

CHAPTER 52: WATER

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§52.01 DEFINITIONS.

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

DEPARTMENT. The Department of Public Works.

SERVICE PIPE. Any pipe which is installed for the purpose of connecting the water mains of the city to the individual premises where water conveyed therein is to be used or consumed.

WATER MAIN. All that part of the water distribution system which is located within the right-of-way lines of the several streets and alleys of the city or within easements on private property which is the property of the city or held and controlled by the city for purpose of supplying water to the inhabitants there-of or for the purpose of fighting fire within the city. C 69 Code, §§ 5301.1 - 5301.3)

§ 52.02 APPLICATION FOR SERVICE.

(A) When the installation of a service pipe or a connection to the city water mains is desired, an application for a connection permit shall be made to the Clerk on such forms as shall be prescribed by the Department.

(B) After service pipes have been installed or connection to the city water mains are made, service may be secured by making application to the Clerk or Superintendent on such forms as shall be prescribed by the Department.

(C) The Clerk shall maintain a record of all connection permits issued and a record of all applications for water service.

('69 Code, §§ 5302.1 - 5302.3) Penalty, see § 52.99

§52.03 GUARANTEE DEPOSIT.

The City shall by resolution establish a reconnection fee of not less than \$100.00 for reconnection following turn off for nonpayment. This fee shall be collected along with all bills then due and payable prior to reconnection of service.

('69 Code, §§ 5303.1 - 5303.3) (Am. Ord. A-12, passed 2-10-75; Am. Ord. A-29, 7-22-87); (Am. Ord. A-52-1, 11-9- 2015); Penalty, see § 52.99

§ 52.04 INSTALLATION OF SERVICE.

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(A) The Clerk shall not grant a connection permit at any time when in the judgment of the Superintendent the making of connections will endanger the mains from frost or other damage.

(B) All service connections to water mains must be made at the expense of the owner of the premises served. Such work shall be performed only by the Department or by a licensed plumber under the supervision of the Department.

(C) All work performed in connection with supplying water service to any premises, including the installation of all fixtures within such premises, shall be done in accordance with rules and regulations issued by the Department with the approval of the Council. All pipes, fittings, fixtures and all other materials shall be in accordance with the specifications prescribed in the current A.S.T.M. specification and the current A.W.W.A. specification. ('69 Code, §§ 5304.1 - 5304.3) Penalty, see § 52.99

§52.05 MAINTENANCE OF SERVICE.

(A) The Department shall not turn on the water in any premises until all the conditions prescribed by this chapter and by the rules and regulations have been met, or until the application for service has been approved by the Clerk indicating that all necessary fees and deposits have been made.

(B) The city reserves the right to shut off the water services from any premises at any time because of accident or for the purpose of making repairs or extensions. The Department shall endeavor to give timely notice to the consumers affected thereby and shall, so far as practical, use its best efforts to prevent inconvenience and damage arising from any such cause, but the failure to give such notice shall not render the city responsible or liable in damage for any inconvenience, injure, or loss which may result therefore. ('69 Code, §§ 5305.1, 5305.3)

§52.06 CONSUMER LIABLE TO PAY.

Every consumer shall be liable to pay the water service rate from the time he or she shall commence using such service until the Clerk shall be notified in writing to discontinue it. ('69 Code, § 5307.5) Penalty, see § 52.99

§52.07 RATES.

The rates to be charged for water service furnished by the city shall be as prescribed by the Council, and until otherwise provided, shall be as follows:

(A) All water consumption estimated, metered or unmetered shall be billed monthly and rates adjusted accordingly and set by Council Resolution.

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(B) Customers accessing or operating city valves without direct supervision of municipal employees, shall result in a notice of violation and/or be guilty of a civil infraction.

(C) The minimum charge for metered or unmetered shall be set by resolution and will not be less than the ready to serve charge set by resolution..

(D) All charges for water furnished to customers outside of the city limits shall be the amount of *one and one half* times the charges to customers within the limits of the city. ('69 Code, § 5306.1) (Am. Ord. A-33, passed 4-14-88, Am. Ord. A-52.07b, passed 7-8-02)

(E) The water rates and new service application fees will be set by and referenced to Council Resolution. . ('69 Code, § 5307.6) (Ord. A-67, passed 3-13-00; Am. Ord. A52-07e, passed 8-14-06; Am. Ord. A-52, passed 2-9-09) (Am. Ord. A-52-1, 11-9- 2015)

§52.08 WATER TERMS.

(A) The water terms shall be monthly.

(1)The terms for unmetered seasonal use shall be from May 15 through October 1. This seasonal term shall apply to all Conventional type restaurants with or without drinks that have outdoor seating. The seasonal tem is to be calculated and billed on Outdoor seating only, Unit factor shall be calculated by THE UNIT ASSIGNMENT SCHEDULE found in the TITLE 5 PUBLIC WORKS section of the Lake City Code of Ordinances.

