

CHARTER TOWNSHIP OF GARFIELD

ORDINANCE NUMBER: 42

INSPECTION AND MAINTENANCE OF PRIVATELY OWNED FIRE HYDRANTS

The Charter Township of Garfield hereby ordains:

1. Defined

"Privately Owned Fire Hydrants" or "hydrants" as used herein are those fire hydrants not a part of the township water system located upon private property which are connected directly or indirectly to a public water supply.

2. Construction

All privately owned fire hydrants shall be constructed in accordance with standard specifications adopted by the Grand Traverse County Board of Public Works and this township from time to time and all repairs and replacements shall conform to those construction requirements.

3. Inspection and Repair

- 3.1 Each privately owned fire hydrant shall be inspected on or before September 1 in each calendar year by a qualified person and a certificate attesting to that inspection shall be provided to the Grand Traverse County Department of Public Works within seven (7) days following completion of the inspection. Said certificates shall be in substantially the form attached to and made a part of this ordinance.
- 3.2 Each such inspection shall consist of physical inspection and exercise of the hydrant and shall disclose the following:
 - 3.2.1 The hydrant shall operate normally;
 - 3.2.2 The barrel of the hydrant shall be dry;
 - 3.2.3 The caps shall operate without obstruction;
 - 3.2.4 The hydrant shall be free of obvious damage;
 - 3.2.5 Access to the hydrant shall be unobstructed from all sides for a distance of ten (10) feet from the hydrant.

- 3.3 If the inspection shall disclose conditions requiring repair, the certificate provided to the Department of Public Works shall state the repairs required. All needed repairs disclosed by the inspection shall be performed within thirty (30) days of completion of the inspection. Written notice that the repairs have been completed shall be provided to the Grand Traverse County Department of Public Works within seven (7) days after completion. All such repairs shall be completed by a qualified person. If the repairs are completed at the same time as inspection, the repairs shall be noted upon the certificate of inspection provided to the Department of Public Works.

4. Qualifications

Inspections or repairs, or both, to privately owned hydrants shall be performed by a person who is

- 4.1 A Master Plumber licensed by the State of Michigan, or
- 4.2 A person certified by the Michigan Department of Environmental Quality as a "Waterworks System Operator" rating S1 through S4, or
- 4.3 Such other qualified persons approved by the Director of the Department of Public Works.

5. Reminder Notices

Annually, the Grand Traverse County Department of Public Works may notify, in writing, each owner of a privately owned fire hydrant of the inspection and repair requirements of this ordinance. Lack of receipt of such a reminder notice does not relieve the owner of a privately owned fire hydrant from the obligations established under this ordinance nor does it constitute a defense to a charge of violation of this ordinance.

6. No Inspection Certificate

If no inspection certificate shall be received by the Department of Public Works with respect to a privately owned fire hydrant within the township, (or if the owner of the premises shall request an inspection by the township or Department of Public Works) the township acting through the Grand Traverse County Department of Public Works may cause an inspection to be made of the hydrant as provided in this ordinance at the expense of the owner. A copy of the inspection certificate shall be mailed first class mail postage prepaid to the name and address of the person designated to receive water bills for the premises to which the hydrant is connected. Any repairs disclosed by said DPW inspection may be performed by DPW personnel or, at the election of the Director of the DPW, by other qualified persons all at the expense of the owner of the

premises. Notice of completion of repairs and the cost thereof shall be given to the owner of the premises as provided in this paragraph.

7. Inspection Fees and Repair Charges

The Department of Public Works shall receive an inspection fee of Fifty Dollars (\$50.00) or such other amount as shall be established from time to time by the Grand Traverse County Board of Public Works for each inspection or reinspection by DPW personnel under this ordinance. Repair charges by DPW personnel shall be billed at the actual cost thereof. Repairs performed by independent contractors at the direction of the DPW shall be billed to the owner by the DPW at the amount billed to the DPW by the independent contractor plus Twenty-Seven Percent (27%) unless the independent contractor's invoice is paid directly by the Owner. Any such charge if not paid by the owner within thirty (30) days of being billed therefor shall be added to the water bill for the premises and may be collected in the same manner as other charges for water service. Inspection fees and repair costs provided by third parties shall be determined by agreement between the owner of the premises and the third party provider.

8. Obstruction of Hydrants

No person shall permit or create any obstruction to access to any privately owned hydrant for operation, inspection, or repair. The township, the Grand Traverse County Department of Public Works, and the fire departments responding, their officers, employees, and agents, shall not be liable to the owner of the premises upon which the privately owned hydrant is located for damage to the premises when accessing the hydrant as required or permitted by this ordinance or otherwise.

9. Violations and Penalties

9.1 Municipal Civil Infraction

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, CL 600.113 and shall be subject to the following penalties:

9.1.1 For a first offense, the offender shall pay a fine of One Hundred and 00/100 (\$100.00) Dollars.

9.1.2 For a second or subsequent offense within ten (10) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Five Hundred (\$500.00) Dollars.

9.1.3 Each day this Ordinance is violated shall be considered a separate violation.

9.2 Township Code Enforcement Officer

The Township Code Enforcement Officer is hereby designated as the authorized official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

9.3 Nuisance Per Se

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

9.4 Civil Action

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

CERTIFICATE OF INSPECTION

Hydrant Location:

Township:

Street Address:

Name of Owner:

Owner's Address:

Inspector (Company Name and Address):

☐ Master Plumber

☐ Waterworks Operator

☐ Fire Protection Agent

Inspection consisted of:

- | | | | | |
|----|---------------------------|------------------------------|-----------------------------|-------------|
| 1. | Hydrant Operation O.K.? | <input type="checkbox"/> yes | <input type="checkbox"/> no | (check one) |
| 2. | Barrel of Hydrant Dry? | <input type="checkbox"/> yes | <input type="checkbox"/> no | (check one) |
| 3. | Caps Operate O.K.? | <input type="checkbox"/> yes | <input type="checkbox"/> no | (check one) |
| 4. | Hydrant Free from Damage? | <input type="checkbox"/> yes | <input type="checkbox"/> no | (check one) |
| 5. | Hydrant Unobstructed? | <input type="checkbox"/> yes | <input type="checkbox"/> no | (check one) |

Repairs Needed / Completed:

The undersigned hereby certifies that he or she conducted an inspection or repaired, or both, the privately owned hydrant described above and the conditions found by the undersigned were as described above.

Date of Inspection:

Signature of Inspector

Note: Deliver this certificate to the DPW within seven (7) days of the date of inspection:

Grand Traverse DPW
2650 LaFranier Road
Traverse City, Michigan 49686

Certification

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 42 first presented to the Township Board on March 10, 2005 following publication in the Traverse City Record Eagle.

I further certify that the Ordinance was duly adopted by the Township Board of the Charter Township of Garfield, County of Grand Traverse, Michigan at a regular meeting held March 24, 2005 at which all members were present except Judy McManus and Brad Barnes.

Moved by: Jim Harvey

Supported By: Leo Strait


The vote was as follows:

In Favor: Lee Wilson, Kay Schumacher, Joe McManus, Jim Harvey, Leo Strait.

Opposed: None

Abstaining: None

I further certify that the meeting was conducted, and public notice there was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), minutes of such meetings were kept and will be made available as required by law and that said ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and Township Clerk.

 4/21/05

Kay Schumacher, Township Clerk
Date of Certification: