

**CITY OF NEGAUNEE
MARQUETTE COUNTY, MICHIGAN
ORDINANCE NO. _____**

An ordinance to amend and restate Part 10, Title Four – Utilities, Chapter 1042, Water Generally, of the Codified Ordinances of the City of Negaunee. All Codes and Ordinances in conflict with these amendments are hereby repealed.

**CHAPTER 1042
Water Generally**

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CROSS REFERENCES

- Water quality – see Mich. Const. Art. 4, §§22, 52; MCLA §§67.38, 323.1et seq.
- Water supply generally – see Mich. Const. Art. 7, §24; MCLA §§ 46.171 et seq., 123.111 et seq., 325.201 et seq., 486.51 et seq., 486.101 et seq.
- Water supply in home rule cities – see MCLA §§117.4b, 117.4e, 117.4f, 117.35, 123.115
- Water supply for trailer and tourist camps – see B.R. & T. 876.08.
- Water supply cross-connections – see S.U. & P.S. 1044.05
- Water wells and facilities in subdivisions – see P. & Z. 1246.03

1042.01 DEFINITIONS.

As used in this chapter:

- (a) "Flat rate" and "unmetered service" mean the furnishing of water, the amount of which is not measured.

(b) "Metered service" means the furnishing of water, the amount of which is measured by City meters used in conjunction therewith on the premises served.

(c) "Water rates" means present charges for water, including the supplying and furnishing thereof and any and all service charges incidental thereto.

1042.02 ACCOUNTS, RATES FOR METERED SERVICE, AND BILLING.

(a) Account Applications and Deposits. No connection or provision of water service shall be made until an applicant therefor shall complete and sign an application form, which form shall include an agreement that all charges for services shall be promptly paid when billed. The application shall contain the name and address of both the consumer of the service and the owner of the premises to be connected, and such other information as the City Manager or Council shall require. In addition to completing an application, the consumer shall make an account deposit as determined by resolution of the Council. The City may require an increase in the initial deposit if the account holder develops a record of delinquent payments after the account has been opened. A new utility account shall not be opened, nor shall any utility services be provided to a person or other legal entity, until all prior unpaid utility charges, interest, penalties and collection fees owed to the City by that person or legal entity have been paid in full. The account application shall also state that the applicant consents to allow access to City meters at reasonable times by City employees for inspection, maintenance, reading and calibration.

(b) Rates. Rates to be charged for water furnished by the system are listed in the Council approved City of Negaunee Fee Schedule. These rates are estimated to be sufficient to provide for the payment of the expenses of administration and operation of the system and such expenses of maintenance of the system as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for said system as this chapter may require.

(c) Billing. Cycle billing shall be made for all consumers of water services. All water meters shall be read or estimated within two (2) days before or after the first day of the month, and bills will be generated on a monthly basis thereafter, payable without penalty before or by the Billing Statement due date thereon. Payment received after such period shall be considered delinquent and bears a penalty as listed in the Council approved City of Negaunee Fee Schedule.

1042.03 WATER RATES FOR UNMETERED SERVICE.

(a) For premises served by the City's water system, the monthly rates for unmetered water are listed in the Council approved City of Negaunee Fee Schedule. The minimum fixed monthly charge shall be based on the meter size required if the customer were metered. The estimated quantity of water used shall be based on a representative average usage of similar metered customers.

(b) Bulk water rates for unmetered services are also available through prior written agreement with the City water department, are subject to the Council approved City of Negaunee Fee Schedule.

1042.04 TAP-IN CHARGES.

(a) For each 3/4- inch tap- in to the water main, the rate payer shall pay to the City prior to the work being instituted a sum to be established from time to time by resolution of Council. For said charge, the City shall provide the water lateral from the main to the shut-off which shall include the following items: copper tubing, shut-off, corporation stops, curb box, street and curb restoration and landscaping as required on City rights of way.

(b) For each one-inch tap- in to the water main, the rate payer shall pay to the City prior to the work being instituted a sum to be established from time to time by resolution of Council. For said charge, the City shall provide the water lateral from the main to the shut-off which shall include the following items: copper tubing, shut-off, corporation stops, curb box, street and curb restoration and landscaping as required on City rights of way.

(c) In case a specially adapted tap in excess of one inch is needed for a tap-in because of unusual use of the premises, an advance deposit, the amount of which shall be established from time to time by resolution of Council, will be required and the customer shall pay the actual cost of the tap- in.

(d) For the purposes of this section, the City shall charge a re-connection fee and a fee for sidewalk restoration, as established from time to time by resolution of Council, said fees to be paid in advance by the property owner. Increases in these fees shall be by Council resolution. Re-connection fees caused by water main freeze-up and main replacement shall be waived.

