

## AMENDMENT TO ORDINANCE

### AMENDMENT TO THE WATER SERVICE AND USE ORDINANCE OF THE GRAND TRAVERSE COUNTY TOWNSHIPS OF ACME, THE CHARTER TOWNSHIP OF EAST BAY, THE CHARTER TOWNSHIP OF GARFIELD, THE TOWNSHIP OF PENINSULA AND THE CHARTER TOWNSHIP OF ELMWOOD IN LEELANAU COUNTY

The Township Hereby Ordains:

An ordinance to protect the health, safety, and welfare of the people; to regulate the use of the Township Water System; and to establish remedies and fix penalties for violations.

Article I is hereby amended to read, in its entirety, as follows:

#### ARTICLE I DEFINITIONS

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- (a) "Building lead" means that portion of a water line from the curb box or curb stop to the meter. If no curb box or stop has been installed, "building lead" means that portion of the water line between the meter and the property line.
- (b) "County D.P.W." means the Grand Traverse County Department of Public Works operated by the County Board of Public Works.
- (c) "Cross connection" means any connection or arrangement of piping or appurtenances through which a back flow of water could occur.
- (d) "Corporation stop" means the device by which a service lead is connected to the water main.
- (e) "Curb box" or "curb stop" means a valve and riser from the service lead to enable the service lead to be shut off from the public water supply.
- (f) "Person" means any individual, firm, company, association, society, corporation or group.
- (g) "Service lead" means that portion of a water line running from the water main to the curb stop, including the corporation stop and curb box.

- (h) "Building Service Lead" is the water line running from the corporation to the water meter and includes both the building lead and the service lead.
- (i) "Township" means The Charter Township of Garfield, Grand Traverse County, Michigan.
- (j) "Township Water System" means the governmentally owned and operated water supply system in the Charter Township of Garfield, consisting of pipes, structures and facilities by means of which potable water is obtained

ARTICLE IV SERVICE LEADS is hereby amended to read, in its entirety, as follows:

Section 1. All service leads are a part of the Township Water System. Service leads shall be installed by the property Owner in accordance with standards established by the DPW and shall be subject to inspection by DPW personnel. Connection of the service lead to the public water supply by tapping the main and installing a corporation stop with proper couplings shall be the responsibility of the DPW and shall be performed by DPW personnel.

Section 2. A service lead shall not be installed where the terminal point of a building lead at the curb box is located such that the route of the service lead from the main to the curb box is obstructed by a driveway approach, tree, or other obstacle.

Section 3. The County D.P.W. may disconnect from the main any unused service leads. In the event water service should be desired at the same location at a later date, a permit for such service and connection to the Township Water System will be required.

Section 4. For a period of three (3) years beginning with the installation of the service lead and its connection to the public water supply, the property Owner, or his or her successor in interest shall bear all costs incurred by the DPW or other public agency necessitated or arising out of defective workmanship or materials used in connection with installation of the service lead. The existence of a leak in the service lead, unless occasioned by subsequent damage, shall be prima facie evidence of defective workmanship or materials.

# **CHARTER TOWNSHIP OF GARFIELD**

## **ORDINANCE NO. 17**

### **AMENDMENT NO. 2**

**PLEASE TAKE NOTICE** that the following proposed Ordinance amendment was introduced at a meeting of the Garfield Township Board on the 13th day of March, 1977 and that the same will be the subject of a public hearing and considered for passage by the Garfield Township Board on the 27th day of March, 1997 at 7:00 p.m. at the Garfield Township Hall, 3848 Veterans Drive, Traverse City, Michigan, 49684. The Township telephone number is (616) 941-1620.

An Ordinance to protect the health, safety and welfare of the people; to regulate the use of the Township Water System; and to establish remedies and fix penalties for violations.

### **THE CHARTER TOWNSHIP OF GARFIELD, GRAND TRAVERSE COUNTY, MICHIGAN, ORDAINS:**

#### **Amendment No. 2**

Article XIII, Sections 1 and 2, of the Garfield Charter Township Water Service and Use Ordinance are hereby amended to read as follows:

Section 1. Any person, firm, association, corporation, or other entity found to be violating any provision of this ordinance, except the provisions of Section 3 and 4 of this Article XIII, shall be served by the County D.P.W. with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 2. Any person, firm, association, corporation, or other entity which shall continue any violation beyond the time limit provided for pursuant to Section 1 of this Article, shall be

deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine for each violation in accordance with the schedule set forth herein, along with costs which may include all expenses, direct and indirect, to which the Charter Township of Garfield has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10 or more than \$500 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance. Provisions of this Ordinance may also be enforced by suit for injunctive relief.

#### Civil Fines for Municipal Infractions

##### Fine\*\* to be calculated as follows:

1st violation within 3-year period*	\$925 plus a dollar amount equal to the benefit charge otherwise paid under Ord. 15
2nd violation within 3-year period*	\$925 plus a dollar amount equal to two times the benefit charge otherwise to be paid under Ord. 15
3rd violation within 3-year period*	\$925 plus a dollar amount equal to three times the benefit charge otherwise to be paid under Ord. 15
4th or subsequent violation within 3-year period*	\$925 plus a dollar amount equal to four times the benefit charge otherwise to be paid under Ord. 15

\*determined on the basis of the date of violations(s)

\*\*Minimum fine - \$925

This Amendment No. 2 to Garfield Township Ordinance No. 17 shall take effect thirty (30) days after publication.

A copy of the Ordinance, including this Amendment No. 2, may be purchased or inspected at the Township Hall, 3848 Veterans Drive, Traverse City, Michigan, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

LEE F. WILSON, Supervisor

KAY JACOBS, Clerk

Garfield Township Board

Introduced to the Town Board on: **March 13, 1997**

Passed by the Town Board on:

Prepared in the law offices of:

Running, Wise, Wilson, Ford &

Phillips, P.L.C.

By: Kent E. Gerberding

Township Attorneys

Business Address:

326 E. State Street, P.O. Box 686

Traverse City, MI 49685-0686

IF YOU ARE PLANNING TO ATTEND THE MEETING AND ARE HANDICAPPED  
REQUIRING ANY SPECIAL ASSISTANCE, PLEASE CALL KAY JACOBS, TOWNSHIP  
CLERK (616) 941-1620 OR THE TDD NO. (616) 911-4766

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TO THE RECORD EAGLE:

Please publish on: **March 21, 1997**

Please send affidavit to: Kent E. Gerberding and Garfield Township

Please send bill to: Mrs. Kay Jacobs, Clerk  
Garfield Township  
3848 Veterans Drive  
Traverse City, MI 49684

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RECEIVED BY THE RECORD EAGLE VIA TELEFAX ON

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*D. Long*