

CHAPTER 52: WATER

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§ 52.01 AUTHORITY.

By establishing and regulating the water supply system, the village is exercising the authority granted to the village by General Law Village Act, M.C.L. 62.1.

(Ord. 211, passed 11-8-2010)

§ 52.02 DEFINITIONS.

As used in this chapter:

COMMODITY CHARGE. The cost associated with providing water to the users. The **COMMODITY CHARGE** is the actual budget cost of the operation, maintenance and repair divided by the estimated number of gallons to be produced for delivery to the users.

DEPARTMENT. The Department of Public Works.

DIRECTOR. The Director of the Department of Public Works, or his or her designee.

PERSON. Any individual, firm, association, public or private corporation or public agency or instrumentality.

PREMISES. Each lot or parcel of land, building or unit connected to the water supply system.

READINESS TO SERVE CHARGE. The charge that covers the cost necessary to keep the water supply system in good operating condition, other overhead costs and is the amount of the minimum bill.

REU. Residential equivalent unit, and is equal to 7333 gallons of metered water usage per month. An **REU** is the average use of a residence as established by recognized state and federal standards.

TREASURER. The Treasurer for the Village of Webberville or his or her designee.

USER. Any person who receives water from or benefits from the water supply system.

VILLAGE PRESIDENT. The Village President for the Village of Webberville, or his or her designee.

WATER MAIN. That part of the water distribution system located within easements or streets which supplies more than one water service line.

WATER SERVICE LINES. That part of the water distribution system connecting the water main with the premises served.

WATER SUPPLY SYSTEM. The complete water supply system of the village, including all water mains, connections, pipes, meters, hydrants, wells, well houses, pumps, water storage facilities, transmission lines, water service lines and all water treatment facilities, plants, works, instrumentalities and properties used or useful in obtaining a water supply, treating and distributing the same for domestic, commercial, industrial, institutional and/or fire protection purposes, and all other appurtenances thereto, including all easements, rights and land for such easements, and including all extensions and improvements thereto which may be acquired or constructed on behalf of current and future users of the water supply system.

(Ord. 211, passed 11-8-2010)

§ 52.03 WATER CONNECTIONS.

Applications for water connections shall be made to the village on forms prescribed and furnished by the village. Water connections and water meters shall be installed in accordance with rules and regulations of the village and upon payment of the required connection fee and meter installation fee. All meters shall be installed by a licensed plumbing contractor chosen by the homeowner and have a final inspection done by the Department of Public Works and shall be the property of the village. Connection fees shall not be less than the cost of materials, installation and overhead attributable to such installations. Every user connected to the water supply system, whether such user is located inside or outside of the village, shall be subject to the ordinances, rules and regulations of the village, which shall be available for inspection at the Village Clerk's office.

(Ord. 211, passed 11-8-2010) Penalty, see § 10.99

§ 52.04 WATER MAINS AND SERVICE LINES.

(A) The village is responsible for all water mains and water service lines up to the water shut-off box. The user is responsible for maintenance of the water service line from the shut-off box to the building as well as all inside plumbing. The village shall furnish the meter and yoke, billing the same to the property owner on initial installation and then maintaining the same at the village's expense. In no case shall water service lines be allowed to leak more than 24 hours without repair.

(B) In the case of a line leaking after 24 hours and the property owner being notified, the village shall terminate the water supply by shutting the same off at the water shut-off box. Property owners or agents shall be liable for penalties as contained in § 10.99.

(Ord. 211, passed 11-8-2010)

§ 52.05 TURNING WATER SERVICE ON OR OFF.

No person, other than an authorized employee of the village, shall turn on or off any water service, unless written authorization is provided by the village.

(Ord. 211, passed 11-8-2010) Penalty, see § 10.99

§ 52.06 WATER METERS.