1042.05 CHARGES FOR THAWING FREEZE-UPS AND FIXING LEAKS.

(a) All frozen water pipes from the shut-off to private dwellings, and on or under private property, are not the responsibility of the City, and shall be remedied privately by the property owner. If the property owner wishes to retain the City to have the lines on his or her private property thawed, he or she can arrange to do so, but the owner agrees to hold the City harmless and expressly waives any liability of the City arising from any City thawing work. Due to the potential hazard, no thawing services will be done after 8:00 p.m. or before 7:00 a.m. The first thaw of frozen pipes by the City shall be at no charge to the property owner. Subsequent thaws by the City shall be charged to the owner pursuant to the Council approved City of Negaunee Fee Schedule. Failure to pay charges pursuant to this section shall be grounds for discontinuing service.

(b) All leaks and damage to mains and laterals under the street and up to the shut-off shall be repaired at the City's expense. But leaks and repairs necessary from the shut-off to private dwellings, and on or under private property, shall not be repaired or remedied by the City, but shall be remedied privately by the property owner.

1042.06 INSTALLATION AND USE OF METERS AND SPECIAL PIPES.

(a) All meters of a size over one inch shall be furnished by the City, but the person requesting said meter shall be charged the cost thereof.

(b) All meters of a size of 3/4- inch or less shall be installed free of charge by the City.

(c) All special pipes or connections and all pipes over one inch shall be charged to the person requesting the same.

(d) In the event that a water meter recording device is defective for any reason and fails to record the water passing through the meter for any given period of time, the City shall estimate the amount of water consumed during the inoperable period of time. The estimate shall be reasonable and based on the past record of consumption as shown on the City records. The City shall charge a meter testing fee as established from time to time by resolution of Council, to be paid in advance by the customer. If the meter is found to be defective, it shall be repaired and the meter testing fee returned to the customer. Council may adjust the meter testing fee from time to time by resolution.

(e) If a resident is permitted to allow his or her water to run in order to prevent the water line from freezing, the procedure to be followed shall be as adopted by Council in its Let Run Policy. Said Policy may be amended from time to time by Council resolution. Water shall not be permitted to run to prevent freezing without first contacting the City for written permission.

(f) Water meters shall be installed upon any premises supplied with water by the City, except as the Council shall by resolution provide. Water meters shall remain the property of the City. The cost of repair or replacement of any water meter that is damaged, except for damage resulting from normal wear and tear, shall be assessed to the occupant or owner of the premises.

1042.07 TURN-OFF OF SERVICE FOR NONUSE OR WASTE.

Pursuant to the City's requirements to protect the health, safety and welfare of the community, the City shall have the right to turn off the City connection from the main to any premises where it is apparent that the water is not being used, or that the water is being turned on and wasted for no proper useful purpose.

1042.08 TURN-OFF OF SERVICE FOR DELINQUENCY; RECONNECTION FEE.

An account that has not been paid in full by the Billing Statement due date shall be considered delinquent and shall have added to it a penalty in the amount identified in the Council approved City of Negaunee Fee Schedule. Such charges and penalties may be recovered by the City by court action. Once the account is delinquent, the City shall mail a notice of delinquency and disconnection, on a form approved by Council, to the consumer and to the owner of the premises, as indicated on the account application, if different from the consumer. The notice shall indicate that the account is delinquent and that services shall be terminated as of the date reflected on said notice, unless the delinquent portion of the account is paid in full. Before the

water is again turned on after such discontinuance, a reconnection fee established in the Council approved City of Negaunee Fee Schedule shall be paid, and an agreement acceptable to the City, shall be made to pay the account in full. Turn-off and reconnection fees may be subject to Federal and State guidelines as to qualifying customers for assistance or payment arrangements.

1042.09 COLLECTION OF CHARGES.

Charges for water service shall constitute a lien on the property or premises served, and liens for delinquent charges may be recorded against the property with the County Register of Deeds. If payment is not made within six (6) months of the beginning of the delinquency, the same shall be certified to Council at the regular November meeting of the Council and the amounts so certified and approved by Council shall be spread upon the December tax roll for collection. This procedure shall not apply if a lease has been legally executed, containing a provision that the lessor shall not be liable for payment of water or sewage bills accruing subsequent to the filing of the written notice and a copy of the signed lease provided by this section. A written notice with respect to the execution of a lease containing this provision shall be filed with the board, commission or other official in charge of the water works system or the sewerage system, or both, and twenty (20) day notice shall be given by the lessor of any cancellation, change in or termination of the lease. The written notice shall contain a notation of the expiration date of the lease.

1042.10 USE OF MONIES COLLECTED.

(a) All monies collected from water rates shall be allocated to the following funds and uses:

- (1) The cost of operation of the water system;
- (2) Reserve for depreciation;
- (3) Capital improvements.

(b) It is the policy of the City that the Water Division shall be self-supporting or as nearly as may be possible.

