supply System an application in writing shall first be made to the Superintendent of Public Works. Such application shall set forth the true legal description of the premises it is proposed to serve, the name and address of the person, firm or corporation about to perform the work and the size of the service desired. It shall also set forth fully the kind of building for which the service is intended and the applicant shall be required to answer truthfully all questions regarding such application which may be put to them by an officer or employee of the Department of Public Works.

**Section IV - Installation of Service**

a) No person shall make any attachment or connection with the pipes of the Township Water System or make any repairs, additions to, or alterations of any fixtures connected with the system unless such connection, repairs, additions, extensions or alterations are in accord with the code approved by the State Plumbing Board and with any additional rules and regulations regulating the installation of plumbing which the Board may adopt from time to time.

- b) All work performed in making additions, connections, repairs, additions to, or alterations any fixtures connected with the system shall be subject to inspection by the Superintendent of Public Works or his representatives who have authority hereby granted, to order any part of such work discontinued or changed in order that the same shall comply with the rules and regulations for the Department.
- c) No water main shall be tapped or service laid within the street boundaries by other than the duly authorized employees of the Department and only under the authority of the Superintendent.
- d) All service lines shall be laid no less than five (5) feet below the surface of the ground or established street grade.
- e) All services hereafter laid from the water main to the meter shall be of not less than 3/4" internal diameter.
- f) All service pipes hereafter laid of 3/4" to 2" internal diameter shall be of copper tubing and of a quality to conform to the standards recommended by the United States Bureau of Standards of the Department of Commerce for copper tubing water service. All service pipes of over 2" internal diameter shall be of (cast iron) and shall conform to the specifications of the American Water Works Association or as ordered by the Township Board.
- g) A curb stop or valve equipped with an iron extension service box leading to a point above the surface of the ground shall be placed in all service lines on the inside of the sidewalk line or property line.
- h) Each service box shall be equipped with a cast iron cover with the word "WATER" cast thereon in raised letters.
- i) No service shall be laid along the outside wall or in any position where there is danger of freezing. Every service shall be furnished with a valve with waste below the action of frost if the water service lies above the water table. When such valve with waste is placed under the floor the rod operating the valve shall extend above the floor.
- j) In no case shall there be any connection between water pipes receiving their supply from the Township Main and pipes, pumps, wells or tanks receiving their supply from any other service.
- k) Only one service line per premises shall be allowed unless otherwise authorized by the Township Supervisor or his/her representative(s) in writing. Each service line shall serve one premises only.
- l) The cost of installing service pipes and private supply pipes, corporation cocks, including curb stops and service boxes and other materials required by the Township shall be borne by the person making application and all installations are subject to inspection and approval by the Superintendent of Public Works. There shall be a fee for said inspection as set by the Township Board from time to time.

m) All right, title and ownership to the street portion of the service and water main, including the corporation cock, curb stop, service box and service pipe shall be vested in the Township of Briley.

#### **Section V - Meters**

a) All connections with the water main must be prepared for the use of water through a meter and no water shall be supplied to anyone unless such water shall be measured by a water meter of a design approved and installed by the Department of Public Works, provided that for water services requiring meters in excess of 3/4", meters shall be furnished only upon payment by the property owner of the increased cost thereof. Each meter shall have a remote reading device mounted on the buildings exterior in a location accessible to the Township.

b) All meters must be in a clean, dry, sanitary place easily accessible. Meters will not be allowed in closets or other places that are kept locked or other places difficult of access.

c) When it is impracticable to place the meter within the building it shall be placed in a meter well located approximately at the property line on the downstream side of the curb stop. The meter well shall be constructed of materials approved by the Superintendent of Public Works and the design shall also be so approved. The cover shall be of cast iron of approved design. The cost of construction of the meter well shall be borne by the consumer. Each shall have a remote reading device mounted on the buildings exterior in a location accessible to the Township.

d) The consumer will be held responsible for care and protection of the meter and remote reading device from freezing or damage by hot water and from injury by any person(s), and any damage which may occur to any water meter due to carelessness or neglect of the tenant, owner or agent of the property on which said water meter is placed shall be paid for by the consumer.

e) In case the consumer shall discover any defect or damage to the meter, he/she shall immediately notify the Superintendent of Public Works who shall make the proper disposition to place the same in good condition and determine whether the consumer is to be billed or the department will absorb the cost of repair.

f) Any person committing any of the following acts shall be subject to the penalties set forth herein for violation of this Ordinance.

