

**TOWNSHIP OF STANDISH  
COUNTY OF ARENAC  
ORDINANCE NO. 2021-01**

**ADOPTED: May 10, 2021**

**PUBLICATION DATE: May 14, 2021**

**EFFECTIVE: May 10, 2021**

**AMENDMENT TO THE TOWNSHIP OF STANDISH WATER ORDINANCE**

An Ordinance to Amend the Township of Standish Water Ordinance; to require all premises in the Township of Standish to connect to the Township of Standish Municipal Water System unless a variance has been specifically granted to a particular premise by the Township of Standish Township Board consistent with the requirements of this Ordinance; to protect the health, safety, and general welfare of the Standish Township residents and property owners; to ratify all other provisions of the Standish Township Water Ordinance; to provide that pending proceedings are not affected; to provide for severability; to repeal all Ordinances or parts of Ordinances in conflict herewith; to provide for an Effective Date; and to direct the publication of this Ordinance or a legally-permissible summary.

The Township of Standish hereby ordains:

**Section 1. Mandatory Connection.** The Township of Standish Water Ordinance is amended to add the following:

Findings—Mandatory Connection

a) *Mandatory Connection.* All premises located in the Township of Standish are required to connect to and use the Township of Standish Municipal Water System unless a variance has been specifically granted to a particular premise by the Township of Standish Township Board consistent with the requirements of this Ordinance. All premises must connect to the Township of Standish Municipal Water System (unless a variance has been specifically granted as described herein) within 180 days of the effective date of this Ordinance.

b) *Contamination.* The presence of the contamination in potable drinking water constitutes a health hazard to the residents of the Township of Standish, requiring the filtration and treatment of all drinking water which is produced within the Township of Standish. Connection to the Township of Standish Municipal Water System is required in order to ensure that the residents of Standish Township are protected from contaminated potable drinking water.

c) *Variance.* An individual or entity who/which seeks a variance from the requirement that all premises connect to and use the Township Municipal Water System (hereinafter “the Applicant”) shall submit an Application to the Township of Standish Township Board requesting such a variance. A variance from the mandatory connection requirement prescribed in this Ordinance may be granted only by the Township Board

and only based upon the evidence found by the Board at an open meeting on the record. In order to grant such a variance, the Board must find at an open meeting on the record clear and convincing evidence that all of the following conditions are satisfied:

1. That there are practical difficulties or hardships which prevent the Applicant from connecting to and using the Township Municipal Water System. Generally, a practical difficulty or hardship based solely upon economic circumstances will not be sufficient.
  2. That a genuine practical difficulty or hardship exists because of unique circumstances or physical conditions of the property involved, which does not generally apply to other property/properties in the Township of Standish and shall not be recurrent in nature.
  3. That the practical difficulty or hardship and unique conditions or circumstances do not result from action(s) or inaction(s) of the Applicant. For the avoidance of doubt, a practical difficulty or hardship or special condition(s) or circumstance(s) that is/are caused by the action(s) or inaction(s) of the Applicant him/her/itself will not be deemed to be a practical difficulty or hardship or special condition(s) or circumstance(s) that justifies the granting of a variance from the requirement that all premises connect to and use the Township Municipal Water System.
  4. That the variance will relate only to property described in the variance application.
  5. That the variance will be in harmony with the general purpose and intent of the Township of Standish Water Ordinance and all other Ordinances of the Township of Standish, and that the variance will not cause a substantial adverse effect to surrounding property, property values, and/or the use and enjoyment of property in the Township of Standish.
  6. That strict compliance with the Municipal Water System connection and use requirement would unreasonably prevent the Applicant from using the property for a permitted purpose of the property at issue.
  7. That the variance requested is the minimum amount necessary to overcome or mitigate the practical difficulties or hardships identified.
  8. That the Applicant furnishes the Township with test results which were prepared by a licensed analytical laboratory which demonstrates that the drinking water quality from the premises water well meets all drinking water quality standards of the State of Michigan. The water sampling source shall be verified by the Arenac County Health Department, or its designee, or by a person who is approved by the Township of Standish for conducting water sampling. The water sample must be taken within 30 days of the variance application date.
- d) *Annual Review.* A variance granted under this section from the Municipal Water System connection and use requirement shall be granted for no more than one year at a time and shall be reviewed on an annual basis. A variance under this section shall not be renewed unless the Township of Standish Township Board finds on an annual basis by clear and convincing evidence at an open meeting on the record that each of the above eight conditions are still satisfied. A variance shall not be renewed unless the applicant

submits test results which comply with subsection (c)(8) and which are from a water sample which was taken within 30 days of the variance renewal application date.

e) *Fees.* The Township shall establish by resolution of the Township Board a variance application fee which shall be paid at the time that the application for variance or variance renewal is made. The application fee amount shall be subject to modification by resolution of the Township Board from time to time.

**Section 2. Ratification and Confirmation.** The remaining provisions of the Township of Standish Water Ordinance are hereby ratified and confirmed.

**Section 3. Pending Proceedings Not Affected.** Nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 4. Severability.** The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

**Section 5. Repeal.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 6. Effective Date.** This Ordinance shall take effect 30 days after publication of a true-copy of this Ordinance or a legally permitted summary.

**Section 7. Publication.** The Township clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

Made and passed by the Township of Standish, County of Arenac, State of Michigan, at a regular held meeting on the 10th day of May, 2021, and ordered to be given publication in the manner prescribed by law.

ROBERT NORTH  
Township Supervisor