

ORDINANCE No. 2.23

AN ORDINANCE REGULATING THE DISTRIBUTION AND SUPPLYING OF WATER TO THE INHABITANTS OF THE CITY OF CRYSTAL FALLS.

THE CITY OF CRYSTAL FALLS HEREBY ORDAINS:

SECTION 1. TITLE

This Ordinance shall be known as and may be cited as the "Water System Ordinance" of the **CITY OF CRYSTAL FALLS**.

SECTION 2. WATER SUPERINTENDENT

The City Manager may appoint a "Water Superintendent" of the City, whose duties shall be to have charge of the water system and the distribution and supplying of water to the inhabitants of the City. The Water Superintendent shall perform such other duties as may be prescribed by the City and may have other duties as well as being Water Department Superintendent.

SECTION 3. DEFINITIONS

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- a. **Consumer.** Any individual, firm, partnership, trust, joint venture, limited liability company, legal entity or corporation with a premises on which water is available, used or consumed; or an individual, firm, partnership, trust, joint venture, limited liability company, legal entity or corporation leasing or permitting occupancy of a premises on which water is available, used or consumed.
- b. **Water Connection.** That part of the water distribution system connecting the water main with a point between the roadway (or easement) line and the lot line of abutting property (also known as the curb stop).
- c. **Water Main.** That part of the water distribution system intended to serve more than one water connection.
- d. **Water Service.** That part of the water distribution system extending from the water connection into the premises served.
- e. **Water Service Contract.** The written agreement providing the City shall provide water connection, water service and water for usage by the consumer in consideration of the payment by the consumer for

applicable fees due in the providing any water connections or water service charges.

SECTION 4. REQUIRED USE OF PUBLIC WATER

- a. All houses, buildings or properties using water for human consumption situated within the City abutting on any streets, alley or right-of-way in which there is now located, or may in the future be located, public water service, are hereby required at the expense of the owner to connect to such public water service in accordance with the provisions of this ordinance within ninety (90) days, provided that said public water service to such parcel of real estate is within 250 feet of the water main.
- b. On-site private water sources shall be allowed for all consumers who do not have public water service within 250 feet of the shortest distance from property line of the consumer to the water connection of the public water system and who have all permits for such service from the applicable county, state and/or federal authorities.

SECTION 5. INSTALLATIONS AND EXTENSIONS

- a. **Water Connections by City.** Water connections to the City water main shall be installed only by the City. Water service installation shall be made by a plumber/contractor who is licensed to do such work or by the consumer after approval or designation by the Water Superintendent. The fees for providing water connection shall be billed to the consumer hereof at the set rates incurred by the City for time, materials, and equipment. A deposit of not less than 75% of the estimated cost shall be provided by the consumer to the City in advance of such activities occurring. A reconciliation of actual charges, with a refund for overpayment or an invoice for underpayment shall be provided by the City to the consumer.
- b. **Paving of Streets.** All necessary water connections shall be installed in advance of the paving or resurfacing of any street or alley or any part thereof, when such paving or resurfacing shall have been determined as a necessity by the City of Crystal Falls. The fees for subsequent paving and resurfacing cost shall be charged against the consumer served.
- c. **Application by Owners.** Property owners in the City who wish to have water connections made to the property

owned by them may have such connections made if the water main shall extend to within 250 feet of the property to be served, on making application thereof, and on agreeing to pay in advance a deposit of 75% of the total of the making of such connection as fixed by the City Council

- d. **Large Connections.** Consumers in the City who wish to have water connections which are larger than one inch shall be entitled to have such connections made if the property owned by them is within 250 feet of any water main, on entering into a contract with the City of like kind and character as the water service contract defined in Section 3(e) and which is of like kind and character as provided in (c) above.
- e. **Approval of materials.** No water connections or water meters shall be attached to a water extension unless, prior to any work, service line sizing and materials to be used are approved by the Water Superintendent or his/her representatives.
- f. **Inspection by Superintendent.** No water main, connection, or water service shall be covered until inspected and approved by the Water Superintendent or his/her employees who shall be notified when such construction is ready for inspection.

SECTION 6. TURNING ON OR OFF SERVICE

- a. No person other than an authorized employee of the City shall turn on or off any water service.
- b. A licensed plumber may temporarily turn on a water service only for testing his/her own work and after such testing, the water service shall be immediately turned off.

SECTION 7. WATER METERS

- a. **Meters.** Consumers to which water is supplied are required to be metered. The City may require that the consumer purchase the meter, but the meter shall remain the property and under the control of the City. Not more than a single family residential premises shall be served by one meter unless the Water Superintendent has approved in advance multiple single family residential units to be served by one meter, in which case each occupied unit will be charged at least the minimum monthly charges as set by the City Council. Each premise so metered shall have its own separate water supply line shutoff valve in the street or alley.