1. All persons are forbidden to interfere with or remove a water meter or remote reading device from any service location;
2. No person shall break, remove or tamper with or shall cause or suffer to be broken, removed or tampered with any seal which is placed on any meter or service box by an employee of the Department of Public Works;
3. No person shall place or cause to be placed any device which shall serve to allow any water to be used which does not pass through the meter.

g) The Department of Public Works may require that all persons not the owners of property in which service is desired execute an application for service jointly with the owner of the premises, binding both parties jointly and severally to the payment of all rates and charges imposed by this ordinance or by resolution of the Board.

h) All right, title and ownership of the meter shall be vested in the Township of Briley.

i) It shall be the duty of the Department of Public Works to read all meters of the Township periodically as directed by the Board, and thereupon said Department shall render a statement as soon as possible for the amount due as shown by the reading. Statements shall be payable as determined by the Board, but in no event shall failure to receive a statement excuse any consumer for non-payment thereof.

#### **Section VI - Maintenance of Service**

a) Every person requiring service from the Township Water System shall, at his/her own cost and expense, keep in repair the consumer's portion of the service. If the consumer's portion is permitted to remain out of repair the Superintendent of Public Works may, after two (2) days prior notice in writing, shut off the water from said premises and whenever the water is shut off, it shall not be permitted to be turned on again until such pipe(s) shall have been placed in proper repair. The notice herein provided for may be served by personal service or by mail to the owner or occupant or the person in charge or control of the premises.

b) All repairs to the street portion of the service shall be made only by the Department of Public Works. The cost of such repairs will be borne by the Department of Public Works.

#### **Section VII - Access to Property**

a) The officers of the Department of Public Works and any and every person delegated or authorized by the Superintendent of Public Works shall have free entry and access to every part of any building, structure or premises at any reasonable hour whenever such entry and access is deemed necessary or advisable for the purpose of inspecting the pipes and fixtures connected with the Water Supply System. In case any person shall refuse to permit such entry or access or shall do or cause to be done any act or thing preventing such entry or access, the Superintendent of Public Works shall turn off the service to said building, structure or premises until notice shall have been given the Superintendent in writing that such entry or access will be permitted or approved and until such entry and access has been accomplished. The Superintendent shall have the power and authority to require any pipes or fixtures connecting to the water system to be replaced, removed or changed he determines when the same are defective.

b) No person shall in any way obstruct or cause or permit to be obstructed access to any shut off, curb stop, water meter or recording device connected with any water main or service pipes, by any means whatsoever. In the event that the owner, or person in charge or in control of such building, structure or premises, shall after proper identification, refuse to remove such obstruction, the Superintendent of Public Works shall shut off the service until such obstruction is removed.

Section VIII - Hydrants, Valves, etc.

- a) No person shall take water from any fire hydrant, valve, faucet, pipe or any other opening connected with the Township of Briley Water Supply System, unless such person shall first make application for the use of water, and shall have paid the required deposit and received permission in writing from the Superintendent of Public Works.
- b) No person shall open or close or tamper with any valve, hydrant or curb stop without first having obtained permission in writing from the Superintendent of Public Works.

Section IX - Shutting Off Water Service

- a) Any consumer may notify the Superintendent of Public Works by two (2) days prior notice in writing that water service is no longer desired, in which case the Superintendent shall cause the meter to be removed from the premises. When it is desired to re-install service by the same consumer the re-connection fee, as set by the Township Board from time to time, shall be paid by the consumer.
- b) Where the water supply to any building, structure or premises shall have been cut off or stopped by or under the direction of the Superintendent of Public Works, or in accordance with the provisions of this ordinance, the water shall not again be supplied to such building, structure or premises, or permitted to be turned on therein or thereto, unless a permit is first issued for the purpose by the Superintendent. The Superintendent shall in no case permit the water to be supplied to such building, structure or premises, until all fees and re-connection charges shall have been paid to the Department of Public Works.
- c) If it shall be found that the water supply has been turned on or into any such building, structure or premises, in violation of the provisions of this ordinance, the Superintendent of Public Works shall have the authority to order the severing of the service pipes by and through which the water is supplied to such building, structure or premises.
- d) Where service is severed in accordance with the provisions of this ordinance, such severing or cutting off shall be done at the water mains or as near thereto as practicable, and no water shall again be supplied to such building, structure or premises or be permitted to be turned on again therein or thereto, until the cost and expense of such severing and re-connecting and also any other unpaid rates that may be still outstanding, shall have been paid.

Section X - Fire Protection

Whenever there is an alarm of fire in the Township of Briley it shall be the duty of every consumer to stop all sprinkling and other needless use of water which may temporarily be stopped without damage to property, business or public health until such time as the danger from fire shall have passed.



