

CHARTER TOWNSHIP OF ALLENDALE

ORDINANCE NO. 2018-____

WATER SYSTEM ORDINANCE

AN ORDINANCE to make certain legislative findings; to provide for the connection of water customers to the Charter Township of Allendale water system; to provide for the imposition, collection and enforcement of charges, rates and fees for connection to the Township water system and the receipt of service therefrom; to provide for other matters relative to the operation, maintenance, repair and use of the Township water system; and to provide for the adoption of rules and regulations, for penalties for the violation of this Ordinance, administrative liability and the repeal of conflicting ordinances.

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, STATE OF MICHIGAN, ORDAINS:

Section 1. Title. This Ordinance shall be known as and may be cited as the "**Charter Township of Allendale Water System Ordinance.**"

Section 2. Definitions. For purposes of this Ordinance, the words and phrases defined in subsections (a) through (d), inclusive, shall have the meanings ascribed to them in those subsections. These definitions, unless the context requires otherwise, apply to the use of these defined words and phrases in this Ordinance.

(a) **“Premises”** means a parcel of land and the buildings and/or other improvements thereon that will be or are already connected to the System.

(b) **“Rate Schedule”** The Township Board shall have the power from time to time by resolution duly adopted at any regular meeting to fix just and reasonable rates

and such other charges as may be deemed advisable for supplying services pursuant to this Ordinance. This resolution once duly adopted shall be the "Rate Schedule."

(c) **"System"** means all water mains and water supply facilities, and their appurtenances, which the Township (i) owns and/or (ii) has or shall have possession of and operating responsibility for, whether owned by the Township or not, and whether located in or outside the Township geographical limits, either now in existence or hereafter acquired or constructed, together with all works, plants, instrumentalities and properties used or useful in connection therewith in obtaining a water supply and distributing water to users.

(d) **"Township"** means the Charter Township of Allendale, Ottawa County, Michigan.

(e) **"Township Board"** means the Charter Township of Allendale Township Board.

Section 3. Connection to the System. Connection to the System, directly or indirectly, and the use of water therefrom for any purpose, shall only be in compliance with this Ordinance, as amended, and in compliance with all rules, regulations, and standard construction requirements of the Township applicable thereto, as amended.

Section 4. Legislative Findings. The following legislative findings are made:

(a) **Potable Water.** The Township Board finds that the businesses, industries, farms, schools, governmental agencies, charitable organizations, residents, and other water users located in the Township need to have potable water for consumption and other uses.

(b) Availability of Potable Water. The Township Board finds that the supply of potable water available from private wells within the Township is insufficient, in most instances, due to poor water quality and/or lack of sufficient volume, to assure that businesses, industries, farms, schools, governmental agencies, charitable organizations, residents, and other water users will have sufficient potable water available for consumption and also sufficient water for business and industrial purposes, fire prevention and control, and other uses.

(c) Method of Measuring Use. Based on the advice of the Township rate consultant and the Township engineers, the Township Board finds that the most precise method of measuring the water provided by the System to a user is by a meter or meters controlled by the Township.

(d) Continuity of Service. The Township Board finds that in order to provide and continue to provide water to all users of the System, in quantities necessary for all types of use, it is necessary from time to time to complete repairs, maintenance, reconstruction, and replacement to the System.

(e) Purpose of Charges. The charges, rates, and fees for connection to the System and the use of water from the System are established pursuant to this Ordinance for the purpose of recovering the cost of the construction, reconstruction, replacement, maintenance, repair, and operation of the System and the cost of compliance with all applicable federal and state laws and related rules and regulations, and to provide for the payment of principal and interest on any bonds sold or other indebtedness incurred to finance the construction, reconstruction or other costs of the System. These charges, rates, and fees shall be assessed and be payable in accordance with the provisions of this

Ordinance and shall apply to all users of the System. The charges, rates, and fees authorized by this Ordinance shall be established so as to recover costs from the System users in reasonable proportion to the cost of serving those users.

The Township Supervisor, in consultation with the Township rate consultant and Township engineers, as necessary, shall periodically review the charges, rates, and fees of the System. The results of this review shall be periodically reported to the Township Board with recommendations for adjustments, if any.

