

ERIE TOWNSHIP ORDINANCE NO. 67

WATER SUPPLY ORDINANCE

An Ordinance providing for the operation and maintenance of the Monroe County Water Supply System (South County System No. 1) and all extensions to the system within the Township of Erie, Monroe County, Michigan, for charges, fees and rates, and the establishing of accounts; providing penalties for violation hereof and other related matters and for repealing Ordinances in conflict therewith, within the Township of Erie.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

SECTION 1.

It is hereby determined to be desirable and necessary for the public health, safety and welfare of the Township of Erie that the Monroe County Water Supply System (South County System No. 1) and all extensions thereto, whether heretofore or hereafter authorized, be operated in the Township of Erie, by the Monroe County Drain Commissioner as "County Agency" pursuant to contract authorized and executed by the Township of Erie, and the County of Monroe, together with the Townships of Bedford and LaSalle and the City of Luna Pier under the provisions of Act 342, Public Acts of Michigan 1939, as amended, with respect to the establishment, construction and operation of the Monroe County Water Supply System (South County System No. 1) and to the contract authorized and executed by the Township of Erie and the County of Monroe with respect to Monroe County Water System (South County System No. 1 - Erie Township Extension No. 1) and to such other and further contracts as may hereafter be authorized and executed by the aforesaid municipal corporation with respect to said system.

SECTION 2.

Whenever the words "system" or "County System" are referred to in this Ordinance, they shall be understood to mean all water supply facilities of the Monroe County Water Supply System (South County System No. 1), including all extensions thereto which have been heretofore authorized or which may be authorized hereafter, situated within the Township of Erie, including all trunk mains and water distribution mains with necessary appurtenances, which facilities are connected to, operated and maintained as a part of the County System including appurtenances, extensions and improvements thereto which may hereafter be acquired, such as reservoirs, pumping stations, overhead tanks, and similar facilities which are used or useful for the operation of the entire Monroe County Water Supply System (South County System No. 1).

SECTION 3.

The operation, maintenance, alteration, repair and management of the system shall be under the supervision and control of the Monroe County Drain Commissioner as County Agency under the provisions of Act 342, Public Acts of Michigan, 1939, as amended, subject to the terms of the contract dated as of May 15, 1969, between the County of Monroe and the Townships of Bedford, Erie, and LaSalle, and the City of Luna Pier, the contract dated as of February 1, 1971, and executed on May 10, 1971, between the County of Monroe and the Township of Erie, and such contracts as hereafter may be authorized and executed by the aforesaid municipal corporation with respect to the system. Said County Agency 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, order and regulations as it deems advisable and necessary to assure the efficient management and operation of the system;

PROVIDED, HOWEVER, that the Township shall fix and collect fees and charges for connection to the system.

SECTION 4.

Charges, fees and rates to be charged for service furnished by the system and for connection to the system shall be as follows:

a) Consumption Rates

Consumption rates to all customers connecting to the system shall be determined by the County Agency and the South County Water System Board pursuant to the Contract dated as of May 15, 1969, between the aforesaid municipal corporations establishing Monroe County Water Supply System (South County System No. 1).

b) Tap-in Charges

In addition to all other charges herein provided, a Tap-in Charge shall be charged to each premises connecting to the system, such charge to provide a tap branch or supply pipe of whatever size is required from the water main to a point one foot outside of the property line, which charge shall include the stop and meter and stop box. Such charge shall be paid in full at the time that an application is made for a permit to connect to the water mains of the system .

The Tap-in Charge shall be the amount determined by the County Agency and the South County Water System Board pursuant to the Contract dated as of May 15, 1969, between the aforesaid municipal corporations establishing Monroe County Water Supply System (South County System No. 1).

c) Debt Retirement Charge

A Debt Retirement Charge of \$100.00 shall be charged to each user other than a single-family user of the County/Township Water system connecting to the water mains of the system, said charge being payable for the fair share of existing major capital improvements of the Township Water System, including, but not by way of limitation, trunk water mains and master water meters. This Charge shall be paid in full at the time that application is made for a permit to connect indirectly or directly to water mains of the system within the Township of Erie.

A single-family user as stated herein is hereby defined to be the owner or land contract vendee of a single dwelling house. A developer of residential lots or realty is hereby specifically excluded. The interest of this provision is established for the benefit of an individual homeowner.