- b. **Locations.** Meters shall be located at the point where the water service first enters the basement wall. Where there is no basement, the meter shall be located where the water service first enters the building or in a meter pit between the curb and the sidewalk, if the Water Superintendent deems it necessary. Such pits shall be constructed by or at the expense of the consumer, in conformity with standard plans on file at the City. The construction shall be approved by the Water Superintendent.
- c. **Inaccessible Locations.** Meters shall not be set in inaccessible locations nor enclosed unless written permission is obtained from the Water Superintendent. If a meter is inaccessible or enclosed, making maintenance and reading difficult or impossible, the Water Superintendent may order the consumer to move the meter to an accessible location. Any cost of re-location shall be at the expense of the water consumer, and such expense may be added to the charge for water usage.
- d. **Valves.** The water service shall be provided with a valve on both sides of each meter. No fittings, except a coupler or union, shall be placed between a meter and a curb stop. These valves shall be a full port ball valve or other as approved by the Water Superintendent.
- e. **Damage to Meters and Meter Reading Equipment.** Consumers or persons in possession of premises housing a meter shall be responsible for damages to a meter by heat, frost or other causes not controlled by the City. The cost of damages to the meter and meter reading equipment shall be immediately due to the City by the consumer or persons in possession of such premises.
- f. **Seals on Meters.** Only authorized employees of the City shall break a seal on a meter or meter bypass.
- g. **Reading, Repairing and Removing.** Authorized City employees shall have the right to enter any premises on which City water is used to inspect, adjust, read, repair or remove water meters or appurtenances in connection with said water meters at any reasonable time. Any consumer, as defined above, specifically authorizes such entry.
- h. **Electrical Grounding.** No person shall ground or electrically connect any radio, telephone or other electrical system to the discharge side of any water meter unless:

1. A shunt is placed around the water meter that it will bypass any electrical current so connected, or
 2. At least ten feet or more of metal water pipe is connected to and buried in moist earth on the discharge side, and
 3. Any shunt placed around the water meter shall be so placed that the meter may be removed without disturbing the shunt. No electrical connection shall be made to the water meter, the meter union or meter tail piece.
- i. **Alterations or Changes.** No person shall change the location of a meter or meter pit, alter the ground so that it will cover up or create a hazard around the meter pit or stop box or in any way obstruct the free access to any water meter, meter pit, or stop box without the written permission of the Water Superintendent.
- j. **Meter Bypass.** Meters two inches or larger shall have a meter bypass installed with proper gate valves that can be sealed by the City.
- k. **Meter Spacer Pipes.** Only authorized City employees shall be allowed to install meter spacer pipes.

SECTION 8. RULES AND REGULATIONS FOR WATER METERS

- a. **Failure of Meter.** In the event a water meter shall fail to register properly, the Water Superintendent is empowered to estimate the quantity of water used on the basis of former consumption and the City shall charge any consumer accordingly.
- b. **Test by Consumer.** If any consumer shall desire to have his/her water meter tested, he/she shall deposit with the Water Superintendent a fee as determined by the City. The Water Superintendent shall thereupon cause the meter to be tested, with the consumer present at the test.
- c. **Test by Superintendent.** If the Water Superintendent wishes to independently test the water meter the Water Superintendent, his/her representative is empowered to test the meter in the absence of the consumer.
- d. **Accuracy of meter.** A water meter shall be considered accurate if, when subjected to a standard test by the Water Superintendent, its register indicates not more

that 2 percent less than the actual quantity of water passing through it. If it indicates less than the actual quantity passing through it, it shall be considered "slow". If the water meter register indicates more than the actual quantity of water passing through it, it shall be considered "fast".

- e. **Correction of Account.** If a water meter has been tested at the request of a consumer and shall have been determined to register "fast", the City shall credit the consumer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by said consumer within three months prior to the test together with a refund of the consumer meter testing charge. If a water meter is so tested and it is determined to register "slow", the City is empowered to charge the consumer a sum equal to the percent "slow" multiplied by the amount of all the bills incurred by the consumer over the prior three months. When the Water Superintendent makes a test of a water meter at the instigation of the Water Superintendent, it shall be done without cost to the consumer, other than for the amount due the City for water used by the Water Superintendent as above provided if the meter is found to be "slow".
- f. **Records Regarding Meters.** A record of the date when each water meter was furnished to the consumer, its number and location shall be kept in the office of the Water Superintendent.

