

Charter Township of Orion

Ordinance No. 68

Water & Sewer

Adopted November 15, 1982

AMENDED

November 3, 1986 (68-1)

August 15, 1994 (68-2)

December 1, 1997 (68-3)

November 15, 1999 (68-4)

July 16, 2001 (68-5)

January 21, 2003 (68-6)

September 19, 2005 (68-7)

March 16, 2009 (68-8)

AN ORDINANCE TO PROVIDE FOR THE OPERATION AND MAINTENANCE OF THE WATER SUPPLY SYSTEM AND THE SEWAGE DISPOSAL SYSTEM OF THE TOWNSHIP OF ORION; TO PROVIDE FOR THE IMPOSITION AND COLLECTION OF FEES AND CHARGES FOR CONNECTION THERETO AND FOR CHARGES FOR WATER SUPPLY SERVICES AND SEWAGE DISPOSAL SERVICES; TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE; TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID SYSTEMS AND THE USE THEREOF; TO REPEAL ORDINANCE NO. 39; AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

Section 1 - Title

The Ordinance shall be known as the "Orion Township Water and Sewer Ordinance" and it shall be deemed sufficient in any action for the enforcement of the provisions hereof to define the same by such short title and by reference to the number hereof.

Section 2 - Purpose

The purpose of this Ordinance shall be:

- A. To further secure and protect the general health, welfare, and safety of the citizens and other persons within the Township of Orion;
- B. To provide for the operation and maintenance of the water supply and sewage disposal systems;
- C. To provide for the imposition and collection of fees and charges for connection to the systems and for water supply and sewage disposal services;
- D. To provide for other matters relative to the said systems and use thereof;
- E. To repeal Orion Township Ordinance No. 39;
- F. To provide for penalties for the violation of these provisions.

Section 3 - Repeal of Previous Ordinance

Ordinance No. 39 (Sewer & Water Ordinance) adopted by the Township of Orion on December 22, 1975 and amended on April 17, 1978; November 20, 1978; January 15, 1979; March 17, 1980; and September 8, 1981, is hereby repealed.

The repeal of that Ordinance does not affect nor impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

Section 4 - Operate per PA 94 of 1933

It is hereby determined to be desirable and necessary for the public health, safety and welfare of the Township of Orion to operate all water and sewer facilities of Orion Township as one combined Water Supply and Sewage Disposal System of the Township of Orion and to operate and maintain the same on a public utility rate basis, in accordance with the provisions of Act 94, Public Acts of Michigan 1933, as amended.

Section 5 - Operate on Combined Rate Basis

The Water Supply and Sewage Disposal System of said Township shall be operated and maintained as one system on a combined rate basis and shall include all water mains and laterals, pumping stations, sewers, sewage disposal facilities, and all attendant facilities and equipment which are used or useful in the operation and maintenance of the Water Supply and Sewage Disposal System now in existence or hereafter acquired.

Section 6 - Definitions *(amended 07.16.01)*

Whenever used in this Ordinance, the following words and phrases shall have the meanings indicated:

- A. **"Backflow"** means water of questionable quality, wastes, or other contaminants entering a public water supply system due to reversal of flow. *(amended 07.16.01)*
- B. **"Board"** shall mean the Township Board of the Township of Orion.
- C. **"Capital Charge"** shall mean that charge made to each unit pursuant to Sections 12 and 16 hereof for connecting to the system and represents a proportionate share of the cost of constructing the trunk or interceptor or water main portion of the system.
- D. **"County"** shall mean the County of Oakland.
- E. **"Cross Connection"** means a connection or arrangement of piping or appurtenances through which a backflow could occur. *(amended 07.16.01)*
- F. **"Lateral Benefit Charge"** shall mean the charge made to each unit pursuant to Sections 13 and 17 hereof and represents a proportionate share of the cost of constructing the laterals which make the remainder of the system immediately available to such unit.
- G. **"Permit"** shall mean the tap permit or sewer permit issued by the Township of Orion.
- H. **"Premises"** shall mean the lands included within the boundaries of a single description as set forth from time to time on the general tax rolls of the Township of Orion as a single item in the name of the taxpayer or taxpayers at one address, whether such property be taxable or exempt from taxation, but in the case of platted lots shall be limited to a single platted lot unless a building or structure is so located on more than one lot as to make the same a single description for purposes of assessment or conveyance.
- I. **"Public Water Supply"** means a water supply system operated by a governmental body or agency, which furnishes potable water to the public for household or commercial purposes. *(amended 07.16.01)*
- J. **"Receiving Fund"** shall mean the bank account designated "Water Supply and Sewage Disposal System Receiving Fund."
- K. **"Revenues"** and **"Net Revenues"** shall have the same definition as contained in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.
- L. **"Secondary Water Supply"** means any water supply that is not a public water supply and including, but not limited to, a water supply from ground or surface sources not meeting the requirement of Act No. 399 of Public Acts of 1976 (Michigan Safe Drinking Water Act) as amended, being Sections 325.1001 to 325.1023 of Michigan Compiled Laws; or water from a public water supply which, in any way, has been treated, processed, or exposed to any possible contaminate or stored in other than an approved storage facility or a private water storage tank supplied from a public water supply unless it is designed and approved for potable usage. *(amended 07.16.01)*
- M. **"Sewage Disposal Services"** shall mean the collection, transportation, treatment and disposal of sanitary sewage.
- N. **"System"** shall mean the Orion Township Water Supply and Sewage Disposal System as now or hereafter acquired and constructed.
- O. **"Township"** shall mean the Township of Orion.
- P. **"Unit"** shall mean the standard of measurement by which charges and fees for connection to and use of Sewage Disposal System are established, the standard being that amount of sewage which normally and usually originates from a single detached residence of average size.
- Q. **"Water Meter"** shall mean the meter itself as well as meter pits, the remote meter and their component parts.

