

MUNICIPAL WATER SYSTEM
Ordinance No. 849
Adopted: August 1, 2023

An ordinance providing for the operation of the public water system within the Charter Township of Fenton, connections thereto, and rates and charges for connections thereto and use thereof; providing penalties for violations; and providing for other related matters, to promote the public health, safety and welfare Fenton Township.

ARTICLE I. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. **Charges for water supply services or charges** means the amount charged to each premises in the township for water supply services.
2. **Connection fee** means the amount charged at the time and in the amount hereinafter provided, to each premises in the Township for connecting directly or indirectly to the system. The Connection Fee shall include the following:
 - Connection Capital Charge (also referred to as Township Tap-in Fee)
 - Tap/Meter Fee (also referred to as County Meter and Inspection Fee)
 - County Capital Improvement Fee (CCIF)
3. **County** means Genesee County, Michigan.
4. **Secondary Water Supply** means any water supply system that has a county-approved metering system and provides water to irrigate lawns and gardens only. Said secondary water supply would not be used for any other household purposes, but merely outside purposes which do not entail the use of the sanitary sewer system or similar type systems, including a septic system.
5. **System** refers to the Genesee County Water Supply System No. 1 in Fenton Township as now or hereafter established and constructed by the county with the consent of the township to serve the residents of the township in System No. 1.
6. **Tap/Meter Fee** means the amount charged to each applicant by the district at the time an application is made to the township to connect said premises in the township to the system to cover the costs of the water meter, the cost of installing the line from the main to the curb box to the meter and the issuance of a connection permit.
7. **Township** means the Charter Township of Fenton, Genesee County, Michigan.
8. **Unit** means any premises or portion of premises to which there is available or delivered that quantity of water ordinarily used in or needed for the occupancy of a residence building by a single family.
9. **Water supply district or district** means the Genesee County water supply district in Fenton Township.
10. **Water supply services** refers to the transportation, metering, pumping and delivery of potable water to the properties now or hereafter connected directly or indirectly to the water supply system.
11. **Water supply system** means the Genesee County Water Supply System No. 1 in Fenton Township established and constructed by the County under agreement with the Township, dated May 1, 1964, and all extensions, enlargements and improvements thereto in the area served by the system in the Township.

ARTICLE II. Purpose of System.

The said system shall be used for the transportation and delivery of potable water only. Connections to the system, directly or indirectly and the use of water therefrom for all purposes shall be only in compliance with this Ordinance and with the standards and regulations of the County and the Township applicable thereto, all of which shall apply.

ARTICLE III. Supervision of System.

The operation and maintenance of the county water supply system in the township shall be under the immediate supervision and control of the county, as agent for the township, and the county as such agent, acting through its duly designated agency, shall collect the connection fee payable pursuant hereto. The County may delegate the collection of connection fees to the Township.

ARTICLE IV. Water Use Regulations

Connection to and use of the Water Supply System shall be subject to all provisions of the ***Water Connections and Water Use Policies*** as approved and implemented by the Genesee County Drain Commissioner, which is incorporated by reference as if set out fully in this Ordinance, and which are subject to change from time to time by the County.

ARTICLE V. Fiscal Year.

The system shall be operated upon the basis of a fiscal year beginning on January 1 of each year and ending on December 31 of the same year.

ARTICLE VI. Connection Required.

After the effective date of this Ordinance, applications to subdivide land adjacent to existing water mains or water lines into three (3) or more lots or parcels, including platted subdivisions and condominium developments, and permits to improve parcels of land adjacent to existing water mains or water lines shall not be approved or issued on behalf of the Township and none of said lots or parcels shall be improved by the erection of a building thereon unless water mains and lines to serve all of said lots or parcels and to connect same to the system are available as part of the system or shall be installed at private cost or by special assessment (except in roadside plats, wherein for each lot there shall be deposited in escrow, with the Township a sum of money equal to the connection fee to be paid to the water supply district at the time water is there available) in compliance with the ordinances of the Township and the statutes of the State of Michigan regulating the approval of plats or condominiums in the Township or regulating and requiring improvements on land not covered or any amendments to such ordinances.