SECTION 9. MISCELLANEOUS PROVISIONS

- a. **Responsibilities of Consumer.** Each consumer shall keep his/her own service pipe, stop cocks, and other apparatus in good repair and protected from frost at his/her own expense, and shall prevent all unnecessary waste of water. No claim shall be made against the City by reason of a freezing or breaking of any service pipes, stop cocks, or their apparatus, and the consumer shall provide a safe place for all water meters, which place shall reasonably protect said meters from damage, jarring, freezing, excessive heat, or other outside interference of every kind.
- b. **Leaking water service line repair.** Upon the discovery of a leaking water service line to a property the consumer will be given a maximum of three (3) days, unless otherwise approved by the Water Superintendent, to repair said service line. Failure to repair the leak will result in discontinued service to that property pending the repair of the line.

- b. **Water Service Line.** The consumer shall only use suitable copper or approved plastic material as set by the Water Superintendent for a water service line.
- c. **Lawn Sprinkling Systems.** All under-ground lawn sprinkling systems must have an anti-siphon breaker installed at least three feet (3) above the highest sprinkling head.
- d. **Physical Connections.** No physical connections shall be installed or maintained between lines carrying potable public water supplies and pipes, pumps or tanks supplied or capable of being supplied from any non-potable source, except as hereinafter provided. Where dual supplies are necessary or desirable, lines carrying water from the public must be protected against back flow of polluted water by such method or methods as are approved by the Public Health Department for the State of Michigan.
- e. **Fast-closing Valves.** All fast-closing valves must be compensated by surge chambers.
- f. **Hydrant Usage.** Hydrant usage other than that of the City of Crystal Falls or for fire protection is prohibited.

SECTION 10. RATES AND COLLECTION PROCEDURES

The City Council shall establish rates for the consumers of the public water service. The rates established shall provide that the consumers of the public water service shall pay all costs to operate the public water service and generate adequate retained earnings for the Water fund.

The rates established shall include at a minimum for the consideration of the following expenses in establishing rates for the consumers of public water service:

- a. Debt Service;
- b. Operation, maintenance and Repair;
- c. Minimum monthly charge for users;
- d. Turn on charge;
- e. Temporary water service;
- f. Base rates for installation services;
- g. Late payment and Interest charges;

- h. Security Deposit requirements; and
- i. Consumer meter testing charge.

Any consumer with public water service charges that are not paid within sixty (60) days of original due date, shall have such water service to the premises discontinued until all outstanding water service charges are paid in full to the City Clerk/Treasurer.

All public water service charges for the use of service and all associated costs thereto shall be lien on all parcels served by the public water in the City and are recognized to constitute such lien as permitted by MCL 141.101 et seq and all other applicable Michigan laws.

Whenever such charge against any piece of property shall be delinquent for six (6) months, the official or officials in charge of the collection thereof shall certify to the tax assessing officials of the City the fact of such delinquency. Such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected as a lien thereof and enforced in the same manner as all taxes against such premises are collected and the lien thereof enforced. Provided, however, in all cases where a tenant is responsible for payment of any such charges, the owner of the premises served shall serve notice to the city Manager that a tenant is responsible for such charge. The owner of the premises served shall be liable for all charges against the premises in the same manner and to the same extent as if the owner of such premises was personally occupying the premises served. Upon the filing of such notice, the city shall render no further services to such premises until a cash deposit in the amount of the projected billing for not less than a one (1) month period, nor more than a three (3) month period is received, said determination of deposit to be solely in the discretion of the City.

SECTION 11. DAMAGE OR TAMPERING WITH WATER FACILITIES

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, public water services or public water facilities.

SECTION 12. VIOLATIONS AND PENALTIES

- a. **Written Notice of Violation.** Any person found to be violating any provisions of this Ordinance, except for a Section 11 violation, shall be served by the Water Superintendent with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in

such notice, permanently cease all violations. The ceasing of violation will not absolve the violator of liability for any violation occurring prior to such cessation.

b. **Accidental Discharge.** Any person found to be responsible for accidentally allowing a deleterious discharge into the public water service system which causes damage to the facility and/or supply of body of water shall, in addition to a fine, pay the amount to cover damages as reasonable established by the City.

c. **Penalty for Violations.** Any person that shall violate this Ordinance, shall upon conviction thereof, be guilty of a civil infraction and punished by a civil fine of not to exceed \$500.00, together with restitution for damages and necessary costs of prosecution incurred in bringing and maintaining the proceedings. In the event the person found violating ions of this ordinance, has been convicted of one or more violations of this ordinance within the immediately preceding 120 month period, then the subsequent violation of the provisions of this ordinance shall upon conviction be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, together with the necessary costs of prosecution incurred in bringing and maintaining the proceedings. Each day in which any continuing violation is continued beyond the aforementioned notice time limit shall be deemed a separate offense.

d. **Liability for Losses.** Any person violating any provision of this Ordinance shall be liable to the City for any expenses, loss or damage occasioned by reason of such violation which the City may suffer as a result thereof.

e. **Enforcement Official.** The Water Superintendent or the designee thereof is designated and authorized to undertake all actions necessary for the enforcement of this Ordinance.