- R. **"Water Supply Services"** shall mean the transportation and distribution and sale of water to the premises connected, directly or indirectly, to the water supply system.

Section 7 - Control Through Township Board

The operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the Board and administered as a regular department of the Township government. The Board may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System, and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

Section 8 - Assignment of Units

The number of units to be assigned to any premises used for other than single residence purposes shall be determined by the Board based on unit factors promulgated by the said Board. The Board, if the circumstances justify, may assign more than one unit to a single-family dwelling. Once a connection to the system has been made, subsequent changes in the character of the use or type of occupancy of the connected premises (including destruction, removal or abandonment of any or all improvements thereon) shall not terminate the obligation to continue the payment of the lateral benefit fees charged to said premises. If subsequent changes at any time increase the amount of water usage or sanitary sewage originating from the premises, the Board shall increase the number of units assigned to said premises and thereupon a capital charge as provided for herein shall be payable as provided hereunder for any additional units at the time a construction or other permit is issued by the Township for such changes in use or at the time such change in use occurs if no permit is issued or required.

Section 9 - Water Usage Charges

- A. Except as herein otherwise provided, water to be furnished by the system shall be measured by a meter installed and controlled by the Township.
- B. Charges for water service shall be determined by the Board, and set forth in the Orion Township Water and Sewer System Regulations, or as may be set forth by separate contract between the Board and the water user.
- C. In that portion of the water system where the water is not produced by wells which are owned and/or operated by the Township, the water purchased by the Township from another municipality shall be resold at such rate as the Board determines.

Section 10 - Water System Connections

- A. All service connections except separate fire connections shall be metered and water shall be paid for the rate established by the Township Board. In no case will water be supplied, except for temporary use with Water Department approval, at other than established water rates.
- B. The supply pipe and meter installation charge shall include the cost of the water meter furnished by the Water Department and the installation thereof, but such meter shall remain the property of the Department and will at all times remain under its control. The meter couplings will be furnished by the Department. The maintenance of the meter will be the obligation of the Department, provided, that where replacements, repairs, or adjustments of the meter are made necessary by the act, neglect or carelessness of the owner or occupant of any premises, the expense to the Department caused thereby may be charged against and collected from the owner or occupant of the premises.
- C. All meters shall be set horizontally in dry, clean, sanitary places, perfectly accessible, no less than 11" from floor level or more than 24" from floor level, with a minimum of 6" from any wall, 12" from top to immovable object, with a gate valve on both sides of the meter, and where a small leak or the spilling of water will do no damage.
- D. By-passes are required on all 1-1/2" and larger meter installations. By-passes will not be allowed on 1" meters or smaller.