(A) *Requirement for installation.* All premises using water shall be metered, except as otherwise provided by Code. No person without permission of the village shall break or injure the seal of, or change the location of, alter or interfere in any way with, any water meter, and shall call the village immediately for re-inspection upon completion of all work done to any meter. On all new installations there shall be a shut-off on each side of the meter for the purpose of testing, inspecting and replacement of the water meter.

(B) *Access to meters.* The Department shall have the right to shut off the supply of water to any premises where the Department is not able to obtain access to the meter. Any qualified employee of the Department 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 same and no person shall hinder, obstruct, or interfere with such employee in the lawful discharge of his or her duties in relation to the care and maintenance of such water meter.

(C) *Shut-offs required for each unit.* In the case of multiple family living houses, each unit shall be equipped with a shut-off valve for the purpose of discontinuing water/sewer service if the bill to the village is not paid. If no such arrangement is provided, then the property owner is responsible for all delinquent bills regardless of contracts with the tenant. The village is responsible for providing service and has the right to discontinue such service. If no such provision is provided by the owner of the property, then he or she becomes the responsible party.

(D) *Reimbursement for damage.* Any damage which a meter may sustain resulting from carelessness of the owner, agent, or tenant or from neglect of either of them to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water, or steam from a boiler, shall be paid by the owner of the property to the village on presentation of a bill therefor, and in cases where the bill is not paid, the water shall be shut off and shall not be turned on until all charges have been paid to the village.

(E) *Meter failure.* If any meter shall fail to register properly, the village shall estimate the consumption and bill accordingly.

(F) *Inaccurate meters.* A user may require that the meter be tested. If the meter is found accurate, a charge equal to the amount of staff time (pay plus benefit cost), plus equipment rental, shall be billed for the testing process. If the meter is found defective, it shall be repaired or an accurate meter installed and no charge shall be made.

(G) *Accuracy required.* A meter shall be considered accurate if, when tested, it registers not to exceed 2% more to 2% less than the actual quantity of water passing through it. If a meter registers in excess of 2% more than the actual quantity of water passing through it, it shall be considered "fast" to that extent. If a meter registers in excess of 2% less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.

(H) *Bill adjustment.* If a meter has been tested at the request of user and shall have been determined to register "fast", the village shall credit the user with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by said user within the three months prior to the test. If a meter so tested is determined to be "slow", the village may collect from the user a sum equal to the percent "slow" multiplied by the amount of all bills incurred by the user for the prior three months. When the Department on its own initiative makes a test of a water meter, it shall be done without cost to the user, other than his or her paying the amount due the village for water used by him or her as above provided, if the meter is found to be "slow".

(Ord. 211, passed 11-8-2010) Penalty, see § 10.99

§ 52.07 RATES AND CHARGES.

(A) *In general.* The Village Council shall establish, by resolution, rates and charges for services of the water supply system. The rates and charges set by the Village Council shall take into consideration all aspects of the operation of the system including administration, operation, maintenance, debt service, replacement and depreciation.

(B) *No free service.* No free water service shall be furnished to any person, firm or corporation, public or private, or to a public agency or instrumentality.

(C) *Contracts for service and rates and charges for service outside of the village; franchise contracts; outside village service.*

(1) The village may enter into contracts with certain townships whereby the village receives consideration in exchange for providing certain capital costs, and other indirect costs, of providing service to users of the water supply system located in those townships. Rates and charges billed for use by the user of those townships shall be in accordance with an applicable contract.

(2) In the event a nonresident is served by the water supply system and whose premises is not located within an Act 425 or Franchise Contract area, the rates charged for readiness to serve charge and commodity usage shall be multiplied by two times for residential service.

(D) *Payment of charges by village, exception.* The village shall pay for all water used by it at the rates established by ordinance. The water used through a fire hydrant by the village is hereby deemed to be a public benefit and there shall be no charge for service. Charges against the village shall be payable in monthly installments from current funds of the village.