(B) The Treasurer shall prepare statements for the respective terms, which statement shall contain the names of all persons liable to pay for use of such unmetered water services and the amount payable. Such statements shall be collected by the Treasurer or her deputy on or before the 30th of the month. ('69 Code, §§ 5307.2, 5307.3)(Amd. Ord. A-52.08, passed 12-14-09) (Am. Ord. A-52-1, 11-9-2015)

§52.09 LATE PAYMENT.

To all bills for water service, a penalty of 10% of the amount of the bill shall be added to said bill if payment is not made on or before 45 days after such due date as shown on said bill. In the event any such bill is not paid within 45 days after such due date, the Clerk shall without further notice order the Department to shut off all water on any premises delinquent in payment of water service bills until such bills and the penalty provided in § 53.12 is paid. ('69 Code, §5307.4)

§ 52.10 DELINQUENT CHARGES.

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(A) Delinquent water service charges may be collected by suit in assumpsit brought in the name of the city against the owner or occupant of the premises or property, or both.

(B) Any water service rate or charge not paid within 30 days after it shall become due and payable shall be considered to be delinquent.

(C) The production of the books and/or electronic files of the Utility Billing Manager shall be prima facie evidence of the liability to pay the amount therein charged.
(‘69 Code, §§ 5308.1 - 5308.3) (Am. Ord. A-52-1, 11-9- 2015)

§52.11 LIEN FOR DELINQUENT CHARGES.

(A) The city shall have as security for the collection of any water service rates or charges due, or to become due, for the use or consumption of water supplied to any house or other building, or any premises, lot or lots, parcel or parcels of land, a lien upon such house or other building and upon the premises or lot or lots, parcel or parcels upon which such house or other building shall be situated or to which such water was supplied, such lien shall become effective immediately upon the distribution of the water to the premises or property, but shall not be enforceable for more than three years thereafter. The official records of the Clerk shall constitute notice of pendency of said lien.

(B) The lien created by this section shall have priority over all other liens, except liens for taxes or special assessments, whether or not such other liens accrued or were recorded prior to the lien herein created.

(C) All unpaid water service charges which, upon the last day of August of each year, have remained unpaid for 30 days or more, shall be reported by the Clerk to the Council at the first meeting thereof in the month of July. The Council shall thereupon order the publication in the newspaper published in the city a notice to all owners of property within the city that all unpaid water service rates or charges which have remained unpaid for a period of 30 days or more as of the first day of July which have not been paid by the following first day of September will be transferred to the tax roll and assessed upon the city tax roll against the property upon which the water was used..

(E) All unpaid water service rates or charges which are so reported and which remain unpaid on the following September 1st, shall be transferred to the city tax rolls and assessed against the property to which the water service was supplied or furnished which unpaid rates, or charges accrued, shall be collected with and in the same manner as city taxes are collected, and if the same shall remain delinquent and unpaid after the expiration of the time limited in the warrant for the collection of taxes levied in such rolls, such charges shall be returned to the County Treasurer to be collected in the same manner as the lien created by city taxes on the delinquent tax roll of the city.

(‘69 Code, §§ 5309.1 - 5309.5) (Am. Ord. A-52-1, 11-9- 2015) Penalty, see § 52.99

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§ 52.12 DISCONTINUANCE OF SERVICE.

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid by the second bills due date, service will be discontinued for nonpayment; and

(B) The lien created by this section shall have priority over all other liens, except liens for taxes or special assessments, whether or not such other liens accrued or were recorded prior to the lien herein created.

(C) When it becomes necessary for the City to discontinue utility service to a customer for nonpayment of bills, service will be reinserted only after all bills for service then due and payable have been paid along with a turn on charge in the sum of \$100.

(‘69 Code, §§ 5309.1 - 5309.5) Penalty, see § 52.99(Am. Ord. A-52, passed 2-9-09; Am. Ord. A-52a.2c. passed 7-13-09) (Am. Ord. A-52-1, 11-9- 2015)

§52.13 ACCESS TO PROPERTY.

(A) The Department, through its authorized representatives, shall have free access at all reasonable hours to inspect any premises supplied with water service and the fact that the owner or occupant of such premises accepts and uses water service supplied by the city shall constitute a consent to the making of such inspection.

(B) In case any authorized representative of the Department is refused admittance to any premises using city water service, or in any way hindered in making any necessary inspection or examination, the water may be turned off from such premises, after giving 24 hours notice to the owner or occupant thereof.

(‘69 Code, §§5311.1, 5311.2)

§ 52.14 USE OF HYDRANTS AND FIRE EQUIPMENT.

(A) No person shall without written authority draw water from any public hydrant or any other public connection with the water supply system except in emergency cases for the purpose of extinguishing fire, or fire practice by the regularly organized Fire Department.

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(B) When the installation of private fire protection equipment is desired on any premises, an application in writing shall be made to the Clerk. A permit, countersigned by the Superintendent, may be issued by the Clerk, but only upon the express provision that such installation shall be made only under the supervision of the Department.