- E. All services 1-1/2" or larger must have a tee between the meter and outlet valve, to be used for testing the water meter without its removal. The size of the side opening of this tee shall be 1-1/2" for 1-1/2" service pipes, 2" for all service pipes up to and including 4", 3" for all larger service pipes. The side opening of such tee shall be plugged.
- F. The owner of any premises where a meter is installed shall be held responsible for its care and protection from freezing or damage by hot water and from injury or damage by any other means. Any required repair shall be charged to the owner of the premises wherein the meter is located.
- G. If a meter fails to function or to register, or the Water Department has reason to believe the meter is not working accurately, and access cannot be had to the premises to inspect said meter, the consumer will be charged at the average periodical consumption, as shown by the meter when in order, plus a One Hundred Fifty Dollar (\$150) security deposit for each period that access to the meter is not available. If it is shown by actual inspection that the meter has been tampered with, the deposit shall forfeit to the Township. If it is shown by actual inspection that the meter is not functioning properly for a reason not the fault of the consumer, then the security deposit shall be returned.
- H. No person shall interfere with or move a water meter from any service connection without first receiving permission from the Water Department. No person shall remove or break any seal on meters or by-pass valves. In the event the Water Department of the Township of Orion has reason to believe that the meter has in some manner been tampered with, it shall have the right to immediately cut off the water supply in addition to the other penalties which may be imposed under this Ordinance. Service shall not be restored until all assessed charges for past service are paid in full plus a fee of One Hundred Fifty Dollars (\$150).
- I. The accuracy of any meter installed in any premises will be tested by the Water Department upon request of the customer, who shall pay in advance a fee to cover the cost of the test. If, on such test, the meter shall be found to register over five percent more water than actually passes through it, another will be installed and the fee will be refunded to the customer. The fee for testing water meters shall be established by the Board in the Orion Township Water and Sewer System Regulations.

Section 11 - Cross Connections Prohibited *(amended 07.16.01)*

- A. All cross connections, between any type of water supply and municipal water supply are strictly prohibited. In the event a cross connection is discovered, the water may be turned off at the curb cock until the cross connection is severed, as provided in this Ordinance. No direct connection of any type to a sewer line shall be allowed.
- B. Development of Cross Connection Control Program and Schedule of Inspections.

In order to prevent the hazards of cross connections, it is necessary to periodically and systematically inspect for the presence of cross connections. The Water Department shall prepare a schedule for periodic inspections which may be amended from time to time, subject to the conditions, modifications and changes to the water system, equipment, piping or process system changes that may arise externally and internally at sites between normal inspection time periods. The schedule of inspections shall be deemed incorporation into this Ordinance.

- C. Access to Premises.

Duly authorized representative(s) of the Orion Township Water Department may access the consumer's property for the purpose of cross connection inspections, making repairs, or installing or removing any and all Department apparatus used for rendering water service to the consumer. In the event the representative is required to enter the consumer's property, the representative shall request permission to inspect or to perform work on the property. In the event the property owner refuses entry, the representative shall seek an administrative warrant from a court of appropriate jurisdiction before performing the inspection or work.

An administrative warrant is not required in the event the Orion Township Water Department Director deems an inspection, repair, installation or removal of any and all Department apparatus used for rendering water service to the consumer to be an emergency, where it is determined there is a threat of imminent and extreme hazard of contamination of the Township water supply.

- D. Compliance.

The time allowed for the correction or elimination of any cross connection shall be as follows:

1. Cross connections which pose an imminent and extreme hazard shall be disconnected immediately upon notification and so maintained until necessary protective action, modification, or backflow devices are made to the piping system where cross connections exist.
2. Cross connections that are considered high hazard should be corrected as quickly as possible upon notice that such hazards exist; but in no case shall the cross connection remain in place in excess of thirty (30) days after written notification. A consumer can request additional time to correct cross connections upon approval and at the discretion of Orion Township Water Department or its designated agent.
3. Cross connections which are considered low hazard and do not pose an extreme hazard to the water supply or public health in general, but nevertheless constitute a cross connection, shall be corrected within a reasonable period of time. The length of time allowed shall not exceed sixty (60) days after written notice.

E. Methods of Protection.

Prior to use, all applications and mechanical devices connected to the public water system must meet standards approved by the DEQ, Township ordinances, and meet current ASSE backflow device standards. Any deviation shall not be implemented without prior approval of the DEQ, State Plumbing Board, and Orion Township Water Department or its designated agent.

F. Protection of Potable Water: Warning Requirement.

Any water outlet which could be used for potable or domestic purposes and which is not supplied by a public water supply system or is located downstream of any isolation backflow protection device installed, must clearly be labeled in a conspicuous manner as "**WARNING UNSAFE WATER, DO NOT DRINK**".

G. Piping Identification.

When a secondary water source or a process water system is used in addition to a public water system, all exposed public water, process and secondary water piping shall be clearly identified by distinguishing colors, tags, or labels and so maintained that each pipe may be traced and identified readily in its entirety. The Water Department shall create a piping identification color code to be used in applying this section.