For each premises tap other than a 5/8" - 3/4" (equal 1 Service Equivalent) single-family residential, the Debt Retirement Charge shall be the above amount multiplied by a factor representing the service tap and meter size as determined applicable to the premises by the South County Water System Staff based upon the area, plumbing fixtures and stated activities to be pursued thereupon. As tabulated below in Table "A":

ERIE TOWNSHIP ORDINANCE NUMBER 67-A

An ordinance amending the provisions of Ordinance Number 67 and amendments thereto, providing for the right of appeal to the Township Board of the Township of Erie, as to the determination of costs or a waiver of additional costs of tap-in fees to the Monroe County Water Supply System (South County System Number 1) and for providing for other related matters:

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

Ordinance Number 67 of Erie Township, Monroe County, Michigan, is hereby amended by adding Section 4 (e) to follow Section 4, and to read as follows:

SECTION 4 (e):

1. An Appeal may be taken to the Township Board by any person, firm, corporation or other entity, affected by the provisions setting forth the charges, fees, and rates to be charged for services furnished by the system under the terms of Section 4 hereof. Such Appeal shall be taken within such times as shall be prescribed by the Township Board by resolution, by filing with the Township Clerk of said Township an Application for Appeal, and by specifying the grounds thereof.
2. The Township Board shall select a reasonable time and place for the hearing of the Appeal and shall give notice thereof to the Appellant and shall render a decision without reasonable delay. Any person may appear and testify at said hearing, either in person, or by duly authorized agent or attorney. The Township Board may require the Appellant to tender to all necessary papers, documents, deeds, mortgages, and/or affidavits as it, in its discretion, may require.
3. That in all decisions rendered by the Township Board, a simple majority of the members present, who constitute a proper quorum, shall decide in favor of or against the applicant in any matter upon which it is authorized by this ordinance to render a decision.
4. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not effect the validity of the other provisions of this ordinance.

5. That this ordinance shall have immediate effect.

I, Margaret M. Dusseau, Clerk of Erie Township, do hereby certify that the above ordinance is approved and adopted by the Erie Township Board, at the regular meeting thereof, held on the 27th day of February, 1979, the vote thereon being as follows:

In favor of the ordinance 4
Against the ordinance 1

THE TOWNSHIP BOARD OF THE TOWNSHIP OF
ERIE IN THE COUNTY OF MONROE, MICHIGAN

BY: Margaret M. Dusseau
MARGARET M. DUSSEAU, Township Clerk

ATTEST:

William D. Frey
WILLIAM D. FREY, Township Supervisor

DATE OF ADOPTION: February 27, 1979

TABLE A

<u>TAP-METER SIZE</u>	<u>SERVICE EQUIVALENT FACTOR</u>
5/8" - 3/4"	1
1"	2
1-1/2"	3
2"	6
3"	10
4"	15
6"	25
8"	40

d) Debt Service Charge

In addition to all other charges herein provided a Debt Service Charge shall be charged to each premises abutting and connecting indirectly or directly to the water mains of the system, except in those instances where the lateral water distribution mains serving the premises have been provided at the expense of the subdivider of a new residential subdivision or have been installed from special assessment funds. The development of any property platted shall include the extension of water mains to and throughout the development when such property is situated within one-half mile of existing transmission water mains. For each single-family residential premises connecting to the system the Debt Service Charge for each residence shall be in accordance with the following schedule:

First year of availability	\$ 950.00
Second year of availability	1,025.00
Third year of availability	1,100.00
Fourth year of availability	1,175.00
Fifth year of availability	1,250.00
Sixth year of availability	1,325.00
Seventh year of availability	1,400.00
Eighth year of availability	1,475.00
Ninth year of availability	1,550.00
Tenth year of availability	1,625.00
Eleventh year of availability	1,700.00

For each premises tap other than a 5/8" - 3/4" single-family residential the Debt Service Charge shall be the amount indicated, multiplied by a factor representing the Tap-Meter Size as determined applicable to the Debt Retirement Charges shown in Table "A".

The date of availability of water service to any premises shall be computed from such date as is established by resolution of the Township Board and made a part of the published proceedings of the meeting at which such resolution is adopted. The publication of the resolution itself shall be sufficient notice of such data if the minutes of the Board Meeting are not required to be published by law.

SECTION 5.

The foregoing Debt Service Charge shall be paid in the following manner:

- a) in cash when a permit is issued to connect to the water mains systems, or
- b) one-tenth (1/10th) of the Debt Service Charge when a permit is issued to connect to the water mains system, and the balance shall be paid in nine (9) equal annual installments together with interest at five and one-quarter (5 1/4%)

percent per annum, on the unpaid balance from the date when the meter is set to the date of each installment.

The first installment and accrued interest shall be due and payable on the next February 28th, which is more than six (6) months after the date when the meter is set, and subsequent installments with accrued interest shall be due and payable on each February 28th annually thereafter until charge and accrued interest shall be fully paid.