(f) Proportionality, Fairness, and Benefits of Rates and Fees. The Township Board finds that the fairest and most reasonable method of providing for System costs is to charge each user, based on the cost of servicing the customer, for: (i) the cost of purchasing water; (ii) ongoing repair, replacement, and reconstruction of the System; and (iii) the operation, administration, and maintenance costs of the System.

(g) Water Service Charges. The Township Supervisor, in consultation with the Township rate consultant and the Township engineers, has reviewed various methods of apportioning the costs for the water service provided by the System. Based on this investigation, and on the advice of the Township rate consultant and the Township engineers, the Township Board finds that to ensure the stability and viability of the System for the benefit of its users, the fairest and most accurate way to apportion System costs is to charge each user: (i) connection fees when a user's property is first connected to the System; (ii) a customer service charge; and (iii) a commodity rate for each 1,000 gallons of water used, as measured by a water meter. The Township Board finds that the charges, rates, and fees authorized in this Ordinance fairly and accurately apportion the System fixed and variable costs among the users of the System and that the connection

charges, the customer service charges, and the commodity rate provide actual benefits to System users in the form of ready access to water service that would not be available if those charges were not imposed.

(h) Cash Reserve. The Township Board finds that it is necessary to maintain a cash reserve for the timely replacement of System assets and to maintain the financial stability of the System.

(i) Connection charges. The Township Board finds that the connection charge that is assessed upon connection to the System should reflect the investment of the existing water customers in the System, and that connection to the System provides an actual benefit to each new user equal to or greater than the amount of this charge. The Township Board also finds that the connection charge should be calculated based on the proportional cost of each user's, both existing and future, share of the existing System capacity. Further, the Township Board finds that the connection charge to be paid by each Premises connecting to the System should be based on the number of residential equivalent units of water usage anticipated on account of the System connection. The Township Board finds that the table of residential equivalent unit factors, a single family residence being one unit, incorporated as a part of this Ordinance in the Rate Schedule, fairly and reasonably computes, to the extent reasonably possible, the water usage from the System by various types of water customers subject, however, for non-residential customers, to an adjustment at the time of connection based on the documented use by similar facilities and to a retrospective adjustment based on actual use.

(k) Laterals and Service Charges. The Township Board finds that the lateral charge and the other miscellaneous special water service charges and fees represent the approximate actual cost of the public lateral and each such service.

Section 5. Connection Fees. All Premises connecting to the System shall pay water connection fees. The water connection fees shall be the sum of the public lateral charge, frontage charge, and trunkage charge. The public lateral charge, water meter charge, and connection charge for each connection to the System shall be calculated and determined as is provided in subsections (a) through (c) in this Section. Any Premises that is already connected to the System which is expanded, altered, and/or requests a larger water meter shall pay an additional connection fee as is provided in subsection (c). The provisions of this section shall not be applicable to existing or potential water customers who have entered into a written contract with the Township providing for the payment of connection fees.

(a) Public Lateral Charge. All Premises connecting to the System shall pay a public lateral charge. If the public lateral already exists, the public lateral charge shall be as provided in the Rate Schedule. If the public lateral does not already exist, the public lateral charge shall be the Township's third party contractor cost plus 10% (administration fee) to install the public lateral. The public lateral charge is for the installation of the public lateral in the street right-of-way or public easement from the water main to the property line. However, a public lateral charge shall not be payable if (i) a public lateral charge has previously been paid or assessed against the Premises to be connected or (ii) the public lateral has previously been constructed by private parties or by the Township on behalf of and at the expense of private parties, except that if the

Township has a contractual reimbursement obligation with respect to a public lateral, then a public lateral charge shall nevertheless be payable.

(b) In addition, all Premises connecting to the System shall have a water meter and shall pay a water meter charge and an inspection charge as provided in the Rate Schedule. In addition, except in the case of new construction, a plumbing inspection fee as provided in the Rate Schedule shall be paid by all Premises connecting to the System. The Township shall be the owner of the water meter.

All single-family residences shall use a 5/8" or 3/4" meter; all two-family residences shall use a 3/4" meter. The meters size for all other connections shall be determined by the Township.