Proposed variations must be submitted for approval to the Orion Township Water Department or its agent. Any approved variation must be filed and also posted clearly on-site. When a secondary water source is used, it will be required to protect the public water supply at the public service connection.

H. Certification of Inspectors.

The Orion Township Water Department or its designated agent shall be responsible for implementing and documenting initial cross connection inspections, follow-ups and re-inspections to check for the presence of cross connections within the public water supply system. Individuals performing the inspections shall have obtained necessary training through available manuals on cross connection prevention practices and attendance at training sessions sponsored by the Michigan Department of Environmental Quality (DEQ) or other recognized agencies.

In addition, those individuals shall be certified by the DEQ in the "S" water distribution classification or other classification as determined by the DEQ, hold a master and/or journey plumber license with the State of Michigan, or possess a recognized cross connection surveyor certificate or license.

I. Testing of Backflow Devices.

All reduced-pressure principal backflow devices, double-check valve assemblies, and pressure-type vacuum breakers shall be tested and certified upon installation. All testable devices shall then be tested and certified as required by the Michigan Department of Environmental Quality Cross Connection Rules Manual, as subsequently amended, by an individual qualified to test backflow prevention devices. These tests shall be performed at the expense of the owner, and copies of the test results shall be furnished to the Orion Township Water Department or its designated agent upon request or completion of any testing, repair, replacement, or new installation.

The Water Department or its agent shall notify the customer in writing when their device(s) are due for testing. Included in the written notice will be a summary list of devices that require testing at this time. Also enclosed will be a test form to be used by the tester. Any forms not submitted on an Orion Township test form shall be rejected.

J. Records.

The Orion Township Water Department or its designated agent shall maintain records of its local cross connection program so as to properly track and report annually or periodically as required by law on the status of the local cross connection control program to the Michigan Department of Environmental Quality (DEQ), Orion Township Board of Trustees, and Director of Public Works.

All inspection, re-inspection, test reports and form letters shall be recorded on forms provided by Orion Township Water Department or its designated agent.

K. Discontinuance of Service.

The Township Supervisor or designated agent is authorized to immediately disconnect any water supply where it is determined that a cross connection may cause imminent and extreme hazard of contamination to the Township water supply. In all other cases, the Charter Township of Orion or its designated agent is authorized to disconnect water service to the consumer, after reasonable notice and opportunity to be heard before the Township Supervisor, for violation of any of the rules and regulations of the Orion Township Cross Connection Control Program or the provisions of this Ordinance. Any decision terminating water service may be appealed to the Township Board of Trustees by providing a written request of appeal to the Township Clerk. The appeal shall be heard at the next regularly scheduled Township Board meeting.

Section 12 - Water Tap Permits & Capital Charges

No connection shall be made to the Township Water System until there has been first obtained from the Township a tap permit. At the time of issuance of such permit, there shall be paid to the Township a capital charge per unit as follows:

- A. A capital charge of Seven Hundred Dollars (\$700) per unit where applicant or someone on behalf of the applicant has provided the necessary wells, wellhouse and equipment to supply water.
- B. A capital charge of One Thousand Four Hundred Dollars (\$1,400) per unit where the Township provides the necessary wells, wellhouse and equipment to supply water, or where the Township contracts with another municipality for water to serve the user.
- C. The above capital charge shall be in addition to any Township charges which may be due and payable at such time for the actual cost of making connection to the system or as agreed by separate contract between the Board and the water user.

Section 13 - Water Lateral Benefit Charge *(amended 11.15.99)*

When a connection is made to a water line to serve improvements located upon any premises, which water line has not been either (1) privately constructed and paid for, or (2) publicly financed, at least in part by means of a special assessment levied against the premises, there shall be paid to the Township at the time of issuance of a tap permit, a lateral benefit charge computed in accordance with the following:

- A. For premises used for single-family residence - Nine Hundred Dollars (\$900).
- B. For premises used for other than single-family residences - Nine Hundred Dollars (\$900) for the first unit, plus Two Hundred Dollars (\$200) for each additional unit.
- C. The minimum lateral benefit charge shall be Nine Hundred Dollars (\$900).
- D. *(amended 11.15.99)* For purposes of protecting and promoting the public health if, on or before June 1, 2000, a petition is filed with the Township Clerk representing fifty-one percent (51%) of the property owners on a street or in a subdivision, accompanied by evidence that the groundwater that serves the property is contaminated, the Township Board shall conduct a public hearing on whether there is a bona fide health reason why the property should be served by public water service.