The Township Treasurer shall accept payments of such installments and accrued interest during the three (3) months immediately preceding the due dates thereof. He shall mail notices to such effect to the owner of premises according to the latest assessment roll of the Township, unless he shall be notified to mail same to some other address.

Failure to receive such notice shall not relieve the owner of premises of the obligation of payment. The entire balance of any Debt Service Charge from time to time remaining unpaid may, nevertheless, be paid in cash at any time before due together with accrued interest to the first day of the month following the date of payment. As a condition precedent to payment in installments, the Township may require the owner and any mortgagee(s) of premises to execute an Indenture of Lien in proper legal form for recordings.

SECTION 6.

a) A penalty of five percent (5%) shall be added to any installment of the Debt Service Charge, including accrued interest, applicable to any premises, which shall not be paid by the date fixed for payment thereof. All such unpaid charges, including accrued interest on Debt Service Charge, prior to their transfer to the Township tax roll as hereinafter provided shall also bear interest at the rate of one percent (1%) per month from date fixed for payment to the December 1 upon which said unpaid charges become payable as part of the Township tax roll, or to the first day of the month following date of payment, whichever shall occur first.

b) All Debt Service Charges and all installments thereof, together with all interest, fees and penalties, shall constitute a lien upon the premises subject thereto. On September 1 of each year the Township Treasurer shall certify to the Tax Assessing Officer of the Township all such charges, including all interest and penalties, the payment of which is delinquent six(6) months, or more as of such said date, and the same shall be entered upon the next tax roll against such premises.

c) Said charges, including all interest and penalties thereon, shall be collected and said lien enforced in the same manner as provided in respect to Township taxes assessed upon such roll. Such charges, including all interest and penalties, which are unpaid on the Township tax roll shall be subject to the same interest, fees and penalties as the Township taxes on such premises. Such delinquent charges, including all interest and penalties, may, nevertheless, be paid in cash at any time prior to the date when other Township taxes become due and payable.

SECTION 7.

The charges and fees hereby fixed are estimated to be sufficient to provide for the payment of the contractual obligations of the Township to the County of Monroe pursuant to the aforesaid contracts between said County of Monroe and the Township of Erie as the same become due. Such charges and fees shall be fixed and revised by the Township Board from time to time as may be necessary to produce these amounts.

SECTION 8.

The Consumption rates set by the County Agency and the South County Water System Board, including penalties, payable for water service to any premises shall be a lien on such premises, and on or before August 1 of each year the person or agency charged with the collection of such charges shall certify to the Tax Assessing Officer of the Township any charges which have been delinquent for six (6) months or more, and the same shall be entered upon the next tax roll against such premises.

Said charges and penalties shall be collected and said lien enforced in the same manner as provided in respect to Township taxes assessed upon such roll, PROVIDED HOWEVER, that when a tenant is responsible for the payment of such charges for service to the premises, and the Township is so notified, in writing, with a true copy of the lease of the affected premises (if there be one) attached, then no such charge shall become a lien against such premises from and after the date of such notice. PROVIDED, FURTHER, that in the event of filing of such notice no further service shall be rendered to such premises until a cash deposit equal to twice the average monthly or quarterly bill (as the case may be) to such premises shall have been made a security for payment of charges for service to such premises.

SECTION 9.

The Township Treasurer is charged with the collection of all fees and charges herein provided for, and the same shall be accounted for by him. This shall not preclude the Township from contracting for the collection of the same by the County Agency, or both, may collect said fees or charges.

SECTION 10.

a) Deposit of Funds

All revenues shall be set aside as collected and deposited in a separate depository account in any bank duly qualified to do business in Michigan and located in Monroe County, in an account to be designated Erie Township Water Supply System, Extension No. 1 Receiving Fund (hereinafter, for brevity, referred to as the "Receiving Fund"), and said revenue so deposited shall be transferred from the Receiving Fund periodically in the manner and at the times hereinafter specified.

b) Operation and Maintenance Fund

Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a depository 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.

c) Contract Payment Fund

There shall next be established and maintained a depository account pursuant to Section 10 a) hereof, to be designated Contract Payment Fund, which shall be used solely for the payment of the Township's obligations to the County of Monroe pursuant to the aforesaid contract dated as of February 1, 1971 and executed May 10, 1971. There shall be deposited in said fund quarterly, after requirements of the Operation and Maintenance Fund have been met, such sums as shall be necessary to pay said contractual obligations when due. Should the revenues of the system prove insufficient for this purpose, such revenues may be supplemented by other

funds of the Township legally available for such purposes.

d) Improvement and Replacement Fund

There shall next be established and maintained a depository account, designated Improvement and Replacement Fund, which shall be used solely for the purpose of making improvements, extensions, enlargements, major repairs and replacements to the system if needed. There shall be set aside in this said fund, after provision has been made for the Operation and Maintenance Fund and the Contract Payment Fund, such revenues the Township Board shall deem necessary for this purpose.

e) 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 Board be transferred to the Improvement Fund or used in connection with any other project of the Township reasonably related to the purposes of the system.

f) Bank Accounts

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 11.