ARTICLE VII. Fees

Section 1. Connection Fees.

Neither the Township nor any other person shall connect to the public water system in the Township without first obtaining a permit therefore from the County. Each such connection permit shall show the location of the connection, information regarding the owner, the contractor and any other pertinent information as shall be determined to be necessary. The owner of the premises in which the water is used, or to be used, and a connection to the public water system is available, shall pay the connection fee prior to the issuance of a permit to connect the premises to the water system. The amount of and schedule of the payment of connection fees for municipal water services shall be set by resolution of the Township Board.

Section 2. Number of Units per Premises.

The number of units to be assigned to any particular premises used for the purpose shall be determined on the basis of the table of unit factors as approved by the county. If the circumstances

justify, more than one unit may be assigned to a single-family dwelling. No less than one unit shall be assigned to each premises. If subsequent changes in use or a premises increase or decrease the unit classification, the number of units assigned to said premises may be increased or decreased. No change in subsequent use of any premises shall result in a decrease of unit assignment to less than one.

Section 3. User Fees.

All charges for municipal water usage shall be set, and are subject to change from time to time, by resolution of the Township Board. Water usage rates shall apply in all instances where municipal water is supplied.

A. Late or nonpayment of user fees

The penalties, fees and/or charges for late or untimely payments for water usage shall be set, and are subject to change from time to time, by resolution of the Township Board.

B. Enforcement.

The Township shall be empowered to do all things necessary to collect any fees due including bringing suit to collect such fees together with actual attorney fees and costs.

Charges for services furnished by the system to any premises shall be a lien thereon as of the due date thereof, and on September 1 of each year the township treasurer shall certify any such charges which have been delinquent 90 days or more, plus penalties and interest accrued, to the supervisor who shall enter same upon the next tax roll against the premises to which such services shall have been rendered and said charges, with penalties and interest accrued thereon, shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

Section 4. Secondary Water Supply Fees.

All charges for municipal water usage in a secondary water supply system shall be set, and are subject to change from time to time, by resolution of the Township Board. The rates and charges of this section shall apply in all instances where the secondary water supply system is used, unless the property owner/consumer requests in writing to not have such rates apply. In the event that the rates herein do not apply to said secondary water supply system, the rates for the primary, i.e. only, water system shall be utilized.

A. Suspension of system and charges.

1. Property owners with an outside and separate meter as required herein shall have the secondary water supply system suspended from November 1 of each year until April 30 of the following year.
2. Charges will be suspended during the noted time frame in Section 4(A)(1) and will resume automatically on May 1 of each year or, alternatively, if a secondary water supply meter is activated by usage.

ARTICLE VIII. Sanctions for Violation.

Every person, corporation or firm who violates disobeys or omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Township issued in pursuance of this Ordinance shall be guilty of a misdemeanor. The owner of record or tenant of any building, structure premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense. Upon conviction thereof before any court of competent jurisdiction, they shall be subject to punishment by a fine not to exceed five hundred (500) dollars, or by imprisonment not to exceed ninety (90) days, or both, and, in addition, shall pay all costs of prosecution. Each day during which a violation continues shall be deemed to be separate offense. The imposition of any fine, jail sentence, or both, shall not exempt the violator from compliance with the provisions of this Ordinance.

ARTICLE IX. Validity.

Each section of this ordinance, and each provision of each section, is hereby declared to be separable, and the holding of any section or provision thereof to be invalid or unenforceable shall not affect the validity or enforceability of any other section or provision.

ARTICLE X. Repeal.

All other ordinances or resolutions, insofar as the same or any part thereof may be inconsistent with any provision of this ordinance, are hereby repealed.

ARTICLE XI. Effective date.

This ordinance shall take effect thirty (30) days following publication.

Enacted at a regular meeting of the Fenton Township Board held on the 1st day of August 2023.

Vince L. Lorraine, Supervisor

Robert E. Krug, Clerk

Introduced: 07/18/2023
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