

## **CHAPTER 51: WATER**

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## ***DEFINITIONS***

**Backflow** – Shall mean water of questionable quality, wastes, or other contaminants entering a public water supply system due to a reversal of flow.

**Corporation Stop** – Shall mean the connection from the service pipe to the water main.

**Cross Connection** – Shall mean an arrangement of piping which could allow undesirable water, chemicals or bacteria to enter the potable water system as a result of backflow due to a back pressure or back siphonage situation.

**Director** – Shall mean the individual appointed by the Village Council who is charged with overseeing all aspects of the water works system.

**Guarantee Deposit** – Shall mean a fee, set by resolution of the Village Council, which must be deposited with the Village Treasurer prior to the commencement of water service.

**Occupant** – Shall mean a person who occupies a premises and causes water and/or sewer service to be used.

**Ordinance** – Shall mean, unless specifically stated otherwise, this Village of Port Sanilac Water Ordinance.

**Owner** – Shall mean a person who is shown as the taxpayer of record for a particular premise.

**Person** – Shall mean any individual, firm, partnership, association, public or private- corporation, Limited Liability Company, public agency, municipality or any other entity receiving water/sewer service.

**Premises** – Shall include a lot or part of a lot, a building or a part of a building, a structure, a project or any parcel or tract of land whatsoever, to which water is being, or is to be, supplied.

**Readiness to Serve Charge** – Shall mean the fixed monthly service charge payable by the user. This charge is determined through a rate study and set by resolution of the Village Council. The charge is intended to recover those costs associated with maintaining the Water System and customer accounts.

**Residential Equivalent Unit (REU)** – Shall mean a unit of water which incurs that same costs for operation and maintenance as the average volume of domestic water use for a single-family residence in the service area. The REU schedule shall be set by resolution of the Village Council.

**Shutoff Valve or Curb Stop** – Shall mean the service valve located on the service pipe between the Corporation Stop and Meter.

**Water Department** – Shall mean the Village of Port Sanilac department that is responsible for the operation of the water service system which consists of authorized personnel, plants, works, instrumentalities, lines, and properties now or hereafter existing, used or useful in the obtaining of a water supply, its treatment, distribution, and all other necessary functions including management of water accounts.

**Water Main** – Shall mean the primary and intermediate transmission lines and the local distribution lines of the System.

**Water Service Pipe** – Shall mean the pipe connecting the water main with the premises served. The water service pipe includes the connection to the water main (which is the corporation stop), the shutoff valve or curb stop, and the pipe leading to the inlet gate valve at the meter setting.

### ***ADMINISTRATION***

#### **§ 51.001 DIRECTOR**

The Village Council shall appoint a Director of Water Works for the Village, who may also be the Director of the Department of Public Works, and who shall hold office until a successor is appointed and qualified.

#### **§ 51.002 MAINTENANCE AND OPERATION**

The director shall have the charge of overseeing the maintenance and operation of the entire water works system. The director shall supervise any extensions and/or alterations of the water works system as directed by the Council. The director, or a person under their direction, shall also be responsible for the reading of water meters.

#### **§ 51.003 WATER BILLS AND REVENUES**

The Village Bookkeeper shall collect all water bills, and the Village Treasurer shall deposit all revenues in a manner approved for municipal deposits. The Treasurer shall maintain a separate and accurate accounting of the revenues of the water department. The Village Treasurer shall report monthly the condition of the water department to the Village Council.

### ***WATER RATES***

#### **§ 51.004 WATER RATE SCHEDULE**

The schedule of water rates shall be set by resolution of the Village Council. These rates, in conjunction with a Readiness to Serve Charge, shall be sufficient to cover expenses for operations, maintenance, repair, and replacement of the water system.

**§ 51.005 WATER RATES FOR METERED CUSTOMERS: COMMERCIAL OR RESIDENTIAL**

Charges for water service to each premises with a meter and connected to the Village water supply system shall be calculated according to actual usage and charged based on the schedule of water rates as set by resolution of the Village Council.

**§ 51.006 WATER RATES FOR NON-METERED CUSTOMERS: COMMERCIAL OR RESIDENTIAL**

Charges for those premises without a meter shall be based on an estimated calculation of the average consumption to be provided by the director with the approval of the Village Council. Non-metered customers who wish to challenge the charged amounts may be offered the opportunity to contest the charged amounts to the Village Council. This amount shall be charged based on the schedule of water rates as set by resolution of the Village Council.