(C) Where pipes are provided for fire protection on any premises, or where hose connections for fire apparatus are provided, no water shall be taken through such opening or hose for any purpose other than for extinguishing fire or for the purpose of testing equipment. Testing of such fire equipment shall be conducted only under the supervision of the Department.

(D) Upon violation of any of the provisions of this section, the permit for fire protection equipment may be revoked and the equipment ordered removed. ('69 Code, §§ 5312.1 - 5312.4) Penalty, see § 52.99

§ 52.15 USE OF WATER.

(A) No person shall without consent take or use city sewer service or water service from premises other than his or her own and from his or her own premises for any purpose.

(B) No connection through which water may pass from one property to another shall be constructed, notwithstanding that the ownership of both properties may be the same.

(C) Whenever two or more premises shall be supplied with water from one service pipe, connected from one distributing main, upon the failure on the part of any one of the owners of the premises to comply with this chapter or the rules and regulations adopted pursuant thereto, the Department shall cause the water to be shut off from the service pipe without any liability whatever, and all payments made by any of said parties shall be forfeited. The water shall not be turned on again until a separate service is provided for each premise.

(D) No person shall attach a hose or sprinkle during the time of fire, or from the time a fire alarm is sounded until a signal is given that the fire is out.
('69 Code, §§5313.1-5313.4)

(E) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the city and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a water main of the city is required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper water main in accordance with the provisions of this chapter, within 60 days after date of official notice to do so, provided that said public water is within 100 feet of the property line. ('69 Code, § 5313.9)

(F) Whenever any provision of this chapter, or any rule or regulation adopted pursuant there to, is violated, the Department shall cause the water to be shut off from the building or

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place of such violation, after giving 24 hours notice to the owner or occupant thereof. The water in such premises shall be turned on again only upon reapplication for use of water to the Clerk, and only after paying all damages and other charges caused by the failure to comply with the rules and regulations. (N 69 Code, §5313.11)

Penalty, see § 52.99

§ 52.16 WATER SUPPLY CROSS CONNECTIONS.

(A) The city adopts by reference the Water Supply Cross Connections Rules of the Michigan Dept. of Public Health being R325-440 of the Michigan Administration Code.

(B) It shall be the duty of the city to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on the potential health involved shall be established by the city and as approved by the Michigan Department of Public Health.

(C) The representatives of the city shall have the right to enter at any reasonable time any property served by a connection to the public water system of the city for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessee or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems of such property. The refusal of such information or refusal of access when requested shall be deemed evidence of the presence of cross connections.

(D) The city is authorized and directed to discontinue water service after reasonable notice to any property where any connection in violation of this chapter exists, and to take such 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 connections have been eliminated in compliance with the provisions of this chapter.
(‘69 Code, §§ 5314.1 - 5314.4) Penalty, see § 52.99

§ 52.17 PROTECTION OF WATER SUPPLIES.

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this chapter and by the state and city plumbing code. Any water outlet that could be used for potable and/or domestic purposes which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING.

(‘69 Code, § 5314.5) Penalty, see § 52.99

§52.18 STATE PLUMBING CODE.

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This chapter does not supersede the state plumbing code but is supplementary to it. ('69 Code, §5314.6)

§52.19 FLUORIDATION.

The city does not wish to participate in the state wide fluoridation effect due to the cost involved and the uncertainty as to the benefits derived from the addition of fluoride to our water system. ('69 Code, § 5315.1) (Am. Ord. A-9, passed 8-13-73)

§52.20 WATER USE RESTRICTIONS.

(A) The City Council may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict water uses to the extent deemed necessary to insure an adequate supply for essential needs and for fighting fires. Nonessential water uses shall be restricted first.

(B) (1) Notice of such regulations shall be published in a local newspaper at least once before the date set for compliance and the notice shall contain the compliance date. In addition, notice shall be served on the residence or property involved in the violation in one of the following manners:

(a) By delivery of the notice to the owner, renter or user personally or by leaving the same at his or her residence, office or place of business with some person of suitable age and discretion, or

(b) By mailing the notice by registered or certified mail to such person at his or her last known address, or

(c) By posting the notice in some conspicuous place on the premises five days prior to the date set therein for compliance.

(2) The notice shall contain the penalties for violation. The Clerk shall maintain a separate file of notices given hereunder, including a record of the date upon which such notice was delivered or posted.

(C) The Superintendent of the Water Department, or his or her designee, is specifically authorized to issue and serve appearance tickets to any person violating the provisions of this chapter if he or she has reasonable cause to believe that the person has committed the offense.

('69 Code, §§ 5316.1 - 5316.4) (Am. Ord. A-30, passed 8-19-87) Penalty, see § 52.99

§52.99 PENALTY.

Any person found guilty of violating the provisions of this chapter, or any written order of the city in

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pursuance thereof, shall be guilty of a civil infraction and subject to a fine of not more than \$500. Each day upon which a violation of this act shall occur shall be deemed a separate and additional violation for the purpose of this chapter. C69 Code, §5314.7)