(c) Connection Charge. All Premises connecting to the System shall pay a connection charge per residential equivalent unit as provided in the Rate Schedule unless the Premises has been included in a special assessment district to pay the cost of the water main providing service which included a connection charge as part of the special assessment. Those Premises included in a special assessment district where the connection charge component of the special assessment was determined based on a fewer number of residential equivalent units than will actually be served by the connection, such as if the assessment was based on an unimproved parcel of land, shall pay a connection charge based on the increased number of residential equivalent units to be served.

Those Premises which have previously paid a connection charge as part of a special assessment or as part of a connection fee, and which are already connected, but which (i) are later expanded, (ii) the use thereof is altered so as to increase the amount of

water use, or (iii) a larger water meter is requested, shall pay an additional connection charge. In the case of an expansion or alteration of use, the additional connection charge shall be paid in full at the time a building permit is issued for such expansion or alteration or, if no building permit is required, at such time as the Premises are expanded or the use thereof is altered. In the case of a larger water meter, the additional connection charge shall be paid in full at the time the larger water meter is requested.

The number of residential equivalent units shall be determined for residential Premises based on a table of residential equivalent unit factors included in the Rate Schedule. The amount of the connection charge shall be determined by multiplying the connection charge times the number of residential equivalent units applicable to the particular residential Premises.

For all nonresidential Premises, the amount of the connection charge shall be determined in accordance with the following procedures:

- (1) At the time of initial application to connect to the System, or at the time of an expansion, alteration of use, or request for a larger water meter, the Township shall estimate the number of residential equivalent units based on the water utilization of similar buildings and facilities within the Township or elsewhere provided by the applicant/water customer, historical water use by the customer if the connection charges are payable on account of an expansion, alteration, or request for a larger meter, the schedule of residential equivalent units included in the Rate Schedule, and such other factors as the Township determines are reasonable and appropriate.

(2) The amount of the connection charge shall then be determined by multiplying the residential equivalent unit rate by the number of residential equivalent units estimated by the Township.

(3) The final number of residential equivalent units shall be determined based on the actual water utilization as determined based on the volume of metered public water consumed. To accomplish this, beginning approximately one year after the issuance of the occupancy permit for the particular improvement, expansion or alteration of use which is the basis for the water connection charge, or approximately one year after the installation of the larger water meter, the quantity of public water utilized shall be monitored for the next 12 full calendar months. If no occupancy permit is required for the improvement, expansion or alteration of use, the one-year period shall begin as of the date on which the improvement, expansion or alteration of use is first placed in service. At the completion of the 12-month monitoring period, the total volume of water utilized shall be determined and this total shall be equated to water residential equivalent units by dividing this total by 80,000 gallons per year to equal the number of water residential equivalent units. However, in no event shall the number of residential equivalent units be less than one. If there is an expansion, alteration of use, or request for a larger meter, the total volume of water utilized shall be calculated by subtracting from the water utilization during the 12-month monitoring period the total recorded water utilization for the 12-month period immediately preceding (i) the issuance of the occupancy permit for the expansion or alteration of use or, if no occupancy permit is required, the 12-

month period before the expansion or alteration of use is first placed in service or (ii) the request for a larger water meter. The water customer shall be notified in writing of the results of such computations.

(4) If, due to a full or partial work stoppage or temporary shutdown, seasonal operation, fire or other casualty, or any other reason, the volume of water usage during the monitoring period is not, in the reasonable judgment of the Township, fairly representative of the Premises' actual water utilization, the Township shall have the right to select another period which is fairly representative of the Premises' actual water utilization and to utilize the water usage during that period to calculate the number of water residential equivalent units for purposes of the calculations specified in subsection (3) above.

(5) If the volume of water usage during the monitoring period is not, in the reasonable judgment of the Township, fairly representative of the Premises' actual water utilization because of a discontinuation of the use of the Premises, the number of residential equivalent units shall remain as previously estimated subject, however, to later equitable adjustment based on actual water utilization as provided above, if and when the Premises are again utilized.