**§ 51.007 WATER RATES FOR CUSTOMERS OUTSIDE OF VILLAGE LIMITS**

Charges for water service for premises located outside of the Village limits shall be charged based on the schedule of water rates as set by resolution of the Village Council and taking into account any additional costs associated with such water usage.

**§ 51.008 BILLING INTERVALS**

Charges for Village water service shall be billed and collected quarterly, on the first day of January, April, July, and October.

**§ 51.009 COLLECTION**

All water service bills are due and payable to the Village Treasurer on the first day of each quarter. If payments are not received on or before their due date, a late fee will be charged and the amount will be designated by the Annual Fee Schedule. If payment is not made by the 15<sup>th</sup> day after due, the Treasurer shall send out "Past-Due" Notices. If payment is not made by the 45<sup>th</sup> day after due, the water will be shut off at the corporation stop and waste box. Shut-off procedure shall be pursuant to Article IX, Section 9.040 of this Ordinance. Where the water service to any premises is shut-off to enforce the payment of water service charges, the service shall not be resumed until all delinquent charges and any related penalties have been paid in full. A charge for the shut-off and the turning-on of the water service shall also be assessed and must be paid prior to water service being returned.

**§ 51.010 PAYMENT APPLICATION**

All credits applied and payments made will be posted to the oldest charges and fees on an account before applying to any current charges and fees.

**§ 51.011 DELINQUENT BILLING**

If any of the aforesaid water rates or bills remain unpaid for a period of six (6) months from their due date, a statement of the same shall be delivered by the Treasurer to the Assessor of the Village and shall then become a lien upon the property and shall legally be assessed by the assessor against the said property and be paid and collected as taxes as provided by Michigan State Law under Michigan Public Act 178 of 1939 (MCL §123.161 et seq).

## ***WATER USE***

### **§ 51.012 USE OF WATER FROM OTHER PREMISES PROHIBITED**

No person shall take or use Village water from premises other than their own, and no person shall sell or give away water from their own premises for any purpose. No connection through which water may pass from one property to another shall be constructed, though the ownership of both properties may be the same.

### **§ 51.013 SUBDIVISION, SPLITTING, OR COMBINING OF PROPERTY**

If a property that has an existing water service pipe serving more than one building is subdivided into separate lots or parcels, and the owner does not have a direct water service from the main, then he/she must install a separate water service from the water main. If it is necessary to construct the service across another property to reach the building, the owner must obtain a recorded easement from the other property owner. The existing water service pipe coming from the adjoining property must be disconnected at the owner's expense.

In the event multiple premises are attached to one another under single ownership, a single service pipe may be approved at the owner's request, provided such multiple premises are combined into one tax parcel.

### **§ 51.014 SERVICE SHUTOFF, TURN ON**

Where the water has been shut off by the water department for any reason, no person or persons except the director or someone at the director's direction may turn the service on. The expense of any violation of this section shall be borne by the property owner pursuant to a fee schedule set by resolution of the Village Council.

### **§ 51.015 POTABLE WATER**

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 Ordinance, the State of Michigan Safe Drinking Water Act, the Michigan Plumbing Code and the Michigan Residential Code, which are all incorporated by reference. Any water outlet which could be used for potable or domestic purposes, and which is not supplied by the potable water system, must be labeled in a conspicuous manner as: "WATER UNSAFE FOR DRINKING".

### **§ 51.016 CONNECTION FOR FIRE PROTECTION**

Where pipes are provided for fire protection on any premises or where hose connections for fire apparatus are provided, each such connection or opening of the service pipes shall have not less than 25 feet of fire hose constantly attached and no water shall be taken through such opening hose for any purpose other than extinguishing fires, except for the purpose of testing said fire equipment. Permission from the Director allowing for the testing of equipment shall be secured prior to any testing.

#### **§ 51.017 FIRE HYDRANTS**

Fire hydrants are installed for the primary purpose of emergency use by the Fire Department and for flushing of water mains by authorized water department personnel.

Fire hydrants may be opened and used only by the water and fire departments of the Village or by such persons as may be specifically authorized by the water department. No person, firm, or corporation shall in any manner obstruct or prevent free access to any fire hydrant by placing or storing, temporarily or otherwise, any object or materials of any kinds within 20 feet of the same.