Moneys in any fund or account established by the provisions of this Ordinance, may be invested in obligations of the United States of America, or in bank certificates of deposit. In the event such investments are made, the securities representing the same shall be kept in a safety deposit box or other approved depository. Income received from such investments shall be credited to the Erie Township Water Supply System Extension No. 1 Receiving Fund.

SECTION 12.

Application to connect to the water system must be made for all new dwellings and/or buildings erected in the Township of Erie, on premises to which water service is available at time of erection, and all fees and charges shall be paid as herein provided before a building permit is issued. Any presently erected building having another source of water supply must, if said source of supply becomes unacceptable according to the health standards of the Monroe County Health Department, or such other governmental agency as may have jurisdiction to determine health standards for drinking water, connect to the water system, if water service is available, and all fees and charges herein provided for shall be paid.

SECTION 13.

No person, firm, corporation, or entity of any nature whatever shall connect to any water main of the system until a permit for said connection has been issued by the County Agency and until there has been paid to the Township all fees and charges provided in this Ordinance to be paid with respect to said connection, except Debt Service Charges which may be paid in installments as herein provided in this Ordinance.

SECTION 14.

Any person, persons, firm or corporation who shall violate any of the provisions of this Ordinance shall, upon conviction thereof before a Court of competent jurisdiction, be subject to a fine of not more than five hundred dollars (\$500.00), or to imprisonment in the County jail not to exceed ninety (90) days, or to both such fine and imprisonment at the discretion of the Court. Each day such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Enforcement of penalties under the provisions of this Section shall not preclude the Township from pursuing any and all remedies available in both law or equity, as may be deemed just and proper.

SECTION 15.

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

SECTION 16.

All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of the Ordinance are to the extent of such conflict, hereby repealed, and Erie Township Ordinance No. 60 is hereby specifically repealed.

SECTION 17.

This Ordinance shall become effective thirty (30) days after its publication, pursuant to statute.

SECTION 18.

This Ordinance shall be published once, in full, in the Monroe Evening News, a newspaper of general circulation within the boundaries of the Township and qualified to publish legal notices, within ten (10) days after its adoption, and the same shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Township Supervisor and Township Clerk.

I, Margaret M. Dusseau, Clerk of Erie Township, do hereby certify that the above Ordinance was approved and adopted by the Erie Township Board at the regular meeting thereof, held on the 23rd day of August, 1977, the vote thereon being as follows:

In favor of the Ordinance	5
Against the Ordinance	0

(signed) Margaret M. Dusseau
Margaret M. Dusseau, Clerk

ATTEST:

(Signed) William D. Frey
William D. Frey, Supervisor

ERIE TOWNSHIP ORDINANCE NO. 67-B

AMENDMENT TO ERIE TOWNSHIP WATER SUPPLY ORDINANCE
ORDINANCE NO. 67

This is an ordinance amending the provisions of Ordinance No. 67 and amendments thereto, providing for the supplemental connection fee for certain property located within the Township of Erie and to generally provide for the public health, safety and general welfare for the persons and property of the Township of Erie, County of Monroe, State of Michigan.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

Section 1 - Amendment to Section 4 of Ordinance No. 67

Ordinance No. 67 of Erie Township, Monroe County, Michigan is hereby amended by adding Section 4(f) to follow Section 4, and said Section 4(f) providing in its entirety as follows:

(f) Special Connection Charge. The intent of this section is to provide for a method by which Erie Township can be reimbursed for its capital expenditures by those parcels who were not required to pay the special assessment pursuant to Special Assessment District No. 4, also known as the Nine Road Water District. The connection charge set forth in Section (f)(2) of this Ordinance is intended to repay the Township the cost it expended for the water line extensions for those parcels of real property who benefit from the water line extension but were not required to pay the special assessment.

1. Special Connection District. The special connection charge applies only to the parcels of property located within the following territory:

Commencing 1500 ft from the East side of Dixie Hwy on Sterns Rd. East to the corner of Suder and Sterns,
Then East on the East side of Suder on Sterns Rd for 875 ft to the entrance of Adeline Subdivision,
Then looped through Adeline Subdivision, 1st Street, 2nd Street, Merie St. and E. Stern for 2800 ft,
Then North on Suder from 500 ft South of the intersection of Sterns Rd and Suder to Temperance Rd,
Then from the corner of Dixie Hwy and Temperance Rd on Temperance Rd East to Suder,
Then North on Summit from intersection of

Temperance, Suder and Summit to Vienna Rd,
Then East on Vienna Rd from Summit to Bay
Creek Rd,
Then the entire length of Perry North and South off
Vienna Rd and Scott West off Perry and Lake St
East off Perry.