(6) If the number of water residential equivalent units is higher than the initial estimate, then the water connection charge shall be adjusted accordingly and the difference shall be paid in full by the water customer within 30 days of the recomputation.

(7) If the number of water residential equivalent units is lower than the estimate, then the water connection charge shall be adjusted accordingly and the Township shall refund the difference in full within 30 days of the recomputation.

Section 6. Water System Connection Fees Payment Terms. At the time application is made to connect to the System, an election shall be made by the applicant as to whether to pay the public lateral, and/or connection charge components of the water system connection fee in full or in ten (10) equal installments. The water meter fee, the inspection charge, and the plumbing inspection fee shall always be paid in full at the time of application.

If installment payments are selected, the first installment shall be billed on the first April 1 following the date on which application to connect to the System is made. All subsequent installments shall be billed on each April 1 thereafter. Each installment shall be paid in full no later than the following April 30.

Accrued interest on the unpaid balance shall be due and payable on each principal installment date. Interest shall commence on the first day of the month following the month in which the application to connect is received by the Township. The interest rate shall be the rate provided in the Rate Schedule provided, however, the interest rate per annum for connections to all portions of the System constructed with the proceeds of the sale of bonds (the "Bonds") sold by or on behalf of the Township shall equal the lesser of the rate specified in the Rate Schedule or the average interest rate on the Bonds, rounded to the nearest one hundredth (100th) of one percent (1%), plus one percent (1%). If connection is made to a portion of the System not constructed with the proceeds of the sale of Bonds which is then later financed with the sale of Bonds, then the interest rate per annum shall be adjusted to the lesser of the rate specified in the

Rate Schedule or the average interest rate on the Bonds, rounded to the nearest one hundredth (100th) of one percent (1%), plus one percent (1%).

If an election is made to pay the public lateral, and/or connection charge component of the connection fees in installments, the charge may be paid in full at any time with interest accrued through the month in which payment is made. Partial prepayments are also permitted but only (i) if a full principal installment(s) is prepaid and (ii) if all interest accrued on the installment(s) being prepaid through the month in which the prepayment is made is paid at the same time. All prepayments shall be applied to the installments payable in inverse order of their due date.

If any installment or any interest due is not paid in a timely manner, then a penalty shall be charged at the rate of one percent (1%) for each month or fraction of a month that any amount remains delinquent.

If the public lateral, and/or connection charge component of the connection fee is paid in installments, then the unpaid balance, together with any unpaid interest and penalties, shall be a lien on the Premises served.

On or before October 1 of each year the Township Treasurer shall deliver to the Township Supervisor a certified statement of all public lateral, and/or connection charges and all interest and penalties thereon then six (6) months or more past due and unpaid. The Township Supervisor shall then place such charges on the next tax roll and the same shall be collected and such lien shall be enforced in the same manner as is provided for general Township taxes.

At the time of each application to connect to the System, if any portion of the public lateral, and/or connection charge will be paid in installments, as a condition precedent to connection and the privilege to pay the public lateral, and/or connection charges in installments,

the owner of the Premises served shall sign an agreement with the Township in recordable form stating the amount owed, the interest rate and other payment terms, and that the unpaid charges and all interest and penalties thereon shall constitute a lien on the Premises served.

If any installment of a public lateral, and/or connection charge or any interest or penalties thereon is not paid in a timely manner, the Township shall have the right, in addition to any other remedies available to it, to turn off the Township water service to the Premises and water service shall not be restored until all amounts then due and payable are paid in full.

Section 7. Other Charges. The charges for special water services, such as hydrant use for bulk water supply, providing water for a construction project, meter test charge, delivering a shut off notice, or making a service call to turn on after delinquent water bill paid shall be as provided in the Rate Schedule. Any special water service for which a charge has not been established on the Rate Schedule shall be charged on a time and materials basis.

All such charges shall be paid in full at the time the service is provided.

Section 8. Water Rates. The quarterly customer service charge and the rates for water supplied to each Premises connected to the System shall be as provided in the Rate Schedule. No water charge shall be made to a Customer for the water used to test a standby fire line connection or to fight a fire on the Premises.