#### **§ 51.018 LAWN SPRINKLERS, HOSE, AND STREET SPRINKLING**

Lawn sprinklers, hose, and street sprinklers shall be used only between the hours of 6:00 and 9:00 AM and 6:00 and 9:00 PM June 1<sup>st</sup> thru October 1<sup>st</sup>.

### ***WATER MAINS***

#### **§ 51.019 WATER MAINS – CONTROL**

The water mains of the Village shall be under the exclusive control of the director of water works. No other person or persons, other than agents or employees of the water department shall tap, change, obstruct, interfere with, or in any other way disturb the system of water mains.

#### **§ 51.020 INSTALLATION**

Any person, firm, or corporation installing water mains at their own expense shall first submit plans and specifications of such work to the director and the Michigan Department of Environmental Quality for approval. Following the required approval, the work shall be completed under the supervision of the director. The provisions of this paragraph shall also apply to the installation of any water mains outside the Village of Port Sanilac's corporate limits where permission has first been granted by the Village Council to connect such mains to the existing Village distribution system.

#### **§ 51.021 EXTENSIONS AND ALTERATIONS**

All extensions and alterations to the system of water mains shall be made under the supervision of the director, who shall act only on authorization of the Village Council. Petitions for the extension or alteration of water mains shall be addressed to the Village Council, which will consider the same and advise the petitioners of its decision.

**§ 51.022 SHUT-OFF**

The Port Sanilac Village Council retains the right to shut off any water supplied in water mains within or outside of the corporate limits of the Village due to any violation of this Ordinance or any other controlling Ordinance. Shut-off procedure shall be pursuant to Article IX, Section 9.030 of this Ordinance.

***SERVICE PIPES AND CONNECTIONS***

**§ 51.023 LAYING OF SERVICE PIPE**

All service pipe of either public or private property shall be laid on solid ground not less than five feet below the established grade of the street.

**§ 51.024 SERVICE PIPES WITHIN SUBDIVISIONS**

When subdivisions are added to or constructed in the Village of Port Sanilac, the owner or builder shall install all water lines, make all connections, and run all water lines to each lot in the subdivision. The Village of Port Sanilac shall refund the subdivider twenty-five (25%) percent of the connection service fee for each lot as the homes are built, service is required, and all other fees are paid. The owner or builder shall be responsible for all remaining associated costs and fees.

**§ 51.025 SERVICE PIPE AND CURB STOP MEASUREMENTS**

From the main to the water meter or dwelling a service pipe shall be of a suitable diameter to allow for proper flow and pressure, as approved by the director of water works. Curb stops shall be a minimum of 3/4 inch, heavy road way stop and waste type, and shall be placed twelve (12) inches inside the sidewalk line. Premises requiring a service pipe larger than one (1) inch in diameter shall request approval of such from the water department and Village Council.

**§ 51.026 STOP AND WASTE COCK**

A separate stop and waste cock shall be placed on the service pipe just inside of the building or meter pit wall on the influent side of the water meter, when and if installed. Such stops shall be equal in quality to the service cock requirements.

**§ 51.027 OPENING AND OPERATION OF CURB STOP**

When new service pipes are put into any premises, the curb stop shall be left closed and shall only be opened by the director or the director's authorized agent. Curb stops shall only be operated by authorized water department personnel. Whenever a contractor or plumber desires to have the water department operate the curb stop for nonemergency work they shall make a request in advance and an appointment will be scheduled. Unauthorized operation of a curb stop is subject to penalty pursuant to Section 9.060 of this Ordinance.



**§ 51.028 RESPONSIBILITY FOR SERVICE PIPES AND CONNECTIONS**

The corporation stop, the service pipe running from the main to the curb stop, the curb stop, and the stop box will all be provided, installed, and maintained by the water department following payment of the fee required for a water permit as provided under this Article. The service pipe running from the curb stop to the building on private property shall be installed and properly maintained by the owner of said property. The owner shall keep the stop box free from dirt, stones, or other substances that will prevent access to the curb stop.

**§ 51.029 FIXTURES ATTACHED TO SERVICE PIPES**

Any fixture attached to a service pipe in a permanent or semi-permanent fashion shall become the property of the Village of Port Sanilac and the water department. Should the owner or occupant leave the property following such an attachment or installation said fixture is to remain in place.

