

**CHARTER TOWNSHIP OF WASHINGTON**

**MACOMB COUNTY, MICHIGAN**

**ORDINANCE NO. 143-C**

**AMENDMENT OF CHARTER TOWNSHIP OF  
WASHINGTON LAND DEVELOPMENT AND UTILITY ORDINANCE**

**TITLE**

AN ORDINANCE amending the Charter Township of Washington Land Development and Utility Ordinance to (1) provide for deferring partial or total payment of the connection costs and water and sewer fees and charges required to be paid by residential users of the Washington Township municipal water and sewer systems, (2) revise the cross connection control program including procedures for capping and abandoning existing private water wells and (3) repeal any and all Ordinances and/or resolutions in conflict therewith.

**THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF  
WASHINGTON, MACOMB COUNTY, MICHIGAN, ORDAINS:**

**SECTION 1 - AMENDMENTS**

**1.1** Section 186.4101 of the Charter Township of Washington Land Development and Utility Ordinance, as amended, is hereby amended to include the following sub-section (G):

G. The Township Finance Committee may defer partial or total payment of all connection costs, fees and charges (“Connection Charges”) required to be paid by the owner of an existing single family residence for connection to the Township’s municipal water and sewer systems in accordance with this Section. Installment payments for Connection Charges shall not exceed five (5) years and interest shall accrue on all outstanding amounts due at a rate established by the Finance Committee not to exceed seven (7%) percent per annum. In no event shall the amount of the deferral exceed ten thousand (\$10,000) dollars. All installments,

together with interest, shall be due and payable and collected by the Township in the same manner and as to the same extent as real property ad valorem taxes are levied and collected. The Township Board shall require that all sums shall be due and payable in the event of the property owner's death or the sale or transfer of the property during the period of the deferral. All Connection Charges in excess of ten thousand (\$10,000) dollars shall be paid by the property owner to the Township prior to connection of the property to the Township's municipal water and/or sewer systems. As a further conditions of the deferral, (1) the property owner shall provide the Township with a current title search evidencing property owner's fee title interest in the property and (2) the property owner and Township shall execute a Service Connection Agreement which shall be recorded with the Macomb County Register of Deeds and shall become a lien and run with the property until the amounts due are paid in full. Property owners shall be responsible for all fees incurred in connection with the title search, recordation of the service connection agreement and all administrative and legal costs incurred by the Township in processing the deferral. These fees shall not be deferred and will be payable within thirty (30) days of connection to the utility.

**1.2** Section 186.0102 of the Charter Township of Washington Land Development and Utility Ordinance, as amended, is hereby amended to repeal the existing definition of "cross connection" and to include the following revised definition:

"Cross connection" shall mean a connection or arrangement of piping or appurtenances through which a backflow could occur, causing water of questionable quality, waste, or other contaminants to enter the public water main system.

**1.3** Section 186.1305 of the Charter Township of Washington Land Development and Utility Ordinance, as amended, is hereby repealed in its entirety and the following substituted therefore:

- A. The Charter Township of Washington is subject to the regulations of the MDEQ who has primary enforcement authority in Michigan for the Federal Safe Drinking Water Act under the legislative authority of the Michigan Safe Drinking Water Act.
- B. The Charter Township of Washington's Department of Public Works is the agency responsible for administration and enforcement of this program to protect the Township's public water main system (supply) from cross connections.
- C. It is the duty of the Charter Township of Washington to cause inspections to be made of the properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved

shall be established by the Charter Township of Washington as approved by MDEQ.

- D. The representatives of the Charter Township of Washington's Department of Public Works shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the Charter Township of Washington 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 to the Washington Township Cross Connection program representative or inspection agency any pertinent information regarding the piping 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 cross connection.
- E. The Charter Township of Washington 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.
- F. Testable backflow prevention assemblies shall be tested at the time of installation, relocation and after any repair. Subsequent testing of devices shall be conducted at a time interval specified by the Charter Township of Washington and in accordance with the current MDEQ and State Plumbing code requirements. Testers must meet current MDEQ requirements. Backflow tests must be promptly submitted to the Washington Township Cross Connection program representative or agency in accordance with the Department's current requirements.
- G. The potable water supply made available on the premises served by the public water supply shall be protected from possible contamination as specified by this Ordinance and by the Charter Township of Washington plumbing code.
- H. When an existing premises connects to the public water system, any existing private water well shall either (i) be capped and abandoned in accordance with applicable county and state requirements or (ii) maintained for nonpotable use but only where all piping connected to a private water well is physically and completely separate from all plumbing used for Public Water and in accordance with the Department's current requirements.

**SECTION 2.            REPEAL OF CONFLICTING PROVISIONS**

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

**SECTION 3.           SEVERABILITY**

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION 4.           PUBLICATION**

This Ordinance shall be published in accordance with MCL 42.8(3)(b) by posting a copy of the Ordinance in the office of the Township Clerk and on the Washington Township website.

**SECTION 5.           EFFECTIVE DATE**

This Ordinance shall take effect upon publication of a summary or a true copy of the Ordinance after final passage in accordance with MCL 42.22.