Free water service shall not be furnished by the System to the Township or to any person, firm or corporation, public or private, or to any public agency or instrumentality. The Township shall pay for water supplied to it or to any of its departments or agencies at the rates established pursuant to this Section from time to time.

Section 9. Billing and Enforcement. Charges for water service shall be billed quarterly. Bills shall be mailed by the fifteenth (15th) day of the month following the quarter for

which the bills are rendered and shall be due and payable on or before the fifteenth (15th) day of the next month. Failure to receive a bill in the mail shall not excuse payment. Customers whose bills are not paid on or before the due date shall have the penalty charge as provided in the Rate Schedule added thereto and shall then be mailed a reminder bill, which shall include the penalty amount. If the reminder bill is not paid within ten (10) days after the date of mailing, a seventy-two (72) hour shut-off notice shall be hand delivered to the residence with penalty as provided in the Rate Schedule. If the bill is not paid within 72 hours after the date of the shut-off notice, then the customer's public water service shall be turned off immediately and without further notice. Water service shall not be restored until the entire amount of the water bill has been paid together with the penalty charge and the turn on charge as is provided in the Rate Schedule.

Charges for water shall constitute a lien on the Premises served. On or before October 1 of each year, the Township Treasurer shall deliver to the Township Supervisor a certified statement of all water charges and penalty charges thereon then six (6) months or more past due and unpaid. The Township Supervisor shall then place such charges on the next tax roll and the same shall be collected and such lien shall be enforced in the same manner as is provided for general Township taxes.

Section 10. Fiscal Year. The System shall be operated on the basis of a fiscal year beginning January 1 of each year and ending December 31 of the same year.

Section 11. Financial Records. The Township shall cause to be maintained and kept proper financial records relating to the operation of the System. These financial records shall be audited annually by a certified public accountant to be designated by the Township Board and a certified copy of the audit shall be filed with the Township Clerk. Such audit may be a part of the general Township audit.

Section 12. Application to Connect. No connection shall be made to the System without obtaining a permit therefor. Application for such permit shall be made on a form provided by the Township by the Premises title holder or land contract purchaser or authorized agent and filed with the Township. The Township shall issue a permit to connect when all prescribed conditions have been met. The permit shall be issued subject to the terms and provisions of this Ordinance and any rules and regulations adopted hereunder, as they may be amended by the Township Board from time to time, and the terms of the application to connect. By applying for a permit to connect, the applicant and all successors in interest shall be deemed to have consented to all of the terms and provisions of this Ordinance and any rules and regulations adopted hereunder, as they may be amended.

Section 13. Private Party Extensions. The Township may, in its discretion and pursuant to a written development contract in form satisfactory to the Township, permit an extension of the System to be made under the direction and control of a private party. This extension shall be dedicated to the Township upon completion. All particulars concerning the extension including, but without limitation, location and the construction methods and materials, shall be included in the development contract. The extension shall cover the entire road or public right-of-way frontage of the Premises to be served by the extension or extend entirely through the Premises to be served, extending in each case to the adjoining Premises, unless the Township waives this requirement in writing.

Section 14. Mandatory Extensions. All subdivisions, site condominiums, and other developments shall be served by and connected to the System if required by Township zoning, subdivision, or other applicable ordinance. If an extension is necessary in order to complete the

required connection, and that extension will be constructed by a private party, then the extension shall be constructed pursuant to Section 13.

Section 15. System and Use Coordination. All land use approvals under the Township Zoning Ordinance, whether by variance, special use, planned development, contract zoning or ordinance, which includes buildings or other improvements to be connected to the System, shall be conditioned on compliance with all of the terms and provisions of this Ordinance and all rules and regulations adopted hereunder, as they may be amended.

Section 16. Public Lateral. All Premises connecting to the System shall be provided with a public lateral from the water main to the edge of the public street or public easement within which the water main is located, as well as a curb stop and box. The Township shall be the owner of the public lateral, curb stop and box. The Township shall be responsible for the repair, reconstruction, and replacement of the public lateral.

Section 17. Cross Connections. Cross connections shall be regulated by the Charter Township of Allendale Cross Connection Ordinance, Ordinance Number 2004-6, as amended.