**§ 51.030 SERVICE PIPE ON PRIVATE PROPERTY**

All service pipe on private property and all water service piping within any premises shall be installed under the direction of, and with the approval of, the director of water works. No water shall be turned on or any corporate stop meddled with by any person other than the director of water works or a person under their direction. The Village Water Department has the authority to inspect any water lines and connections located on private property when necessary.

**§ 51.031 PERMIT FOR CONNECTION AND ASSOCIATED FEE**

Before any connection is made to any water main, application for a permit must be made in writing by the owner of the premises to be served, or by their representative at the office of the Village Clerk. Such application shall be made on forms provided and approved by the Director and contain any such information as the Director may require. Once the permit has been granted, and before the connection is made, a deposit shall be made to the Village Treasurer which shall cover the time and materials used in connecting the service connection. This fee shall be set by resolution of the Village Council. The bill for water covering the first quarter shall be paid at the time the deposit herein is made.

**§ 51.032 WATER USE/TAP-IN APPROVAL AND FEE**

No use/tap-ins shall be considered unless the associated fee, as set by resolution of the Village Council, is paid and plans to complete the work are approved by November 1 of the applicable year. There shall be no digging from November 15 to April 1, except when specifically authorized by the Department of Public Works under emergency conditions. Additional charges accrued under emergency conditions shall be based on time and materials.

**§ 51.033 WATER USE/TAP-IN FEE FOLLOWING DISCONTINUED SERVICE**

In the event that the property owner requests water services to be discontinued or the quarterly billings have also been discontinued, a new water use/tap-in fee must be paid prior to service being reinstated. Proper notice of this requirement shall be provided to the resident before compliance with the request.

### ***CROSS CONNECTIONS AND BACKFLOW PREVENTION***

#### **§ 51.034 CROSS CONNECTIONS NOT ALLOWABLE**

It shall be unlawful for any person to make or maintain, or allow to be made or to be maintained, upon property owned or controlled by any person or entity, a cross-connection between the potable water supply system and a secondary water supply system except where backflow prevention devices as specifically approved by the Water Department and Village Council are installed. It shall be the duty of the director or the director's authorized agent, to cause inspections to be made of all properties served by the public water supply system. The frequency of inspections and re-inspections, based upon potential health hazards involved, shall be established by director or the director's designee.

#### **§ 51.035 BACKFLOW PREVENTER TESTING**

The director or the director's designee shall require testing for backflow preventers to be completed by private individuals or companies, as required by the Michigan Department of Environmental Quality, the State Plumbing Act, or otherwise required by law. The cost for the required testing shall be borne by the property owner. If the director or their designee opines that there are emergency circumstances that require immediate testing, the director may hire a licensed plumber to perform such testing, with the cost to be borne by the customer.

### ***METERS***

#### **§ 51.036 WATER METERS**

No person except an authorized Village employee shall break or injure the seal or change the location of, alter, or interfere in any way with any water meter. Water meters will be furnished by the water department and shall remain the property of the department, and will at all times be under its control. All commercial premises using water may be metered and all residential units shall be placed on a flat rate in accordance with the Annual Fee Schedule as set by the Village Council. All special cases shall be reviewed and approved by the Council at their regular meeting.

#### **§ 51.037 METER LOCATIONS**

All meters shall be set in an accessible location and in a manner satisfactory to the director. Where the premises contain no basement or cellar or other suitable inside location, the meter shall be installed outside in a meter pit, the location of which shall be approved by the director. Where it is necessary to set the meter in a pit, such pit shall be built at the expense of the owner and according to the specifications of the water department as directed by the director.

**§ 51.038 METER SIZING**

Meter sizing shall be determined by agreement between the director, the water department, and the property owner on a case-by-case basis.

**§ 51.039 INSTALLATION EXPENSE OF METER**

The expense of installing and maintaining meters will be borne by the water department; provided however, that where replacements, repairs, or adjustments of a meter are made necessary by the act, negligence, or carelessness of the owner or occupant of the premises, the expense shall be charged to and collected from the owner or occupant of the premises. In the event that said owner or occupant fails to pay these charges the same shall be collectable by the Village Treasurer as provided under Article III of this Ordinance – Water Rates.