2. Special Connection Fee. A special connection fee of \$7,000.00 shall be assessed for each connection made to the public water line of the Township in the aforementioned area, in addition to any other tap in charges, debt retirement charge, debt service charge or any other connection or tap in charge made pursuant to Erie Township ordinance, if any of the following apply:

(a) The parcel was not required to pay the special assessment made pursuant to Special Assessment District No. 4, also known as the Nine Road Water District, because the parcel was vacant, i.e. no residence was located on the parcel, at the time of the special assessment.

(b) The parcel was not required to pay the special assessment pursuant to Special Assessment District No. 4, also known as the Nine Road Water District, as the parcel was subject to an agreement pursuant to Public Act 116 of 1974.

(c) The parcel was split into two or more separate taxable parcels after May 11, 1999.

3. The special connection fee must be paid in its entirety at the time of application for a building permit for any parcel subject to the special connection fee or at the time the request to connect to the public water line of the Township of Erie is made by any parcel subject to the special connection fee.

4. The special connection fee is payable, in its entirety, on the date this ordinance becomes effective for those parcels which were not required to pay the special assessment and for which a building permit was issued and/or authorization was given to connect to the public water line between May 11, 1999 and the date this Ordinance becomes effective.

Section 2 - Prior and Inconsistent Ordinances Repealed

All ordinances or parts of ordinances in conflict with this Ordinance are to the extent of such conflict, repealed.

Section 3 - Severability

This Ordinance and the various sentences, paragraphs, sections, subsections, phrases and clauses thereof, are hereby declared severable, and if any of them are adjudged unconstitutional and invalid, it is hereby directed that the remainder of the Ordinance shall not be effective.

Section 4 - Effective Date

The Ordinance shall become effective on the 31st day after it, or a summary of it, has been published in a newspaper of general circulation in the Township of Erie.

THE TOWNSHIP BOARD OF THE
TOWNSHIP OF ERIE, COUNTY
OF MONROE, STATE OF MICHIGAN:

By: Gayle A. Burlen
Gayle A. Burlen,
Erie Township Clerk

AUTHENTICATED:

By: Daniel J. Bonkoski
Daniel J. Bonkoski,
Erie Township Supervisor

I, Gayle M. Burlen, do hereby certify that I am the duly elected and acting Clerk of the Township of Erie, and I do hereby certify in this Ordinance that this Ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, in the regular meeting of the Township Board held at the Erie Township Hall, Erie Township, Michigan, on the 14th day of September, 1999.

The vote on said Ordinance, 5 members being present and 0 members absent, was as follows:

Member's Last Name

Voting in Favor:	<u>Bonkoski</u>	<u>Cousino</u>
	<u>Burlen</u>	<u>Grodi</u>
	<u>Baum</u>	
Voting Against:	<u>0</u>	<u></u>
Abstained:	<u>0</u>	<u></u>
Absent:	<u>0</u>	<u></u>

I, Gayle A. Burlen, the Township Clerk of the Township of Erie, do hereby certify that this Ordinance or a summary of it, was published on the 24th day of September, 1999 in a newspaper of general circulation in the Township of Erie, within thirty (30) days after adoption of the Ordinance.

Dated: September 14, 1999

Gayle A. Burlen
Gayle A. Burlen,
Erie Township Clerk

ATTEST:

Daniel J. Bonkoski
Daniel J. Bonkoski,
Erie Township Supervisor

ADOPTED:	<u>September 14, 1999</u>
PUBLISHED:	<u>September 24, 1999</u>
EFFECTIVE:	<u>October 25, 1999</u>

ERIE TOWNSHIP ORDINANCE NO. 67-C

AMENDMENT TO ERIE TOWNSHIP WATER SUPPLY ORDINANCE NO. 67

This is an ordinance amending the provisions of ordinance No. 67 and amendments thereto, providing for the supplemental connection fee for certain property located in the Township of Erie and to generally provide for the public health, safety and general welfare for the persons and property of the Township of Erie, County of Monroe, State of Michigan.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

SECTION 1. - AMENDMENT TO SECTION 5 OF ORDINANCE 67.

Ordinance No, 67 of Erie Township, Monroe County, Michigan is hereby amended by amending the text of Section 5 of said ordinance to read as follows:

SECTION 5. - DEBT SERVICE CHARGE.