1. At such public hearing, the property owners seeking relief shall have the burden of presenting sufficient evidence, including written reports from persons with expertise, demonstrating the existence of contamination. The Township Board may direct a review by experts selected by the Township with regard to any evidence presented at the hearing. Relief under this provision shall only be granted if the contamination is caused by an off-site source, i.e., if the source of the contamination is not on any one or more of the properties for which relief is sought.
2. If the Township Board determines that sufficient evidence of contamination of the groundwater has been presented, or that sufficient evidence that contamination of the groundwater is imminent has been presented, the Township Board may assist the owners of the properties to extend public water service to such properties.
3. Such assistance may include (a) seeking financing through the State of Michigan for the extension of public water service, (b) contributing to the cost of such extension from available Township monies, (c) seeking contribution from the person (s) or entity (ies) that caused the contamination, or (d) a combination of these and/or other actions.
4. The nature and degree of assistance the Board determines to provide, if any, shall be within the discretion of the Township Board, and shall depend upon the amount of contamination demonstrated, and the burden of the property owners in terms of paying for other improvements.

Section 14 - Connection to Sewer System Required

- A. Any structure in which sanitary sewage originates shall be required to connect to the public sewer system as herein provided.
- B. Premises within the areas served by sewer laterals which abut upon or are crossed by existing facilities or new construction or extensions of either from which sanitary sewage originates shall not be used or occupied after the effective date hereof, unless said premises are connected to the laterals where sewage disposal services become available after the effective date of this Ordinance, connection thereto shall be made within eighteen (18) months after the service becomes available.

Section 15 - Sewer System Charges

Charges for sewer service to premises both residential and non-residential shall be determined by the Board and set forth in the Orion Township Water and Sewer System Regulations.

Section 16 - Sewer Permit Required

No connection shall be made to the Township Sewer System until there has been first obtained from the Township a sewer permit. At the time of issuance of the permit there shall be paid to the Township a capital charge of One Thousand Seven Hundred Dollars (\$1,700) per unit, which charge shall be in addition to any Township charges which may be due and payable at such time for the actual cost of making connection to the system.

Section 17 - Sewer Lateral Benefit Charge

When a connection is made to a sewer line to serve improvements located upon any premises, which sewer line has not been either, (1) privately constructed and paid for; or, (2) publicly financed, at least in part by means of a special assessment levied against the premises, there shall be paid to the Township, prior to the issuance of a sewer permit, a lateral benefit charge computed in accordance with the following:

- A. For premises used for one single-family residence - Two Thousand Dollars (\$2,000).
- B. For premises used for other than one single-family residence - Two Thousand Dollars (\$2,000) for the first unit, plus Two Hundred Dollars (\$200) for each additional unit.
- C. Minimum lateral benefit charge shall be Two Thousand Dollars (\$2,000).

Section 18 - Payment of Charges over Time *(amended 12.01.97, 11.15.99, 09.19.05)*

When lateral benefit and capital charges are required to be paid by the provisions of this Ordinance, and when the structures to which the water and sewer services are being provided were constructed prior to those utilities being constructed to serve that structure, an owner may elect to pay said charges in cash or pay them over a period of years determined by the Township Board based upon the circumstances. Such payments shall be made in equal annual installments, billed as part of the water and sewer bills rendered to the premises. If the time payment method is elected, a reasonable administrative fee may be charged, and interest at a rate established by the Township Board shall apply. When the time payment method is elected, the charges may be pre-paid at any time, with interest paid to the date of payment. All indebtedness represented by unpaid installments and accrued interest shall constitute a lien on the respective property. For all non-residential users, the terms contained in this subsection, along with any other terms agreed to between the Township Board and the user desiring connection to the water and/or sewer utility shall be contained in a written agreement. If the proposed user is not the owner of the structure to which water and/or sewer connection is sought, then the owner shall be required to be a party to such agreement. In the case that connection is required under emergency circumstances, meaning an immediate threat to the health, safety and welfare of the proposed user, such connection may be approved administratively by the Director of the Department of Public Works, and the required written agreement shall be submitted to the Township Board for consideration at the earliest available meeting thereafter.

Section 19 - Fees to Be Paid Before Permit Is Issued

A tap permit and/or a sewer permit shall be issued by the Township to the owner of the premises or the authorized agent of the owner after the fees and charges required by this Ordinance have been paid, or as agreed by separate contract between the Board and the user. A building permit shall be issued only after payment of all required capital and lateral benefit charges, or after separate contract has been entered into with the Board for the payment of such charges.

Section 20 - Fees to Be Paid Before Connection to System

No such connection shall be made nor shall any existing connection to the water and/or sewer systems be replaced until the applicant therefor has paid such fees as are required.