Section 18. Work in Right-of-Way. All work in the street right-of-way or in public easements, including the lateral installation, shall be constructed and performed by the Township or its agents or independent third party contractors.

Section 19. Meters and Right of Entry. All water meters shall be located in a heated area with ceiling clearance of at least five (5) feet. The water meter shall be located so it can be conveniently read and serviced. No person shall obstruct or interfere in any way with a water meter or component thereof by placing in, on, or about the water meter a component thereof building materials, rubbish, shrubbery, flowers, or otherwise hindering easy and free access thereto. The Township's duly authorized employees or representatives bearing proper

credentials and identification shall be permitted to enter at any reasonable time any Premises connected to the System for the purpose of reading, servicing, or replacing the water meter or inspecting the piping system(s) which are connected to the System. On request, a water customer shall provide the Township with all requested pertinent information concerning the piping system(s) which are connected to the System.

If a request to enter a Premises connected to the System for the purpose of reading, servicing, or replacing the water meter or inspecting the piping system(s) which are connected to the System is denied, then in addition to any other enforcement remedies provided under this Ordinance, any other ordinance of the Township, or by law, the Township can send to the water customer a 72 hour water shut off notice by certified mail or personal delivery. If the requested entry is not granted within 72 hours after the date of the shut off notice, then the customer's public water service shall be turned off immediately and without further notice. Water service shall not be restored until the requested entry has been granted and the service call turn on water after shut off charge as is provided in the rate schedule has been paid in full.

If any meter shall fail to register properly, or the meter cannot be read for any reason, the Township shall estimate the amount of water consumed based on prior billing periods and bill the customer for water and, if connected to the sewer system, for sewer, accordingly.

A water customer may request that a water meter be tested for accuracy. If the meter is found accurate on the basis of current American Waterworks Association standards, a charge as is provided in the Rate Schedule shall be made to the water customer. If the meter is found to be inaccurate on the basis of current American Waterwork Association standards, the meter shall be repaired or a new meter shall be installed and no charge shall be made to the water customer, either for the test or the meter repair or replacement.

Section 20. Private Lateral. The owner of each Premises served by water shall, at the owner's sole expense, construct the private lateral, running from the termination of the public lateral to the building, structure or other improvement served with water in accordance with the standard construction requirements referenced in Section 27 below. The Premises owner shall also maintain the private lateral in good condition with no leaks, breaks or other malfunction. All repair, reconstruction, and replacement of the private lateral shall be the responsibility of the Premises owner. The Premises owner shall indemnify the Township and its authorized representatives against any loss or damage, including attorney fees, that may directly or indirectly result from the construction, repair, maintenance, reconstruction, or replacement of the connection line.

Section 21. One Service Line Per Premises. Unless otherwise authorized by the Township in writing, each public lateral shall serve one Premises only.

Section 22. Repair or Replacement of Meter or Connection. If the meter or public lateral connection is damaged for any reason, all required repair and replacement shall be at the expense of the Premises owner. If the meter or public lateral connection malfunction or are defective, repair or replacement shall be at the expense of the Township.

Section 23. Damage to System Facilities. No person, except an employee of the Township or other person duly authorized by the Township, shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the System. Any person responsible for any damage to the System shall reimburse the Township for the damage and for the loss of water caused thereby and shall be responsible for any injury or damage caused by escaping water.

Section 24. Fire Hydrant Use or Obstruction.

(a) No person, except an employee of the Township or other person duly authorized by the Township, shall open or use any fire hydrant, except in case of an emergency, without first securing written permission from the Township and paying the charge as provided in the Rate Schedule. No tool, other than the prescribed Township fire hydrant wrench, shall be used to open any fire hydrant. See also the Charter Township of Allendale Cross Connection Ordinance.

(b) No person shall, in any manner, obstruct or prevent free access to, or place or store temporarily or otherwise, any object, material, debris, automobile or structure of any kind within a distance of fifteen (15) feet of any fire hydrant. No person shall heap or pile snow within a four (4) foot radius of any fire hydrant. Each person who has a fire hydrant on that person's Premises shall keep the fire hydrant and the surrounding area within a four (4) foot radius of the fire hydrant free and clear from piled and accumulated snow.