**§ 51.040 ACCESS TO METERS**

The director shall have the right to shut off the supply of water to any premises where authorized employees are not able to obtain access to the meter. Any authorized Village employee shall at all reasonable hours, have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing, or inspecting the meter or for the purpose of inspecting any pipe or fixture connected to the Village Water System, and no person shall hinder, obstruct, or interfere with such employee in the lawful discharge of their duties in relation thereto.

**§ 51.041 OWNER’S RESPONSIBILITY FOR METER**

The owner or occupant of the premises upon which a meter is installed is hereby made responsible for the same. If by any manner the meter is damaged or stolen such accident must be reported immediately to the water department. It shall be the duty of the Village to make all meter repairs and charge same to the party made responsible for the meter.

**§ 51.042 BYPASS OF METER**

All water furnished by the Village and used on any premises with a meter must pass through the meter. No by-pass or connection around the meter will be permitted. If any meter shall fail to properly register, the consumer will be charged at the regular average, quarterly consumption rate as shown by the same meter over the period of the preceding four quarters when the meter was accurately registering.

**§ 51.043 ACCURACY OF METER**

A meter is considered accurate when it registers within five percent (5%) more or less than the actual quantity of water passing through it. If a meter is found to be inaccurate by the director, it shall be corrected or replaced.

## ***GENERAL PROVISIONS***

### **§ 51.044 STATE PLUMBING CODE**

This code does not supersede the State Plumbing Code but is supplementary to it.

### **§ 51.045 RIGHT OF ACCESS TO INSPECT OR ENTER**

The director of water works or the director's authorized agents, shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply system of the Village for the purpose of inspecting the piping system or systems for cross-connections.

Upon request, the owner or occupants of any property so served shall furnish 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 prima facie evidence of the presence of cross-connections. If there is a refusal, the Village is authorized to treat such refusal as a violation of the provisions of this Ordinance discontinue services pursuant to Section 9.030 of this Article. The Village is also authorized to pursue a Court Order to obtain access to the premises.

### **§ 51.046 SHUT-OFF OF WATER**

Should it become necessary to shut-off the water from any section of the Village because of any accident or for the purpose of making repairs or extensions, the water department will endeavor to give timely notice to the consumers affected thereby and will, as far as practical, use its best efforts to prevent inconvenience and damage arising from any such causes, but the failure to give such notice shall not render the water department responsible or liable in damages for any inconvenience, injury or loss which may result therefrom.

### **§ 51.047 NOTICE OF VIOLATION**

The director or the director's authorized agent, upon determining that a violation of the provisions exists, shall notify the owner and/or the occupant of the property so affected, in writing, of the nature of the violation, including a period of time for compliance which shall be commensurate with the degree of the hazard involved. The time period to allow for compliance shall be determined by the Village Council.

Such notice shall be deemed properly served if a copy is personally served or sent by regular mail to the occupant and/or owner at the address is listed on the Village Assessing Records. Violations which pose an extreme hazard may be disconnected immediately. The owner or occupant's failure to correct the violation within the period of time prescribed, and each day thereafter, shall constitute a separate violation of this Ordinance.

### **§ 51.048 DISCONTINUATION OF WATER SERVICE FOLLOWING VIOLATION**

If the director of water works, or their authorized agent, has reason to believe that there is a violation of the provisions of this Ordinance, proper notice has been issued, and the owner and/or occupant of the property has failed to timely remedy the violation, then the director or the director's authorized agent is hereby authorized and directed to discontinue water service to the affected premises.

The director of water works, or the director's authorized agent may take such additional precautionary measures which may be deemed necessary to eliminate any danger of contamination of the potable water supply system. Where it is determined that the potable water supply system is being contaminated, such services may be terminated immediately. Water service to such property shall not be restored until any cross-connection has been eliminated in compliance with the provisions of this Ordinance.

**§ 51.049 PENALTIES**

Any person, firm, or corporation found to be in violation of any of the provisions of this Ordinance, upon being found responsible of such before a court of competent jurisdiction shall be punished under the provisions of Title 1, Section 10.99 of the Port Sanilac Code of Ordinances.

**§ 51.050 SEVERABILITY**

If any word, clause, sentence, paragraph or provision of this Ordinance is deemed to be invalid by a court of competent jurisdiction, such work, clause, sentence, paragraph or provision so designated shall be deemed severable and the remaining provisions of the Ordinance shall be deemed fully enforceable.

Adopted 1/17/2017