SECTION 13. ADMINISTRATIVE APPEALS - BOARD OF APPEALS

a. So provisions of this Ordinance may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of these sections, the City Council shall serve as a Water Board of Appeals. The duty of such Council shall be to consider appeals from the decision of the Water Superintendent determine, in particular cases, whether any deviation

from strict enforcement will violate the intent of the order or jeopardize the public health or safety.

b. An informal hearing before the Water Superintendent may be requested in writing by any user aggrieved by any citation, order, charge, fee, surcharge, penalty, penalty or action within ten days after the date thereof, stating the reasons therefore with supporting documents and data. The informal hearing shall be scheduled at the earliest practicable date, but not later than five (5) days after receipt of the request, unless extended by mutual written agreement. The hearing shall be conducted at a place designated by the Water Superintendent.

c. Appeals from orders of the Water Superintendent may be made to the City Council, acting as a Water Board of Appeals, within thirty (30) days from the date of any citation, order, charge, fee surcharge, penalty or other action. Such appeal may be taken by any person aggrieved. The appellant shall file a Notice of Appeal with the Water Superintendent and with the Board of Appeals specifying the ground therefore. Prior to a hearing, the Water Superintendent shall transmit to the Board a summary report of all previous actions taken. The final disposition of the appeal shall be in the form of a resolution, either by reversing, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the Board must concur.

The Water Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the Board may reverse or affirm, in whole or in part, or any make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end have all the powers of the official from who said appeal is taken. The decision of said Board shall be final.

The Water Board of Appeals shall meet at such times as the Board may determine. Meetings shall be open to the public accordance with applicable laws. The Board shall adopt its own rules or procedure and keep a record of its proceedings, showing findings of fact, the action of the Board, and the vote of each member upon each questions considered. The presence of three (3) members shall be necessary to constitute a quorum.

The Board of Appeals may prescribe the sending of notice of such persons as it deems to be interested in any hearing by the Board.

- d. All charges for service, penalties, fees or surcharges outstanding during any appeal process shall be due and payable to the City. Upon resolution of any appeal, the City shall adjust such amounts accordingly; however, such adjustments shall be limited to the previous one year's billing unless otherwise directed by court order.
- e. If an informal or formal hearing is not demanded within the periods specified herein, such administrative action shall be deemed final. In the event either or both such hearings are demanded, the action shall be suspended until a final determination has been made, except to Immediate Cease and Desist Orders issued pursuant to this Section.
- f. Appeals from the determination of the Water Board of Appeals may be made to the Circuit Court for the County of Iron within twenty (20) days as provided by law. Such appeals shall be governed procedurally by the Administrative Procedures Act Being MCL 24.201 et seq. All findings of fact, if supported by the evidence, made by the Board shall be conclusive upon the Court.

SECTION 14. CITY WATER EXPENSE

- a. **Hydrant Fee.** For fire protection and other use of water through fire hydrants, the City shall pay out of its appropriate funds a fee per year for each hydrant, payable in annual installments.
- b. **Payment by Department.** The City shall not permit free water service to be supplied by the system to the City or any department or agency thereof, or to any person, firm, partnership, co-partnership, or corporation whether public, or private or to any public agency or instrumentality. The reasonable cost and value of all water services rendered to the City and its various department revenues of the system, and shall be applied in the manner herein provided for the application of the revenues of the system.

SECTION 15. LIABILITY OF CITY

The City shall not be liable to any person for failure or deficiency in the supply of water to consumers, whether occasioned by shutting off water for any purpose, including the making of repairs or connections, or for any other cause.

SECTION 16. WATER SYSTEM

a. **Control of System.** The extension, improvement, alteration, repair, and maintenance of the system shall be under the supervision and control of the City Council and its designated officers and employees. The City Council may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the system.

SECTION 17. VALIDITY

a. **Repeal of Conflicting Ordinance.** All ordinances or parts of ordinances or regulations or parts of regulations in conflict with this ordinance are hereby repealed.

b. **Invalidation Clause.** Invalidity of any section, clause, sentence or provision in the Ordinance shall not affect the validity of any other section, clause, sentence, or provision of this Ordinance which can be given effect without such invalid part of parts.

SECTION 18. EFFECTIVE DATE

This ordinance shall become effective thirty (30) days after adoption by the City Council as set forth in the City Charter.

Adopted: March 12, 2007
Published: March 21, 2007
Effective: April 11, 2007