1042.11 TAMPERING WITH METERS.

(a) No person shall remove, circumvent, bypass, tamper with or interfere with the installation, use, operation or maintenance of a water meter in the City, nor shall any premises have a water outlet on the waterline between the curb stop and the water meter.

(b) Whoever violates this section is liable for a civil infraction.

(c) Service to any premises shall be immediately disconnected if any meter is found bypassed, tampered with or illegally connected, and shall not be reconnected until a correct meter and connection is installed and all past due charges, penalties and reconnection fees and deposits are paid in full.

1042.12 RIGHT OF ENTRY.

A representative of the City Division of Water shall have the right to enter, at reasonable times, any premises served by City sewer or water service for the purpose of inspecting, maintaining, reading, replacing or calibrating the meter and piping systems. If the owner or occupant of the premises refuses entry, he or she shall then be given written notice (notice to one constitutes notice to both) that water service shall be shut off and discontinued if entry is not permitted within twenty- four hours of personal service of the notice on the owner or occupant, shall remain shut off during the period of such refusal and shall not be re-established until entry is permitted and all charges, penalties and reconnection fees are paid in full.

1042.13 SEPARATE WATER METER.

(a) Any person may request that the City Water Utility furnish a separate water meter, to be attached to the hose bib or water faucet outside the person's home or business. The purpose of such meter shall be to measure water used for such outdoor purposes as washing cars, watering lawns, and other similar uses, where the water used will not be entering the public sanitary sewer system.

(b) The only separate water meter permitted to be used shall be a new meter with vacuum breakers originally furnished by the City of Negaunee. In all cases, a person requesting permission to use such a meter shall secure approval from the City Manager or designee, install a vacuum breaker on all hose bibs that the new meter is connected to, and have such meter and installation inspected by the City Water Utility prior to use.

(c) The fee for the purchase and inspection of a new meter and vacuum breakers shall be stated in the Council approved City of Negaunee Fee Schedule.

(d) The meter shall be the property of the premises owner or person purchasing the meter and the City shall not be responsible for any repair or maintenance of the meter.

(e) A meter owner may request that the City test the meter. The charge for summer meter testing shall be the same as the fee for testing of regular water meters as set forth in the Council approved City of Negaunee Fee Schedule.

(f) Such separate meter may only be used to record water consumption through the approved connections where installed during the months of April through November each year. The separate meter shall be removed by the premises owner or person purchasing the meter during the months of December through March of each year and shall not be used during said period. It shall be the premises owner's responsibility to remove the meter to prevent it from freezing and to re-install it each year in time for the City to conduct any required inspections.

(g) Water consumption recorded by the separate meter shall be billed by inclusion in the normal monthly water/sewer bill to the premises, except that there shall be subtracted from the overall bill that portion of the regular sewer charge attributable to the flow through the separate meter.

(h) It shall be unlawful for any person having a separate meter to suffer, allow or permit any of the water passing through such meter to be used in any fashion whereby the water will be introduced into the sanitary sewer system of the City.

(i) If any such separate water meter shall become defective, it shall be the responsibility of the premises owner to have the meter repaired or replaced. Any and all readings from a defective meter shall result in the premises owner being billed for both water and sewer consumption, without credit for that portion of the sewer charge attributable to the flow through the separate meter.

(j) Violation of any of the provisions of this ordinance shall constitute a municipal civil infraction. A person, firm or corporation determined to be responsible or “responsible with explanation” for a municipal civil infraction shall be subject to a civil fine of not more than \$100.00, plus costs, and if applicable, damages and expenses as provided by law. A municipal civil infraction action brought for any violation of this ordinance shall follow the procedures set forth by Act 12, P.A. 1994, as amended, and a defendant charged with a municipal civil infraction violation shall have all of the rights, duties, responsibilities and obligations set forth therein.

1042.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

In addition to the penalty provided in section 202.99, any water meter found to have been tampered with or bypassed, having the capability of being circumvented or with an illegal cross connection present, shall be presumed conclusively to have been in such condition for six (6) months prior to its discovery by the City. The owner of the premises serviced by a meter which has been bypassed or circumvented, or having the capability of being circumvented, shall be assessed and charged an amount double the water usage of any comparable premises in six (6) months. This charge shall be billed subsequent to discovery of the bypass or circumvention and shall also be recorded as a lien against the premises and certified and spread on the tax rolls. For the purposes of this section, a comparable premises in the case of a dwelling house shall be one with an equal number of adults and children, if said information is available; otherwise the average usage for a similar size dwelling should be used. For other types of premises, a comparable premises shall be a similar establishment, i.e. a church, office, store, etc. Any residence or structure found in violation of this section shall be subject to immediate utility disconnect and shall not be reconnected to the utility supply until all bills, penalties, reconnection charges and deposits have been paid.