Section 21 - Connection Charges

- A. Whenever the Township shall make the actual connection to the sewer or water system, the owner of the premises shall reimburse the Township one hundred twenty-five percent (125%) of the actual cost of making such connection.
- B. Where actual connections to the sewer and water systems are not made by the Township, the owner of the premises shall pay the Township fees as are determined by the Board and set forth in the Orion Township Water and Sewer System Regulations.

Section 22 - Periodic Billing

Charges for water supply services and sewer supply services shall be billed periodically, or as may be agreed under separate contract between the Board and the user.

Section 23 - Late Payment Charges & Shutoff

- A. In the event that charges for water and/or sewer service furnished to any premises are more than ninety (90) days delinquent, then the Township shall have the right to discontinue water and/or sewer service to such premises. Such service shall not be re-established until all delinquent charges and penalties, plus a turn-on charge as established by the Board in the Water and Sewer System Regulations, have been paid. Such charges and penalties may be recovered by the Township through court action.
- B. A late payment charge of ten percent (10%) of the bill shall be charged if not paid on or before the due date.

Section 24 - Delinquent Charges Made a Lien

Charges for water and/or sewer services are, under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, made a lien on the premises served thereby, unless written notice is given that a tenant is responsible therefor. The Township official or officials in charge of the collection of such charges shall certify annually, on September first (1st) of each year, to the tax assessing officer of the Township, all charges which are six (6) months delinquent, whereupon such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Township taxes against such premises; provided, however, where notice is given that a tenant is responsible for such charges for services, as provided by said Section 21 of Act 94, no further service shall be rendered such premises until a cash deposit in an amount equal to two (2) times the average quarterly water and/or sewer bill or a sum deemed appropriate by the Water and Sewer Department shall have been made as security for payment of such charges for services. Whenever any charges against any premises shall be delinquent for six (6) months, said charges shall constitute a lien on premises served thereby and shall be collected and enforced as provided in this section. *(amended 01.21.03)*

Section 25 - Contracts Required

Service to other municipalities or premises therein shall be by contractual agreement between the Township and the municipality served.

Section 26 - No Free Service

No free service shall be furnished to any person, firm or corporation, public or private, or to any public agency or instrumentality.

Section 27 - Fiscal Year Established *(amended 11.03.86)*

The system shall be operated on the basis of an operating year commencing on January 1 and ending on December 31.

Section 28 - Separate Accounting

The revenues of the System shall be set aside, as collected, and deposited in a separate depository account in a bank duly qualified to do business in Michigan to be selected by the Board, said account to be designated "Water Supply and Sewage Disposal System Receiving Fund"; and said revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the time hereinafter specified.

Section 29 - Operation And Maintenance Fund

Out of the revenues in the Receiving Fund, there shall be first set aside periodically into a depository account, designated "Operation and Maintenance Fund", a sum sufficient to provide for the payment of the next period'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.

Section 30 - Replacement Fund

There shall next be established and maintained a depository account designated "Replacement Fund" which shall be used solely for the purpose of making major repairs and replacements to the system, if needed. There shall be set aside into said fund, after provision has been made for the Operation and Maintenance Fund, such sums as the Board shall deem necessary for this purpose.

Section 31 - Improvement Fund

There shall next be established and maintained an "Improvement Fund" for the purpose of making improvements, extensions, and enlargements of the system. There shall be deposited into said fund, after providing for the foregoing funds, such sums as the Board shall determine.

Section 32 - Transfer of Funds

Monies remaining in the Receiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing sections, may, at the option of the Board, be transferred to the Improvement Fund or used for any other lawful purpose.

Section 33 - Handling of Funds

All monies belonging to any of the foregoing funds or accounts may be kept in one account, in which event the monies shall be allocated on the books and records of the Township within this single bank account in the manner above set forth.

- A. In the event the monies in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, monies and/or securities in other funds of the System shall be transferred to the Operation and Maintenance Fund to the extent of any deficit therein.
- B. Monies in any funds or accounts 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 held 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.