The foregoing debt service charge shall be paid in the following manner:

(a) In cash when a permit is issued to connect to a water main of the system,
or

(b) One-tenth (1/10) of the Debt Service Charge when a permit is issued to connect to a water main of the system and the balance shall be paid in nine (9) equal annual installments together with interest at five and one-quarter (5 1/4%) percent per annum, on the unpaid balance from the month when the meter is set to the date of each installment.

The first installment and accrued interest shall be due and payable on the next February 28th, which is more than six (6) months after the date when the meter is set, and subsequent installments with accrued interest shall be due and payable on each February 28th annually thereafter until the Debt Service Charge and accrued interest shall be fully paid.

The Township Treasurer shall accept payments of such installments and accrued interest during the three (3) months immediately preceding the due dates thereof. The Township Treasurer shall mail notices to such effect to the owner of the premises according to the latest assessment roll of the Township unless notified to mail same to some other address.

Failure to receive such notice shall not relieve the owner of the premises of the obligation of payment. The entire balance of any Debt Service Charge from time to time remaining unpaid may, nevertheless, be paid in cash at any time before due together with accrued interest to the first day of the month following the date of payment. As a condition precedent to payment in installments the Township may require the owner and any mortgagee (s) of the premises to execute an Indenture of Lien in proper legal form for recording.

SECTION 2.

All ordinances, or parts thereof, inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3.

This ordinance shall become effective thirty (30) days after it has been published in a newspaper of general circulation in the Township of Erie.

THE TOWNSHIP BOARD OF THE
TOWNSHIP OF ERIE, COUNTY OF
MONROE, STATE OF MICHIGAN:

By: Gayle A. Burlen
Gayle A. Burlen
Erie Township Clerk

AUTHENTICATED:

By: Daniel J. Bonkoski
Daniel J. Bonkoski
Erie Township Supervisor

I, Gayle A. Burlen , do hereby certify that I am the duly elected and acting clerk of the Township of Erie, and I do hereby certify in this ordinance that this ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, in the regular meeting of the Township Board held at the Erie Township Hall, Erie Township, Michigan, on the 13TH day of February, 2001.

The vote on said Ordinance, 5 members being present and 0 members being absent as follows:

Member's Last Name

Voting in Favor:	<u>Bonkoski</u>	<u>Gordy</u>
	<u>Burlen</u>	<u>LaPlante</u>
	<u>Baum</u>	

Voting Against: None _____

Abstained: None _____

Absent: None _____

I, Gayle A. Burlen, the Township Clerk of the Township of Erie, doe hereby certify that this ordinance or a summary of it, was published on the _____ day of _____, 2001 in a newspaper of general circulation in the Township of Erie, within thirty (30) days after adoption of the Ordinance.

Dated: February _____

Gayle A Burlen
Gayle A. Burlen,
Erie Township Clerk

ATTEST:

Daniel J Bonkoski
Daniel J. Bonkoski,
Erie Township Supervisor

ADOPTED: February 13, 2001

PUBLISHED: February 23, 2001

EFFECTIVE: March 25, 2001

CJH/cab
erie\watersup.ord

ERIE TOWNSHIP ORDINANCE NO. 67-D

AMENDMENT TO ERIE TOWNSHIP WATER SUPPLY ORDINANCE NO. 67

This is an ordinance amending the provisions of Erie Township Ordinance No. 67 and amendments thereto, providing for connections to the Monroe County Water Supply System (South County System No.1) and for charges, fees and rates; providing penalties for violation; providing for other related matters within the Township of Erie, by re-numbering Sections 14 through 18, by adding a new Section 14 to prohibit cross connections between any private water system and the Erie Township water system, and to generally provide for the public health, safety and general welfare for the persons and property of the Township of Erie, County of Monroe, State of Michigan.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE,
STATE OF MICHIGAN, ORDAINS:

SECTION 1. RENUMBERING OF SECTIONS 14, 15, 16, 17, 18 AND ADDITION OF NEW SECTION 14 TO ORDINANCE NO. 67.

Ordinance No. 67 is hereby amended by re-numbering Section 14, Section 15, Section 16, Section 17 and Section 18 to Section 15, Section 16, Section 17, Section 18 and Section 19, respectively, and by adding new Section 14, such that the new Section 14 shall hereinafter read as follows:

...SECTION 14. CROSS CONNECTIONS.

A. **Cross Connection Defined.** A connection or arrangement of piping or appurtenances through which water of questionable quality, wastes or other contaminants can enter the public water supply system.