Section 25. Water Emergency Orders. The Township Supervisor or his/her representative may, by written order, subject to review and modification or reversal by the Township Board, regulate, limit or prohibit the use of water. Such order may restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential water needs and for fire protection. Notice of the promulgation of any such order shall be published in a newspaper of general circulation in the Township and posted on the Township Internet website as soon as reasonably possible after promulgation. Violation of such an order shall constitute a violation of this Ordinance and shall be subject to the penalties and other remedies prescribed in this Ordinance.

Section 26. Rules and Regulations. The Township Board may from time to time adopt by resolution rules and regulations governing the type and quality of materials and accessories to be used for connection to the System, construction methods for connections to the System, and other operational, maintenance, and technical matters pertaining to the System. Violation of any such rule or regulation shall constitute a violation of this Ordinance and shall be subject to the penalties and other remedies hereinafter prescribed in this Ordinance.

Section 27. Standard Construction Requirements. The Township may, from time to time, adopt by resolution of its Township Board, standard construction requirements for the System, and establish a reasonable fee for obtaining copies of those requirements from the Township. Violation of any provision of such standard construction requirements shall constitute a violation of this Ordinance.

Section 28. Disruption of Service. The Township shall not be liable for any failure or deficiency in the supply of water to water customers whether occasioned by maintenance or repair of the System or any other cause.

Section 29. Administrative Liability. No officer, agent, or employee of the Township shall render himself or herself personally liable for any damages that may accrue to any person as a result of any act required or permitted in the discharge of his or her duties under and in the enforcement of this Ordinance.

Section 30. Penalty. Any violation of, refusal to comply with, or resistance to the enforcement of this Ordinance shall be a municipal civil infraction, and shall be subject to the enforcement procedures set forth in Municipal Civil Infraction Ordinance and a fine of fifty (\$50.00) dollars, plus costs and other sanctions, for each infraction. Each day during which any violation of this Ordinance continues shall be deemed a separate and distinct offense. Increased

civil fines shall be imposed for repeated violations of this Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed within any 12-month period and for which the violator admits responsibility or is determined to be responsible. The increased civil fine for repeat violations shall be as follows:

(a) The fine for any offense which is a first repeat offense shall be \$250.00, plus costs and other sanctions;

(b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$500.00, plus costs and other sanctions.

Members of the Ottawa County Sheriff's Department assigned to the Township, members of the Ottawa County Sheriff's Department whose services are contracted for by the Township, or other persons designated by the Township Board as Township Ordinance Enforcement Officers for this Ordinance are hereby designated as Authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at Allendale Charter Township Municipal Ordinance Violations Bureau) as provided in the Municipal Civil Infraction Ordinance adopted by the Township.

Section 31. Severability and Captions. This Ordinance and the various sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby. Pronouns shall be read as masculine, feminine or neuter as may be appropriate. Captions appearing at the beginning of any section shall not be deemed a part of this Ordinance and shall have no independent significance.

Section 32. Repeal. All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance, including, but without limitation, Ordinances No. 1981-3, 1985-2, 1985-3, 1995-2, 2005-10, and 2006-25 are hereby repealed to the extent of such conflict.

Section 33. Effective Date. This Ordinance was approved and adopted by the Township Board of the Charter Township of Allendale, Ottawa County, Michigan, on _____, 2018, after introduction and a first reading on _____, 2018, and publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective on _____, 2018.

Adam Elenbaas, Supervisor

Laurie Richards, Clerk

CERTIFICATE

I, Candy Kraker, Clerk for the Charter Township of Allendale, Ottawa County, Michigan, do hereby certify that the foregoing Water System Ordinance was adopted at a regular meeting of the Township Board held on _____, 2018. The following members of the Township Board were present at the meeting: _____

_____. The following members of the Township Board were absent:

_____. The Ordinance was adopted by the Township Board with members of the Board _____

_____ voting in favor and members of the Board _____

_____ voting in opposition. The Ordinance was published in the _____ on _____, 2018.

Laurie Richards