(E) *Illegal disconnection, connection or tampering with a water meter.* For illegally disconnecting, connecting or tampering with a water meter, the property owner shall be charged two times the cost of the last monthly billing. No service shall be provided until such bill is paid in full. If not paid, such cost shall be added to the property taxes and collected as delinquent.

(F) *Fee for water turn-off and turn-on.* If service is discontinued, a fee, as established by Council, shall be charged to turn the utilities off and back on.

(G) *Final readings.* At least 24 hours notice shall be given to the village for a final notice reading on a property. If such time limit cannot be given, a fee, as established by Council, shall be made to perform the work on an emergency basis.

(H) *Contracts for service.* No user shall receive service from the water supply system without first completing a contract application and providing evidence of ownership of the property to be served or, if the user rents or leases the property being served, until providing sufficient deposit with the village to be retained by the village until the renter leaves the property being served. No utility service will be activated without a signed contract, and no billings shall be made to "occupant" or any person other than the owner of the property being served, or a tenant who has complied with the requirements of this section, or such other person as the Village President approves.

(I) *Billing cycle; penalty; collection.* The Director shall have charge of the reading of all meters and shall have all meters read at least quarterly. Bills for water service shall be due and payable when rendered. There shall be added to all bills not paid on or before the twentieth day of the month a penalty of 10% of the amount of the bill. The Treasurer shall be responsible for collecting all charges and crediting the proper account.

(J) *Non-payment of bills.* All bills not paid shall result in the termination of water service to the premises. No user who has had his or her water shut off shall reactivate his or her service by their own action. The village may disable the service to prevent future reactivation.

(K) *Liens.*

(1) By Section 21 of Act 94 of the Public Acts of 1933, as amended, and by the terms of this chapter, the rates and charges for services furnished by the water supply system shall be liens on the property served. The village shall certify those rates and charges delinquent for six months or more to the Village Tax Assessing Officer, who shall enter the amount of the delinquent rates and charges on the tax roll against the premises to which the service was rendered, and who shall collect the rates and charges and enforce the lien in the same manner as provided for the collection of ad valorem property taxes assessed upon the same roll and the enforcement of the lien for taxes.

(2) For premises equipped with a separate water shut-off, in all cases where a tenant represents to the village, by filing an affidavit evidencing the legal execution of a lease containing a provision that the lessor shall not be liable henceforth for payment of water or sewage system bills, then the tenant shall pay to the village a deposit as set by resolution of the Village Council from time to time as security for payment of future rates and charges. If the tenant fails to pay rates and charges the delinquent rates and charges shall not become a lien against the premises. The village shall, however, cease to provide water service to the tenant's premises until the tenant pays the delinquent charges in full.

(Ord. 211, passed 11-8-2010) Penalty, see § 10.99

§ 52.08 WATER EMERGENCY.

The Village President may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for fire-fighting. No such regulation, limitation or prohibition shall be effective until 24 hours after the publication thereof in a newspaper of general circulation in the village. Any person violating such rule or regulation shall be deemed guilty of a misdemeanor.

(Ord. 211, passed 11-8-2010) Penalty, see § 10.99

§ 52.09 MISS DIG SYSTEM.

Any person wishing to perform work on a connection to the water supply system shall notify the MISS DIG at least 72 hours before performing the work, and the Department at least 24 hours before performing the work.

(Ord. 211, passed 11-8-2010) Penalty, see § 10.99

§ 52.10 MANDATORY CONNECTION, EXCEPTION; NEW PRIVATE WELLS, PROHIBITION, CONTINUATION, ABANDONMENT.

(A) Except as otherwise provided in § 52.10(B), any property or structure in or on which water is used or consumed and which has village water available to it shall be connected to the village water supply system. Such connection shall be made within 90 days of written notice from the village to do so. For purposes of this § 52.10, village water shall be considered available if the village water supply system is located within 320 feet of the nearest property line of said property.