Section 34 - Fire Hydrants

- A. Fire hydrants are provided for use by the Township Fire Department and other Township departments as may be authorized by the Board.
- B. No person, firm or corporation shall open or cause to be opened any fire hydrant without first securing a "Permit to Use Fire Hydrant" from the Water Department. A deposit of Fifty Dollars (\$50) will be paid prior to issuance of such permit. Such person, firm or corporation must report to the Water Department when use of the hydrant is terminated, at which time a hydrant inspection will be made at the charge established by the Board in the Water and Sewer System Regulations. The cost of the estimated amount of water used and the cost of repairing the hydrant, if any, shall be established and deducted from the deposit and the difference (if any) refunded to the depositor. If the deposit is insufficient to cover said costs, the permit holder shall pay the deficit.
- C. The Water Department must approve the type, size of openings, and types of nozzle thread on all hydrants installed on private property.
- D. No person, firm or corporation shall in any manner obstruct or prevent free access to or place or store temporarily, or otherwise, any object, material, snow, debris, automobile, or structure of any kind within a distance of twenty (20) feet of any hydrant. Any such obstruction, when discovered, may be removed at once by the Board at the expense of the person, firm or corporation responsible for the obstruction.
- E. Hydrants located within the road right-of-way or easement shall be moved to another location only if the person wishing the relocation bears the complete cost of moving said hydrant.
- F. Where pipes are provided for fire protection in any premises or where hose connections for fire apparatus are provided on any pipe, each connection or opening on said pipe shall have not less than twenty-five (25) feet of firehose constantly attached thereto, and no water shall be taken or used through such openings or hose for any purpose other than extinguishing fires, except for the purpose of testing said fire equipment. In such case, the test must be conducted under a special permit and under the supervision of the Water Department.

Section 35 - Severability

Should any section, clause or provision of this Ordinance be declared by any court to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 36 - Adoption of Regulations

The Township Board may adopt, either directly or by reference, standards and regulations governing the use of the Orion Township sewage disposal system.

Section 37 - Summer Lawn Watering Restrictions *(added 03/16/09)*

- A. The following words, terms and phrases, when used in this section, shall have the following meaning ascribed to them:
 - 1. **"Automatic Lawn or Landscape Irrigation System"** means an underground irrigation system consisting of immovable piping and sprinkler heads, or tubes with holes, which is operated by a timer or controller that can be set to activate the system at regularly scheduled intervals without the concurrent act of the water user.
 - 2. **"Manually Activated Outdoor Irrigation"** means any form of irrigation requiring active attendance and monitoring by the water user, usually consisting of movable, hand-operated tools or equipment such as an above ground hose with or without a sprinkler attachment, a watering can, a bucket, or any other portable container allowing the water user to water vegetation or to wash or clean outdoor property by hand.
- B. Effective March 1, 2009, there shall be a mandatory watering restriction from May until September of each year, and each subsequent year, for all lawn watering other than single-family residences, including, but are not limited to, all commercial properties, light industrial, industrial, hospitals, churches, and homeowner association lawn irrigation sprinkler accounts that water common areas.

The following restrictions shall apply:

- 1. Lawn and landscape irrigation may only be done between the hours of 12:00 a.m. (midnight) and 5:00 a.m.
 - 2. Property with odd-numbered addresses may only irrigate on Monday, Wednesday, and Friday.
 - 3. Property with even-numbered addresses may only irrigate on Tuesday, Thursday, and Saturday.
 - 4. If a property has mixed odd and even-numbered addresses or an undetermined address, the Director of Public Works or his designee may assign an odd/even designation for compliance with this Ordinance.
- C. Effective March 1, 2010, a single-family residential property which is connected to the municipal water system is hereby restricted as follows:
 - 1. A property with an odd-numbered address shall only irrigate on Monday, Wednesday, Friday and Sunday.
 - 2. A property with an even-numbered address shall only irrigate on Tuesday, Thursday, Saturday and Sunday.
 - 3. If a property has mixed odd and even-numbered addresses or an undetermined address, the Director of Public Works or his designee may assign an odd/even designation for compliance with this Ordinance.
 - 4. All automatic lawn and/or landscape irrigation systems should be set to activate only between the hours of 12:00 a.m. and 5:00 a.m. Daylight Savings Time (DST).
 - 5. A property with a newly seeded or sodded lawn is not subject to the recommendations in this Section.
 - 6. These provisions shall apply from May 1st through September 30th each year.
 - D. Property owners failing to comply with the regulations set forth in this Section shall be subject to the penalties set forth in Section 38 of this Ordinance.

Section 38 - Violation and Penalties *(amended 08.15.94)***A. Municipal Civil Infraction / Payment of Fine.**

Any person, firm, or corporation violating a provision of this Ordinance, upon an admission or a finding of responsibility for such violation, shall be deemed responsible for a municipal civil infraction as that term is defined and used in MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended, and shall pay a civil fine as prescribed by ordinance or as determined by the district court, district court judge, or district court magistrate.