B. **Cross Connections Prohibited.** The use of cross connections is hereby prohibited.

C. **Adoption of the Michigan Administrative Code.** 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, are hereby adopted by reference.

D. **Authorization of Inspections of Cross Connections.** The Monroe County Drain Commissioner shall cause inspections to be made of all properties served by the South County Water System where cross connection with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by

the South County Water System and as approved by the Michigan Department of Environmental Quality.

E. **Conduct of Inspections.** The representatives of South County Water System shall have the right to enter at any reasonable time any property served by a connection to the South County Water System for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees or occupants of any property so served shall furnish any pertinent information regarding the pipe system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of a cross connection.

F. **Discontinuation of Water Service where Cross Contamination Present.** The South County Water System is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.

G. **Testing of Backflow Prevention Devices.** All testable backflow prevention devices shall be tested initially upon installation to be sure that the device is working properly. Subsequent testing of devices shall be conducted at a time interval specified by the South County Water System and in accordance with Michigan Department of Environmental Quality requirements. Only individuals certified to test such devices shall be qualified to perform such testing and shall certify the results and forward said results to the South County Water System office.

H. **Protection from Contamination.** The potable water supply made available on the properties served by the South County Water System shall be protected from possible contamination as specified by this ordinance and by the State and applicable township plumbing codes. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

“WATER UNSAFE FOR DRINKING”

I. **Plumbing Code Supplement.** This ordinance does not supercede the State Plumbing Code or applicable Township plumbing ordinances, but is supplementary to them.

J. **Penalties.** Any person or customer found guilty of violating any of the provisions of this Section or any written order of the South County Water System, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$5,000.00 for each day of violation, or by imprisonment for not more than 1 year, or both.

SECTION 2.

All ordinances, or parts thereof, inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3.

This ordinance shall become effective thirty (30) days after it has been published in a newspaper of general circulation in the Township of Erie.

THE TOWNSHIP BOARD OF THE
TOWNSHIP OF ERIE, COUNTY OF
MONROE, STATE OF MICHIGAN:

By: Jolene Upchurch
Jolene Upchurch
Erie Township Clerk

AUTHENTICATED:

By: William D. Frey
William D. Frey
Erie Township Supervisor

I, Jolene Upchurch, do hereby certify that I am the duly elected and acting clerk of the Township of Erie, and I do hereby certify in this ordinance that this ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, in the regular meeting of the Township Board held at the Erie Township Hall, Erie Township, Michigan, on the 12 day of September, 2006.

The vote on said Ordinance, 5 members being present and 0 members being absent as follows:

Member's Last Name

Voting in Favor:

Frey

Upchurch

Kamprath

Gordy

Cousino

Voting Against:

0

Abstained:

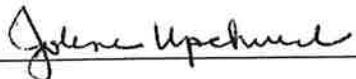
0

Absent:

0

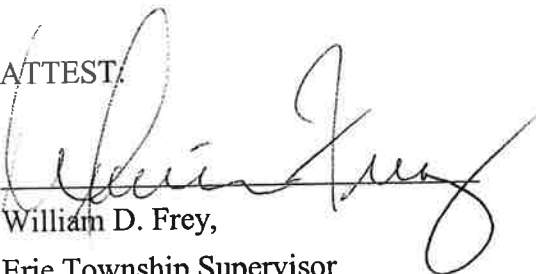
I, Jolene Upchurch, the Township Clerk of the Township of Erie, do hereby certify that this ordinance or a summary of it, was published on the 22 day of September, 2006 in a newspaper of general circulation in the Township of Erie, within thirty (30) days after adoption of the Ordinance.

Dated: September 12, 2006



Jolene Upchurch,
Erie Township Clerk

ATTEST:



William D. Frey,
Erie Township Supervisor

ADOPTED: September 12, 2006

PUBLISHED: September 22, 2006

EFFECTIVE: October 22, 2006

LDJ

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ERIE TOWNSHIP ORDINANCE NO. 67-E

AMENDMENT TO ERIE TOWNSHIP WATER SUPPLY ORDINANCE
ORDINANCE NO. 67

This is an ordinance amending the provisions of Ordinance No. 67 and amendments thereto, providing for the supplemental connection fee for certain property located within the Township of Erie and to generally provide for the public health, safety and general welfare for the persons and property of the Township of Erie, County of Monroe, State of Michigan.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

Section 1 - Amendment to Section 4 of Ordinance No. 67

Ordinance No. 67 of Erie Township, Monroe County, Michigan is hereby amended such that Section 4(f) is deleted and a new Section 4(f) is added, to read as follows:

(f) Special Connection Charge. The intent of this section is to provide for a method by which Erie Township shall be reimbursed for its capital expenditures by those parcels who were not required to pay the special assessment pursuant to any existing Erie Township Special Assessment Districts for the extension of public water, as well as future Erie Township Special Assessment Districts for the extension of public water. The connection charge set forth in Section 4(f)(2) of this Ordinance is intended to repay the Township the cost it expended and/or will expend in the future for the water line extensions for those parcels of real property who benefit from the water line extension but were not required to pay the special assessment.