Section XI - Rates

a) The water rates or charges for water consumed, the penalty for non-payment, the fees for re-connection of service, late payments, the amount of the consumer's deposit, and the manner of making payment shall be established by resolution of the Township Board from time to time.

b) Prior to the preparation of the annual Township tax roll, the Superintendent of Public Works shall certify to the Board any rates or charges imposed by or pursuant to this ordinance or by subsequent resolution of the Board which remain unpaid and are not fully covered by deposits. The Board may by resolution direct the proper officials to spread the amount against the real property on which the service was rendered and the amounts so spread shall become a lien of the same character and effect as the lien created by state and county taxes until paid.

Section XII - Extensions of Water Mains

Any extension of water mains must be approved by the Township Board prior to commencing construction of such main and are subject to Township requirements for design, inspection, permits, ownership and maintenance.

Section XIII - Penalties

a) Any violation or failure to comply with the provisions of this ordinance, the penalty for which is not otherwise provided herein, shall be punished by a fine of not to exceed Five Hundred and no/100 (\$500.00) dollars or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment at the discretion of the court of competent jurisdiction and when such fine is imposed, the court may provide that in default of the payment of the fine, the offender shall be imprisoned. Each day or act of violation shall consist of a separate violation.

b) A violation of provisions of this ordinance is deemed a nuisance and such violation, in addition to other means of enforcement of this as set forth herein, shall constitute a basis for injunctive relief. The Township Board may, at their option, proceed to obtain an injunction requiring any person to cease and desist from the activity claimed to be a violation.

Section XIV - Contaminated Area

No person shall use, construct, install or maintain a water pumping facility in the contaminated area as long as said area is provided water service by the Township of Briley Water Supply System and the installation of said service is done at no cost to the consumer.

Section XV - Severing Clause

If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held unconstitutional or invalid, the remaining portion of this ordinance shall be and remain a valid portion where omitted at the time of its enactment.

Section XVI - Date of Effect

This is hereby determined by the Township Board to be immediately necessary for the preservation of the peace, health and safety of the Township and is therefore declared to have immediate effect.

Section XVII - Cross Connections

No cross connections which would violate the water supply cross connection rules of the Michigan Department of Health contained in paragraphs R325.11401 through R325.11407 of the Michigan Administrative Code, as the same shall be amended, changed or supplemented from time to time, shall be made. The Township Supervisor or his/her representative(s) shall have the right to enter at any reasonable time any premises connected to the System for the purpose of inspecting the piping system or systems related thereto for cross connections. On request, the owners, lessees or occupants of any premises served by the System shall furnish to the Township Supervisor or his/her representative(s) any pertinent information relating to the piping system or systems on such premises. The Township Supervisor or his/her representative(s) is authorized and directed to discontinue water service after reasonable notice to any premises where a cross connection has been made in violation of this Ordinance. In addition, the Township Supervisor or his/her representative(s) shall take such other precautionary measures as shall be necessary to eliminate any danger of contamination of the System. Water service which has been discontinued because of a cross connection shall not be restored until the cross connection has been eliminated and a fee to be established and adjusted from time to time by Township Board resolution has been paid the Township.

Section XVIII - Rules and Regulations

The Township may, from time to time, adopt by resolution rules and regulations governing the type and quality of the materials and accessories to be used for connection to the system, construction methods for connections to the system, and other operational and maintenance matters pertaining to the system. Violation of any such rule or regulation shall constitute a violation of this Ordinance and shall be subject to the penalties and other remedies prescribed herein.

Section XIX - Disruption of Service

The Township shall not be liable for any failure or deficiency in the supply of water to customers whether occasioned by maintenance or repair of the system or any other cause.

Section XX - Administrative Liability

No officer, agent or employee of the Township shall be personally liable for any damages that may accrue to any person as the result of any act required or permitted in the discharge of his or her duties under this Ordinance.

This is the complete Briley Township Water Ordinance. Any provisions of any previous Ordinance not included in this are hereby repealed.

The foregoing resolution was offered by Board Member Comber and supported by Board Member Cheedie.

Upon roll call vote, the following voted:

Ayes: Edwards, Cheedie, Comber, Gohl, Wasek

No: None

Absent: None

The Supervisor declared the resolution adopted.

*Edwin H. Comber*

Edwin H. Comber, Township Clerk

I certify that the foregoing Ordinance was passed and adopted by the Township Board of Briley Township, County of Montmorency, State of Michigan, at a regular meeting of said Board on the 10th day of August, 1998, at which meeting a quorum was presented by a roll call vote of said members as hereinbefore set forth: that said resolution was ordered to take effect on the 19th day of September, 1998.

*Edwin H. Comber*

Edwin H. Comber, Township Clerk