(B) The installation of new private wells is prohibited, except for properties that do not have village water available. A private well existing on the date of the adoption of this § 52.10 may continue to be used until it is no longer operable, subject to § 52.10(C). A private well that has been disconnected from any structure on the property that is still operable shall be used solely for outdoor purposes only. A private well that is disconnected from a structure and that is still in service shall be subject to inspection as part of the village's cross-connection program.

(C) When a private well is no longer operable, its use shall be discontinued and the well disconnected, unless it is repaired within 45 days from the date that it becomes inoperable. A private well that is inoperable and/or unable to be repaired shall be properly abandoned within 45 days of its inoperability in accordance with the requirements of the Michigan Department of Natural Resources - Environmental. Proof of the abandonment shall be filed with the Ingham County Health Department and the village's Department of Public Works which shall inspect the well to confirm its proper abandonment.

(Ord. 211, passed 11-8-2010) Penalty, see § 10.99

§ 52.11 GEOTHERMAL HEAT SYSTEMS.

(A) *Geothermal heat pumps.* It is recognized that residential buildings in the village may be constructed, or be retrofitted with geothermal heat pumps. It is recognized that these climate control systems use substantial amounts of water. It is also recognized that this water, which for the purposes of this chapter shall be identified as sending water, can cause excess wetness or flooding on nearby properties, resulting in undesirable conditions. It is further recognized that if sending water mixes with other water, which for the purpose of this chapter shall be identified as receiving water, it can have a potentially detrimental impact on the ecosystem in and around the receiving waters, resulting in undesirable conditions.

(B) *Drainage.* Owners of buildings in the village equipped with geothermal heat pump systems must install a closed loop system that will continuously process (heated or cooled) sending water and circulate it through the enclosed or sealed heat pump system, with no discharge of returning water out of the heat pump.

(C) *Discharge of water.* No sending water from a geothermal heat pump system shall be directly or indirectly discharged out of the closed loop system.

(D) *Liability.* The owner of a geothermal heat pump system shall be fully responsible for the proper operation and for the maintenance of the geothermal heat pump system, and shall be liable for any damage caused by any discharge of sending water from the system.

(E) *Penalty.* Violation of this section shall be deemed a municipal civil infraction and punishable by a fine commensurate with the amount or amounts established by the Village Council, as set forth in the Codified Ordinances.

(Ord. 211, passed 11-8-2010) Penalty, see § 10.99

§ 52.12 FLUORIDE REJECTION.

(A) The village, in accordance with the statutes of the state, M.C.L.A. § 333.12721, hereby rejects the addition of fluoride into the public water supply of the village.

(B) This section shall become effective ten days from the passage date thereof.

(Ord. 52, passed 4-9-1973)

§ 52.13 WATER SUPPLY CROSS CONNECTION RULES.

(A) The village adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality being R 325.11401 to R 325.11407 of Michigan Administrative Code.

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

(C) The representative of the village shall have the right to enter at any reasonable time any property served by a connection to the public water supply of the village for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees, or occupants of any property so served shall furnish to 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 connection.

(D) The village is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exist and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property compliance with the provisions of this ordinance.

(E) That all testable backflow prevention assemblies shall be tested at the time of installation or relocation and after any repair. Subsequent testing of devices shall be conducted at a time interval specified by the Village of Webberville and in accordance with Michigan Department of Environmental Quality requirements. Only individuals that hold a valid Michigan plumbing license and have successfully passed and approved backflow testing class shall perform such testing. Each tester shall also be approved by the Village of Webberville. Individuals performing assembly testing shall certify the results of his or her testing.

(F) 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 section and by the State and village plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

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| WATER UNSAFE FOR DRINKING |
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(G) This section does not supersede the state plumbing code but is supplementary to it.

(H) Any person or customer found guilty of violating any of the provisions of this section or any written order of the village's, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$200 for each violation. Each day upon which a violation of the provisions of this act is committed shall be deemed a separate and additional violation for the purpose of this section.

(Ord. 220, passed 3-11-2013)