B. Costs.

A person, firm, or corporation ordered to pay a fine under Subsection A shall be ordered by the district court judge or magistrate to pay costs of not less than Nine Dollars (\$9) or more than Five Hundred Dollars (\$500), which costs may include all expenses, direct and indirect, to which the Township of Orion has been put in connection with the violation of the ordinance up to the entry of the court's judgment or order to pay fine and costs.

C. Additional Writs and Orders.

A person who admits or is found responsible for violation of this Ordinance shall comply with any order, writ, or judgment issued by the district court to enforce this Ordinance pursuant to Chapter 83 and Chapter 87 of the Revised Judicature Act, MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended.

D. Default on Payment of Fines and Costs.

A default in payment of a civil fine, costs, or damages or expenses ordered under Subsection A or B or an installment of the fine, costs, or damages or expenses as allowed by the court, may be collected by the Township of Orion by a means authorized for the enforcement of a judgment under Chapters 40 or 60 of the Revised Judicature Act, MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended.

E. Failure to Comply with Judgment or Order.

If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the court may proceed under Subsection G.

F. Failure to Appear in Court.

A defendant who fails to answer a citation or notice to appear in court for a violation of this Ordinance is guilty of a misdemeanor, punishable by a fine of not more than Five Hundred (\$500) plus costs and/or imprisonment not to exceed ninety (90) days.

G. Civil Contempt.

1. If a defendant defaults in the payment of a civil fine, costs, or other damages or expenses, or installment as ordered by the district court, upon motion of the Township of Orion or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.
2. If a corporation or an association is ordered to pay a civil fine, costs, or damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, or damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.

4. If it appears that the default in the payment of a fine, costs, or damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, or damages or expenses.
5. The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, or damages or expenses shall be specified in the order of commitment and shall not exceed one day for each Thirty Dollars (\$30) due. A person committed for nonpayment of a civil fine, costs, or damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of Thirty Dollars (\$30) per day.
6. A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs, or damages or expenses shall not be discharged from custody until one of the following occurs:
 - a. Defendant is credited with an amount due pursuant to Subsection G, 5.
 - b. The amount due is collected through execution of process or otherwise.
 - c. The amount due is satisfied pursuant to a combination of Subdivisions G, 6, a and b.
7. The civil contempt shall be purged upon discharge of the defendant pursuant to Subsection G, 6.

H. Lien Against Land, Building, or Structure.

If a defendant does not pay a civil fine or costs or installment ordered under Subsection A or B within thirty (30) days after the date upon which the payment is due for a violation of this Ordinance involving the use or occupation of land or a building or other structure, the Township of Orion may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the Register of Deeds for Oakland County. The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order.

1. The lien is effective immediately upon recording of the court order with the Register of Deeds.
 2. The court order recorded with the Register of Deeds shall constitute the pendency of the lien. In addition, a written notice of the lien shall be sent by Orion Township by first class mail to the owner of record of the land, building, or structure at the owner's last known address.
 3. The lien may be enforced and discharged by Orion Township in the manner prescribed by its Charter, by the General Property Tax Act, Act No. 206 of the Public Acts of 1893, being Sections 211.1, *et seq.*, of the Michigan Compiled Laws, or by an ordinance duly passed by the Township. However, property is not subject to sale under Section 60 of Act No. 206 of the Public Acts of 1893, being Section 211.60 of the Michigan Compiled Laws, for non-payment of a civil fine or costs or an installment ordered under Subsections A or B unless the property is also subject to sale under Act No. 206 of the Public Acts of 1893 for delinquent property taxes.
 4. A lien created under this section has priority over any other lien unless one or more of the following apply:
 - a. The other lien is a lien for taxes or special assessments.
 - b. The other lien is created before the effective date of the amended ordinance that added this section.
 - c. Federal law provides the other lien has priority.
 - d. The other lien is recorded before the lien under this section is recorded.
 5. The Township may institute an action in a court of competent jurisdiction for collection of the fines and costs imposed by a court order for a violation of this Ordinance. However, an attempt by the Township to collect the fines or costs does not invalidate or waive the lien upon the land, building, or structure.
 6. A lien provided for by this subsection shall not continue for a period longer than five (5) years after a copy of the court order imposing a fine or cost is recorded unless within that time an action to enforce the lien is commenced.
- I. Any user of the water system who fails to adhere to the Summer Lawn Watering Restrictions set forth in Section 37 of this Ordinance, in addition to all other penalties set forth in this section, may result in discontinuance of water service to such user.
(added 03/16/09)

Section 39 - Effective Date

This Ordinance shall be published in a newspaper of general circulation in the Township of Orion, and shall become effective upon publication, as provided by law.

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