1. Special Connection District. The special connection charge applies to all existing Special Assessment Water Districts, as well as future Special Assessment Water Districts:

2. Special Connection Fee. A special connection fee of \$7,000.00 shall be assessed for each connection made to the public water line of the Township for all Special Assessment Districts, in addition to any other tap in charges, debt retirement charge, debt service charge or any other connection or tap in charge made pursuant to Erie Township ordinance, if any of the following apply:

(a) The parcel was not required to pay a special assessment made pursuant to existing Special Assessment Districts for the extension of public water, because the parcel was vacant, i.e. no

residence was located on the parcel, at the time of the special assessment.

(b) The parcel was not required to pay the special assessment, as the parcel was subject to an agreement pursuant to Public Act 116 of 1974.

(c) The parcel has been split into two or more separate taxable parcels.

3. The \$7,000.00 special connection fee required by this Ordinance shall be paid either (a) in its entirety at the time of application for a building permit for any parcel subject to the special connection fee or at the time the request to connect to the public water line of the Township of Erie is made by any parcel subject to the special connection fee, in which event no interest shall be charged, or (b) in fifteen (15) equal annual installments, together with interest accruing on the unpaid principal balance at the bond rate established for the particular Special Assessment District of which the parcel is a part of, plus one percent (1%) per annum, said payments to be included as an assessment item on the winter tax bill issued by Erie Township.

4. The special connection fee is payable, as provided for in Section 4(f)(3), on the date this ordinance becomes effective for those parcels which were not required to pay the special assessment and for which a building permit was issued and/or authorization was given to connect to the public water line.

Section 2 - Prior and Inconsistent Ordinances Repealed

All ordinances or parts of ordinances in conflict with this Ordinance are to the extent of such conflict, repealed.

Section 3 - Severability

This Ordinance and the various sentences, paragraphs, sections, subsections, phrases and clauses thereof, are hereby declared severable, and if any of them are adjudged unconstitutional and invalid, it is hereby directed that the remainder of the Ordinance shall not be affected.

Section 4 - Effective Date

The Ordinance shall become effective on the 31st day after it, or a summary of it, has been published in a newspaper of general circulation in the Township of Erie.

THE TOWNSHIP BOARD OF THE
TOWNSHIP OF ERIE, COUNTY
OF MONROE, STATE OF MICHIGAN:

By: Jolene Upchurch
Jolene Upchurch,
Erie Township Clerk

AUTHENTICATED:

By: William D. Frey
William D. Frey,
Erie Township Supervisor

I, Jolene Upchurch, do hereby certify that I am the duly elected and acting Clerk of the Township of Erie, and I do hereby certify in this Ordinance that this Ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, in the regular meeting of the Township Board held at the Erie Township Hall, Erie Township, Michigan, on the 13th day of November, 2007.

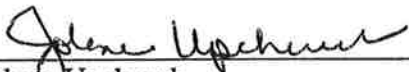
The vote on said Ordinance, 5 members being present and 0 members absent, was as follows:

Member's Last Name

Voting in Favor:	<u>Frey</u>	<u>Upchurch</u>
	<u>Baum</u>	<u>Cousino</u>
	<u>Gordy</u>	
Voting Against:	<u>0</u>	
Abstained:	<u>0</u>	
Absent:	<u>0</u>	

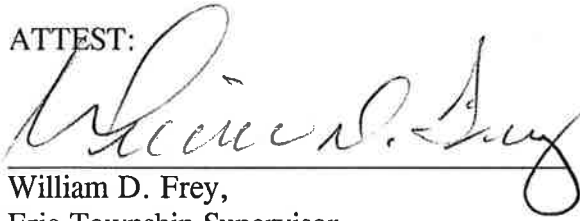
I, Jolene Upchurch, the Township Clerk of the Township of Erie, do hereby certify that this Ordinance or a summary of it, was published on the 13th day of November, 2007 in a newspaper of general circulation in the Township of Erie, within fifteen (15) days after adoption of the Ordinance.

Dated: November 13, 2007



Jolene Upchurch,
Erie Township Clerk

ATTEST:



William D. Frey,
Erie Township Supervisor

ADOPTED: November 13, 2007

PUBLISHED: November 20, 2007

EFFECTIVE: December 21, 2007

PDG/blc

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